A G E N D A JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 June 23, 2015 6:30 PM

A. CALL TO ORDER

- B. ROLL CALL
- C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Anderson Lee, a rising 9th grade student at Lafayette High School and a resident of the Berkeley District

E. **PRESENTATIONS**

F. PUBLIC COMMENT - Until 7 p.m.

G. CONSENT CALENDAR

- 1. Minutes Adoption April 14, 2015 Regular Meeting; April 28, 2015, Regular Meeting
- 2. MOU General Registrar/Electoral Board
- 3. Establishment of Full-Time Other Clinical Position, Olde Towne Medical and Dental Center
- 4. Refunding of Outstanding County Bonds
- 5. Approval of Riverside Healthcare Association, Inc. Revenue Bonds through another Jurisdiction

H. **PUBLIC HEARING(S)**

- 1. Jamestown D Polling Place Change
- 2. Ordinance to Vacate the Well Site Designation at 181 John Rolfe Lane in Shellbank Woods
- 3. Application for new Enterprise Zone
- 4. Adoption of the James City County Comprehensive Plan, Toward 2035: Leading the Way
- 5. Candle Station Rezoning and Master Plan Amendment

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. PUBLIC COMMENT

M. CLOSED SESSION

1. Certification of Closed Session

N. ADJOURNMENT

1. Adjourn until 6:30 pm on July 14, 2015 for the Regular Meeting

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Secretary to the Board
SUBJECT:	Pledge Leader - Anderson Lee, a rising 9th grade student at Lafayette High School and a resident of the Berkeley District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/15/2015 - 10:37 AM

AGENDA ITEM NO. G.1.

ITEM SUMMARY

6/23/2015
The Board of Supervisors
Teresa J. Fellows, Secretary to the Board
Minutes Adoption

ATTACHMENTS:

D	Description 041415bos-mins		Type Minutes	
REVIEWERS:				
Department	Reviewer	Action		Date
Board Secretary	Fellows, Teresa	Approved		6/15/2015 - 10:38 AM

MINUTES JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 April 14, 2015 6:30 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District John J. McGlennon, Roberts District Kevin D. Onizuk, Vice-Chairman, Jamestown District James G. Kennedy, Stonehouse District Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator Adam R. Kinsman, Interim County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Emily Johnson

E. PRESENTATIONS

1. <u>Commending Resolution – Delegate Brenda Pogge</u>

Delegate Brenda Pogge presented Ms. Robin Bledsoe a Commending Resolution from the General Assembly recognizing her efforts with Hiking for Virginian Fallen Heroes.

2. <u>Get It Together High School 2014-2015 Seatbelt Challenge</u>

Police Chief Brad Rinehimer presented Senior Officer Andre McLaughlin a certificate of commendation for his efforts in getting Lafayette High School students to wear their seat belts.

3. <u>Presentation of Resolution of Appreciation</u>

Chairman Hipple presented Mrs. McDonald and her daughter, Paige McDonald, a Resolution of Appreciation for Mr. John E. McDonald, recognizing his achievements and contributions as the Director of Financial and Management Services.

F. PUBLIC COMMENT - Until 7 p.m.

As no one was registered to speak during the Public Comment session, Mr. Hipple recessed the Board until 7 p.m. when the business portion of the meeting was scheduled to begin.

At 7 p.m., Mr. Hipple reconvened the Board of Supervisors.

G. CONSENT CALENDAR

A motion to Approve was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

- 1. <u>Minutes</u> March 11, 2015, Joint Meeting with City of Williamsburg and W-JCC School Board
- 2. <u>Contract Award JCC Recreation Center Natatorium Structural Repairs \$108,470</u>
- 3. <u>Resolution of Appreciation</u>

H. PUBLIC HEARING(S)

1. <u>Sale of Jamestown Marina</u>

A motion to Defer was made by James Kennedy and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. Adam Kinsman addressed the Board giving an overview of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

1. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board stating that the current offers are too low and the property needs to be listed with a Commercial Real Estate Broker.

2. Mr. Douglas MacKenzie, 3901 Cold Spring Road, addressed the Board in support of selling the Jamestown Marina to Eco Discovery Park.

3. Mr. Roy Snyder, 514 Spring Trace, addressed the Board in support of selling the Jamestown Marina to Eco Discovery Park.

4. Ms. Patricia Gray, 107 John Tyler Lane, addressed the Board in support of selling the Jamestown Marina to Eco Discovery Park.

5. Jamie Brunkow, 609 N. 27th Street, Richmond, Virginia, addressed the Board in support of selling the Jamestown Marina to Eco Discovery Park.

6. Ms. Jill Bieri, 217 W. Queen's Drive, addressed the Board in support of selling the Jamestown Marina to Eco Discovery Park.

7. Mr. Kellen and Silas Cooper, 3001 E. Tiverton, addressed the Board in support of selling the Jamestown Marian to Eco Discovery Park.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the assessed value of the property and that it needs to be re-marketed by a Commercial Real Estate Broker.

As no one else was registered to speak, Mr. Hipple closed the Public Hearing.

Mr. Onizuk stated that an abbreviated commercial assessment of the property was done by a Commercial Real Estate Broker. He stated that the Board has been provided that assessment report. He discussed the benefits and consequences of the proposals on the table, the responsibilities of being tasked with being a steward of the County's assets, and the benefits of Eco Discovery Park that go beyond the monetary. He stated that if the Board wanted to take time to consider the new offer that came in this afternoon, he would not be opposed to postponing the vote. He did state that he was not in favor of the newest proposal that came in but of the rezoning and development that is part of the plan.

Mr. McGlennon stated that the County did make a significant area in that area in 2007 to make sure that the land around Jamestown and Jamestown Island was protected. He stated much of that money has been recouped by the County over the last several years. He discussed the Shaping our Shores document and intent for development in that particular area. He debated the merits of each of the proposals on the table. He stated that if the Board is going to consider more intensive development, then he believes the sale process needs to be opened up again with that type of development in mind. He stated that he is in agreement with Mr. Onizuk about not supporting the more intensive development proposal.

Ms. Jones stated that she appreciates the work of Eco Discovery Park and the education that they provide. However, the Marina was part of the greater purchase of land around Jamestown Settlement. The original intent was not to hold on to the Marina, but to sell it to a private owner and let it be operated as a private business. She stated that she understands the good intentions of those here this evening, but Eco Discovery Park is not the best return on investment for the citizens of the County. She believes this property needs to be returned to the private sector as a private business. She does not believe that adequate effort has been done to properly market the property to get the best return on the investment.

Mr. Kennedy stated that he was not supportive of keeping the Marina back in 2008, he thought it should be sold to a private business owner. He questioned if performance bonding and stormwater credits were a possibility.

Mr. Kinsman stated that performance bonding is a difficult situation to answer because of the funding Mr. Rose intends to use. He stated that stormwater credits are a possibility, but we do not have specific numbers at this time.

Mr. Kennedy stated that he is not interested in selling the property for such intensive development at such a low price. He stated that he understands that Mr. Rose is in time crunch, but there is not a real rush for the Board to make a decision. He is not comfortable making a decision tonight, especially with one proposal coming in this afternoon.

Mr. Hipple stated that he is not comfortable with making a decision tonight because of the proposal that was received today. He understands the time constraint that Mr. Rose is under, but it would not be responsible of the Board to make a decision tonight. He discussed the value of Eco Discovery Park and the people that are part of the experience there, but he is also a steward of the County's assets. He must make the best decision for all the members of the County, not just a select group.

Mr. Kennedy made a motion to postpone action on this item for 30 days, until the meeting on May 12, 2015. Mr. Kennedy also stated that he would not be adverse to waiving the rental fees from Mr. Rose for the 90 to 120 days that it would take for a deal to close, if Mr. Rose was willing.

Mr. Onizuk asked for clarification on the process for listing the Marina for sale.

Mr. Kinsman detailed the RFP process that was done in 2014, as well as the discussions with brokers and local industry professionals that have led to the three offers currently on the table.

Mr. Onizuk and Mr. Kinsman discussed the logistics of the park being run by County staff should Mr. Rose not be interested in extending his time out there.

Mr. Rose came forward at the request of the Board and stated that at this point, his organization has been waiting for a response for almost a year. As of May 1st, Eco Discovery Park, will vacate the premises.

Ms. Jones stated that she can support postponing this vote tonight, but she can also support more aggressive marketing of the property.

Mr. Onizuk questioned if this could be postponed until the next meeting on April 28, 2015.

Mr. Hipple stated that there is a lot on the schedule between now and the meeting on the 28th, and he would rather see this item postponed until the second meeting in May.

Mr. Kennedy restated his motion to postpone until the second meeting in May, which would be May 26, 2015.

The Board continued to deliberate the merits of the proposals on the table.

Ms. Jones stated that she is supportive of the motion to postpone.

The other members of the Board voiced their agreement with postponing action on this item until the May 26, 2015 meeting.

2. FY 2016 James City County Budget and Real Estate Tax Increase

Ms. Sue Mellen recommended that the Board open the Budget Public Hearing. At the conclusion of the Public Hearing, she recommended that the Board close the Public Hearing and postpone action until the April 28th meeting. She informed the Board that a brief video overview of the proposed Budget would be shown first.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

1. Mr. Frank Polster, 420 Hempstead Road, addressed the Board in support of the proposed budget and property tax increase to fund and support continued stormwater management and the neighborhood drainage project.

2. Mr. Paul Van Riper, 161 Waterton, group spokesman for Citizen for a Better JCC, addressed the Board stating that previous Boards did not do their due diligence in laying the groundwork for good governance. He stated that the County's planning process is flawed and borders on dysfunctionality. He asked that the County Administrator and the Board work to increase the linkages between the planning process and the County budget.

3. Mr. Craig Larson, 135 The Maine, addressed the Board in support of the proposed budget and property tax increase, especially in support of stormwater management.

4. Mr. Richard Minor, 8314 Barons Court, addressed the Board stating that the Board has been a good steward of resources and tax payments, and they continue to do so with this proposed budget.

5. Ms. Susan Gaston, 205 Par Drive, a representative of the Williamsburg Area Association of Realtors, addressed the Board in support of the proposed budget and property tax increase in order to maintain the quality of life in the County.

6. Mr. Mary Minor, 8314 Barons Court, addressed the Board in support of the proposed budget and property tax increase to continue funding services and schools and continue moving the County forward.

7. Mr. Jay Everson, 103 Branscombe Blvd, and Mr. Chris Henderson, 101 Keystone, addressed the Board jointly presenting an alternative budget proposal for the Board's consideration drafted by members of the community.

8. Mr. W. K. Beachum, 110 Meadowcrest, addressed the Board in opposition to the proposed budget and property tax increase. He stated his support for the alternative budget presented by Mr. Henderson and Mr. Everson.

9. Ms. Debra Hill, 196 The Maine, addressed the Board in support of the proposed budget and property tax increase to fully fund the schools and the stormwater management program.

10. Ms. Amelie Drake, 109 Canterbury Place, addressed the Board in support of the proposed budget and property tax increase to fully fund the schools.

11. Ms. Geri Farrell, 3424 Wexford Run, addressed the Board in support of the proposed budget and property tax increase to fully fund the schools.

12. Ms. Karen Armstead, 225 Reflection Avenue, addressed the Board in support of the proposed budget and property tax increase to fully fund the schools.

13. Ms. Kim Hundley, 108 Mattaponi Trail, addressed the Board in support of the proposed budget and property tax increase to fully fund the schools.

14. Ms. Ann Jurczyk, 3644 Bridgewater Drive, addressed the Board in support of the proposed budget and property tax increase to fully fund the schools.

15. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board in opposition to the proposed budget and property tax increase. She argued that the County should file suit against the EPA regarding the MS4 permit and stormwater requirements.

16. Mr. Robert Lund, 111 Swinely Forest, addressed the Board in support of maintaining the quality of life here in the County, and therefore is supportive of the proposed budget.

17. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the proposed budget and property tax increase. He stated that the Board asked for input and many input has been given but summarily dismissed.

18. Mr. Howard Ware, 46 Whittaker's Mill, addressed the Board in support of the proposed budget and property tax increase. He praised the Library and the Recreation Center and stated that he supports maintaining a top quality community. He questioned the cohesion of the planning process and the Board.

As no one else was registered to speak, Mr. Hipple closed the Public Hearing and stated that no action was scheduled to be taken at this time. The Board would formally adopt the FY 2016 County Budget at the April 28, 2015 meeting.

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. <u>County Administrator's Report</u>

L. PUBLIC COMMENT

As no one was registered to speak, Mr. Hipple closed the Public Comment session.

M. CLOSED SESSION

N. ADJOURNMENT

1. Adjourn until 4 p.m. on April 15, 2015, for Budget Work Session

A motion to Adjourn was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 9:31 p.m., Mr. Hipple adjourned the Board.

Bryan J. Hill County Administrator

041415bos-min

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE:	5/26/2015
TO:	Board of Supervisors
FROM:	Max Hlavin, Assistant County Attorney
SUBJECT:	Memorandum of Understanding between the County and the General Registrar to give Registrar employees access to certain personnel policies.

ATTACHMENTS:

	Description	Туре
D	MOU memo	Cover Memo
D	mou resolution	Resolution
D	County-Electoral Board MOU	Exhibit
D	County-General Registrar MOU	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/2/2015 - 3:56 PM
Publication Management	Burcham, Nan	Approved	6/2/2015 - 4:16 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2015 - 10:09 AM
Board Secretary	Kinsman, Adam	Approved	6/8/2015 - 11:12 AM
Board Secretary	Fellows, Teresa	Approved	6/8/2015 - 12:10 PM

MEMORANDUM

DATE:June 23, 2015TO:The Board of SupervisorsFROM:Max Hlavin, Assistant County AttorneySUBJECT:Memoranda of Understanding with Electoral Board and General Registrar

Constitutional Officers in James City County, Virginia, have a history of, by agreement with the County, providing their employees access to the County's personnel policies when consistent with the Code of Virginia.

The attached agreements are intended to formalize the current relationship between the County and the General Registrar's office in a manner that is synchronized with the Registrar's reappointment term, which begins on July 1, 2015. The only changes between previous iterations and the attached agreement are clarifications that Assistant Registrars appointed by the General Registrar are not subject to the County's grievance procedure and that the General Registrar will put into effect office-specific policies for his staff.

MH/gb MOUs-Elec-Regis-mem

Attachments

<u>**RESOLUTION**</u>

MEMORANDA OF UNDERSTANDING WITH

ELECTORAL BOARD AND GENERAL REGISTRAR

- WHEREAS, the Electoral Board and Board of Supervisors of James City County, Virginia, desire a Memorandum of Understanding to set forth the parameters of the relationship between the County and the General Registrar (the "Registrar"); and,
- WHEREAS, the Registrar and Board of Supervisors of James City County, Virginia, believe it to be in the best interests of the Registrar's employees that they be on the County's pay plan and subject to certain of the County's personnel policies.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the certain Memorandum of Understanding dated July 1, 2015, by and between the Electoral Board and the County of James City, Virginia.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the certain Agreement dated July 1, 2015, by and between the General Registrar and the County of James City, Virginia.

Michael J. Hipple Chairman, Board of Supervisors

ATTEST:		VOTE		
		AYE	NAY	ABSTAIN
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	HIPPLE			
	KENNEDY			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June 2015.

MOUs-Elect-Regis-res



MEMORANDUM OF UNDERSTANDING

WHEREAS, the County of James City, Virginia (the "County") and the James City County Electoral Board (the "Electoral Board") are desirous of setting forth their understanding as it pertains to compensation plans and personnel policies as they affect the James City County General Registrar (the "General Registrar").

NOW, THEREFORE, this MEMORANDUM OF UNDERSTANDING is made and entered into this _____ day of _____, 2015, by and between the County and the Electoral Board

WITNESSETH

That for and in consideration of the mutual covenants set forth herein the parties agree as follows:

- 1. This agreement shall be effective July 1, 2015.
- 2. The County and the Electoral Board agree that by virtue of the execution of this agreement the General Registrar:
 - shall not be bound by County personnel policies and procedures, including leave policies;
 - shall be covered by the applicable benefits outlined in the Benefits Chapter of the County's <u>Personnel</u> <u>Policies and Procedures Manual</u>, with the exception of holiday and leave sections;
 - shall receive travel reimbursement at the rate set forth in the Code of Virginia; and
 - shall be held accountable for the execution of duties of the office by the Electoral Board, which may set standards and guidelines for the General Registrar.
- 3. The County will not pay the General Registrar for any accumulated leave upon termination of employment.
- 4. The Electoral Board is responsible for appointing the General Registrar and for setting the number and term of assistant registrar positions.
- 5. The General Registrar is responsible for the hiring, disciplining, and firing of his staff.
- 6. The General Registrar will be given the option of entering into a written agreement with the County to have his employees follow County personnel policies and procedures, except where they conflict with the Code of Virginia.
- 7. The term of this agreement shall commence from the first of July, 2015, and shall terminate at the end of the Registrar's term, including any subsequent reappointments.

COUNTY ADMINISTRATOR

SECRETARY, ELECTORAL BOARD

by:_

Bryan Hill

Jack D. Edwards

CHAIR, ELECTORAL BOARD

VICE CHAIR, ELECTORAL BOARD

by:__

John Thomas Gee

by:____

by:

Kay Cheves

Agreement

WHEREAS, The County of James City, Virginia (the "County") entered into a Memorandum of Understanding with the James City County Electoral Board granting the James City County General Registrar (the "Registrar") the option of entering into an agreement with the County to have employees of the Registrar follow the County personnel policies and procedures; and,

WHEREAS, the County and Registrar are desirous of entering unto an agreement setting forth their understanding as it pertains to compensation plans and personnel policies.

NOW, THEREFORE, this agreement is made and entered into this first day of July, 2015, by and between the County and the Registrar.

WITNESSETH

That for and in consideration of the mutual covenants set forth herein the parties agree as follows:

- 1. This agreement shall pertain to employees of the Registrar in full or part-time other, temporary, or on-call positions.
- 2. All employees named in paragraph 1 shall be included under the County's compensation plan and personnel policies unless otherwise stated in this agreement.
- 3. The compensation plan shall include salary and all other considerations relevant thereto and any and all benefits set forth thereunder.
- 4. The personnel policies shall include, but are not limited to, all rules, regulations, policies, and safeguards involved with or pertaining to employee recruitment and selection.
- 5. Employees of the Registrar in full or part-time other positions shall not be subject to Chapter 7, Standards of Conduct, or Chapter 8, Grievance Procedure, of the James City County Personnel Policies and Procedures Manual.
- 6. The Registrar shall:
 - a. have the sole responsibility of disciplining employees of the General Registrar's Office;
 - b. enter into an agreement with employees in full or part-time other positions setting out the duties of their positions and the General Registrar's Office internal Standards of Conduct and Grievance Procedures.
- 7. The above notwithstanding, some County policies will be overridden by the Code of Virginia. Therefore, employees of the Registrar in full or part-time other, temporary, or on-call positions:
 - a. shall be appointed by the Registrar for a term that ends with the term of the Registrar;
 - b. shall be subject to reappointment;
 - c. shall be a qualified voter of the Commonwealth of Virginia, but are not required to be qualified voter of the County;
 - d. shall not be a spouse of an Electoral Board member or the Registrar; and, shall not be any person or the spouse of any person who is the parent, grandparent, sibling, child, or grandchild of an Electoral Board member or the Registrar;
 - e. shall not hold any other elected or appointed office; and,
 - f. may be an Officer of Election.
- 8. The term of this agreement shall commence from the first day of July, 2015, and shall terminate at the end of the Registrar's term, including any subsequent reappointments.
- 9. This agreement may only be modified by a writing signed by the County and the Registrar.

COUNTY ADMINISTRATOR

GENERAL REGISTRAR

by:

Bryan J. Hill

by:_____ Alan J. Cole

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center
SUBJECT:	Establishment of Full-Time Other Clinical Position, Olde Towne Medical and Dental Center

ATTACHMENTS:

	Description		Туре
D	Memorandum		Cover Memo
D	Resolution		Resolution
REVIEWERS:			
Department	Reviewer	Action	Date
Board Secretary	Kinsman, Adam	Approved	6/8/2015 - 1:31 PM
Board Secretary	Kinsman, Adam	Approved	6/8/2015 - 1:31 PM
Board Secretary	Fellows, Teresa	Approved	6/8/2015 - 2:54 PM
Publication Management	Brockmann, Grace	Approved	6/8/2015 - 3:02 PM
Board Secretary	Fellows, Teresa	Approved	6/8/2015 - 4:14 PM
Board Secretary	Kinsman, Adam	Approved	6/10/2015 - 10:52 AM
Board Secretary	Fellows, Teresa	Approved	6/10/2015 - 10:53 AM

MEMORANDUM

DATE:	June 23, 2015
TO:	The Board of Supervisors
FROM:	William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center
SUBJECT:	Establishment of Full-Time Other Clinical Position, Olde Towne Medical and Dental Center

On behalf of the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC), Olde Towne Medical and Dental Center (OTMDC) request that the James City County Board of Supervisors approve the establishment of a Full-Time Other Clinical Professional positon. Funding is available for this position through OTMDC's current budget.

This Clinical Professional will serve to help our doctors and nurse practitioners see patients at our medical center. They will obtain vital signs, draw blood for laboratory studies, and obtain brief medical histories as well as check for allergies, verify medications, and identify patients with tobacco use. In addition, they will act as chaperone for providers when examining patients and assist at minor procedures, such as abscess draining or biopsies.

The WAMAC Board of Directors requests that the James City County Board of Supervisors approve the establishment of a Full-Time Other Clinical Professional position effective July 1, 2015.

WJM/nb FullTimeRN-mem

Attachment

<u>RESOLUTION</u>

ESTABLISHMENT OF FULL-TIME OTHER CLINICAL PROFESSIONAL POSITION,

OLDE TOWNE MEDICAL AND DENTAL CENTER

- WHEREAS, the James City Board of Supervisors has the authority to establish County full-time positions; and
- WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation desires to establish a Full-Time Other Clinical Professional position at Olde Towne Medical and Dental Center (OTMDC) and has allocated funds for this position effective July 1, 2015.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of a Full-Time Other (2,080 hours/year) Clinical Professional for OTMDC effective July 1, 2015, to support its mission of providing preventative care, early interventions services, and chronic disease management to the vulnerable and disadvantaged population, with services to children and their families a priority.

Michael J. Hipple Chairman, Board of Supervisors				
			ABSTAIN	
JONES MCGLENNON				
ONIZUK KENNEDY HIPPLE				
	Chairman, Bo JONES MCGLENNON ONIZUK KENNEDY	Chairman, Board of Su VOTE <u>AYE</u> JONES MCGLENNON ONIZUK KENNEDY	Chairman, Board of Supervisors VOTES AYE NAY JONES MCGLENNON ONIZUK KENNEDY	

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

FullTimeRN-res

AGENDA ITEM NO. G.4.

6/15/2015 - 8:15 AM

6/15/2015 - 4:50 PM

6/15/2015 - 4:54 PM

ITEM SUMMARY

DATE:	6/23/2015
TO:	Board of Supervisors
FROM:	Suzanne R. Mellen, Director of Financial and Management Services
SUBJECT:	Refunding of Outstanding County Bonds

ATTACHMENTS:

Board Secretary

Board Secretary

Board Secretary

	Description		Туре	
D	Memorandu	ım	Cover Memo	
D	Refunding of Bonds	of Outstanding County	Resolution	
D	Refunding of Bonds	of Outstanding County	Resolution	
D	Refunding o Bonds	of Outstanding County	Backup Material	
REVIEWERS:				
Department	Reviewer	Action	Date	
Financial Management	Mellen, Sue	Approved	6/15/2015 - 8:04 AM	
Publication Management	Brockmann, Grace	Approved	6/15/2015 - 8:14 AM	

Approved

Approved

Approved

Fellows, Teresa

Kinsman, Adam

Fellows, Teresa

M E M O R A N D U M

DATE:	June 23, 2015
TO:	The Board of Supervisors
FROM:	Suzanne R. Mellen, Director, Financial and Management Services
SUBJECT:	Refunding of Outstanding County Bonds

Staff has been working with representatives of Davenport & Company, the County's financial advisors, and Lisa Williams of McGuire Woods LLC, bond counsel, on possible refunds (refinancings) of outstanding County debt. Interest rates have dropped to the point where the County can refinance existing borrowings and reduce the annual debt service payments. No additional debt is incurred nor are payments extended since these new bond proceeds will be used to retire existing debt.

The 2006 Lease Revenue Bonds have a balance of \$43,085,000. Savings in debt service spending from the refunding are estimated to be \$3,600,000 through 2026, or an average annual savings of approximately \$327,000.

The 2005 General Obligation Bonds have a refundable balance of \$5,170,000. The 2006 General Obligation Bonds have a refundable balance of \$10,090,000. These bonds were issued for parks and recreation projects and the purchase of Jamestown Beach park and Marina. The outstanding amount applicable to the Jamestown Beach properties is \$3,500,000. This amount is proposed to be refinanced as taxable bonds which will give the County flexibility to either sell portions of the property or use it for other private purposes.

The net savings in debt service from these refundings is estimated at appropriately \$1,200,000 through 2030 with an average annual savings of \$78,000.

Staff recommends approval of the attached resolutions prepared by our bond counsel.

SRM/gb EDA-RefundBonds-mem

Attachment

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA REQUESTING THAT THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA ISSUE ITS LEASE REVENUE REFUNDING BONDS TO REFUND THE AUTHORITY'S LEASE REVENUE BONDS (PUBLIC FACILITY PROJECTS), SERIES 2006

- WHEREAS, the Economic Development Authority of the County of James City, Virginia (the "Authority") issued its Lease Revenue Bonds (Public Facility Projects), Series 2006 (the "Series 2006 Bonds"):
 - to pay the costs of the construction and equipping of a two elementary schools (now called Matoaka Elementary School and J. Blaine Blayton Elementary School) and a middle school (now called Lois Hornsby Middle School) (the "School Construction Project");
 - (ii) to pay the costs of the renovation and improvement of Stonehouse Elementary School; and
 - (iii) to pay the costs of issuing the Series 2006 Bonds; and
- WHEREAS, pursuant to a Ground Lease dated as of December 1, 2006 (the "2006 Ground Lease") between the Williamsburg-James City School Board (the "School Board") and the Authority, the School Board leased to the Authority the real estate and improvements that comprise the School Construction Project (the "Leased Project"); and
- WHEREAS, pursuant to a Lease Agreement dated as of December 1, 2006 (the "2006 Financing Lease") between the Authority and the School Board and seen and agreed to by the County of James City, Virginia (the "County"), the Authority leased back the Leased Project to the School Board; and
- WHEREAS, under the 2006 Financing Lease, the County, subject to appropriation by the Board of Supervisors (the "**Board**"), pays rent, which is in an amount sufficient for the Authority to pay the principal of, premium, if any, and interest on the Series 2006 Bonds; and
- WHEREAS, the Board has determined that it is advisable to refinance all or a portion of its obligations under the 2006 Financing Lease and to refund the corresponding Series 2006 Bonds through the issuance of lease revenue refunding bonds by the Authority (the "**Bonds**"); and
- WHEREAS, the Bonds will be payable from moneys provided by the County, subject to appropriation by the Board, to the Authority pursuant to a Financing Lease (the "**Financing Lease**") among the Authority, the School Board and the County; and
- WHEREAS, as security for the Bonds, the Authority will lease the Leased Project pursuant to a Lease (the "Lease") between the Authority and the School Board; and

- WHEREAS, the Authority will lease the Leased Project back to the School Board pursuant to the Financing Lease; and
- WHEREAS, the Bonds will be issued pursuant to the following documents: (i) Indenture of Trust between the Authority and a corporate trustee to be selected by the County Administrator (the "**Trustee**"); (ii) Lease; (iii) Financing Lease; (iv) Leasehold Deed of Trust from the Authority to the individual trustees named therein, as trustees; and (v) Assignment of Rents and Leases between the Authority and the Trustee; and
- WHEREAS, all the documents listed in Recital I above are referred to in this Resolution as the "**Basic Documents**."; and
- WHEREAS, the Bonds will be offered for sale pursuant to an official statement in preliminary form (the "**Preliminary Official Statement**").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

- 1. <u>Issuance of Bonds</u>. The Authority is hereby requested to issue its Bonds in the maximum aggregate principal amount of \$60,000,000 in one or more series at one time or from time to time as may be requested by either the County Administrator or the Director of Financial and Management Services (each an "Authorized **Representative**") for the purpose of refunding all or a portion of the Series 2006 Bonds and financing costs of issuing the Bonds. The principal of, premium, if any, and interest on the Bonds shall be paid from revenues derived from payments made by the County pursuant to the Financing Lease. The Board hereby determines that it is advisable and will benefit the inhabitants of the County through the promotion of their safety, health, welfare and prosperity to request the Authority issue the Bonds as described herein.
- 2. <u>Authorization of Basic Documents</u>. The Bonds and the Basic Documents are hereby approved in substantially the forms on file with the County Administrator, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Authorized Representatives, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and the performance by the County of its obligations under the Bonds and the Basic Documents to which it is a party are hereby authorized.
- 3. <u>Execution of Basic Documents</u>. The Authorized Representatives are hereby authorized and directed to execute on behalf of the County the Basic Documents to which the County is a party. The Clerk of the Board of Supervisors is hereby authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The Authorized Representatives and such other officers and agents either Authorized Representative may designate are hereby authorized and directed to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts and to take such further action, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bonds or the Basic Documents, or both.

- 4. <u>Sale of Bonds</u>. (a) The Authorized Representatives are hereby authorized and directed to determine the manner of sale of each series of Bonds, and each such series of Bonds shall be offered for sale in such manner as the Authorized Representatives determine to be in the best interest of the County. If the manner of sale is competitive, the Board hereby authorizes and directs the Authorized Representatives to accept a bid or proposal for the purchase of the Bonds provided such bid results in the lowest true interest cost to the County. The Authorized Representatives are hereby authorized to reject any or all of the bids. If manner of sale is negotiated, the Board hereby authorizes and directs the Authorized Representatives to execute and deliver a bond purchase agreement with an underwriter or group of underwriters selected by the Authorized Representatives providing for the sale and delivery of the Bonds.
 - (b) The Authorized Representatives are hereby authorized and directed to determine and approve the final details of each series of Bonds, including, without limitation, the aggregate principal amount of the Bonds, the optional and mandatory redemption provisions and the sale price of the Bonds, provided that (i) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (ii) the sale price of the Bonds shall not be less than 98% of the aggregate principal amount thereof (not taking into account any original issue discount), (iii) the refunding achieves an aggregate net present value debt service savings of not less than 3% of the refunded principal amount and (iv) the final maturity of the Bonds shall not be later than the final fiscal year in which the Refunded Bonds, as hereinafter defined, mature. The approval of the Authorized Representatives shall be evidenced conclusively by the execution and delivery of such documentation evidencing the sale of the Bonds.
 - (c) The Bonds may be subject to optional redemption, make-whole, or noncallable on such terms as the Authorized Representatives may approve. The Bonds may also be subject to mandatory sinking fund redemption on such terms as the Authorized Representatives may approve.
- 5. <u>Refunding and Escrow Agreement</u>. (a) The Authorized Representatives are hereby authorized and directed to select the Series 2006 Bonds to be refunded (the "Refunded Bonds") and to cause the refunding of the Refunded Bonds pursuant to the terms of the Series 2006 Bonds and the documents securing them.
 - (b) The Authorized Representatives are hereby authorized to cause to be prepared and directed to execute and deliver one or more escrow agreements, between the County, the Authority (if necessary) and an escrow agent to be selected by the Authorized Representatives, providing for the deposit and investment of a portion of the proceeds of the Refunding Bonds to be applied to the redemption or payment of the Refunded Bonds on the earliest practicable date.
- 6. <u>Disclosure Documents</u>. (a) The Authorized Representatives and such other officers and agents either Authorized Representative may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, Preliminary Official Statement and final official statement (the "Official Statement") or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds, including such documentation as may be necessary to provide for

the submission of electronic bids for the Bonds if electronic bidding is determined by such officer or officers to be advantageous. Any such notice of sale, Preliminary Official Statement, Official Statement or other documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the Authorized Representatives shall determine. The Authorized Representatives and such other officer or agent either Authorized Representative may designate, are hereby authorized to deem the Preliminary Official Statement "final" for purposes of Securities Exchange Commission Rule 15c2-12.

- (b) The Official Statement and its use and distribution is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement on file with the County Administrator, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the Authorized Officers, whose execution thereof shall constitute conclusive evidence of their approval of such form, terms and conditions.
- 7. <u>Costs and Expenses</u>. All costs and expenses in connection with the undertaking of the refinancing of the County's obligations under the 2006 Financing Lease, the refunding of the Refunded Bonds and the issuance of the Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel for the Authority, shall be paid from the proceeds of the Bonds, or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.
- 8. <u>Nature of Obligations</u>. Nothing in this Resolution, the Bonds or the Basic Documents shall constitute a debt of the County, and the Authority shall not be obligated to make any payments under the Bonds or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease. The County Administrator is hereby directed to submit for each fiscal year a request to the Board for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purpose. Nothing in this Resolution, the Bonds or the Financing Lease shall constitute a pledge of the full faith and credit of the County.
- 9. <u>**Tax Covenants**</u>. The Authorized Representatives are hereby authorized and directed to execute and deliver simultaneously with the issuance of any series of Bonds the interest on which is intended to be excludable from gross income for federal income tax purposes a tax certificate or agreement, or both (collectively, the "**Tax Agreement**") setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "**Tax Code**"), including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The proceeds from the issuance and sale of any such series of the Bonds will be invested and expended as set forth in the Tax Agreement and that the County will comply with the other covenants and representations contained in it.

- 10. <u>Further Actions</u>. (a) The Authorized Representatives and such other officers and agents either Authorized Representative may designate are hereby authorized and directed to take further action as each deems necessary or appropriate regarding the issuance, credit enhancement and sale of the Bonds and the refunding of the Refunded Bonds, including, without limitation, (i) purchasing of one or more credit enhancements for any series of Bonds if market or other conditions so warrant, (ii) entering into supply arrangements relating to the investment of the proceeds of any series of Bonds, (iii) applying for CUSIP identification numbers and the execution and delivery of replacement bonds in connection with any partial refunding of the Series 2006 Bonds and (iv) selecting a verification agent and escrow agent in connection with any series of Bonds.
 - (b) All actions taken by officers and agents of the County in connection with the issuance and sale of the Bonds are hereby ratified and confirmed. The officers and agents of the County are hereby authorized and directed to take such further actions as each deems necessary regarding the issuance and sale of any series of Bonds and all actions taken by such officers and agents in connection with the issuance and sale of any series of Bonds are hereby ratified and confirmed.
- 11. <u>SNAP Investment Authorization</u>. The County has heretofore received and reviewed the Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "SNAP Contract"), and the County has determined to authorize the Authorized Representatives to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the Authorized Representatives determine that the utilization of SNAP is in the best interest of the County. The County acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the SNAP Contract.
- 12. **Exercise of Discretion and Authorizations**. Any authorization of an officer of the County under this **Resolution** entitles such officer to exercise his or her discretion in taking action on behalf of the County, unless expressly provided otherwise. For any authorization of the Authorized Representatives, it shall be sufficient that either Authorized Representative act in order to bind the County. The authorizations granted in this Resolution to the County Administrator, the Director of Financial and Management Services or the Clerk of the Board of Supervisors, or any combination of the foregoing, may be carried out by any Acting or Assistant County Administrator (with respect to authorizations granted to the County Administrator), the Director of Financial Management Services) and any Deputy or Assistant Clerk (with respect to authorizations granted to the Clerk of the Board of Supervisors), in the absence of the primary officer.
- 13. <u>Effective Date</u>. This Resolution shall be effective upon its adoption.

	Michael J. Hipple Chairman, Board of Supervisors			
ATTEST:		VOTE <u>AYE</u>		ABSTAIN
	JONES MCGLENNON			
Bryan J. Hill Clerk to the Board	— ONIZUK KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

EDA-RefundBonds-res

COUNTY OF JAMES CITY, VIRGINIA BOARD OF SUPERVISORS

At a meeting of the Board of Supervisors of the County of James City, Virginia, held on June 23, 2015 the following persons were present or absent as shown:

PRESENT:

ABSENT:

On motion of ______, seconded by ______, the following Resolution was adopted by a majority of the members of the Board of Supervisors present by a roll call vote, the votes being recorded as follows:

<u>MEMBER</u>

<u>VOTE</u>

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE

COUNTY OF JAMES CITY, VIRGINIA AUTHORIZING THE

ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS

- WHEREAS, on June 8, 2005, the County of James City, Virginia (the "**County**") issued its \$39,820,000 General Obligation School Bonds, Series 2005 (the "Series 2005 Bonds") to finance the costs of the construction and equipping of Warhill High School; and
- WHEREAS, on December 28, 2006, the County issued its \$21,000,000 General Obligation Bonds, Series 2006 (the "Series 2006 Bonds" and together with the Series 2005 Bonds, the "Prior Bonds") to finance a portion of the cost of improvements to parks, greenways, trail and recreational facilities, and of the cost of the acquisition of land and voluntary land conservation agreements that served as green space for the County and preserved agricultural, forestal, or environmentally sensitive lands in the County; and
- WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "**Board**") has determined that it is advisable to authorize the issuance of general obligation refunding bonds (the "**Bonds**") to refund all or a portion of the Prior Bonds (the "**Project**").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

- 1. <u>Issuance of Bonds</u>. The Board hereby determines that it is advisable and will benefit the inhabitants of the County through the promotion of their safety, health, welfare and prosperity to contract a debt and to issue and sell the Bonds on a tax-exempt or taxable basis in the maximum aggregate principal amount of \$18,000,000 in one or more series at one time or from time to time as may be requested by either County Administrator or the Director of Financial and Management Services (the "Authorized Representatives"). The proceeds from the issuance and sale of the Bonds shall be used (i) to refund the Refunded Bonds, as hereinafter defined, and (i) to pay all or portion of the costs of issuing the Bonds.
- 2. <u>Pledge of Full Faith and Credit</u>. The full faith and credit of the County are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable. The Board is hereby authorized to and shall levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, an <u>ad valorem</u> tax upon all taxable property within the County, over and above all other taxes authorized or limited by law, and without limitation as to rate or amount, sufficient to pay when due the principal of, premium, if any, and interest on the Bonds to the extent other funds of the County are not lawfully available and appropriated for such purpose.
- 3. <u>Details and Sale of the Bonds</u>. The Authorized Representatives are hereby authorized and directed to determine and approve the final details of each series of Bonds, including, without limitation, the aggregate principal amount of the Bonds, the tax status of the Bonds, the optional and mandatory redemption provisions and the sale price of the Bonds, provided that (i) the aggregate principal amount of the

Bonds shall not exceed the amount set forth in paragraph 1, (ii) the sale price of the Bonds shall not be less than 98% of the aggregate principal amount thereof (not taking into account any original issue discount), (iii) with respect to Bonds issued on a tax-exempt basis, the refunding achieves an aggregate net present value debt service savings of not less than 3% of the refunded principal amount, (iv) with respect to Bonds issued on a taxable basis, the maximum true interest cost shall not exceed 5.0% and (v) the final maturity of the Bonds shall not be later than the final fiscal year in which any Refunded Bond, as hereinafter defined, matures. The approval of the Authorized Representatives shall be evidenced conclusively by the execution and delivery of such documentation evidencing the sale of the Bonds. The approval of the Authorized Representatives shall be evidenced conclusively by the execution and delivery of such documentation evidencing the sale of the Bonds.

The Bonds shall be issued, in one or more series, upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in fully registered form, shall be dated such date as the Authorized Representatives may approve, shall be in the denominations of \$5,000 each or whole multiples thereof, may be issued at one time or from time to time in one or more series (with appropriate series designations), and the Bonds of any series shall be numbered from R-1 upwards consecutively.

The Authorized Representatives are hereby authorized and directed to determine the manner of sale of each series of Bonds, and each such series of Bonds shall be offered for sale in such manner as the Authorized Representatives determine to be in the best interest of the County. If the manner of sale is competitive, the Board hereby authorizes and directs the Authorized Representatives to accept a bid or proposal for the purchase of the Bonds provided such bid results in the lowest true interest cost to the County. The Authorized Representatives are hereby authorized to reject any or all of the bids. If manner of sale is negotiated, the Board hereby authorizes and directs the Authorized Representatives to execute and deliver a bond purchase agreement with an underwriter or group of underwriters selected by the Authorized Representatives providing for the sale and delivery of the Bonds.

- 4. <u>**Redemption of Bonds**</u>. The Bonds may be subject to optional redemption, makewhole, or noncallable on such terms as the Authorized Representatives may approve. The Bonds may also be subject to mandatory sinking fund redemption on such terms as the Authorized Representatives may approve.
- 5. <u>Form of Bonds</u>. The Bonds shall be in substantially the form attached to this Resolution as <u>Exhibit A</u>, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution or subsequent resolution of the Board. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.
- 6. <u>Book-Entry-Only Form</u>. (a) The Bonds shall be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds shall be registered to Cede & Co. Beneficial owners of

the Bonds shall not receive physical delivery of the Bonds. Principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

- (b) Transfer of ownership interest in the Bonds shall be made by DTC and its participants (the "**Participants**"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The County shall notify DTC of any notice required to be given pursuant to this Resolution or the Bonds not less than 15 calendar days prior to the date upon which such notice is required to be given. The County shall also comply with the agreements set forth in the County's Letter of Representations to DTC.
- (c) Replacement Bonds (the "**Replacement Bonds**") shall be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:
 - (i) DTC determines not to continue to act as securities depository for the Bonds;
 - (ii) the County has advised DTC of its determination not to use DTC as a securities depository; or
 - (iii) the County has determined that it is in the best interest of the beneficial owners of the Bonds or the County not to continue the book-entry system of transfer.

Upon occurrence of the events described in (i) or (ii) above, the County shall attempt to locate another qualified securities depository. If the County fails to locate another qualified securities depository to replace DTC, the appropriate officers and agents of the County shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A. In the event the Board, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the County shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to any Participants requesting such Replacement Bonds. Principal of, premium, if any, and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and such Replacement Bonds will be transferable in accordance with the provisions of this Resolution and the Bonds.

- 7. <u>Appointment of Bond Registrar and Paying Agent</u>. (a) The Director of Financial and Management Services and such officer or agent the Director of Financial and Management Services designates is hereby authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds.
 - (b) The Director of Financial and Management Services and such officer or agent the Director of Financial and Management Services designates may appoint a subsequent bond registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the

name and location of the principal office of any such bond registrar or paying agent.

- 8. <u>Execution of Bonds</u>. The County Administrator is hereby authorized and directed to execute on behalf of the County the Bonds. The Clerk of the Board of Supervisors is hereby authorized and directed to affix or to cause to be affixed the seal of the County to the Bonds and to attest such seal. The County Administrator is hereby authorized and directed to deliver the Bonds to the purchaser or purchasers thereof upon payment of the applicable purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the County Administrator and the Clerk of the Board of Supervisors are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.
- 9. <u>CUSIP Numbers</u>. The Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the County, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the County and any officer or agent of the County, by reason of any inaccuracy, error or omission with respect to such numbers.
- 10. **Registration, Transfer and Exchange**. (a) Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the County shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the County and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the County and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond shall be registered to bearer.
 - (b) New Bonds delivered upon any transfer or exchange shall be valid obligations of the County, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.
- 11. <u>Charges for Exchange or Transfer</u>. No charge shall be made for any exchange or transfer of Bonds, but the County may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.
- 12. <u>**Tax Covenants**</u>. The Authorized Representatives are hereby authorized and directed to execute and deliver simultaneously with the issuance of any series of Bonds the interest on which is intended to be excludable from gross income for federal income tax purposes a tax certificate or agreement, or both (collectively, the "**Tax Agreement**") setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "**Tax Code**"),

including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The proceeds from the issuance and sale of any such series of the Bonds will be invested and expended as set forth in the Tax Agreement and that the County will comply with the other covenants and representations contained in it.

- 13. **Refunding and Escrow Agreement**. (a) The Authorized Representatives are hereby authorized and directed to select the Prior Bonds to be refunded (the "**Refunded Bonds**") and to cause the refunding of the Refunded Bonds pursuant to the terms of the Prior Bonds.
 - (b) The Authorized Representatives are hereby authorized to cause to be prepared and directed to execute and deliver one or more escrow agreements, between the County and an escrow agent to be selected by the Authorized Representatives, providing for the deposit and investment of a portion of the proceeds of the Refunding Bonds to be applied to the redemption or payment of the Refunded Bonds on the earliest practicable date.
- 14. **Disclosure Documents**. The Authorized Representatives and such other officers and agents either Authorized Representative may designate are hereby authorized and directed to prepare, execute, if required, and deliver one or more appropriate notices of sale, preliminary official statements, official statements and such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds, including such documentation as may be necessary to provide for the submission of electronic bids for the Bonds if electronic bidding is determined by such officer or officers to be advantageous. Any such notice of sale, preliminary official statement, official statement or other documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the Authorized Representatives shall determine. The Authorized Representatives and such other officer or agent either Authorized Representative may designate, are hereby authorized to deem the Preliminary Official Statement "final" for purposes of Securities Exchange Commission Rule 15c2-12.
- 15. <u>Continuing Disclosure</u>. The Authorized Representatives are hereby authorized and directed to enter into a continuing disclosure agreement for the benefit of the owners of the Bonds to assist the underwriter for the Bonds in complying with the provisions of Section (b)(5) of Securities and Exchange Commission Rule 15c2-12.
- 16. <u>Further Actions</u>. (a) The Authorized Representatives and such other officers and agents either Authorized Representative may designate are hereby authorized and directed to take further action as each deems necessary or appropriate regarding the issuance, credit enhancement and sale of the Bonds and the refunding of the Refunded Bonds, including, without limitation, (i) purchasing of one or more credit enhancements for any series of Bonds if market or other conditions so warrant, (ii) entering into supply arrangements relating to the investment of the proceeds of any series of Bonds, (iii) applying for CUSIP identification numbers and the execution and delivery of replacement bonds in connection with any partial refunding of Prior Bonds and (iv) selecting a verification agent and escrow agent in connection with any series of Bonds.

- (b) The Authorized Representatives and such other officers and agents either Authorized Representative may designate are also authorized and directed to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts and to take such further action, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bonds.
- (c) All actions taken by officers and agents of the County in connection with the issuance and sale of the Bonds are hereby ratified and confirmed. The officers and agents of the County are hereby authorized and directed to take such further actions as each deems necessary regarding the issuance and sale of any series of Bonds and all actions taken by such officers and agents in connection with the issuance and sale of any series of Bonds are hereby ratified and confirmed.
- 17. <u>SNAP Investment Authorization</u>. The County has heretofore received and reviewed the Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "SNAP Contract"), and the County has determined to authorize the Authorized Representatives to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the Authorized Representatives determine that the utilization of SNAP is in the best interest of the County. The County acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the SNAP Contract.
- 18. Exercise of Discretion and Authorizations. Any authorization of an officer of the County under this Resolution entitles such officer to exercise his or her discretion in taking action on behalf of the County, unless expressly provided otherwise. For any authorization of the Authorized Representatives, it shall be sufficient that either Authorized Representative act in order to bind the County. The authorizations granted in this Resolution to the County Administrator, the Director of Financial and Management Services or the Clerk of the Board of Supervisors, or any combination of the foregoing, may be carried out by any Acting or Assistant County Administrator (with respect to authorizations granted to the County Administrator), the Director of Budget and Accounting (with respect to authorizations granted to the Director of Financial Management Services) and any Deputy or Assistant Clerk (with respect to authorizations granted to the Clerk of the Board of Supervisors), in the absence of the primary officer.
- 19. <u>Filing of Resolution</u>. The County Attorney, or such party as the County Attorney designates, is hereby authorized and directed to file or cause to be filed a certified copy of this Resolution with the Circuit Court of the City of Williamsburg and the County of James City pursuant to Sections 15.2-2607 and 15.2-2641 of the Code of Virginia of 1950, as amended.
- 20. <u>Effective Date</u>. This Resolution shall take effect immediately.

	Michael J. Hi Chairman, Bo	• •	pervisors	5
ATTEST:		VOTE <u>AYE</u>		ABSTAIN
	JONES MCGLENNON —— ONIZUK			
Bryan J. Hill Clerk to the Board	KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

GOBondSale-res

COUNTY OF JAMES CITY, VIRGINIA BOARD OF SUPERVISORS

	At a meeting of the Board of Supervisors of the County of James City, Virginia, held on June
, 20	015 the following persons were present or absent as shown:
	PRESENT:

ABSENT:

On motion of ______, seconded by ______, the following Resolution was adopted by a majority of the members of the Board of Supervisors present by a roll call vote, the votes being recorded as follows:

<u>MEMBER</u>

<u>VOTE</u>

EXHIBIT A

Form of Bond

REGISTERED

No. R-

\$

UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA

COUNTY OF JAMES CITY

[TAXABLE] GENERAL OBLIGATION REFUNDING BOND SERIES 2015[_]

DATED DATE

MATURITY DATE

INTEREST RATE

CUSIP BASE: 470293

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

COUNTY OF JAMES CITY, VIRGINIA (the "County"), for value received, acknowledges itself indebted and promises to pay to the registered owner of this Bond or legal representative, the principal amount stated above on the maturity date set forth above and to pay interest on the principal amount of this Bond at the rate specified above per annum, payable semiannually on and beginning on _____, 20_. This Bond shall bear interest (a) from [the Dated Date / _____, 20_], if this Bond is authenticated before ______, 20_ or (b) otherwise that is, or immediately precedes the date on which this Bond from the or is authenticated; provided that, if at the time of authentication of this Bond, interest on this Bond is in default, this Bond shall bear interest from the date to which interest has been paid. Both principal of and interest on this Bond are payable in lawful money of the United States of America. The principal of this Bond is payable upon presentation and surrender hereof at the office of the [U.S. Bank National Association], as Bond Registrar and Paying Agent ("Bond Registrar"). Interest on this Bond is payable by check or draft mailed to the registered owner hereof at its address as it appears on the registration books maintained by the Bond Registrar without presentation of this Bond; provided that as long as Cede & Co. is the registered owner of this Bond, interest shall be paid by wire transfer. All interest payments shall be made to the registered owner as it appears on the registration books kept by the Bond Registrar on the [first day of the month in which each interest payment date occurs] [fifteenth day of the month preceding each interest payment date].

This Bond has been duly authorized by the Board of Supervisors of the County and is issued for the purpose of: (i) refunding certain of the County's outstanding bonds and (ii) paying the costs of issuance of the Bonds. The full faith and credit of the County are irrevocably pledged for the payment of the principal of, premium, if any, and interest on this Bond in accordance with its terms.

This Bond is one of a series of \$_____ General Obligation Refunding Bonds, Series 20____ of the County, ("Bonds") of like date and tenor, except as to number, denomination, rate of interest and

maturity, issued under the authority of and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, and, more particularly, issued pursuant to the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended[, the majority vote of the qualified voters of the County voting at elections held on ______, 20___ and ______, 20___, respectively, and a resolution adopted by the Board of Supervisors on _______, 2014 (the "Resolution").

The Bonds maturing on or before ______, 20__, are not subject to redemption before maturity. Bonds maturing on or after ______, 20__, are subject to optional redemption before maturity on or after ______, 20__, at the direction of the County, in whole or part in installments of \$5,000 at any time, in such order as may be determined by the Director of Financial and Management Services (except that if at any time less than all of the Bonds of any maturity are called for redemption, the particular Bonds of such maturity or portions thereof to be redeemed shall be selected by lot) upon payment of the principal amount to be redeemed together with the interest accrued thereon to the date fixed for redemption.

[Sinking Fund Provisions, If Applicable]

If any of the Bonds or portions thereof are called for redemption, the Bond Registrar shall send notice of the call for redemption identifying the Bonds by serial or CUSIP numbers, and in the case of partial redemption, identifying the principal amount to be redeemed, and identifying the redemption date and price and the place where Bonds are to be surrendered for payment, by first class mail, electronic transmission, or overnight delivery service not less than 30 nor more than 60 days before the redemption date to the registered owner of each Bond to be redeemed at such owner's address as it appears on the registration books maintained by the Bond Registrar, but failure to mail such notice shall not affect the validity of the proceedings for redemption. Provided funds for their redemption are on deposit at the place of payment on the redemption date, all Bonds or portions thereof so called for redemption shall cease to be ar interest on such date, shall no longer be secured by the Resolution and shall not be deemed to be outstanding. If a portion of this Bond shall be called for redemption, a new Bond in principal amount equal to the unredeemed portion hereof will be issued to the registered owner upon the surrender of this Bond.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with an escrow agent or a depository (either, a "depository") for the purpose of paying such Bonds, then on the redemption date the Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Bonds called for redemption, thereafter no interest will accrue on those Bonds, and a Bond owner's only right will be to receive payment of the redemption price upon surrender of those Bonds.

The Bonds are issuable as fully registered bonds in denominations of \$5,000 and integral multiples thereof. Any Bond may be exchanged for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations at the principal office of the Bond Registrar.

This Bond may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the Bond Registrar. Such transfer shall be made in the registration books kept by the Bond Registrar upon presentation and surrender hereof and the County shall execute, and the Bond Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Bond Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The County may designate a successor Bond Registrar and/or paying agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owner of the Bonds. Upon registration of transfer of this Bond, the Bond Registrar shall furnish written notice to the transferee of the name and location of the principal office of the Bond Registrar and/or the paying agent.

The Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the first day of the month in which each interest payment date occurs.

This Bond shall not be valid or obligatory for any purpose unless and until authenticated at the foot hereof by the Bond Registrar.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia. IN WITNESS WHEREOF, the Board of Supervisors of the County of James City, Virginia, has caused this Bond to be signed by the [original/facsimile] signature of the County Administrator, a[n] [original/facsimile] of its seal to be affixed and attested by the [original/facsimile] signature of its Clerk and this Bond to be dated as of its dated date set forth above.

JAMES CITY COUNTY, VIRGINIA

By:

County Administrator County of James City, Virginia

[SEAL]

ATTEST:

Clerk Board of Supervisors of the County of James City, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

the within Bond and does hereby irrevocably constitute and appoint

, attorney, to transfer said Bond on the books kept for registration of said Bond, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

Registered Owner

(NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association which is a member of a medallion program approved by the Securities Association, Inc.)

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the books kept for registration of this Bond in every particular, without alteration or change.

CERTIFICATE OF AUTHENTICATION

The undersigned Bond Registrar hereby certifies that this is one of a series of Bonds of James City County, Virginia described in the within-mentioned Resolution.

Authentication Date:

By:

[Name of Registrar]

The undersigned Clerk of the Board of Supervisors of the County of James City, Virginia certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a meeting of the Board of Supervisors of the County of James City, Virginia held on July 8, 2014.

Brian J. Hill Clerk, Board of Supervisors of the County of James City, Virginia

AGENDA ITEM NO. G.5.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Michelle M. Gowdy, County Attorney
SUBJECT:	Approval of Riverside Healthcare Association, Inc. Revenue Bonds through another Jurisdiction

ATTACHMENTS:

	Description		Туре	
D	Memo		Cover Memo	
D	Resolution		Resolution	
D	Attachment 1		Backup Material	
REVIEWERS:				
Department	Reviewer	Action	Date	
Board Secretary	Fellows, Teresa	Approved	6/18/2015 - 8:35 AM	

MEMORANDUM

DATE:	June 23, 2015
TO:	The Board of Supervisors
FROM:	Michelle M. Gowdy, County Attorney
SUBJECT:	Approval of Riverside Healthcare Association, Inc. Revenue Bonds through another Jurisdiction

The Board of Supervisors has been requested to approve the issuance of Revenue Bonds on behalf of Riverside Healthcare Association, Inc. The bonds will be issued through the Industrial Development Authority of the City of Newport News in a principal amount not to exceed \$125,000,000 to assist Riverside Healthcare Association, Inc. make certain improvements to its various properties. These will include significant construction and infrastructure improvements to Patriot's Colony in James City County.

I recommend approval of the issuance of revenue bonds through other jurisdictions on behalf of Riverside Healthcare Association, Inc.

MMG/tlc RevBondRiverside-mem

Attachments

RESOLUTION OF THE BOARD OF SUPERVISORS

OF JAMES CITY COUNTY, VIRGINIA

- WHEREAS, the Industrial Development Authority of the City of Newport News, Virginia, whose principal business address is 2400 Washington Avenue, 3rd Floor, Newport News, Virginia 23607 (the "Authority"), has conducted a joint public hearing, after notice, on June 5, 2015, a date within sixty (60) days prior to the date of the adoption of this Resolution, on behalf of the Authority, James City County, Gloucester County and the City of Newport News on the plan of financing of Riverside Healthcare Association, Inc., whose principal place of business is 701 Town Center Drive, Suite 1000, Newport News, Virginia 23606 (the "Parent"), Riverside Hospital, Inc., whose principal place of business is 500 J. Clyde Morris Boulevard, Newport News, Virginia 23601 ("Riverside Hospital"), Patrick Henry Hospital, Inc., whose principal place of business is 1000 Old Denbigh Boulevard, Newport News, Virginia 23602 ("Patrick Henry"), Riverside Middle Peninsula Hospital, Inc., whose principal place of business is 7519 Hospital Drive, Gloucester Courthouse, Virginia 23061 ("Riverside Walter Reed"), Riverside Retirement Services, Inc., whose principal place of business is 1004 Old Denbigh Boulevard, Newport News, Virginia 23602 ("Riverside Retirement Services"), and Patriots Colony, Inc., whose principal place of business is 6000 Patriots Colony Drive, Williamsburg, Virginia 23188 ("Patriots Colony" and, together with the Parent, Riverside Hospital, Patrick Henry, Riverside Walter Reed and Riverside Retirement Services, "Riverside"), each of which it has been represented to the Authority is a not-for-profit Virginia nonstock corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), which is exempt from tax under Section 501(a) of the Code, requesting that the Authority issue, pursuant to the Act, up to \$125,000,000 of its revenue bonds (the "Bonds") to assist Riverside in (a) financing the Projects (as hereinafter defined), (b) funding a reserve fund for the Bonds if required and (c) paying the costs of issuing the Bonds; and
- WHEREAS, it has been represented to the Authority that the proceeds of the Bonds will be used to finance all or a portion of the following projects (collectively, the "Projects"): (a) for Riverside Hospital, (i) at the Riverside Regional Medical Center at 500 J. Clyde Morris Boulevard, Newport News, Virginia 23601, (1) the construction and components of an approximately 60,000 square-foot renovation of the neonatal intensive care unit, the fifth and sixth floors of the Annex Building and the east wings of the fifth and sixth floors of the main building, including the full demolition of the existing space and the construction of two 22-room nursing units and also including the creation of an upper level mechanical penthouse and adjacent support space, (2) the construction and components of an approximately 21,000 square-foot renovation of the labor and delivery unit, including the full demolition of the existing space and the construction of two C-section operating rooms, three triage rooms, four ante-partum rooms and 12 labor-delivery-recovery rooms and also including support space including the nurse's station, (3) the construction and components of an approximately 38,000 square-foot renovation for a Heart and Vascular Center, including the full demolition of the existing space and the construction of EKG, noninvasive diagnostic, ultra sound and nuclear medicine areas, a rehab gymnasium and four heart catheterization labs, and (4) the construction and components, as well as the equipping, of an approximately 160,000 square-foot expansion and renovation of the Riverside Regional Medical Center Pavilion, including two additional nursing unit floors

with 72 patient rooms each and with additional support space and including the expansion of the third floor which houses mechanical/electrical equipment, and (ii) at 1300 Old Denbigh Boulevard, Newport News, Virginia 23602, the purchase, installation, and development of software that will provide a new integrated medical record, clinical management, and billing system; (b) for Patrick Henry, at 1000 Old Denbigh Boulevard, Newport News, Virginia 23602, the renovation of an approximately 100,000 square-foot, 215-bed skilled nursing facility known as The Gardens at Warwick Forest, including mechanical, electrical and plumbing infrastructure and finish upgrades; (c) for Riverside Retirement Services, at 1004 Old Denbigh Boulevard, Newport News, Virginia 23602, the construction and components of an approximately 26,000 square-foot assisted living facility known as the Warwick Forest Retirement Community, including two 20-bed assisted living facilities, and site work for a future independent living facility; (d) for Riverside Walter Reed, at 7519 Hospital Drive, Gloucester Courthouse, Virginia 23061, the construction and components of an approximately 48,000 square-foot expansion and 55,000 square-foot renovation of the emergency department, surgery department, patient rooms, and infrastructure at Riverside Walter Reed Hospital, including the addition of a new two-story surgical center with operating rooms and a post anesthesia care unit occupying the first floor and 36 patient rooms occupying the second floor and also including imaging, administrative, pharmacy, energy plant and support spaces for acute care patients; and (e) for Patriots Colony, at 6000 Patriots Colony Drive, Williamsburg, Virginia 23188, (i) the construction and components, as well as the equipping, of an approximately 6,500 squarefoot renovation of a bistro and dining area for facility residents, (ii) the construction and components, as well as the equipping, of a 3,200 square-foot maintenance building for facility staff, (iii) other construction and renovation of components of the existing Patriots Colony facilities and grounds, including without limitation roof replacement and repair, HVAC upgrades, plumbing improvements and equipment, landscaping, road paving, and interior and exterior finishes and carpentry work, (iv) the construction and components of up to five buildings, each with a maximum of 16 independent living units, totaling approximately 180,000 square feet, and (v) the construction and components of an approximately 40,000 square-foot 60-bed nursing facility; and

- WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds; and
- WHEREAS, certain of the Projects (the "Patriots Colony Projects") are located in James City County, Virginia (the "County"), and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County; and
- WHEREAS, the Authority has requested the Board to ratify the public hearing and approve the issuance of the Bonds and the plan of financing to comply with Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and
- WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon (the "Authority Resolution"), a record of the public hearing and a fiscal impact statement have been filed with the Board.
- NOW, THEREFORE, BE IT RESOLVED BY the Board of Supervisors of James City County, Virginia, that:

- 2. The Board hereby ratifies the joint public hearing held on its behalf by the Authority on June 5, 2015, and the publication of notice thereof.
- 3. The Board hereby concurs in the Authority Resolution adopted by the Authority on June 5, 2015, a copy of which is attached hereto.
- 4. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of Riverside, to the extent required by Section 147(f) of the Code and by Section 15.2-4906 of the Virginia Code.
- 5. Ratification of the joint public hearing, concurrence in the Authority Resolution, and approval of the issuance of the Bonds and the plan of financing do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Patriots Colony Projects or of Riverside, and, as required by Virginia law, neither the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor by Riverside, and neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the County and the Authority, shall be pledged thereto.
- 6. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to Riverside, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
- 7. This Resolution shall take effect immediately upon its adoption.

	Michael J. Hij Chairman, Bo		pervisors	6
ATTEST:		VOTE <u>AYE</u>		ABSTAIN
	JONES MCGLENNON			
Bryan J. Hill Clerk to the Board	— ONIZUK KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June,

RevBondRiverside-res

2015.

CERTIFICATE OF RESOLUTION

1. A meeting of the Board of Supervisors of James City County, Virginia (the "Board"), was held on June 23, 2015, at which meeting the following duly elected members were present or absent:

Name

Present

Absent

Michael J. Hipple Kevin Onizuk Mary K. Jones James G. Kennedy John J. McGlennon

Such members constituted all of the members of the Board on the date of such meeting.

2. Attached hereto is a true and correct copy of a Resolution duly adopted at such meeting by the following vote:

Name <u>Ayes</u> <u>Nays</u>

Michael J. Hipple Kevin Onizuk Mary K. Jones James G. Kennedy John J. McGlennon

3. The Resolution referred to above has not been repealed, revoked, rescinded or amended but is in full force and effect on this date and constitutes the only Resolution adopted by the Board relating to the issuance by the Industrial Development Authority of the City of Newport News, Virginia, of its revenue bonds for the benefit of Riverside.

WITNESS my hand and seal of the Board of Supervisors of James City County, Virginia, this _____ day of June, 2015.

Clerk, Board of Supervisors of James City County, Virginia

(SEAL)

#26163610v1 206229.000035

FISCAL IMPACT STATEMENT*

Public Hearing Date: June 5, 2015

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA

FINANCING FOR: Applicant: Patriots Colony, Inc. Facility: Patriots Colony at Williamsburg

1.	Maximum amount of financing sought $\$125,00$	00,000	
2.	Estimated taxable value of the facility's real property to be constructed in James City (County \$	43,398,500
3.	Estimated real property tax per year in James City County using present tax rates	\$	413,370.66
4.	Estimated personal property tax per year in James City County using present tax rates	\$	40,769.04
5.	Estimated merchants' capital tax per year in James City County using present tax rates	\$	3,086.72
6.	(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within James City County	\$	511,095
	(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within James City County	\$	477,915
	(c) Estimated dollar value per year of services that will be purchased from Virginia companies within James City County	\$	2,580,042
	(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within James City County	\$	<u>1,658,958</u>
7.	Estimated number of regular employees on year round basis		321.80
8.	Average annual salary per employee	\$	32,813.86
	INDUSTRIAL DEVELOPMENT AVTHORIT OF THE CITY OF NEWPORTNEWS, VIRG		

By By Chairman

*The information in this Fiscal Impact Statement was supplied to the Authority by the Applicant, and the Authority has no responsibility with respect thereto. The facility is located in James City County, Virginia.

#25814202v1

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE:	5/27/2015
TO:	Board of Supervisors
FROM:	A.J. Cole, General Registrar
SUBJECT:	Ordinance to amend JCC Code Sec. 2-3 to change the Jamestown District D polling place to King of Glory Lutheran Church

ATTACHMENTS:

Description	Туре
Jamestown D Polling Memo	Cover Memo
Jamestown D Polling Ordinance	Ordinance
Jamestown D Ordinance (Final)	Ordinance
	Jamestown D Polling Memo Jamestown D Polling Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/29/2015 - 4:45 PM
Publication Management	Colonna, Tina	Approved	6/1/2015 - 7:44 AM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:06 AM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 2:58 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 3:15 PM

M E M O R A N D U M

DATE: June 23, 2015

TO: The Board of Supervisors

FROM: A. J. Cole, General Registrar

SUBJECT: Jamestown D Polling Place

James City County Recreation Center (formerly James City-Williamsburg Community Center), currently serves as the polling place for the Jamestown D precinct, also known as Precinct 0204, and the Jamestown B precinct, also known as Precinct 0202.

The Electoral Board determined that King of Glory Lutheran Church, located at 4897 Longhill Road, Williamsburg, VA 23188 is a more suitable location for Jamestown D precinct polling place and the move will alleviate crowding and confusion at the James City County Recreation Center.

The attached ordinance amends Section 2-4 of the County Code to replace James City-Williamsburg Community Center with King of Glory Lutheran Church as the Jamestown D polling place and update the name of the facility from James City-Williamsburg Community Center to James City County Recreation Center.

AJC/nb JmstwnDPoll-mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-4, Election precincts and polling places established.

Chapter 2. Administration

Sec. 2-4. Election precincts and polling places established.

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be set forth below:

Berkeley Election District 01:

Precinct 0101 – Jamestown High School polling place. Precinct 0102 – Clara Byrd Baker Elementary School polling place. Precinct 0103 – Matoaka Elementary School polling place.

Jamestown Election District 02:

Precinct 0201 – Legacy Hall polling place.
Precinct 0202 – James City-Williamsburg Community Center polling place.
Precinct 0202 – James City County Recreation Center polling place
Precinct 0203 – Upward Church polling place.
Precinct 0204 – James City-Williamsburg Community Center polling place.
Precinct 0204 – King of Glory Lutheran Church polling place.

Powhatan Election District 03:

Precinct 0301 – Hornsby Middle School polling place.

Precinct 0302 – Lafayette High School polling place.

Precinct 0303 – Toano Middle School polling place.

Precinct 0304 – Warhill High School polling place.

Stonehouse Election District 04:

Precinct 0401 – Hickory Neck Episcopal Church polling place.

Precinct 0402 – Norge Elementary School polling place.

Precinct 0403 – Stonehouse Elementary School polling place.

Roberts Election District 05:

Precinct 0501 – James River Elementary School polling place.

Precinct 0502 – Mt. Gilead Baptist Church polling place.

Precinct 0503 – Grace Baptist Church polling place.

Precinct 0504 – Rawls Byrd Elementary School polling place.

Ordinance to Amend and Reordain Chapter 2. Administration Page 2

	Michael J. H Chairman, H		Superviso	ors
		VOTE	S	
ATTERT.		AYE	NAY	ABSTAIN
ATTEST:	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK KENNEDY			
Clerk of the Board	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

JmstwnDPoll-ord

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-4, Election precincts and polling places established.

Chapter 2. Administration

Sec. 2-4. Election precincts and polling places established.

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be set forth below:

Berkeley Election District 01:

Precinct 0101 – Jamestown High School polling place. Precinct 0102 – Clara Byrd Baker Elementary School polling place. Precinct 0103 – Matoaka Elementary School polling place.

Jamestown Election District 02:

Precinct 0201 – Legacy Hall polling place. Precinct 0202 – James City County Recreation Center polling place

Precinct 0203 – Upward Church polling place.

Precinct 0204 – King of Glory Lutheran Church polling place.

Powhatan Election District 03:

Precinct 0301 – Hornsby Middle School polling place.

Precinct 0302 – Lafayette High School polling place.

Precinct 0303 – Toano Middle School polling place.

Precinct 0304 – Warhill High School polling place.

Stonehouse Election District 04:

Precinct 0401 – Hickory Neck Episcopal Church polling place.

Precinct 0402 – Norge Elementary School polling place.

Precinct 0403 – Stonehouse Elementary School polling place.

Roberts Election District 05:

Precinct 0501 – James River Elementary School polling place.

Precinct 0502 – Mt. Gilead Baptist Church polling place.

Precinct 0503 – Grace Baptist Church polling place.

Precinct 0504 – Rawls Byrd Elementary School polling place.

JmstwnDPoll-ord

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE:	6/23/2015
TO:	Board of Supervisors
FROM:	Max Hlavin, Assistant County Attorney
SUBJECT:	Ordinance to Vacate the Well Site Designation at 181 John Rolfe Lane in Shellbank Woods

ATTACHMENTS:

	Description	Туре
0	Memo	Cover Memo
D	Ordinance	Ordinance
D	Existing Plat	Exhibit
D	Conceptual Reference Plat	Exhibit
REVIEWERS:		

Department	Reviewer	Action	Date
Attorney	Gowdy, Michelle	Approved	6/5/2015 - 1:22 PM
Publication Management	Burcham, Nan	Approved	6/5/2015 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2015 - 2:40 PM
Board Secretary	Kinsman, Adam	Approved	6/8/2015 - 11:16 AM
Board Secretary	Fellows, Teresa	Approved	6/8/2015 - 12:11 PM

MEMORANDUM

DATE: June 23, 2015

TO: The Board of Supervisors

FROM: Maxwell C. Hlavin, Assistant County Attorney

SUBJECT: Ordinance to Vacate the Well Site Designation at 181 John Rolfe Lane in Shellbank Woods

Robert C. and Karen A. Bodett (together, the "Bodetts") have requested a vacation of a portion of the Shellbank Woods, Phase I plat. The proposed vacation removes the "well site" designation on the parcel located at 181 John Rolfe Lane. The property is identified on the James City County Real Estate Tax Map as Parcel No. 451040001C and consists of 10,041 square feet, or 0.2305 acres.

The Bodetts purchased the "well site" parcel as well as the adjacent parcel at 106 Shellbank Drive. The JCSA previously conveyed its interest in the parcel in February 2015. The Bodetts would like the well site designation vacated so the parcels may be combined into one contiguous lot for the purpose of building a single-family residence.

MCH/nb VacateWellSite-mem

Attachment

ORDINANCE NO: _____

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "PLAT OF SHELLBANK WOODS PHASE I" AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF THE WELL SITE DESIGNATION AT 181 JOHN ROLFE LANE IN SHELLBANK WOODS

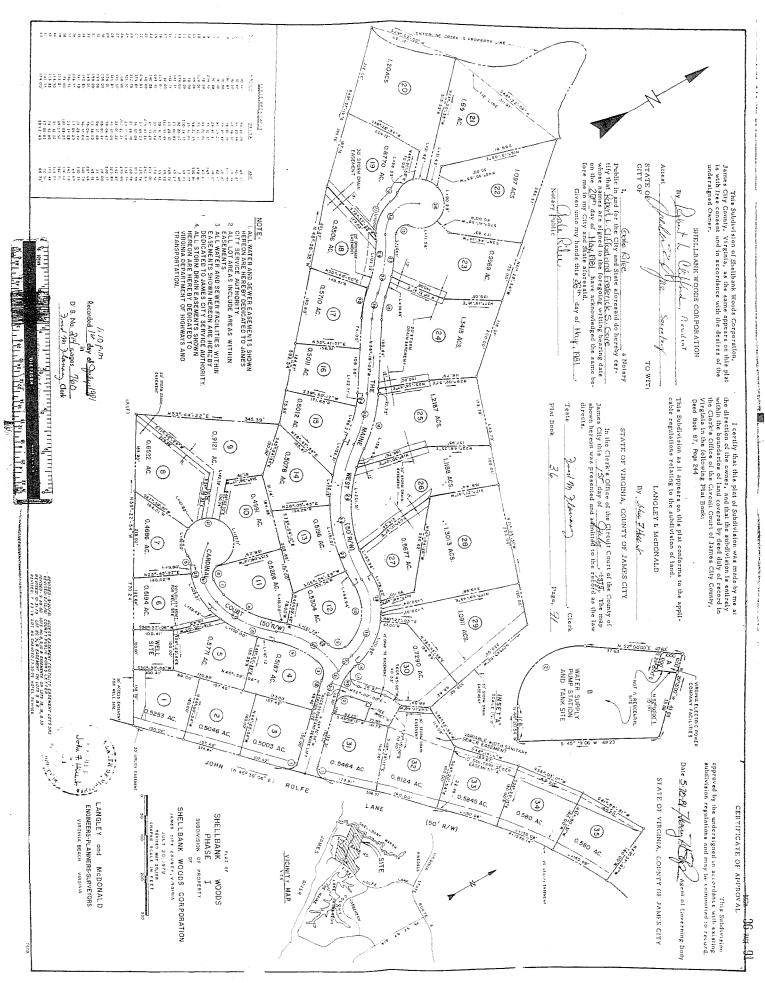
- WHEREAS, Robert C. Bodett and Karen A. Bodett have submitted an application to vacate certain lines, words, numbers, and symbols on a plat more particularly described below; and
- WHEREAS, notice that the Board of Supervisors of the County of James City, Virginia, would consider such application has been given pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended; and
- WHEREAS, pursuant to such notice the Board of Supervisors held a public hearing and considered such application on the 23 day of June, 2015, and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of public welfare.
- NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that a portion of that certain plat of Shellbank Woods Phase I, dated July 20, 1979, revised May 20, 1981, and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia in Plat Book 36, page 91, be so vacated as to remove the "WELL SITE" designation as more particularly shown on the above-mentioned plat.

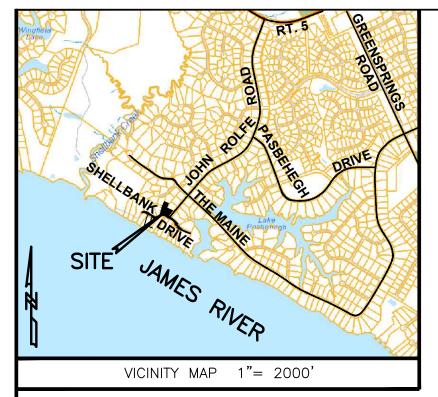
This ordinance shall be in full force and effect from the date of its adoption.

	Michael J. Hi			
	Chairman, Board of Supervisors			5
	VOTES			
ATTEST:		AYE	NAY	ABSTAIN
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

VacateWellSite-res





OWNERS CERTIFICATE

THE SUBDIVISION OF THE PROPERTY AS SHOWN ON THIS PLAT AND KNOWN AS "PLAT OF PROPERTY LINE EXTINGUISHMENT OF THE PROPERTIES OF HAYES N. & SHEREE J. PRESS" IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

ROBERT C. BODETT

DATE

KAREN A. BODETT

DATE

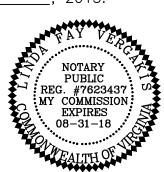
CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA

REGISTRATION NO.

_____, A NOTARY PUBLIC CITY/COUNTY OF ____ _____ l, ___ IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID. GIVEN UNDER MY HAND THIS _____ DAY OF _____ _, 2015. MY COMMISSION EXPIRES

NOTARY PUBLIC



CERTIFICATE OF SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION STANDS IN THE NAME OF: ROBERT C. BODETT AND KAREN A. BODETT AND WAS ACQUIRED FROM HAYES N. PRESS & SHEREE JO PRESS, BY THAT CERTAIN DEED DATED APRIL 7, 2015 AND RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA AS INSTRUMENT #150006991.

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE

SUBDIVISION AGENT OF JAMES CITY COUNTY

ENGINEERS OR SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF. THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

06/01/2015

DATE

11 bank

PETER FARRELL, L.S. #2036



GENERAL NOTES

- 1. PROPERTY IS SERVED BY PUBLIC WATER & SEWER. 2. MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34
- EFFECTIVE DATE SEPTEMBER 28, 2007.

- 6. ALL NEW UTILITIES SHALL BE UNDERGROUND.
- PLAT SHALL REMAIN PRIVATE.
- SECTION 23-7 OF THE JAMES CITY COUNTY CODE.
- 11. THIS PROPERTY DOES NOT FALL WITHIN THE RPA.

THROUGH 19-36 OF THE COUNTY CODE. SUBSEQUENT TO COMPLETION OF ALL IMPROVEMENTS, BUT PRIOR TO FINAL RELEASE OF SURETY FOR A SUBDIVISION OR ANY PART THEREOF, THE SUBDIVIDER SHALL PROVIDE TO THE AGENT A SURVEYOR'S CERTIFICATE THAT THE MONUMENTS AS SHOWN ON THE RECORD PLAT HAVE BEEN INSTALLED, WERE PROPERLY SET, ARE PROPERLY ALIGNED, AND ARE UNDAMAGED. THE PROVISION OF THE CERTIFICATION SHALL BE WITHIN SIX MONTHS OF PLAT APPROVAL, UNLESS OTHERWISE ARRANGED IN ADVANCE, IN WRITING, WITH THE AGENT.

3. THE PROPERTY AS SHOWN LIES IN ZONE "X", ACCORDING TO FEMA FLOOD INSURANCE RATE MAP PANEL COMMUNITY PANEL NUMBER 51095C0180C,

4. EASEMENTS DENOTED AS JCSA UTILITY EASEMENTS ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER, ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.

5. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.

7. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS

8. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY

9. NATURAL OPEN SPACE EASEMENTS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENT. 10. A TITLE REPORT WAS NOT PROVIDED FOR THIS SUBDIVISION PLAT.

EXTINGUISHMENT OF THE PROPERTIES OF ROBERT C. BODETT AND KAREN A. BODETT BEING TAX PARCELS: 4510200007A & 4510400001C JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA JOB # 14-514 DATE: 06-01-2015 SHEET 1 OF 2

PLAT OF PROPERTY LINE



3925 Midlands Road Williamsburg, VA 23188 Ph: (757) 565–1677 Fax: (757) 565–0782 web: landtechresources.com

JCC S-0057-2014

PROPERTY INFORMATION

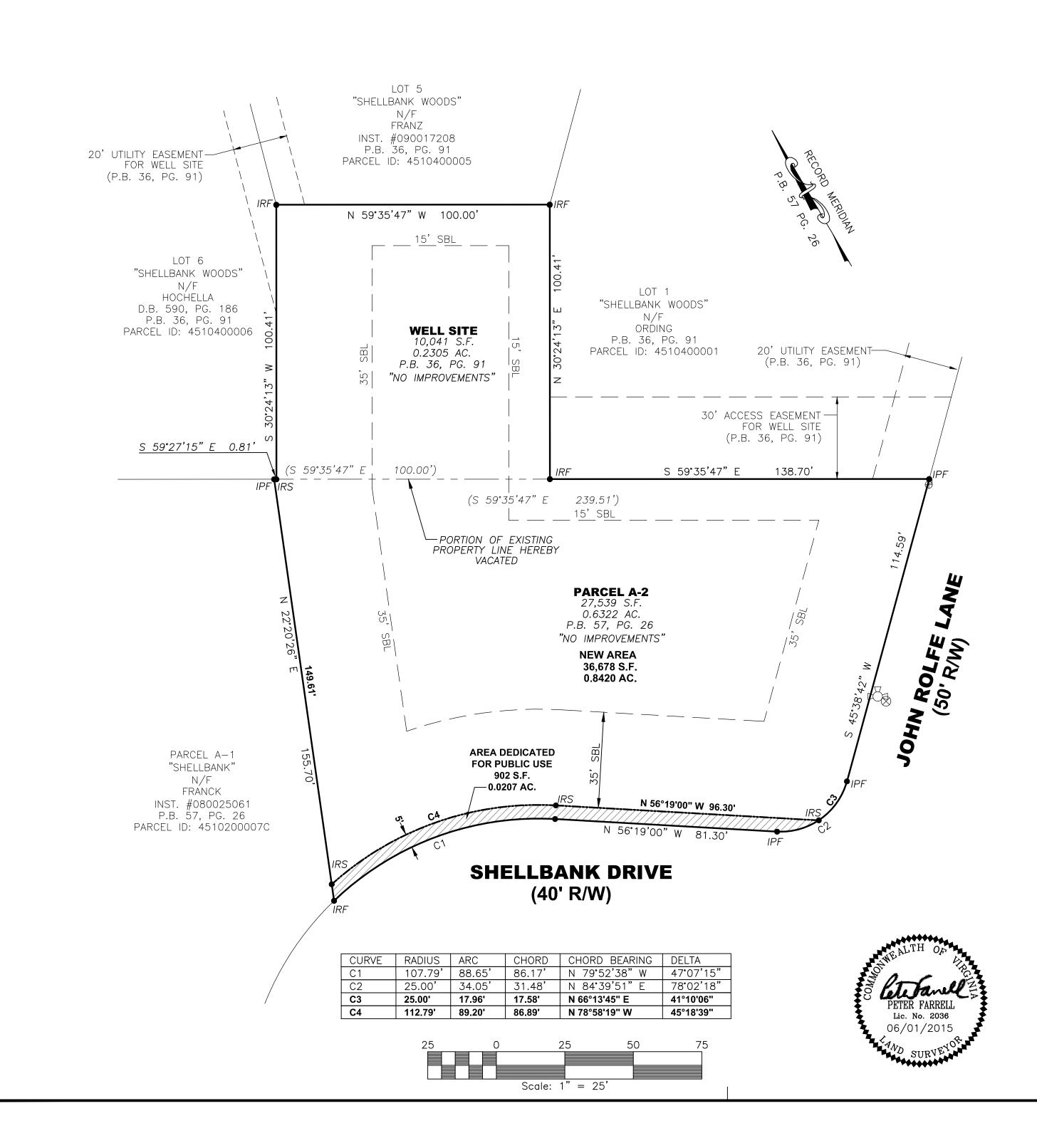
WELL SITE #4510400001C #181 JOHN ROLF ROAD PARCEL A-2 #451020007A #106 SHELLBANK DRIVE

ZONING DISTRICT: R1 BUILDING SETBACK (SBL): (P.B. 57, PG. 26) AS SHOWN BUILDING SETBACK (SBL): (PER ZONING ORDINANCE) FRONT = 35'REAR = 35'SIDE = 15'FOR CORNER LOTS, THE SETBACK FOR THE SIDE STREET (SHELLBANK DRIVE) SHALL BE A MINIMUM OF 35 FEET.

STATE OF VIRGINIA. JAMES CITY COUNTY

IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF
JAMES CITY THIS DAY OF, 2015.
THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW
DIRECTS AT
INSTRUMENT #
TEOTE

IESIE ____





<u>LEGEND</u>

□ TELEPHONE PED. ⊕ CABLE PED. ☆ FIRE HYDRANT ⊗ WATER VALVE IPF=IRON PIPE FOUND

AREA TABULATION

PARCEL A-2	27,539 S.F./0.6322 AC.	OLD AREA
WELL SITE	10,041 S.F./0.2305 AC.	
AREA DEDICATED FOR PUBLIC USE	902 S.F./0.0207 AC.	
PARCEL A-2	36,678 S.F./0.8420 AC.	NEW AREA

STATE OF VIRGINIA. JAMES CITY COUNTY

IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THIS _____ DAY OF _____, 2014. THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS AT ______ INSTRUMENT # _____

TESTE _

AGENDA ITEM NO. H.3.

ITEM SUMMARY

DATE:	6/23/2015
TO:	Board of Supervisors
FROM:	Russell Seymour, Director, Office of Economic Development
SUBJECT:	Application for new Enterprise Zone Designation

Application to Virginia Department of Housing and Community Development for a new joint multi-jurisdictional Enterprise Zone designation with the City of Williamsburg.

ATTACHMENTS:

	Description		Туре
D	Memorandum		Cover Memo
D	Resolution		Resolution
Ľ	Incentives		Exhibit
D	Location Map		Exhibit
ם	EDA Support		Exhibit
REVIEWERS:			
Department	Reviewer	Action	Date
Economic Development	Seymour, Russell	Approved	6/5/2015 - 5:28 PM
Publication Management	Burcham, Nan	Approved	6/8/2015 - 7:42 AM
Board Secretary	Fellows, Teresa	Approved	6/8/2015 - 8:17 AM
Board Secretary	Kinsman, Adam	Approved	6/8/2015 - 11:09 AM
Board Secretary	Fellows, Teresa	Approved	6/8/2015 - 12:09 PM

M E M O R A N D U M

DATE:	June 23, 2015
TO:	The Board of Supervisors
FROM:	Kathryn Sipes, Business Development & Retention Coordinator
SUBJECT:	Application for New James City County Enterprise Zone Designation

The Virginia Enterprise Zone (VEZ) program is a partnership between State and local government that encourages job creation and private investment. VEZ accomplishes this by designating Enterprise Zones throughout the State and providing two grant-based incentives, the Job Creation Grant (JCG) and the Real Property Investment Grant (RPIG), to qualified investors and job creators within those zones. The locality provides separate local incentives for qualified investment activity inside the Zone boundaries.

James City County received an Enterprise Zone Designation from the Commonwealth of Virginia in 1996. This designation lasts 20 years and will expire December 31, 2015. Applications for new zones are due to the State on or before August 1, 2015.

There are currently four VEZ designations available statewide due to the upcoming expiration of zones; an additional two inactive designations are being reconsidered. As a result, the Virginia Department of Housing and Community Development (DHCD) is holding an application process to award four to six designations. The new zones will be designated on January 1, 2016 and will be valid for 20 years. The application process is open to all cities and counties; however, the program is targeted toward economically distressed localities.

Given the competitive nature of the designation process, staff is proposing an application for a joint multijurisdictional zone with the City of Williamsburg. Joint multi-jurisdictional zones are comprised of two or more adjacent jurisdictions (cities and counties) acting as a unified regional entity. DHCD encourages regional collaboration and makes additional points available for joint applications.

The proposed Enterprise Zone geographic area includes the industrial and commercial areas currently designated and adds commercial areas on SR-199 between Jamestown Road and John Tyler Highway. As proposed, the boundaries would include Green Mount Industrial Park, James River Commerce Center, Busch Corporate Center, Stonehouse Commerce Park, Hankins Industrial Park, Jacobs Industrial Park, portions of the SR-60 corridor between Busch Gardens and the City of Williamsburg, Colony Square, and Williamsburg Crossing.

The proposed James City County incentives are attached and include the following proposed changes:

- Business Real Estate Improvement/Rehabilitation Grants remain a five-year declining grant with grant amounts changed from .45%, .36%, .27%, .18% and .09% for years 1-5 to .5%, .4%, .3%, .2% and .1% for years 1-5 respectively;
- Business Personal Property Grant has been changed to make professional, rather than manufacturing, businesses eligible. Those businesses paying the professional rate (currently .0058) for their business license fee and make a taxable capital investment of at least \$50,000 may be eligible for a two-year grant. The grant amount would be 50% of the difference between the business personal property tax paid before and after the capital investment.
- Business, Professional & Occupational License Grants have been added for those businesses paying the professional rate (currently .0058) for their business license fee. Qualifying businesses increasing their gross receipts by at least \$500,000 over 2 years may be eligible for a

two-year grant of 50% of the difference between the business license fee paid over the two-year period. This is intended to offer incentives to professional, non-manufacturing firms located within the proposed boundaries of the Enterprise Zone that experience significant growth.

• Job Creation incentives have been eliminated. Staff research into neighboring jurisdictions and past performance of the current job creation incentive were the primary reasons for this proposed change.

If the application for a joint multi-jurisdictional Enterprise Zone is approved, each locality is to provide its own incentives. This application only obligates the County to fund local incentives as long as the State continues to fund incentives.

New Enterprise Zones must be approved by the Virginia DHCD and ultimately the Governor of the Commonwealth of Virginia.

Staff recommends that the Board authorize staff to submit a joint multi-jurisdictional Enterprise Zone Designation Application to the Virginia DHCD.

RCS/nb AppEnterZne-mem

Attachments:

- 1. Resolution
- 2. Incentive Description
- 3. Location Maps
- 4. EDA Resolution of Support

<u>RESOLUTION</u>

APPLICATION FOR NEW JAMES CITY COUNTY ENTERPRISE ZONE DESIGNATION

- WHEREAS, the Commonwealth of Virginia has developed an Enterprise Zone Program, which offers incentives to encourage economic development projects that result in private investment and job creation; and
- WHEREAS, James City County has administered an Enterprise Zone since 1996; and
- WHEREAS, the current James City County Enterprise Zone expires December 31, 2015; and
- WHEREAS, the Virginia Department of Housing and Community Development (DHCD) is accepting applications for the 2016 designation round of new Enterprise Zones; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, supports the goals and results of the Enterprise Zone, which provides incentives to both companies new to the County and existing companies expanding within the County; and
- WHEREAS, the Virginia DHCD encourages regional economic development collaboration; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, strongly supports the application for a joint multi-jurisdictional Enterprise Zone Designation with the City of Williamsburg to the Virginia DHCD; and
- WHEREAS, the Board of Supervisors of James City County, Virginia acknowledges each James City County and the City of Williamsburg will complete a Joint Application Agreement confirming the collaboration between the two jurisdictions.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to submit all information needed to apply for a joint multi-jurisdictional Enterprise Zone designation and meet all other program administrative reporting requirements throughout the life of the Zone.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator of James City County to act as Program Administrator for the joint multi-jurisdictional Enterprise Zone.

	Michael J. Hipple Chairman, Board of Supervisors			
ATTEST:		VOTE <u>AYE</u>		<u>ABSTAIN</u>
	JONES MCGLENNON			
Bryan J. Hill Clerk to the Board	ONIZUK KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June,

2015.

James City County Proposed Incentives Enterprise Zone Application for 2016 Designation

Location and criteria. In order to qualify for local incentives, a business firm must locate or be located within the boundaries of the James City County Enterprise Zone and meet the criteria as set forth below for each incentive.

Incentives

1. Business Real Estate Improvement/Rehabilitation Grant.

<u>Qualification criteria</u>: Business firms must make a taxable capital investment of at least \$500,000 over a 24-month period at a business location within the James City County Enterprise Zone.

Qualifying business firms may apply to the Economic Development Authority for a five-year declining grant to compensate the firm for the amount attributable to the increased tax assessment due to the capital investment. Grant amounts are based on the difference between real property tax paid prior to and after the investment is complete at the following rates:

Year 1 - 50% Year 2 - 40% Year 3 - 30% Year 2 - 20% Year 1 - 10%

2. Machinery and Tools Grant.

<u>Qualification criteria</u>: Business firms must make a taxable capital investment of at least \$500,000 over a 24-month period at a business location within the James City County Enterprise Zone.

Qualifying business firms may apply to the Economic Development Authority for a five-year declining grant to compensate the firm for the amount attributable to the increased tax assessment due to the capital investment. Grant amounts are based on the difference between machinery and tools tax paid prior to and after the investment is complete at the following rates:

Year 1 – 50%
Year 2 – 40%
Year 3 – 30%
Year 2 – 20%
Year 1 – 10%

3. Business Personal Property Grant.

<u>Qualification criteria</u>: Business firms must be licensed in James City County as a "professional" firm and pay the associated fee for a James City County Business, Professional & Occupational License. Business firms must also make a taxable capital investment of at least \$50,000 over a 24-month period at a business location within the James City County Enterprise Zone.

Qualifying business firms may apply to the Economic Development Authority for a two-year grant to compensate the firm for the amount attributable to the increased tax assessment due to the capital investment. Grant amounts are based on the difference between business personal property tax paid prior to and after the investment is complete at the following rates:

Year 1 – 50% Year 2 – 50%

4. Business, Professional & Occupational License Grant.

<u>Qualification criteria</u>: Business firms must be licensed in James City County as a "professional" firm and pay the associated fee for a James City County Business, Professional & Occupational License. Business firms must also have reported an increase in gross receipts of at least \$500,000 over a two-year period at a business location within the James City County Enterprise Zone.

Qualifying business firms may apply to the Economic Development Authority for a two-year grant to compensate the firm for the amount attributable to the increased tax assessment due to the capital investment. Grant amounts are based on the difference between the business license fee paid over the two years at the following rates:

5. Waiver of permit Fees.

Qualifying business firms may apply to the County to waive permit fees for site plans, subdivisions, erosion and sediment control, land disturbing, and building, electrical, plumbing and HVAC approvals.

6. JCSA Sewer Transmission Fees.

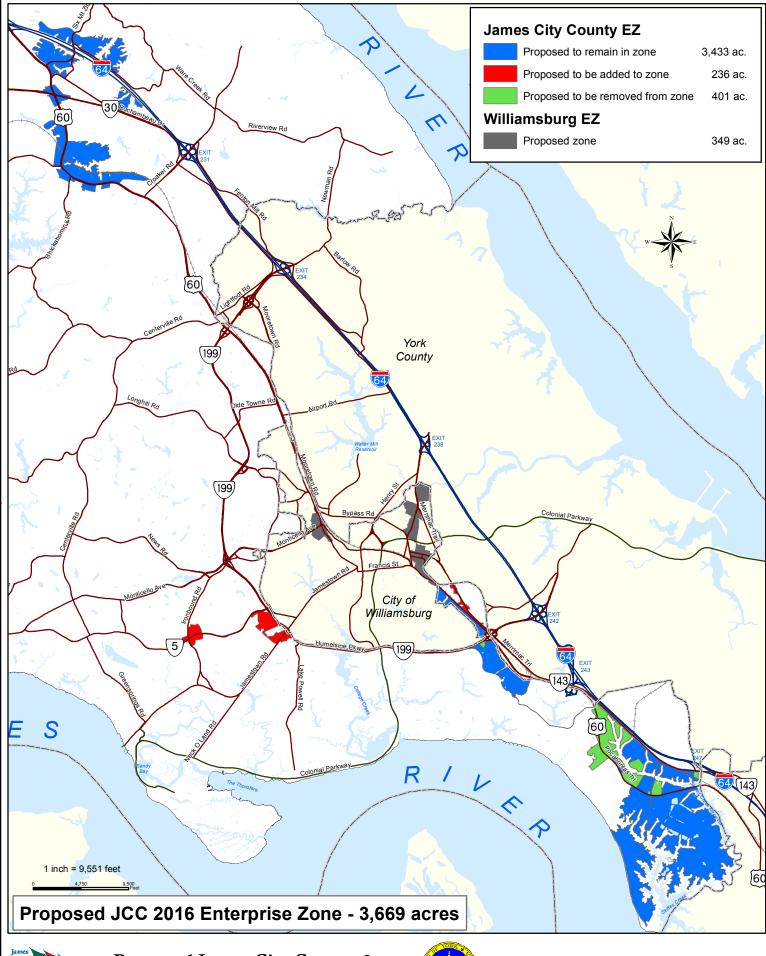
Qualifying business firms may apply for reduced sewer transmission fees as provided in the James City Service Authority Regulations Governing Utility Services, as amended.

7. Waiver of Administrative Fees.

Qualifying business firms may apply to the Economic Development Authority for a waiver of administrative fees involved in bond applications, with the exception of any legal fees.

8. Expedited Review & Fast Track Permitting.

Qualifying business firms may qualify for expedited review during plan review. **Expedited review** projects are guaranteed a maximum turn-around time for County agency review comments of <u>fourteen calendar days per plan submittal</u>. Non-expedited review projects are subject to Zoning Ordinance Sections 24-150 and 24-153, which state that the Planning Division shall transmit County agency review comments to an applicant within 45 days for an initial submittal; 30 days for revised plans; and 21 days for subsequent revised plans.

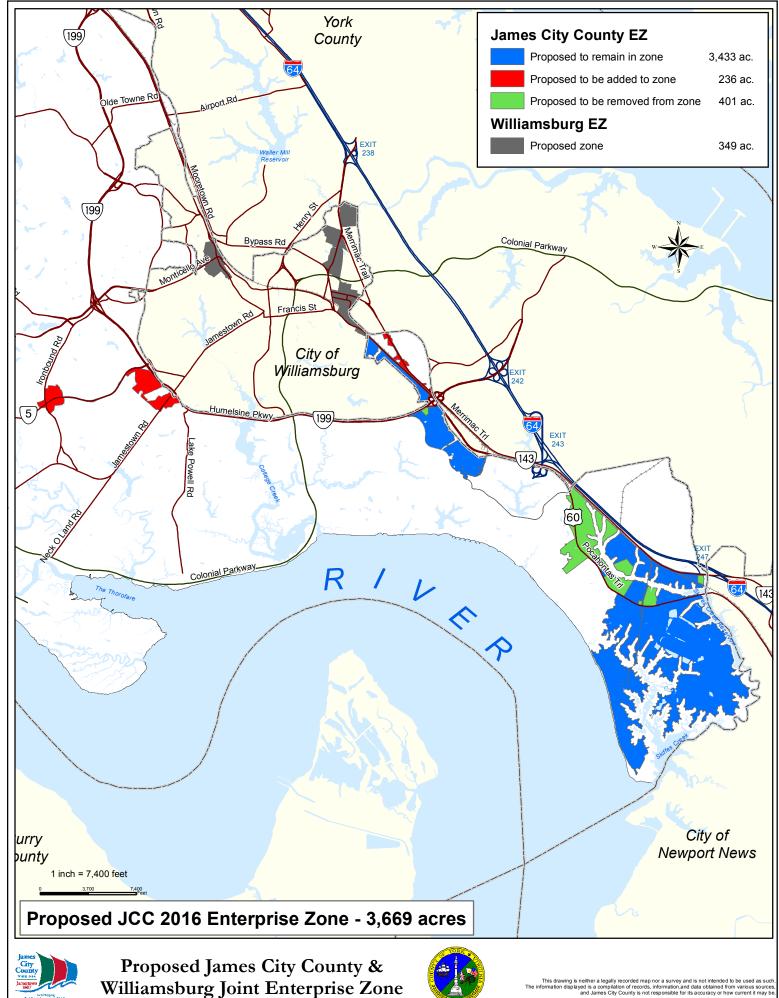


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Proposed James City County & Williamsburg Joint Enterprise Zone



This drawing is neither a legally recorded map not a survey and is not intended to be used as such The information displayed is a complation of records, information and data obtained foru markous sources and James City County is not responsible for its accuracy or how current it may be Copyright James City County Strates City County GIS Office 6/5/2015 M:UDepartments\EconDevEnterprise Zone 2016/Proposed 2016 Ent Zone.mxd



Copyright James City County GIS Office 6/5/2015 M:\Departments\EconDev\Enterprise Zone 2016\Proposed 2016 Ent Zone.mxd

RESOLUTION SUPPORTING THE APPLICATION FOR A NEW JAMES CITY COUNTY

ENTERPRISE ZONE DESIGNATION

- WHEREAS, the Economic Development Authority of James City County (JCC EDA) acknowledges the importance of the Enterprise Zone as developed by the Commonwealth of Virginia; and,
- WHEREAS, James City County has administered an Enterprise Zone since 1996; and,
- WHEREAS, the current James City County Enterprise Zone expires December 31, 2015; and,
- WHEREAS, the Virginia Department of Housing and Community Development is accepting applications for the 2016 designation round of new Enterprise Zones; and,
- WHEREAS, the JCC EDA strongly supports economic development in James City County and the goals and results of the Enterprise Zone, which provides incentives to both companies new to the County and existing companies expanding in the County; and,
- WHEREAS, the Economic Development Authority of the City of Williamsburg and the JCC EDA have discussed the merits of a joint application and a joint Enterprise Zone.
- NOW, THEREFORE, BE IT RESOLVED that the Economic Development Authority of James City County, Virginia, hereby asks the Board of Supervisors of James City County to authorize the County Administrator to submit all information needed to apply for a joint multijurisdictional Enterprise Zone designation with the City of Williamsburg and satisfy all other administrative reporting requirements throughout the life of the Zone.

The undersigned hereby certifies that the above Resolution was duly adopted by the directors of the Economic Development Authority of James City County, Virginia at a meeting duly called and held on June 11, 2015 and that such resolution is in full force and effect on the date hereof.

Per. Wau

Chairman, Economic Development Authority James City County, Virginia

<u>AYE NAY ABSTAIN</u>

WARNER X ______ CARSON X ______ DUBOIS X ______ GERHARDT X ______ HARRIS X ______ MONTGOMERY X ______ TINGLE X ______

ATTEST:

ILC. Seymou

Secretary to the EDA

Adopted by the Economic Development Authority of James City County, Virginia, this 11th day of June, 2015.

AGENDA ITEM NO. H.4.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Tammy Mayer Rosario, Principal Planner; Robin Bledsoe, Planning Commission Chair
SUBJECT:	Adoption of the James City County Comprehensive Plan, Toward 2035: Leading the Way

At the June 9, 2015 Board of Supervisors' Meeting, the Public Hearing for this item was opened and continued until the June 23, 2015 Meeting. All documents pertaining to this item have been carried over from the June 9, 2015 Agenda Packet. Only the date has been changed on the memorandum and resolution.

ATTACHMENTS:

	Description	Туре
٥	Memorandum	Cover Memo
٥	Resolution	Resolution
٥	PC Minutes	Minutes
٥	Errata Sheet	Backup Material
٥	Executive Summary	Backup Material
٥	Map_T-1	Backup Material
D	Table_T-3	Backup Material
0	Voting Sheet PCWG and PC	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/10/2015 - 10:48 AM
Board Secretary	Kinsman, Adam	Approved	6/10/2015 - 10:51 AM
Board Secretary	Fellows, Teresa	Approved	6/10/2015 - 10:53 AM
Publication Management	Brockmann, Grace	Approved	6/10/2015 - 11:30 AM
Board Secretary	Fellows, Teresa	Approved	6/10/2015 - 11:35 AM
Board Secretary	Kinsman, Adam	Approved	6/15/2015 - 11:17 AM
Board Secretary	Fellows, Teresa	Approved	6/15/2015 - 12:01 PM

M E M O R A N D U M

DATE: June 23, 2015	
TO: Board of Supervisors	
FROM: Tammy Mayer Rosario, Principal Planner Robin Bledsoe, Planning Commission Chair	
SUBJECT: Adoption of the James City County Comprehensive Plan, <i>Toward 2035: 1</i>	Leading the Way

Over the past 18 months, members of the community have come together to share their vision for James City County and to fashion it into a document of goals, strategies and actions for implementation. The culmination of this work is the draft James City County Comprehensive Plan, *Toward 2035: Leading the Way*, which is presented today for the Board of Supervisors' consideration and approval.

WORK-TO-DATE

In accordance with the endorsed methodology for the Comprehensive Plan update, the 2035 Comprehensive Plan reflects contributions from the citizens of James City County, many community organizations, the business community, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), the Planning Commission, and County staff. Toward this end, the CPT spent the first six months of the process conducting a widespread public information campaign and hosting multiple input opportunities to reach a broad spectrum of the community. In addition to the County's statistically valid, representative survey of 600+ households, the CPT gathered input from an online form and questionnaire, phone hotline, mail-in cards, high school presentations, CPT Forums, Community Workshops, and a virtual Community Workshop. The CPT reviewed all comments, presenting them in both raw and summarized form on the County's website and to the PCWG and Board of Supervisors.

This public input, as well as information gleaned from the Historic Triangle coordinated Comprehensive Plan review, served as a launching point for the PCWG's efforts over the next seven months to examine all sections of the Comprehensive Plan. Public comment periods, as well as stakeholder and applicant presentations, also helped to inform the PCWG's deliberations. In keeping with feedback given at the start of the streamlined review process, the group relied heavily upon the previous plan; however, each section of the plan was revised with current facts and figures, pertinent information to meet State requirements, and updated goals, strategies, and actions. The Economic Development, Transportation, and Land Use sections received special focus, resulting in new implementation items, updated corridor visions and project lists, and extensive review of 10 land use designation change applications.

The PCWG communicated and discussed details of the proposed revisions with the Board of Supervisors at two work sessions on October 28, 2014, and January 27, 2015. These revisions were incorporated into the draft Comprehensive Plan (Attachment No. 6), Land Use Application Voting Sheet, and Land Use Map, which the PCWG unanimously recommended for approval on February 19, 2015.

ERRATA ITEMS

On April 1, 2015, the Planning Commission held a public hearing to consider the draft Comprehensive Plan and specific items flagged for discussion and/or action, including several land use applications, the Virginia Department of Transportation's (VDOT) review of the plan, and the inclusion of an Executive Summary. Following discussion, the Planning Commission took individual votes on three land use applications, as noted below:

- LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage) The Planning Commission recommended approval of LU-0003-2014, which would redesignate the property to Low Density Residential and include it in the Primary Service Area, by a vote of 5-2.
- LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course) The Planning Commission recommended approval of LU-0007-2014 as recommended by the PCWG, which would change 8515 Pocahontas Trail to Low Density Residential and 101 Busch Service Road to Open Space/Recreation and leave 8581 Pocahontas Trail as Limited Industry, by a vote of 5-1-1 (O'Connor abstaining).
- LU-0009-2014, 5961 Pocahontas Trail (BASF Property) A motion to recommend approval of LU-0009-2014, which would redesignate the property to Mixed Use (with a Mixed Use description that references Fort Eustis), failed by a vote of 3-4.

The Planning Commission also voted 7-0 to recommend approval of the draft Comprehensive Plan inclusive of pending VDOT changes, the Executive Summary, and the remaining land use applications as recommended by the PCWG on the voting sheet. These revisions are shown on the attached errata sheet (Attachment No. 3), Land Use Application Voting Sheet (Attachment No. 4) and Land Use Map (Attachment No. 5).

RECOMMENDATION

On May 26, 2015, the Planning Commission and Board of Supervisors held a joint work session to discuss the draft Comprehensive Plan. No items were identified as needing further revision; however, the Board requested that all land use applications be voted upon individually and that discussions on the Primary Service Area and related policies be held in the future. The Planning Commission Working Group, Planning Commission, and staff recommend adoption of James City County Comprehensive Plan, *Toward 2035: Leading the Way*, with revisions noted in the errata sheet.

TMR/RB/gb 2035CP-Adoption-mem

Attachments:

- 1. Planning Commission Minutes
- 2. Resolution
- 3. Errata Sheet
 - a. Executive Summary
 - b. Map T-1. James City County VDOT Roadway Functional Classifications
 - c. Table T-3. James City County Current Projects
- 4. Land Use Application Voting Sheet
- 5. Land Use Map (PC version) <u>http://www.jamescitycountyva.gov/pdf/planning/2035DraftComPlan/CompPlan32x422035DRAFTSi</u> <u>zeC.pdf</u>
- 6. Draft Comprehensive Plan hard copy previously forwarded on March 26; link here: http://www.jamescitycountyva.gov/jccplans/2035-Comprehensive-Plan/CompPlanDraft2035.html

<u>RESOLUTION</u>

ADOPTION OF THE JAMES CITY COUNTY COMPREHENSIVE PLAN,

TOWARD 2035: LEADING THE WAY

- WHEREAS, the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2223 requires James City County to prepare and recommend a Comprehensive Plan for the physical development of its territory, and Section 15.2-2230 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and
- WHEREAS, the James City County Planning Commission has reviewed the 2009 Comprehensive Plan and determined it advisable to amend that plan; and
- WHEREAS, in 2011 and 2012 the Planning Commission and Board of Supervisors participated in the Historic Triangle coordinated Comprehensive Plan review process with the City of Williamsburg and York County and gathered background information, held regional forums and joint work sessions, and identified Comprehensive Plan focus areas through this effort; and
- WHEREAS, a 10-member Community Participation Team met semimonthly for five months, working to inform County citizens and gather their diverse views for the future; and
- WHEREAS, an eight-member Planning Commission Working Group held 16 meetings over a sevenmonth period to review community input, draft text, and updated goals, strategies, and actions; and
- WHEREAS, the Planning Commission and Board of Supervisors held three joint work sessions to discuss the draft plan; and
- WHEREAS, amendments have been proposed for incorporation in the 2035 James City County Comprehensive Plan and Land Use Map; and
- WHEREAS, the James City County Planning Commission held a public hearing on April 1, 2015, and unanimously recommended approval of the James City County Comprehensive Plan, *Toward 2035: Leading the Way*; and
- WHEREAS, the James City County Board of Supervisors held a public hearing on the James City County Comprehensive Plan, *Toward 2035: Leading the Way*, on June 9, 2015 and June 23, 2015.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Comprehensive Plan, *Toward 2035: Leading the Way* and associated Land Use Map for James City County.

	Michael J. Hipple Chairman, Board of Supervisors			
ATTEST: Bryan J. Hill Clerk to the Board	VOTES <u>AYE NAY</u> <u>ABSTAIN</u>			
	JONES MCGLENNON — ONIZUK			
	— UNIZUK KENNEDY			
	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

2035CP-Adoption-res

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

1. <u>ROLL CALL</u>

Planning Commissioners	Staff Present:
Present:	Paul Holt, Planning Director
Robin Bledsoe	Maxwell Hlavin, Assistant County Attorney
Rich Krapf	Jason Purse, Zoning Administrator
Tim O'Connor	Tammy Rosario, Principal Planner
Chris Basic	Scott Whyte, Senior Landscape Planner II
George Drummond	Ellen Cook, Senior Planner II
John Wright, III	Leanne Pollock, Senior Planner II
Heath Richardson	Roberta Sulouff, Planner I

Ms. Robin Bledsoe called the meeting to order at 7:00 p.m.

2. <u>PUBLIC COMMENT</u>

Ms. Bledsoe opened the public comment.

As no one wished to speak, Ms. Bledsoe closed the public comment.

3. <u>CONSENT AGENDA</u>

A. <u>Minutes from the March 4, 2015 Regular Meeting and Development Review Committee</u> <u>Meeting: Fords Colony Maintenance Facility Storage Bay Conversion</u>

Ms. Bledsoe stated that the Joint Work Session minutes had been completed earlier that afternoon and noted that they could be considered at a later date if the Commission wished to have more time to review them.

Mr. Rich Krapf moved to approve the consent agenda.

In a unanimous voice vote, the Commission approved the minutes, 7-0.

4. <u>REPORTS TO THE COMMISSION</u>

A. Policy Committee

Mr. Tim O'Connor stated that the Policy Committee had not met since the March 4 meeting which was reported on at the last Planning Commission meeting.

B. <u>Regional Issues Committee</u>

Ms. Robin Bledsoe stated that the Regional Issues Committee has not met since the last Planning Commission meeting and will next meet on April 28.

5. <u>PUBLIC HEARING CASES</u>

A. Case No. Z-0009-2014, Stonehouse Planned Unit Development Traffic Proffer Amendment.

Ms. Ellen Cook, Senior Planner II, provided the Commission with a presentation on the proposed rezoning which would amend the transportation improvement proffer and the economic development proffer. Ms. Cook stated that the request is to revise the phasing of the transportation improvements and phasing of improvements to Mt. Laurel Rd. to serve tracks 11A and 11B which are the major commercial and industrial tracks in the development.

Ms. Bledsoe opened the public hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP, stated that the applicant is looking to solely amend the proffers so they match the phasing of the development.

Mr. Heath Richardson inquired where Phases 3 and 4 were on the map and where Bridge Road would be built.

Mr. Geddy showed where Bridge Road would be built and stated that the road is intended to provide another egress point to relieve pressure from other existing roads.

As no one wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Richardson stated that he talked to Mr. Geddy and a citizen in the neighborhood about the application.

Mr. O'Connor stated that he had two phone conversations with Mr. Geddy the previous week.

Mr. John Wright moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0009-2014 by a vote of 7-0.

B. Case No. AFD-06-86-2-2014, Cranston's Pond AFD Addition – 3125 Chickahominy Rd.

Mr. Scott Whyte, Senior Landscape Planner, provided the Commission with a presentation on the proposed AFD addition. Mr. Whyte stated that the parcel is zoned R8, Rural Residential, and is designated as Rural Lands in the Comprehensive Plan. Mr. Whyte stated that the size and proximity of the parcel met the requirements to be added into the AFD.

Ms. Bledsoe called for disclosures from the Commissioners.

There were no disclosures.

Ms. Bledsoe opened the public hearing.

As no one wished to speak, Ms. Bledsoe closed the public hearing.

Mr. Chris Basic moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of AFD-06-86-2-2014 by a vote of 7-0.

C. Case No AFD-01-02-1-2015, Carter's Grove AFD Withdrawal - Colonial Williamsburg Foundation Withdrawal.

Mr. Krapf stated that he would recuse himself from this hearing because he is employed by the applicant.

Ms. Roberta Sulouff, Planner I, provided the Commission with a presentation on the proposed AFD withdrawal. Ms. Sulouff stated that Mr. Keith Johnson has applied to withdraw a 1.56 acre parcel from the Carter's Grove AFD. The parcel in question is zoned B1, Limited Business, and designated Neighborhood Commercial in the Comprehensive Plan. The Williamsburg Foundation owned all three parcels in the Carter's Grove AFD and was in the process of marketing and selling the property in the summer of 2014 while the AFD was being renewed. The applicant did not want to negatively affect the sale by trying to withdraw the property during that timeframe. The Board of Supervisors has specific criteria for withdrawing any property outside of the renewal process. At the March 6 AFD meeting the AFD Committee voted 6-0 to recommend denial of this application.

Mr. George Drummond inquired if the surrounding property was residential.

Ms. Sulouff stated that the majority of the properties surrounding the parcel in question are residential however there is one parcel that is zoned Limited Business.

Mr. Drummond stated that this property, based on its present zoning, does not fit in.

Ms. Sulouff stated that she could not speak to the intention of the surrounding property but it is not unusual for commercial or residential properties to be within the AFD.

Mr. Drummond asked what suitable purpose the land could serve remaining in the AFD.

Ms. Sulouff stated that the State code would say that lands inside an AFD are valued as natural and ecological resources and provide essential open spaces, clean airshed, watershed protection,

wildlife habitat as well as aesthetic purposes. Ms. Sulouff stated that this property was included historically to protect the viewshed of Carter's Grove Plantation.

Mr. Drummond stated that he is unsure of the purpose it could serve other than being put into a commercial or residential district.

Ms. Sulouff stated that staff's review of the withdrawal is very limited in that staff must make their determination based off of the four criteria in the Board of Supervisor's resolution.

Mr. Richardson inquired how much advanced notice is given to the applicant for the renewal date for the AFD.

Ms. Sulouff stated that the notices were issued on June 9, 2014 and the renewals were approved by the Board of Supervisors in early September.

Ms. Bledsoe called for disclosures from the Commissioners and stated that she had a discussion with Mr. Mark Duncan from Colonial Williamsburg.

Mr. Drummond stated that he talked with Mr. Keith Johnson.

Mr. Basic stated that he spoke with Mr. Duncan on Monday.

Ms. Bledsoe opened the public hearing.

Mr. Keith Johnson, Colonial Williamsburg Foundation, stated that he represents the applicant. Mr. Johnson presented his request for withdrawal of the parcel from the AFD. Mr. Johnson stated that there was a change in situation in the sale of the other parcels that make up the AFD, it could serve a public good in fulfilling a service in the area that is not currently available, the parcel would not detrimentally affect the size of the AFD to come below the size limitations, and the property has not received a reduction in property taxes since 2008.

Mr. Richardson stated that Mr. Johnson had answered the majority of his questions. Mr. Richardson asked Mr. Johnson to clarify where in the process Colonial Williamsburg Foundation was when the AFD renewal was taking place.

Mr. Johnson stated that Colonial Williamsburg Foundation was in the middle of the sale process and eight days after the renewal process was completed, the sale was made final.

Mr. Drummond stated that he would be in favor of recommending approval of the withdrawal.

Ms. Bledsoe inquired, if there was no tax relief and there was the option to withdraw the parcel in 2014, what was the motivation to keep the parcel in the AFD when the parcel could have been put up for commercial sale.

Mr. Johnson stated that there was a possibility that the new owner would want all of the land in the AFD for the view-shed protection.

Ms. Bledsoe stated that basically the time periods overlapped each other.

Mr. Chris Henderson, 101 Keystone, stated that he supports the applicant in wanting to remove the parcel from the AFD. Mr. Henderson stated that he thinks it will present a significant opportunity for the community to create an additional community asset.

As no one else wished to speak, Ms. Bledsoe closed the public comment.

Mr. Richardson stated that the AFD Committee was adamant about not setting a precedent for AFD withdrawals outside of the renewal process. Mr. Richardson stated that based on the criteria for withdrawal, the AFD Committee had questions about increased taxes being a public benefit; however, the applicant did a fair job of explaining their case in terms of justification for withdrawal. Mr. Richardson also stated that the Board of Supervisors resolution for the AFD renewal stated that the Board of Supervisors may also use other materials it deems appropriate to evaluate the individual case. Mr. Richardson stated that he would recommend approval of the application so the Board of Supervisors can make their consideration.

Mr. Wright stated that in the staff report it states that there would be no harm to the AFD district if the parcel was removed and the applicant is not requesting a change in the land use designation. Mr. Wright stated that he would recommend approval of the application for withdrawal from the AFD.

Mr. Drummond moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of AFD-01-02-1-2015 withdrawal by a vote of 6-0-1, Mr. Krapf abstaining.

D. Case Nos. Z-0008-2014/MP-0004-2014, The Village at Candle Station Rezoning and Master Plan Amendment.

Ms. Bledsoe opened the public hearing and stated that the case has been deferred until May 6 and the public hearing will remain open.

Mr. Earl Moore, 160 Old Church Rd., stated that his in-laws live near this development. Mr. Moore requested the Planning Commission limit business hours for this property so the residents of this area do not have to deal with the noise at all hours of the night.

Mr. O'Connor asked Mr. Moore where his in-laws live in relation to the development.

Mr. Moore stated that facing the development there is a ravine that separates their property and the development near the sewer pumping station.

Mr. O'Connor asked if their property was behind the church.

Mr. Moore stated that it was behind the church.

Ms. Bledsoe asked Mr. Moore what other issues his in-laws were dealing with besides the possible noise.

Mr. Moore stated that when they wake up there are lots of construction vehicles making loud noises, there is a sewer pumping station in their backyard, and there is lots of construction going on when you look out the back windows.

Mr. Timothy O. Trant, Kaufman and Canoles, PC, stated that he represents the applicant, Candle Development LLC. Mr. Trant stated that the goal of the proposal is to reduce the overall intensity of the development and to reduce the commercial elements of the project substantially. Mr. Trant stated that these changes will cause an overall net reduction of traffic as well as change the character of the commercial uses to a less intense use. Mr. Trant stated that he would be happy to sit down and talk with Mr. Moore and his in-laws to show them on the proposed plan what would change.

Ms. Bledsoe stated that the public hearing would remain open until May 6.

E. Case No. Z-0001-2015, Toano Trace Proffer Amendment.

Mr. Chris Johnson provided the Commission with a presentation on the Toano Trace Proffer Amendment. Mr. Johnson stated that the adopted proffers restricted the building of detached accessory structures. Mr. Johnson stated that the Toano Trace Home Owners Association and Board of Directors have submitted a request to amend the adopted proffers applicable to this neighborhood to eliminate the restriction on detached accessary structures. Mr. Johnson further stated that over the past two decades some of the residential property owners have constructed small detached storage structures such as sheds. Mr. Johnson noted that structures under 256 sqft in size that do not include electrical or plumbing do not require issuance of a building permit or approval by the Zoning Division. Mr. Johnson stated that staff finds this request does not negatively impact the existing neighborhood and approval of this amendment would bring any accessory structure into conformance with the zoning of the property. Mr. Johnson stated that staff therefore recommends the Commission recommend approval of the proposed amendment to the Board of Supervisors to eliminate the restriction of detached accessory structures and limit the restriction only to detached garages and accessory apartments in consideration with the small lot sizes within the neighborhood.

Mr. Wright inquired if this was just to bring everything into conformance with reality?

Mr. Johnson confirmed.

Ms. Bledsoe called for disclosures from the Commissioners. There were no disclosures made by the Commissioners

Ms. Bledsoe opened the public hearing.

Hearing and seeing no one Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the discussion to the Commissioners.

Mr. Richardson moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0001-2015 by a vote of 7-0.

F. *Toward 2035: Leading the Way*, the 2035 James City County Comprehensive Plan and James City County Land Use Map Changes.

Ms. Tammy Rosario, Principal Planner, provided a report on the Comprehensive Plan Review work-to-date. Ms. Rosario stated that the 2035 Comprehensive Plan reflects contributions from the citizens of James City County, many community organizations, the business community, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG) and County staff. Ms. Rosario stated that update relied heavily upon the previous plan; however, each section of the plan was revised with current facts and figures, pertinent information to meet State requirements, and updated goals, strategies and actions. The Economic Development, Transportation and Land Use sections received special focus, resulting in new implementation items, updated corridor visions and project lists, and extensive review of 10 land use designation change applications. Ms. Rosario noted that the PCWG unanimously recommended approval of the revisions to the plan on February 19, 2015. Ms. Rosario noted that the PCWG identified several items that needed follow-up discussion or action, including questions on several land use applications, the Virginia Department of Transportation's (VDOT) review of the plan and the inclusion of an Executive Summary. Ms. Rosario stated that pending final decisions on the discussion items, staff recommends adoption of the James City County Comprehensive Plan, Toward 2035: Leading the Way, and Land Use Map. Ms. Rosario further noted that land use applications LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage), LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course), and LU-0009-2014, 5961 Pocahontas Trail (BASF Property) have been requested for separate votes.

Ms. Bledsoe opened the floor to questions from the Commission.

Mr. Richardson inquired if this would be the formal Planning Commission vote on a recommendation to the Board of Supervisors regarding the adoption of the Comprehensive Plan.

Ms. Rosario confirmed.

Mr. Wright inquired about the VDOT notation that "the delineation of bike lanes within the limits of a required paved shoulder is not permitted."

Ms. Rosario noted that VDOT wanted to ensure that the Comprehensive Plan correctly reflects the requirements for delineation of facilities.

Mr. Holt noted that under the current VDOT guidelines, it is necessary to have a separate paved shoulder in addition to the bike lane.

Mr. Wright noted that this would potentially affect project cost due to the need for a wider roadbed and acquisition of additional right-of-way.

Mr. O'Connor inquired about how the requirement for separate bike lanes would impact the shared facility recommendations in the Longhill Road Corridor Study.

Mr. Holt stated that the exact facilities would be determined as once the plans reached a sufficient level of engineering and would depend on the type of cross section.

Ms. Rosario noted that VDOT has participated in the Longhill Road Corridor Study process and has seen the preliminary designs.

Ms. Bledsoe stated that the public hearing would be opened for all comments including the three land use applications that had been requested for individual consideration. Ms. Bledsoe further stated that the Commissioners would be able to ask questions of the land use case applicants at that time. Ms. Bledsoe stated that once the public hearing was closed each case would be offered individually for discussion and vote. Ms. Bledsoe further stated that once those cases were decided, they would be incorporated in the recommendation on the Comprehensive Plan update.

Ms. Bledsoe opened the public hearing.

Mr. Michael McGurk, 117 Jefferson's Hundred, James City County, addressed the Commission regarding LU-0007-2014, 8515 Pocahontas Trail. Mr. McGurk stated that he was representing Preserve the Carters Grove Country Road and that he is also on the Board of Directors for Kingsmill United. Mr. McGurk stated that, since the property owner has no current plans for further development, it is not necessary to move forward with a rezoning at this time. Mr. McGurk further stated that, based on the substantial public comment on the application, there is little support in the community to move forward.

Gen. Paul Van Riper, Ret., 161 Waterton, James City County, stated that he is speaking on behalf of the Citizens for a Better James City County. Gen. Van Riper addressed the Commission on concerns that the Draft 2035 Comprehensive Plan does not address or describe the subordinate plans required to link the Comprehensive Plan to the County budget. Gen. Van Riper further stated that with each Comprehensive Plan revision, there should be a strategic plan which assigns responsibility for each action in the Plan and sets forth priorities and performance metrics. Gen. Van Riper further recommended that each County department develop a management plan corresponding to the biennial budget detailing how the goals and actions in the Comprehensive Plan will be met in compliance with the strategic plan. Gen. Van Riper further addressed the Commission on concerns about the execution of the 2009 Comprehensive Plan in regard to ensuring an adequate supply of fresh water, mitigating storm water runoff, and maintaining and expanding the infrastructure of roads, schools, and other public facilities that a growing population will require. Gen. Van Riper encouraged the Commission to exercise diligence as it oversees the development and implementation of the 2035 Comprehensive Plan. Gen Van Riper further encouraged the County to develop a planning process that links the citizens' vision of the future with the use of their tax dollars.

Ms. Susan Gaston, 205 Par Drive, James City County, stated that she represents the Williamsburg Area Association of Realtors. Ms. Gaston stated that the Draft 2035

Comprehensive Plan does a decent job of striking a balance between growth and development and preserving the quality of life in the County. Ms. Gaston addressed the Commission on the importance of economic development as it related to diversifying the types of jobs available in order to retain the Millennials who will be the future home buyers. Ms. Gaston stated it is necessary to consider the types of housing products that will appeal to future first time home buyers as well as they types of products that will appeal to seniors which may not be the prevailing product currently on the market. Ms. Gaston stated that the Association is working with County staff to assess the current housing stock and determine how it will fit with future needs to work toward increased recovery in the housing market. Ms. Gaston stated that the Association appreciated the opportunity to participate in the development of the draft 2035 Comprehensive Plan and that it would be participating in the post adoption implementation as well.

Col. William Galbraith, 1190 Thompson Circle, Fort Eustis, stated he represents the 733rd Mission Support Group at Fort Eustis. Col. Galbraith addressed the Commission regarding LU-0009-2014, 5961 Pocahontas Trail, BASF Property. Col. Galbraith stated that the language in the Draft 2035 Comprehensive Plan language related to the BASF omits reference to Fort Eustis. Col. Galbraith stated that if the land use change moves forward, it should be noted that the property is adjacent to a military facility with an active airfield.

Mr. Robert Cetola, 120 Roffinghams Way, James City County, addressed the Commission regarding the County's process for rezonings and master plan amendments for existing communities such as Kingsmill. Mr. Cetola stated that because of the way that the Kingsmill covenants are written, the homeowners' responses are not always adequately represented to the County. Mr. Cetola recommended that the process should be amended to require that the applicant abide by the covenants and coordinate with the homeowners. Mr. Cetola further stated that the homeowners should be involved in the evaluation and review process. Mr. Cetola recommended amending the application to at minimum include an affirmation by the applicant that there are no restrictive covenants which prohibit establishment of the proposed use and that the applicant has consulted with the homeowners association.

Mr. Howard Ware, 46 Whittakers Mill Road, James City County, addressed the Commission on stormwater concerns related to LU-0007-2014, 8515 Pocahontas Trail. Mr. Ware stated that because of the topography, any development on the parcel would drastically increase the amount of pollution entering the watershed, in this instance, the James River as well as smaller bodies of water such as the Rhine River. Mr. Ware noted the application did not address stormwater and pollution control in any detail to show how it would mitigate the impacts on the Total Maximum Daily Load limitations. Mr. Ware requested that the Commission take this in account when considering the application.

Mr. Vernon Geddy, III, Geddy, Harris Franck & Hickman, LLP, stated that he represents the BASF Corporation. Mr. Geddy stated that BASF has voluntarily initiated a human health risk assessment on the property to determine what mitigation or remediation might be necessary in particular areas or for particular uses. Mr. Geddy further stated that there would be no objection to mentioning Fort Eustis by name in the narrative to ensure that the potential impacts are documented. Mr. Geddy further stated that based on documentation received through a Freedom

of Information Act request, there is nothing that would substantiate the concerns noted in the formal objection letter from Fort Eustis. Mr. Geddy noted that this project is an opportunity to make use of a prime parcel that has been vacant for many years. Mr. Geddy further noted that there is nothing in the mixed used designation that would preclude an industrial component from being part of those uses. Mr. Geddy stated that the potential development would generate substantial additional revenue for the County. Mr. Geddy further stated that this is also an opportunity for water access, recreational activities, and access to goods and services to be available to citizens in the Grove community. Mr. Geddy stated that approving the land use application would open the door for specific plans and proposals to be submitted through the legislative process.

Mr. Will Holt, Kaufman and Canoles, PC, stated that he represents Colonial Heritage. Mr. Holt stated that he would address two of the questions regarding LU-0003-2014, 499 Jolly Pond Road. Mr. Holt stated that the timing for dedication of the 282-acre conservation easement that was proffered with the original development plan in 2004 is governed by a specific development trigger. Mr. Holt noted that Colonial Heritage is agreeable to dedicating the easement at any time the County requests. Mr. Holt further stated that, in regard to concerns about further potential development, there are already limits in place in the Special Use Permit and the Master Plan. Mr. Holt stated that any changes to what is already approved would require further legislative review. Mr. Holt emphasized that the land use application is limited in scope to only 50 existing approved units and only applies to whether those 50 units will be served by public water and sewer or by private well and septic tank.

Mr. Lenny Berl, 105 William Richmond, Williamsburg, addressed the Commission regarding LU-0007-2014, 8515 Pocahontas Trail. Mr. Berl stated that Kingsmill residents rely on the Woods Course continuing as a golf course to ensure that traffic does not increase and to preserve open space. Mr. Berl recommended that if any zoning change is made, it should be to make the zoning compatible with its current use.

Seeing and hearing no one else, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for questions from the Commission.

Mr. Richardson inquired if the concerns expressed by Ft. Eustis were related to the potential impacts of base activities on potential residents in the mixed use development.

Col. Galbraith responded that if the development is intended for leisure and residential uses, there must be a mechanism to ensure that potential developers, residents and users are aware that there is an adjacent active military installation and what the impacts could entail.

Mr. Krapf inquired, regarding LU-0009-2014, what the process would be to amend the language in the narrative to include reference to Fort Eustis.

Mr. Holt clarified that, since the application was pulled out for separate consideration and vote, when the motion on the application is made, it can include instructions that staff finalize the

language in the narrative and incorporate the reference to Fort Eustis prior to the final text going forward to the Board of Supervisors.

Mr. Krapf inquired, in regard to the Colonial Heritage application, about the size of the parcel where the 50-unit rural cluster is located and whether that is separate from the 282-acre parcel that is the subject of the conservation easement.

Mr. Jason Purse, Zoning Administrator, confirmed that the 50-unit development is on a separate 220-acre parcel.

Mr. Krapf inquired whether the approval of the application would mean that the parcel would go from A-1 to low density residential with the corresponding gross density change to one dwelling units unit per acre up to four units per acre and if a rezoning application came in, the entire 220 acre parcel would be subject to that density.

Mr. Purse confirmed that the density could be between one dwelling units per acre up to four dwelling units per acre.

Mr. Will Holt stated that there is a Special Use Permit in place which limits development on the 220-acre parcel to 50 dwelling units. Mr. Holt further stated that if that density were to be changed it would require legislative action to amend the SUP.

Mr. O'Connor inquired if an SUP would be required if the water and sewer were connected through Colonial Heritage, just as an SUP would be required if the water and sewer were connected through existing infrastructure on Jolly Pond Road.

Mr. Purse confirmed that it would still require an SUP.

Mr. Richardson inquired if the intent of the application was to bring the 220-acre parcel in to the PSA.

Mr. Purse stated that approval of the application would change the parcel designation and extend the PSA to the 220-acre parcel.

Mr. Wright inquired if the parcel would still be subject to the limits on development.

Mr. Purse confirmed that it would still be subject to the approved Master Plan.

Ms. Bledsoe stated that she understood that the 50 units were already designated to receive water.

Mr. Purse stated that the original plan was for a central well. Mr. Purse further stated that the developer would build the well which would draw from ground water and the James City Service Authority would take over maintenance of the well.

Ms. Bledsoe inquired if the water consumption was already accounted for.

Mr. Purse confirmed but stated that the water would come from the aquifer rather than the James City Service Authority supply.

Mr. Richardson inquired whether the aquifer in question was the shallow aquifer that most house wells draw from on the Potomac aquifer that the County draws from for its supply.

Mr. Purse stated that he did not have that information.

Mr. Richardson stated that he believed that is a correct scenario and noted that it is necessary to take in to account the DEQ limitations and concerns related to the affordability of the water sin relation to connecting to the County's water supply rather than installing the private well.

Mr. Wright noted that for disclosure purposes he had spoken to Mr. Will Holt regarding the Colonial Heritage application as well as Mr. Geddy regarding the BASF application.

Mr. Krapf inquired if the cases would be called separately for discussion once all the questions are answered.

Ms. Bledsoe confirmed.

Mr. O'Connor inquired whether Mr. Waltrip had decided to participate in LU-0009-2014.

Ms. Leanne Pollock, Senior Planner II, stated that staff had not been successful in contacting Mr. Waltrip to determine if he wished to be part of the land use application.

Ms. Bledsoe clarified that this is regarding the BASF application.

Ms. Bledsoe called for discussion on LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage).

Mr. Krapf stated that he voted against this application when it came before the Planning Commission Working Group for consideration. Mr. Krapf noted that approval of this application could set a precedent to allow developments that are within a certain proximity to be included in the PSA. Mr. Krapf noted that this would negate the purpose of the PSA as the County's primary growth management tool. Mr. Krapf noted that the development was approved based on the concept of a rural cluster. Mr. Krapf stated that the applicant had the opportunity to request a waiver from the central well process to allow individual water and sewer. Mr. Krapf further stated that he has concerns that if the application were approved it would open the potential for a rezoning application that could significantly increase the density in that area and consequently increase the amount of water drawn from the aquifer. Mr. Krapf state that other applications requesting inclusion in the PSA were consistently deferred pending the outcome of the County's ground water withdrawal permit. Mr. Krapf stated that for those reasons he would not support the application.

Mr. Richardson stated that he concurs with the concerns expressed by Mr. Krapf and would also not support the application.

Mr. Wright stated that he would support the application because this development is already approved and that allowing the property to be brought in to the PSA would be preferable to the expense and potential problems associated with a central well.

Mr. Drummond stated that he would also be inclined to support the application since the development had already been approved.

Mr. Basic stated that the central well is not a cost-effective solution. Mr. Basic further stated that one benefit of approving the application would be to eliminate the 50 septic drain fields that would impact the Yarmouth Creek watershed. Mr. Basic noted that the change to the PSA was not a large-scale change but rather for a very specific property and for a specific need. Mr. Basic stated that he is aware that there is potential for submission of a rezoning application; however, he believed that there would never be support for such an application to be approved. Mr. Basic stated that he would support the application.

Mr. O'Connor stated that he is an employee of First Service Residential which manages Colonial Heritage. Mr. O'Connor further stated that he does not participate in the management of Colonial Heritage and does not derive any financial benefit from it. Mr. O'Connor stated that he does not believe that he has a conflict of interest. Mr. O'Connor stated that he concurs with Mr. Basic's analysis and would support the application. Mr. Basic stated that he would have concerns about a request that would seek to draw water from the infrastructure that serves the Blayton and Hornsby schools. Mr. O'Connor stated that he would prefer to see the parcels connect through Colonial Heritage.

Ms. Bledsoe stated that she does not see this application as growth since the units are already approved. Ms. Bledsoe stated that she has serious concerns about central wells since they are generally a financial liability for the utility, in this instance the James City Service Authority. Ms. Bledsoe further stated that she has concerns about the impact of 50 septic tanks within the watershed. Ms. Bledsoe stated that she does not believe a request for additional units is an imminent concern and that she has total faith in the processes in place to control growth. Ms. Bledsoe stated that she would support the application.

Mr. Basic moved to approve LU-0003-2014 and include the application as part of the Comprehensive Plan.

On a roll call vote, the Planning Commission recommended approval of LU-0003-2014 as recommended by the Planning Commission Working Group, by a vote of 5-2.

Ms. Bledsoe called for discussion on LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course).

Mr. O'Connor stated that he would abstain from the discussion and the vote.

Mr. Wright inquired whether the Woods Course is owned by Xantera and whether any of the residences would be on the golf course.

Ms. Pollock stated that the golf course is currently owned by Xantera. Ms. Pollock stated that the golf course spans two parcels and that the proposal involves reorganizing the course so that all the holes are on one parcel.

Mr. Wright inquired whether staff has received a stormwater plan from an independent certified evaluator showing whether Xantera would be in compliance for any stormwater runoff related to the modified course.

Ms. Pollock stated that such a study is not required at this stage in the process. Ms. Pollock further stated that it would be looked at more thoroughly when the developer comes in with a legislative application.

Mr. Wright inquired if HOA members are notified of those results.

Ms. Pollock stated that it is public information.

Ms. Bledsoe stated that she wanted to ensure that the public understands that more detailed information on the project is not required at this stage but would be required as part of a rezoning application. Ms. Bledsoe further stated that in the several meeting she attended with Xantera, they did not make efforts to communicate with homeowners.

Mr. Drummond moved to approve LU-0007-2014 and include the application as part of the Comprehensive Plan.

On a roll call vote, the Planning Commission recommended approval of LU-0007-2014 as recommended by the Planning Commission Working Group, by a vote of 5-1-1, with Mr. O'Connor abstaining.

Ms. Bledsoe called for discussion on LU-0009-2014, 5961 Pocahontas Trail (BASF Property).

Mr. Richardson inquired whether the Barnes Road application would be discussed individually.

Mr. Holt stated that it would be considered with the remaining land use applications and Comprehensive Plan text.

Ms. Bledsoe stated that she requested further discussion on this application in order to be able to ask further questions. Ms. Bledsoe stated that her concern was that if the Dominion Power lines were approved, and the property were changed to Mixed Use, the property might be difficult to develop. Ms. Bledsoe stated that staff had provided additional information and she no longer had that concern. Ms. Bledsoe stated that she would support the application.

Mr. Krapf stated that he still had concerns about removing property from the industrial designation. Mr. Krapf stated that removing the property would not be good for the County's long-term vision. Mr. Krapf further stated that he believes that the property has been on the market for so long because of concerns over the environmental remediation. Mr. Krapf stated

that he shares the concerns of Col. Galbraith over the proximity to the active fly zone. Mr. Krapf stated that rather than a tourism-related industry such as the proposed resort, the property would be better used for industries that will provide the types of jobs that would retain young professionals. Mr. Krapf further stated that the use may be in opposition to potential expansion by neighboring industrial tenants. Mr. Krapf stated that he would not support the application.

Mr. Basic stated that he has many of the same concerns as Mr. Krapf. Mr. Basic further stated that the timing of the completion of the remediation at the beginning of the recession has also factored in to the length of time it has been on the market. Mr. Basic further stated that the Economic Development Authority has stated that the County must diversify its employment opportunities and that another resort or timeshare does nothing to reach that goal. Mr. Basic stated that he remains opposed to the application.

Mr. Drummond stated that this is an opportunity to generate revenue on the property as well as provide improvements in the Grove area. Mr. Drummond stated that he would rather see traffic associated with a mixed use development than an increase in industrial traffic. Mr. Drummond further stated that the Grove area needs the economic boost and the job opportunities that would be provided by the resort and mixed use development. Mr. Drummond also stated that there is still a substantial amount of vacant industrial property in the County, particularly in Greenmount and that most of that property is vacant. Mr. Drummond stated that he would support the application.

Mr. Wright stated that he concurred with Mr. Drummond. Mr. Wright further stated that he would like to see job opportunities in the Grove area so that residents would not have to travel great distances to find adequate employment. Mr. Wright stated that he would support the application.

Mr. O'Connor stated that he still has concerns about the application because there is one parcel in the middle where the owner has not subscribed to the plan. Mr. O'Connor inquired whether it would be possible to address the land use designation outside of the Comprehensive Plan cycle.

Mr. Holt responded that the land use designation should be addressed during a Comprehensive Plan process and any legislative application submitted in the interim would stand against the Comprehensive Plan language in place at the time.

Mr. O'Connor stated that he is not prepared to support the application at this time. Mr. O'Connor further stated that if the application does move forward he would want to see language included identifying Fort Eustis-Langley as an adjacent property with their associated impacts.

Ms. Bledsoe clarified that the language to be included would identify Fort Eustis as an adjacent use.

Mr. Drummond inquired how many acres of industrial land are still available in Greenmount.

Ms. Pollock stated that because there are a number of environmental impacts on the Greenmount Property such as RPA and wetlands, staff would need to research the exact acreage.

Mr. Drummond stated that approving this application would not make a huge impact on the amount of industrial land available.

Mr. Holt stated that staff would provide figures on the amount of industrial land available.

Mr. Richardson stated that the Fort Eustis issue is significant because it will be a long-term presence in the community. Mr. Richardson further stated that he is optimistic that this property could be developed for industrial purposes as the economic recovery continues. Mr. Richardson stated that 23 percent of the lower County is designated for industrial development which represents only four percent of the entire County. Mr. Richardson stated that the County must plan for the future; while the land is not needed yet, it is what the County will need.

Ms. Bledsoe clarified that a motion to approve would include adding Fort Eustis and its mission to the Comprehensive Plan language and that staff would finalize the language.

Mr. Drummond move to approve LU-0009-2014 as recommended by the Planning Commission Working Group.

On a roll call vote, the motion failed by a vote of 3-4 and the Planning Commission did not approve LU-0009-2014.

Mr. O'Connor inquired if the parcels would remain General Industry and Mixed Use.

Mr. Holt responded that the recommendation to the Board of Supervisors is that those designations stand.

Ms. Bledsoe inquired if anyone wished to discuss any other land use application separately.

Mr. Basic asked Ms. Rosario to remind the Commission of the process moving forward for the two land use cases that were deferred pending DEQ action on the County's permit.

Ms. Rosario stated that pending the Commission action, the applications would go forward to the Board with a recommendation to defer pending the DEQ action. Ms. Rosario stated that if the applications were deferred at the Board level, the land use designations would remain as they are on the 2009 Land Use Map until a time when consideration would be resumed. Ms. Rosario stated that once the Board is satisfied with the DEQ results, the applicant would have an opportunity to bring the application back to the Planning Commission and the Board of Supervisors for consideration and a vote.

Mr. Basic inquired if those cases needed a separate vote.

Ms. Rosario responded that the deferral is embodied in the recommendation.

Mr. Richardson stated that the discussion about deferral had satisfied his concerns about the land use application for the Barnes Road property and noted that based on the information provided in

the voting sheet, it was clear what the Commission would be voting on regarding changes for that property.

Mr. Richardson stated that, regarding LU-0006-2014, Barnes Road, he would recommend moving to approve the change to Mixed Use for all the northern parcels; the change of all parcels to Economic Opportunity with deferral of PSA expansion pending DEQ action for the remaining parcels.

Mr. Holt inquired if LU-0006-2014 should be voted on individually.

The Commission concurred that the application should be voted on with the other remaining land use applications and Comprehensive Plan text.

Mr. O'Connor inquired if the Mixed Use language for LU-0006-2014 should include a recommendation that the residential component be on the parcel adjacent to Upper County Park.

Mr. Holt stated that the language in the narrative includes the recommendation for the location of the residential development.

Mr. Krapf moved to recommend approval of the Comprehensive Plan text and the remaining land use applications as set forth in the voting sheet.

On a roll call vote, the Planning Commission recommend approval of the Comprehensive Plan text and remaining land use applications as recommended by the Planning Commission Working Group on the voting sheet by a vote of 7-0.

6. <u>PLANNING COMMISSION CONSIDERATION</u>

Mr. Paul Holt gave an overview of each consideration item and the reason they are being amended, as well as what the process would entail going forward. Mr. Holt stated that staff recommends approval of all four resolutions.

A. Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations.

Mr. Krapf moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations by a vote of 7-0.

B. Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes (Consistency with A-1)- Division 10, General Business, B-1; Division 11, Limited Business/Industrial, M-1.

Mr. Richardson moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes (Consistency with A-1)- Division 10, General Business, B-1; Division 11, Limited Business/Industrial, M-1 by a vote of 7-0.

C. Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes- Division 2. General Agricultural District, A-1.

Mr. Wright moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes-Division 2. General Agricultural District, A-1 by a vote of 7-0.

D. Initiation of a Consideration of Amendments to the Zoning Ordinance, Article 1, In General, Administrative Fees, Certificate of Occupancy, Amendments and Variation of Conditions and Submittal Requirements.

Mr. Wright clarified that this approval process was a formality and the Policy Committee and Planning Commission would discuss the details at a later date.

Mr. Holt stated that was correct.

Mr. Wright moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance, Article 1, In General, Administrative Fees, Certificate of Occupancy, Amendments and Variation of Conditions and Submittal Requirements by a vote of 7-0.

7. <u>PLANNING DIRECTOR'S REPORT</u>

Mr. Holt stated that other than what was included in the packet there was nothing else to add.

Mr. O'Connor stated that he was unable to make the Mooretown Road meeting and would like to know how the proposal was received.

Mr. Purse stated that it was a nice meeting. Mr. Purse stated that it was the third public meeting that we had. Mr. Purse stated that VHB rolled out their proposed alignment along with the criteria for how they chose that alignment. Mr. Purse stated that they received a number of public comments on that alignment and they are reviewing those comments. Mr. Purse stated that they are planning on having a Work Session with the Board of Supervisors to go over all of the comments received about the alignment. Mr. Purse stated that VHB will then put together a final proposal with their alignment and a study document that will have all of the alignments and the

design standards for the road. Mr. Purse stated that proposal would be brought forward to the Planning Commission and Board of Supervisors.

8. <u>COMMISSION DISCUSSION AND REQUESTS</u>

Ms. Bledsoe thanked all of the new commission chairs for agreeing to take on that responsibility. Ms. Bledsoe stated that she would send out an email regarding a schedule for the Board of Supervisors coverage. Ms. Bledsoe stated that she would be attending the meetings in April, Mr. Basic would attend in May and Mr. Krapf would attend in July.

Mr. Richardson asked if the assigned Planning Commissioner would also be expected to attend Board of Supervisor Work Session meetings.

Ms. Basic and Mr. Krapf stated that the Planning Commissioner would only have to attend the two Board of Supervisor regularly scheduled meetings.

Ms. Bledsoe stated that the chair for the Policy Committee is Mr. Wright and the other members would be Mr. O'Connor, Mr. Krapf and Mr. Richardson. Ms. Bledsoe stated that Mr. Drummond would be the chair of the DRC meeting and the other members would be Mr. O'Connor, Mr. Basic and Ms. Bledsoe. Ms. Bledsoe stated that she would stay on the Regional Issues Committee.

Mr. O'Connor stated that he wanted to thank staff, Ms. Gaston and Ms. Freil for all of their help with the Comprehensive Plan. Mr. O'Connor stated that he is sorry Mr. Van Riper is not here because Mr. Hill is trying to accomplish a link between the Comprehensive Plan, the budget and other planning tools that he would have liked to see.

Mr. Wright stated that having a County Administrator come in has clarified the vision and focus which has helped many projects move forward.

Ms. Bledsoe stated that she thinks he will see some of those changes and progress but it may not show up immediately in the Comprehensive Plan. Ms. Bledsoe thanked the Commission members for all of their hard work with the Comprehensive Plan.

9. <u>ADJOURNMENT</u>

Ms. Bledsoe and Mr. Wright moved to adjourn to the next Planning Commission meeting on May 6.

The meeting was adjourned at approximately 9:51 p.m.

Robin Bledsoe, Chairwoman

ERRATA SHEET James City County Comprehensive Plan Toward 2035: Leading the Way May 26, 2015

The following revisions have been made to the draft 2035 Comprehensive Plan dated February 16, 2015 pursuant to the Planning Commission's consideration and recommendation of approval of the plan on April 1, 2015:

I. Executive Summary

1. The draft Executive Summary (attached) will be included as an introductory section of the plan.

II. Transportation (per VDOT comments)

1. On page T-5, second paragraph under Connectivity, the edition year of the SSAR will be added:

VDOT has adopted Secondary Street Acceptance Requirements (SSARs) which are the minimum standards for new streets to be accepted for State maintenance. The 2011 SSARs often require interconnectivity between new developments.

- 2. The Table of Contents and Appendix list will be revised to specifically reference the James City County/Williamsburg/York County Comprehensive Transportation Study as noted on pages T-8 and T-11. Existing Appendices A-D will be reordered.
- 3. Map T-1 (attached) was corrected to show Merrimac Trail as a Minor Arterial rather than a Principal Arterial.
- 4. On page T-11, fourth paragraph, a typographical error will be corrected.

Roadway improvements, such as add*itionaled* through and turn lanes, improved intersections, and traffic signals, are potential solutions to managing future congestion.

- 5. Table T-3 (attached) on page T-15 has been split into two tables, one showing only SYIP projects and the other showing other programmed projects. Costs have been verified.
- 6. Starting on page T-11 under the heading Corridor Visions, the VTrans2035 recommendations will be included.

Table T-3 below and Map T-2 below provide a complete list of all programmed County projects based upon their listing in VDOT's current Six-Year Improvement Program (SYIP), which allocates funds for interstate, primary and urban highway system improvements, public transit, ports and airports, as well as.

Projects included in the SYIP are identified as recommendations in the 2035 Virginia Surface Transportation Plan (VTSP) and based upon goals and priorities established in VTrans2035. Together, the VTSP and VTrans2035 represent Virginia's multimodal transportation plan for highways, transit, rail, air, pedestrian, port, and bicycle facilities. Specific recommendations from the plans for James City County include the following:

• Corridors of Statewide Significance - Identifies the East-West Corridor, which runs along I-64 and the CSX rail line, as one of 11 Corridors of Statewide Significance. Recommendations focus on highway and rail capacity

improvements as well as implementation of various strategies pertaining to transit, park-and-ride lots, intelligent transportation systems (ITS), freight, and access to airport facilities.

- Public Transportation Recommends ITS investments in transit operations, customer amenities, service planning, security and maintenance/management for Williamsburg Area Transport
- Highway Recommends expansion of Interstate 64 in two segments through York/James City County/Newport News:
 - New Kent County Line to Route 199 6 lanes
 - *Route 199 to Jefferson 8 lanes*
- 7. At the bottom of page T-10, the title will be changed as follows:

TransportationFuture Planning

8. On page T-23 at the end of the Bike Lanes paragraph, language will be added to note that the delineation of bike lanes within the limits of a required paved shoulder is not permitted.

Bike Lanes – Roadways that can accommodate bicyclists. These facilities include bike lanes within the roadway that are delineated for bicycle use only. This also includes paved shoulders and wide outside lanes that provide enough space to accommodate bicyclists along with motorized traffic in cases where constraints do not allow for a delineated lane. *Markings and signage for these facilities shall be in accordance with the VDOT Road Design Manual*.

9. On page T-26, various references to the Statewide Park and Ride Lot Inventory and Usage Study will be updated (study name, lot name and location for Jamestown Center, vehicle spaces for all lots, and final recommendation):

In order to assist with carpooling and ridesharing efforts, VDOT maintains Park and Ride lots throughout the State, including three lots in the study area:

- Lightfoot This lot is located on East Rochambeau Drive just to the south of the interchange of I-64 and Humelsine Parkway. The unpaved Lightfoot Lot has space available for 7660 vehicles.
- Croaker The Croaker Lot is located at the corner of Rochambeau Drive and Croaker Road just to the west of I-64. This unpaved lot has space for 7564 vehicles.
- Jamestown Ferry LandingCenter This lot is *co*-located onat the Jamestown Center near the intersection of Jamestown Road at the Jamestown Settlement, just to the north of the Jamestown Scotland Ferryand the Colonial Parkway. This paved lot has 132504 general spaces.

In 2013, VDOT completed athe sStatewide of-Park and Ride Lots Inventory and Usage Study. The study updated VDOT's inventory and usage of Park and Ride lots, identified recommendations for new or expanded Park and Ride lots, updated VDOT's website to include an interactive map of official lots, developed VDOT's Park and Ride program policies and goals, and assisted VDOT in coordinating its Park and Ride lot program with other State and local agencies and the public. For James City County, the recommendations of the study include resulted in one Priority Investment Strategy project:

Paving and enhancing the Lightfoot, Croaker and Jamestown Ferry Landing lots (noted on the Hampton Roads VDOT District priority list), and
Consideration of a future park and ride lot at the I 64/Route 199/Busch Gardens area (noted as a Priority Investment Area).

III. Community Character

1. On page CC-18, Table CC-1 will be updated to show Amblers House as being recently listed on the National Register of Historic Places.

IV. Land Use Text/Map

1. On the last page of the Land Use Map Descriptions and Development Standards, the new Mixed Use description associated with the BASF application will be stricken:

BASF Property - The BASF area consists of several parcels located south of GreenMount Industrial Park and is bordered by the James River to the west and Woods Creek to the east. Primary road access is via an existing entrance on Pocahontas Trail (Route 60). Suggested uses for this area include resorts, hotels, timeshares and ancillary commercial uses: themed attractions: office uses: industrial uses: and recreational and water based establishments (such as small scale marinas and boat launches) and should be compatible with existing and developing industrial areas. No permanent residential uses should be considered for the BASF Mixed Use Area. In order to preserve and enhance the scenic qualities of the property and to keep the area attractive to large-scale economic development, the area should be designed and developed under a unified master plan. The master plan should explore the feasibility and compatibility of providing shared access through the adjacent James River Commerce Center, and should provide parking, compatible landscaping and architectural treatment, adequate buffering and screening and other measures to ensure that proposed uses are compatible and that there are adequate measures to mitigate any negative impacts on adjacent properties, including the historic Carter's Grove property. It is also important that any master plan provide for outdoor recreation, education and meaningful water access that are open and available to the public; public transportation; pedestrian and bicycle accommodations that connect to Pocahontas Trail (Route 60); unified shoreline restoration; preservation of mature tree cover; and protection of sensitive environmental resources located on the property. Specifically, due consideration should be given for subsequent development proposals to potentially designate a publically-owned park. Careful coordination between development and transportation issues will be important to avoid worsening the level of service along Route 60 and to retain a high degree of mobility through the area. The intensity of the development should be conditioned on the proposal's ability to maintain an adequate level of service and functioning of Route 60 in the immediate project vicinity and projects should not negatively impact the development of adjacent industrial areas. To ensure this, build out of surrounding industrial land should be accounted for in any evaluation of impacts, such as traffic, water and sewer.

 The overall Mixed Use land use designation for the property associated with LU-0009-2014, 5961 Pocahontas Trail (BASF property) has been changed back to General Industry/Mixed Use as shown on the 2009 Comprehensive Plan land use map.

Executive Summary

The Purpose of the Comprehensive Plan

Since 1980 every Virginia locality has been required by State law to have a Comprehensive Plan. The purpose of the Comprehensive Plan is to guide growth and development over a 20-year time period by providing the long-range vision, goals, and strategies of the community. James City County's current plan, *Toward 2035: Leading the Way*, serves as a guide to landowners, developers, businesses, citizens, and County officials about future land use decisions. By considering the types and locations of development and services needed or desired for a 20-year time period, decision makers are better able to evaluate individual proposals in the context of long-term goals.

Snapshot: Where We Have Been and Where We Are Today

James City County adopted its first Comprehensive Plan in 1975, which established the foundation for managing growth in the County. Since that time, the population has increased from approximately 20,000 persons to a current population of 70,711, experiencing a growth rate of 1 to 2% a year since 2010. In December 2014, State demographers ranked the County as the 17th fastest growing locality in Virginia.

Increases and changes in residential and commercial development since the 2009 Comprehensive Plan have been evident in development projects throughout the County. For example, the County has seen much growth in small residential developments (the Villages at Candle Station and Windsor Ridge), rather than in large Master Planned communities that represented the majority of growth reflected in the 2003 and 2009 Comprehensive Plans. Additionally, though many lots in large, Master Planned communities have been approved, a large number of those lots have not yet been built upon and thus represent potential growth in coming years (Colonial Heritage, Ford's Colony, and the Settlement at Powhatan Creek). With respect to commercial and industrial development, the emphasis has remained on tourism, health care, retail, and manufacturing with the top private employers being SeaWorld Parks and Entertainment, Kingsmill Resort, Riverside Regional Medical Center, Walmart, and Anheuser-Busch InBev. The industrial sector has continued to grow in areas like Jacob's Industrial Park, while commercial development has continued in the Settlers Market section of New Town and Courthouse Commons.

Quality jobs, quality housing, and quality amenities all contribute to growth and result from it. All attract new residents and residents expect quality services. Overall, the results of the 2014 Virginia Tech Citizen Survey (Citizen Survey), a statistically valid, representative survey of 606 total households in the County, indicate that 80% of respondents rate services provided by the County as either "good" or "excellent" compared to 77% in 2007. Survey

respondents gave particularly high marks on questions dealing with public safety; library services; parks and recreation facilities, programs and services; and school facilities. Since adopting the 2009 Comprehensive Plan, the County has seen the completion of Lois S. Hornsby Middle School, J. Blaine Blayton Elementary School, and the new Law Enforcement Center, as well as the renovation of Mid-County Park and the creation of the JCC Alert system. All of these are responses to higher demands for facilities and services, and contribute to keeping James City County an attractive place to live, work, and play.

Vision of Where We Are Headed

Citizen Commentary

Feedback during the Comprehensive Plan update also indicates some areas of concern in relation to growth management, including both the **impacts of growth** and the **quality of growth**. The term "growth management" encompasses varying policies and tools to address the timing, character, and location of development so that growth occurs in an orderly and efficient manner. It answers the questions of where, how, and when growth should occur.

With respect to the **impacts of growth**, citizens are generally concerned about the pace of population growth and the effects that growth can have on traffic, water availability, open space, housing, the environment, community character, public facilities and services, demands on County tax dollars, and overall quality of life within the County.

Development, in this case, is separated into two types - residential and commercial - and citizens had different concerns tied to each. While 73% of survey respondents expressed that they "somewhat" or "strongly agreed" the pace of residential development was too fast and 93% felt that the amount of residential development was "about right" or "too high," they simultaneously recognized the need for increased housing affordability and diversity in other questions. Sentiments were more mixed in regard to commercial and industrial development: 85% of respondents felt that the amount of commercial development in the County was either "about right" or "too high," whereas 57% of respondents felt that the same regarding industrial development. Through a series of open-ended questions in the survey and at public input meetings, citizens expressed specific desires to introduce new industrial businesses, to strengthen the tourism sector through sports and agricultural tourism and revitalized restaurant areas, to incentivize redevelopment of existing commercial areas and to have a planned approach to new retail/commercial development.

The **quality of growth** is another area of concern that is directly linked to growth management. These comments deal with balancing the small town rural character of the County with the need to grow and diversify the economic base. For example, 78% of Citizen Survey respondents felt that preservation of farmland was more important than new development; however, 86% of respondents also thought that the concept of living, working, and playing in areas of close proximity was either "somewhat" or "very important." Throughout public input meetings, participants also identified the importance of retaining and enhancing those qualities that make James City County unique, such as its natural beauty, history and access to parks and amenities. Additionally, citizens suggested the County utilize available tools to manage growth and to provide adequate services to meet growing demands.

From these collective comments, an important question becomes how James City County can retain and build on what citizens like about the County and also address the concerns which were raised about growth. *Toward 2035: Leading the Way* explores this question by examining the context within which growth management choices will be made, that is, what our possible future community might look like in terms of its demographics. We then consider the types of growth management strategies that are available and how they might be used in the County.

Population Projections

In order to explore what our community may look like in the future, the Demographics section includes County-wide population projections to 2040 generated by several agencies, including the Weldon Cooper Center for Public Service, the Hampton Roads Planning District Commission and Planning Division staff. Based on a current population estimate referenced above and using methods described further in the Demographics section, staff projects that the population of the County will reach between 104,200 and 136,736 by 2040. While all the populations in each age group are expected to increase during that time, the most dramatic shift is expected in the 65+ age group, growing from 21% of the County's population in 2010 to 34% in 2040. Such population increases result in the need for expanded or additional facilities and services, tailored to meet the diverse needs of the different generations they will serve.

Creating projections is an important planning tool, but it is important to realize that any given projection may or may not be realized based upon the validity of the assumptions and methodology, the impacts of local policy and regulatory decisions made along the way, consequences of changes to State and County codes, and market conditions. In all cases, projections are a best guess of what the County's population *might be* at any point in time, with decreasing accuracy in the outer years.

Growth Management Strategies

Past and Present

Recognizing the potential for significant growth in our community, it is important to know what growth management tools are (and are not) available, and to evaluate which of the available tools would best achieve the community's goals and vision. The Land Use section of the Comprehensive Plan identifies growth management tools available to Virginia localities, and notes that the County has traditionally been a leader in using those available tools to meet the specific needs of our community. It is important to note that growth management tools address not only how much development occurs, but also about ways that communities can influence where new development is located; when new development occurs (timing); whether a particular new development is capable of being supported by water supply, public facilities and services, environmental resources, and the transportation system; and how development fits with existing community character. That section also notes that measures such as population and building caps are not currently supported under Virginia law. Primarily, the available tools provide information and guidelines to County leaders to help them make decisions on development proposals.

The following are some of the tools that the County currently uses to manage growth:

Location of Growth

- The **Primary Service Area** (**PSA**) defines areas where public water, sewer and high levels of other public services exist or are expected to exist over the next 20 years and serves as a boundary within which most growth is targeted to occur. Promoting efficiency in the delivery of public facilities and services through land use planning and timing development is an important concept. The PSA concept encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities and services are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time, and minimizes well and septic failures within the PSA.
- Land use designations and the Comprehensive Plan's Land Use Map denote what are seen to be the most appropriate future uses and can indicate development intensity for a specific area. Higher intensity land use designations, which allow higher densities and can have greater impacts on roadways and water, are proposed within the PSA, while lower intensity designations exist outside the PSA.
- The **Zoning Ordinance and Subdivision Ordinance** more specifically define the type of development currently allowed on a parcel and outline specific design and development guidelines for these uses. The ordinances address current standards including those for development use, density, lot size, and setbacks. Both ordinances will be updated to include revised standards and implement many actions identified in the Comprehensive Plan.

Timing and Impacts of Growth

- Legislative cases include rezonings and special use permits (SUPs) and require consideration by the Planning Commission and approval by the Board of Supervisors. These bodies have the discretion to decide whether the proposed development is consistent with the Comprehensive Plan land use designation and whether it offers sufficient public benefit to the County.
- **Impact studies** are submitted for legislative cases and assess the anticipated impacts of a proposed development on traffic, schools, the environment, water and sewer, cultural resources, and the County's tax base and employment.
- **Proffers** are often offered by developers for legislative cases and may include cash contributions for water, Fire/EMS, libraries, parks and recreation, roads, and schools to offset the impacts of the development. They may also include project phasing.
- Adequate public facilities tests help determine whether there is enough capacity in public facilities to handle the additional demands generated by a new development. The County currently has such a policy to determine impacts to public schools.
- Watershed planning, Community Character Corridors (CCCs), and Community Character Areas (CCAs) are tools used during all case reviews to protect the quality of sensitive streams and wetlands, the appearance of certain designated roadways, and sense of place in specific areas throughout the County.

Moving Forward

Toward 2035: Leading the Way, seeks to strengthen, and refine the above growth management strategies through targeted goals, strategies, and actions (GSAs). The primary location of proposed growth management strategies is in the Land Use section, but GSAs that influence growth within the County are included in every topical area. The following highlights a few of the timing, impact, and quality growth strategies included in *Toward 2035: Leading the Way* (more detail can be found in the sections referenced at the end of each bullet point):

- Cumulative impact analyses (Land Use)
- Adequate public facilities policies (Land Use and Public Facilities)
- Redevelopment, infill and adaptive reuse (Land Use, Community Character and Economic Development)
- Coordination with neighboring localities (Land Use, Housing, Transportation, Economic Development)
- Mixed commercial and residential uses (Housing, Economic Development, and Land Use, Transportation)
- Community Character Area designations, such as Five Forks (Community Character and Land Use Map)
- Partnerships, pattern books and design guidelines to preserve and enhance community character areas (Community Character)
- Preservation of existing vegetation (Community Character)
- Balance growth with the provision of public facilities (Public Facilities, Parks and Recreation, and Land Use)
- Rural economic development (Land Use and Economic Development)
- Prioritization of road improvement projects (Transportation)
- Zoning Ordinance amendments to make all districts more consistent with land use designation descriptions and standards (Land Use)

Responses to Other Significant Citizen Concerns

Through various input opportunities and Community Workshops, citizens commented on several other areas of the Comprehensive Plan, noting that these areas also needed to be strengthened or reshaped. Some aspects of these topics are new to this update; however, many are concerns that have been on citizens' minds since earlier Comprehensive Plan updates and have become heightened given recent development trends.

- Economic Development. Economic development comments included looking for ways to diversify the economic tax base by means of strengthening the tourism sector, careful planning of commercial and industrial areas, continuing support for business development, addressing workforce needs such as housing and transportation, preserving agriculture and rural aspects of James City County, pursuing new industry opportunities in the technology and medical fields and incentivizing redevelopment.
 - Economic diversification through sports tourism, high-tech, corporate or medical research businesses (Economic Development)

- Traditional and emerging economic opportunities, including agri-business and ecotourism, in the Rural Lands (Land Use and Economic Development)
- Regional partnerships to encourage entrepreneurship and develop transportation systems (Economic Development)
- Business Climate Task Force recommendation update (Economic Development)
- **Transportation.** *Citizen comments related to transportation included improving existing roads, providing greater linkages among and opportunities for different transportation modes, and prioritizing congestion relief, maintenance and public transit.*
 - Public road interconnections and access management (Transportation)
 - Guiding principles for roads needing future capacity improvements (Transportation)
 - Use of public input in prioritizing road improvement projects (Transportation)
 - Mooretown Road Corridor Study (Transportation)
 - Integrated residential and commercial development (Land Use, Housing, Economic Development)
 - Corridor visions and rural roadway character (Transportation and Community Character)
- **Housing.** Affordable and diverse housing options, particularly for workforce, young professionals, the disabled and the elderly, along with a desire for neighborhoods reflecting a mix of housing options and consumer services were the focus of most housing-related citizen comments.
 - Re-examination of the Housing Opportunities Policy and ordinances related to infill housing (Housing)
 - Zoning Ordinance amendments to allow greater diversity in housing types (Housing)
 - Affordable senior care from independent living to Continuing Care Retirement Centers (Population Needs and Housing)
 - Housing Needs Study (Housing)
- **Parks and Recreation.** *Public comments reflected appreciation for the parks and recreation system and its contribution to the community's quality of life; a high importance for bike paths and walking trails, additional community programs and facilities, and public access to waterways for recreation; and suggestions for more activities for kids, teens, and seniors.*
 - Implementation of the 2009 James City County Parks and Recreation Master Plan. (Parks and Recreation)
 - Update to the Greenway Master Plan and Strategic Action Plan (Parks and Recreation)
- **Population Needs.** Population needs comments included the need to focus on the special needs of both the growing senior and youth populations. Citizens noted the need for better modes of transportation as well as concerns about school crowding and resources.
 - Public transportation and mobile service stops (Transportation and Population Needs)
 - Community Action Plan on Aging (Population Needs and Housing)
 - Adequate and safe facilities and programs for seniors and youth (Population Needs, Public Facilities, and Parks and Recreation)
- Water. As in 2009, public comments primarily focused on the need to ensure the availability of drinking water for current and future populations and to provide public access to clean water for swimming, boating, and passive enjoyment.
 - Water management (Public Facilities)
 - Water quality improvement strategies (Environment)

- Virginia Stormwater Management Program (Environment)
- Blueways planning (Parks and Recreation)
- Environment. Environmental comments focused on preserving open space, farm lands, and trees, protecting water quality and effectively managing stormwater, and preserving agricultural character and economy.
 - Surface water quality and monitoring (Environment)
 - Early submission of environmental inventories (Environment)

It is clear by looking at the strategies developed to respond to all of these concerns, that balancing the related, yet sometimes competing, needs for the population, economic development, public facilities, parks and recreation, environment, housing, transportation, community character, and land use is critical to effective growth management. This difficult balance guides the overall approach of *Toward 2035: Leading the Way*.

Vision: Leading the Way

Central to guiding the Comprehensive Plan update process was the development of an overall vision for the County. A resounding message heard through various studies and forums was that James City County is a special place to live, work, and visit. County citizens have a well-defined vision to help retain these unique community qualities and, as part of the 2003 Comprehensive Plan update, a group of citizens drafted the first Vision Statement for the plan. This served as a building block for the Vision Statement found on page one of *Toward 2035: Leading the Way*, which can be summarized as follows:

We will sustain the quality of life and economic vitality in James City County while preserving our special natural and cultural heritage. We will accomplish this by promoting smart growth principles, adopting supporting strategies, providing a variety of housing options, supporting economic development, and providing diverse recreational, cultural, and education opportunities for all ages.

Planning for our future is effective only in as far as it demonstrates the ability to meet present needs without compromising those of future generations - primarily in terms of the County's economic, social, and environmental well-being. There are other definitions of effectiveness, of course, but the concept of sound planning revolves around the symbiotic relationship between these three arenas.

County staff, along with elected and appointed officials, has been monitoring growth in the County for decades and has worked diligently to balance new economic activity with a high quality of life for all residents. As the Comprehensive Plan update process began, the notion of preserving the County's assets and resources for future generations while providing for the needs of current residents became a guiding principle. This concept of striving to meet the needs of and improve opportunities for both current and future residents defines the vision and theme of *Toward 2035: Leading the Way*. Each of the sections of this document discusses an important aspect of community life, highlights the connection between that section and the County Vision Statement in a "Spotlight on Successes and Opportunities," and concludes with the GSAs for that section. Below are excerpts from the Spotlight on Success and Opportunities section and the goal from each section of the Comprehensive Plan:

- **Population Needs:** Leading the way toward the future means meeting the needs of all of our citizens, especially youth and seniors, while creating a safe and healthy environment in order to provide the framework for their future well-being. The County's goal is to ensure that all citizens, especially youth and seniors, have safe, affordable, and convenient access to programs, services, and activities.
- **Economic Development**: Leading the way toward the future of our economy requires strategies that help it become adaptive, resilient, diverse, and vibrant, providing high quality jobs and stability for County residents. The County's goal is to build a diverse, balanced local economy that supports basic needs of all segments of the community and contributes positively to the quality of life.
- **Housing:** Looking toward 2035, meeting the housing needs of the community means creating quality and diverse communities that effectively link people to jobs, health providers, amenities, and public facilities and that address issues of affordability and changing demographics. The County's goal is to achieve high quality in design and construction of all residential development and neighborhoods and to provide a wide-range of choice in housing type, density, price range, and accessibility.
- **Environment:** In many ways, a healthy environment is the cornerstone to building success stories in other areas of the community related to our quality of life; therefore, protecting our healthy and beautiful environment is an essential part of leading the way to the future. The County's goal is to continue to maintain and improve the high level of environmental quality in James City County and to protect and conserve sensitive lands and waterways for future generations.
- **Community Character:** Upholding our unique character through careful and deliberate design is essential to attracting and retaining a viable and diverse economic base, which ensures that future generations will want to live in, work in, and visit this area. The County's goal is to acknowledge the responsibility to be good stewards of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, and historic qualities that are essential to the County's rural and small town character, economic vitality, and overall quality of life.
- **Parks and Recreation:** Leading the way toward the future must include ensuring access and availability of parks and recreation resources. Availability of parks and recreation resources spurs economic growth, enhances the social fabric, preserves connections to nature, protects environmental resources, and creates a sense of ownership and belonging for residents. The County's goal is to provide a range of recreational facilities and activities that are affordable, accessible, appropriate, and adequate in number, size, type, and location to accommodate the needs of all County residents and that promote personal growth, social development, and healthy lifestyles.
- **Public Facilities:** In light of the County's projected growth and changing demographics through 2035, future public facilities and services need to be efficiently designed, located, and utilized along while remaining adequately funded and paced with growth. By minimizing impacts and investing in quality, secure facilities, the County can ensure that they will add value to the community for years to come.

The County's goal is to commit to and provide a high level and quality of public facilities and services.

- **Transportation:** Our transportation system must provide for the efficient movement of goods and people using a well-connected system of roadways, sidewalks, bikeways, multi-use paths, and transit. As the County looks to 2035, it will be important to reevaluate transportation priorities at regular intervals to ensure that the County's transportation system meets the needs of its growing population and economy. The County's goal is to provide citizens, businesses, and visitors of James City County with an efficient, safe, and attractive multimodal transportation system that reinforces or is consistent with the goals and land use patterns of the Comprehensive Plan.
- Land Use: Building a strong community for the future requires land use planning practices that will preserve natural resources, plan for adequate transportation and housing infrastructure, create a sense of place and community, and maintain an economic base that remains vital during a variety of climates. Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens and assists in achieving the goals of the Comprehensive Plan in Population Needs, Economic Development, Environment, Housing, Public Facilities, Transportation, Parks and Recreation, and Community Character.

The goals for each section are linked to the overarching theme of looking toward the future, but are also connected to and dependent on the goals of the other sections as well. It is important to recognize these overlapping goals as priorities determined for the County as we lead the way toward 2035.

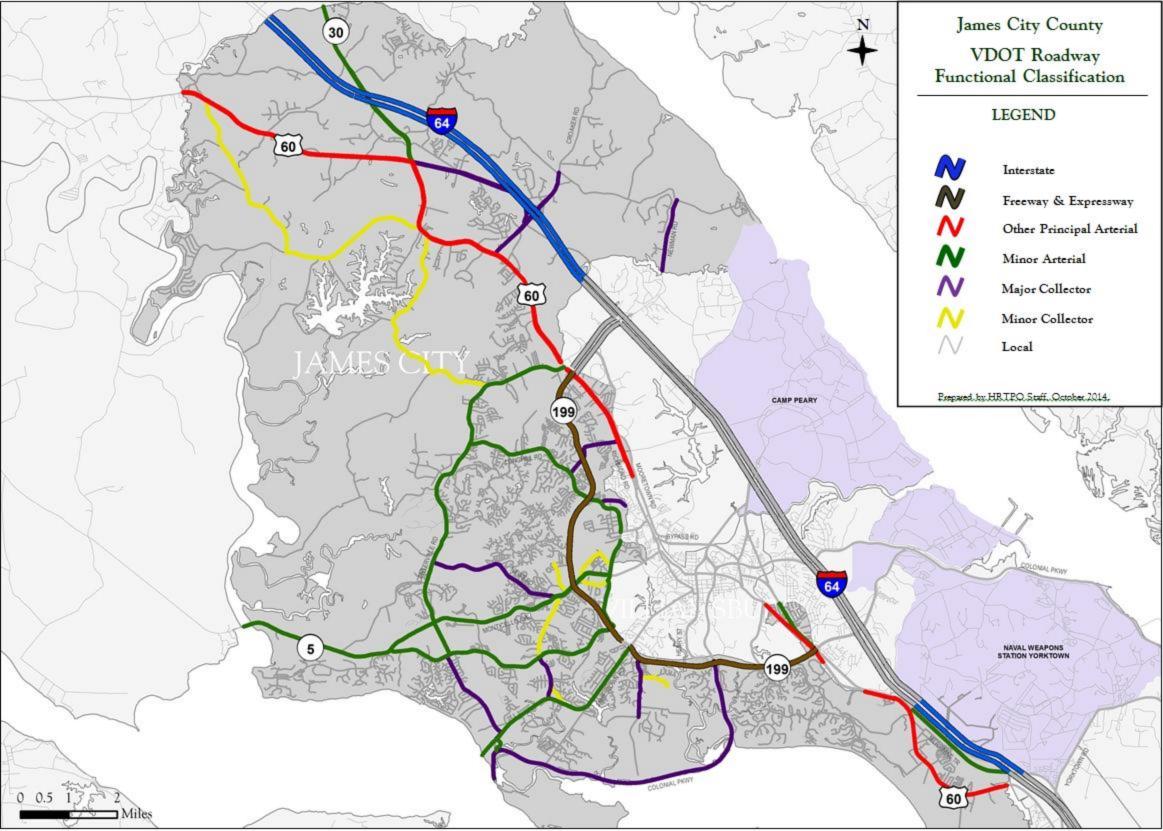
Process, Implementation, and Evaluation of the Comprehensive Plan

The Comprehensive Plan is James City County's master plan for guiding the physical development of our community. It is intended to be a long-range document, with goals and visions for a 20-year time period or beyond. Long-term visions can only be realized, however, by aligning individual decisions with that vision. Only by taking interim steps can the desired outcome be achieved. To this end, State law requires localities to review their comprehensive plans every five years. To satisfy this requirement, the locality merely has to reaffirm the information contained in the plan. The tradition in James City County has been to update the Comprehensive Plan every five years, using the process discussed on the pages of the Planning Process section. This process was designed to be open, transparent, and participatory and results in a compilation of tasks and priorities. The plan was reviewed by the Planning Commission and Board of Supervisors at 16 work sessions and two public hearings. The plan was adopted by the Board of Supervisors on ______, 2015.

This update relies on established mechanisms of internal tracking, agency reporting, and continued transparency as we work towards implementing the vision and goals of this Plan. The strategies and actions contained in this Comprehensive Plan are intended, in some cases, to serve as the interim steps necessary for the County to achieve the stated vision and goals. In other cases, they serve as benchmarks against which to measure proposals that may come before County officials. In addition to the Comprehensive Plan, there are several other documents in place that help provide the County with direction, including the County budget, departmental master plans and strategic plans, the Capital Improvement Program (CIP), the Zoning Ordinance, and the Subdivision Ordinance. It should be noted that financial

constraints or scarcity of human and other resources can delay or change the implementation of stated actions.

In order for the Comprehensive Plan to have value and remain useful through its planning horizon, it is important to monitor progress in achieving adopted GSAs to recognize those that have been completed, identify areas where additional resources are needed, and to reassess for changing conditions. The Planning Commission will evaluate the progress of implementation efforts and prepare an annual report to the Board of Supervisors that will identify actions that have been completed. The evaluation process will not only measure progress and identify areas that need attention, but also serve as a catalyst to engage the community in dialogue about the future of James City County.



James City County Current Projects

		Project	Funding	
UPC	Name	Status	Source	Estimated Total Cost
	Six Year Improv	ement Plan		
	Access Management - Longhill Road at Olde		Revenue	
104360	Towne Road	Cancelled	Sharing	\$60,000
	Bridge Replacement - Jamestown Road over		Bridge	
106195	Powhatan Creek	Active	Funds	\$2,260,000
	Bridge Replacement - Route 601 (Hicks		Bridge	
98823	Island Rd) over Diascund Creek	Active	Funds	\$1,672,631
98810	Corridor Study - Mooretown Road Extension	Active	RSTP	\$400,000
98811	Corridor Study - Longhill Road	Complete	RSTP	\$500,000
	Intersection Improvements - Centerville		CMAQ;	
102944	Road at News Road	Active	Secondary	\$3,101,518
	Intersection Improvements - Monticello	Under	Secondary;	
82961	Ave. at News Road	Construction	Primary;	\$3,814,517
	Intersection Improvements at Route 199			
102948	(Humelsine Pkwy)/Brookwood Road	Active	CMAQ	\$275,000
	Intersection Improvements-Route 199		CMAQ;	
102947	(Humelsine Pkwy) Ramp at Richmond Road	Active	Secondary	\$729,915
17633/	Multi-Use Trail - Croaker Road/ Road			
100920	Widening - Croaker Road	Active	CMAQ	\$19,441,000
	New Roadway - Route 60 (Pocahontas Tr)			Alt. A-\$153,435,594
	Relocation/Skiffes Creek Connector (4-lane)	Active	RSTP	Alt. A1-\$135,200,000
	Roadway Reconstruction - Williamsburg		Revenue	
104356	West Subdivision Roads	Active	Sharing	\$892,000
			Revenue	
105781	Roadway Reconstruction - Neighbors Drive	Active	Sharing	\$930,000
	Roadway Reconstruction - Pocahontas Tr. (Rt			
102980	60) Multimodal Corridor Upgrade	Active	RSTP; CMAQ	\$8,100,000
	Trail Access - Virginia Capital Trail at		Revenue	
104327	Monticello Ave/John Tyler Hwy	Active	Sharing	\$33,000
	Other Programm			+/
	Roadway Reconstruction - Marclay Road			
101871	(Airport Access Road)	Active	Access	\$987,000
	Road Widening - Longhill Road from Route		Secondary;	1
100921	199 to Olde Towne Road	Active	RSTP	\$19,800,000
	James River Elementary School Intersection			+10,000,000
97214	Upgrade	Complete	SRTS	\$168,382
57217	040.000	Complete	Rural Rustic;	÷:00,302
67134	Racefield Drive Paving	Complete	Secondary	\$181,104
	Congestion Mitigation and Air Quality	complete	Secondary	Ş101,104

CMAQ-Congestion Mitigation and Air Quality

RSTP-Regional Surface Transportation Program

SRTS-Safe Routes to School

2035 COMPREHENSIVE PLAN LAND USE APPLICATIONS VOTING SHEET

Date: 4/2/15

	nte. <u>4/2/15</u>											
						PCW	/G Vo	ote			Planning Commission Vote	
Case Number/ Name	Tax Parcels	Owner Requested Changes	Staff Recommendation	Motion	Elizabeth Friel Heath Richardson	John wright George Drummond	Robin Bledsoe	Chris Basic	Tim O'Connor Rich Kranf	PCWG Feedback	Heath Richardson John wright George Drummond Robin Bledsoe Chris Basic Tim O'Connor Rich Krapf	Planning Commission Feedback
LU-0001-2014, 7809 Croaker Rd.	13401000016D, 1340100015, 1340100013	Neighborhood Commercial	Denial: leave parcel Low Density Residential	Approval: change Massie property and two adjacent properties (7819 and 7901 Croaker Road) to Mixed Use.	Y Y	Y Y	Y	Y	ΥY	Ensure notification of adjacent property owners and public hearing signage for the two additional properties. Include language in the designation description about commercial uses of a Neighborhood Commercial scale, combined entrance off of Croaker Rd., interconnections among the three properties, buffering to residential area and aesthetics due to the proximity to the library.	Approval (no independent vote taken)	
LU-0002-2014, 8491 Richmond Rd.	1210100032	Mixed Use; PSA Expansion	Modified approval: change parcel to Rural Economy Support and expand PSA to include entire parcel	Deferral: pending discussions between JCSA and the Virginia Department of Environmental Quality	Y Y	Y Y	Y	Y	NY	Request to further consider designating the property Economic Opportunity and for staff and the applicant to continue discussions. Also consider keeping option open as to whether the Rural Economy Support designation needs to be inside the PSA.	Deferral (no independent vote taken)	
LU-0003-2014, 499 Jolly Pond Rd.	2240100007	Low Density Residential; PSA Expansion (portion of parcel)	Denial: leave parcel Rural Lands, outside PSA	Approval: expand PSA to include a portion of the property and change the designation to Low Density Residential	N N	Y Y	Y	Y	Y N		N Y Y Y Y N	
LU-0004-2014, 4450 Powhatan Pkwy.	3830100001	Moderate Density Residential	Denial: leave parcel Low Density Residential	Denial: leave parcel Low Density Residential	Y Y	Y Y	Y	Y	Y Y		Denial (no independent vote taken)	
LU-0005-2014, 133 Powhatan Springs Rd.	4620100009B	Limited Industrial	Modified Approval: change to Mixed Use as part of the Five Forks Mixed Use Area	Modified Approval: change to Mixed Use as part of the Five Forks Mixed Use Area	s Y Y	Y Y	Y	Y	ΥY		Approval (no independent vote taken)	
	0440100014, 0440100015, 0440100013, 0440100012,		Modified Approval: * change parcels south of interchange to Economic Opportunity;	Northern properties - Approval: change all parcels to Mixed Use	Y Y	Y Y	Y	Y	Y Y	Description language for this Mixed Use Area could include some	Approval of Land Use Designation change and	
LU-0006-2014, 9400 Barnes Rd.	0430100017, 0440100009, 0440100008, 0440100003, 0440100002	Economic Opportunity, Community Commercial; PSA Expansion	044010003 and 0430100017 to Mixed Use;	Southern properties - Approval: change all properties to Economic Opportunity, Deferral of the PSA expansion: pending discussions between JCSA and the Virginia Department of Environmental Quality	N Y	Y Y	Y	Y	Y Y	residential for the southern properties up to a certain percentage of the overall development but it should be integrated into the rest of the site development as part of the master plan and should include a timing mechanism to balance residential and commercial/industrial development.	deferral of PSA expansion (no independent vote taken)	
LU-0007-2014, 8515 Pocahontas Trl. (Kingsmill and Woods Course)	5230100111, 5230100011A, 5230100011B	Low Density Residential	Modified approval: * change 8515 Pocahontas Trl. to Low Density Residential; * change 101 Busch Service Rd. to Park, Public or Semi-Public Open Space; * leave 8581 Pocahontas Trl. Limited Industrial	Modified approval: * change 8515 Pocahontas Trl. to Low Density Residential; * change 101 Busch Service Rd. to Park, Public or Semi-Public Open Space; * leave 8581 Pocahontas Trl. Limited Industrial	Y Y	Y Y	Y	Y	Abstain ~		A Abstain	

2035 COMPREHENSIVE PLAN LAND USE APPLICATIONS VOTING SHEET

Date: 4/2/15

Dute: <u>4/2/13</u>	_				1							1					
							cwg	Vote				Plan	ning (Comr	missic	on Vote	2
Case Number/ Name		Owner Requested Changes	Staff Recommendation	Motion	Elizabeth Friel	Heath Richardson John wright	George Drummond	Robin Bledsoe	Chris Basic Tim O'Connor	Rich Krapf	PCWG Feedback	Heath Richardson	Jonn wrignt George Drummond	Robin Bledsoe	Chris Basic	Tim O'Connor Bich Kranf	Planning Commission Feedback
LU-0009-2014, 8961 Pocahontas Trl. (BASF Property)	5940100003, 5940100005, 5940100006	Mixed Use	Denial : leave parcels General Industry and Mixed Use	Approval: change to Mixed Use and develop specific language for a new Mixed Use area		Absent -	Y	Y	N N	I N	Mixed Use description should mirror the language for GreenMount Mixed Use Area. Want to still allow for industrial and office uses in addition to resort and related commercial. Permanent residential should not be a recommended use. Emphasize importance of environmental protections, shoreline stabilization and public access to waterways. Interested in including Colonial Penniman, LLC properties if designation is changed.	N	Y Y	Y	N	NN	Leave property as currently designated but if it is ultimately approved for Mixed Use, the description should include langauge that references mitigating impacts of development on the adjacent Fort Eustis.
LU-0010-2014, Grou 1 Housekeeping Items - Federal, State and County Land	1230100027, 3240100027,	n/a (staff initiated)	Approval: change 3 parcels to be entirely Federal, State and County Land	Approval: change 3 parcels to be entirely Federal, State and County Land	Y	Absent Absent	Absent	Y	Y Y	Y		Appro	•	o inde take	•	lent vot	e
LU-0011-2014, Groug 2 Housekeeping Items - New Town Area	Town WindsorMeade	n/a (staff initiated)	Approval: * change Southport properties to Low Density Residential; * change WindsorMeade properties to Mixed Use	Approval: * change Southport properties to Low Density Residential; * change WindsorMeade properties to Mixed Use	Y	Absent Absent	Absent	Y	Y Y	Y		Appro		o inde take		lent vot	2

AGENDA ITEM NO. H.5.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Jose-Ricardo L. Ribeiro, Senior Planner II
SUBJECT:	Candle Station Rezoning and Master Plan Amendment

ATTACHMENTS:

	Description	Туре
0	staff report	Staff Report
D	resolution	Resolution
D	Location Map	Exhibit
D	Minutes	Minutes
D	Master Plan	Exhibit
в	Revisions to the adopted Master Plan	Exhibit
D	Approved architectural elevations	Exhibit
D	Revised architectural elevations	Exhibit
D	Community Impact Statement	Exhibit
٥	Community Impact Statement- supplemental materials	Exhibit
D	Community Impact Statement- traffic update	Exhibit
D	Community Impact Statement- design guidelines	Exhibit
D	Community Impact Statement- Fiscal Impact (1)	Exhibit
٥	Community Impact Statement- Fiscal Impact (2)	Exhibit
D	Proffers	Exhibit
D	Approved and proposed proffers	Exhibit
D	Landscape buffer modification request	Exhibit
D	Correspondence from citizens	Exhibit
B	Correspondence from citizens	Exhibit
C	Correspondence from citizens	Exhibit

D	Correspondence from citizens	Exhibit
D	Housing Opportunities Policy	Exhibit
D	Housing Opportunities Policy Guide	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/12/2015 - 3:05 PM
Development Management	Murphy, Allen	Approved	6/12/2015 - 3:43 PM
Publication Management	Burcham, Nan	Approved	6/12/2015 - 4:31 PM
Board Secretary	Fellows, Teresa	Approved	6/12/2015 - 4:32 PM
Board Secretary	Kinsman, Adam	Approved	6/15/2015 - 11:19 AM
Board Secretary	Fellows, Teresa	Approved	6/15/2015 - 12:03 PM

REZONING-0008-2014/MASTER PLAN-0004-2014. The Village at Candle Station Rezoning and Master Plan Amendment

Staff Report for the June 23, 2015, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS Planning Commission: Planning Commission: Board of Supervisors: Board of Supervisors:	Building F Board Room; County Government Complex April 1, 2015, 7:00 p.m. (deferred by the applicant) May 6, 2015, 7:00 p.m. June 9, 2015, 7:00 p.m. (deferred by the Board of Supervisors) June 23, 2015, 7:00 p.m.
SUMMARY FACTS Applicant:	Mr. Timothy O. Trant, II, of Kaufman & Canoles, P.C.
Land Owners:	Candle Development, LLC; Candle Factory Building, LLC; Poplar Creek, LLC; NVR, INC; KLR Properties, LLC; Keith and Adrienne. McCarthy; Bryans C. Szostak; Ronica Leftwich; and John B. Barnett and Judith Barnett
Proposal:	A request to rezone \pm 64.45 acres of land from MU, Mixed Use, with proffers to PUD, Planned Unit Development, with amended proffers and to rezone ± 0.46 acres and ± 0.11 acres from M-1, Limited Business/Industrial to PUD, Planned Unit Development, with proffers. The request includes an amendment to the adopted master plan to replace the $\pm 90,000$ -square-foot assisted living facility and $\pm 30,000$ square feet of commercial/office area with 33 new single-family detached dwelling units and a $\pm 60,000$ -square-foot self-storage area.
Location:	4100, 4102, 4104, 4106, 4108, 4110, 4112, 4114, 4116, 4118, 4120, 4122 Votive Drive; 4000, 4002, 4004, 4006, 4008, 4010, 4012, 4014, 4016, 4018, 4020, 4022 Luminary Drive; 7551, 7567, 7521, 7505 and a portion of 7559 Richmond Road
Tax Map/Parcel Nos.:	2321100034-2321100045; 2321100046-2321100057; 2321100001D, 2321100001E, 2321100001A, 2321100001C, 2321100002D, and 2321100003B, (no Real Estate address available)
Parcel Size:	±65 acres
Existing Zoning:	MU, Mixed Use, with proffers, and M-1, Limited Business/Industrial
Comprehensive Plan:	Low Density Residential, Mixed Use, and Conservation Area
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds that this application is compatible with surrounding zoning and development and consistent with the Zoning Ordinance and the 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application and accept the voluntary proffers. Staff also recommends approval of the private streets proposed as part of this development (refer to the master plan for location of private streets).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this application and acceptance of the voluntary proffers by a vote of 6-1 (Nay: Krapf).

Proposed Changes Made Since the Planning Commission Meeting

Since the Planning Commission meeting, the applicant has submitted a master plan amendment showing a minor adjustment to the location of the recreational trail network internal to the site. The adjacent property owner to the north of the site contacted the developer and requested the pedestrian trail not be located any closer than 50 feet to the property line. A portion of the trail has since been adjusted. This change brings the total length of the trail to 5,100 linear feet while the previous version of the master plan had a trail length of approximately 4,940 linear feet.

Proposed Changes Made Since the Board of Supervisors Meeting

None

PROJECT HISTORY & DESCRIPTION

On December 13, 2011, the Board of Supervisors approved a rezoning and master plan application for The Village at Candle Station (Z-0003-2008/MP-0003-2008) by a 3-2 vote. The approval rezoned \pm 64.45 acres from A-1, General Agricultural, M-1, Limited Business/Industrial, and MU, Mixed Use districts to MU, Mixed Use, with proffers to allow for the construction of up to 175 residential units, \pm 30,000 square feet of commercial and office space, and a \pm 90,000-square-foot assisted living facility. Construction plans for the residential component of the adopted master plan were approved in May 2014 and currently 24 single-family attached (townhome) lots are being developed on the property. According to information provided by the applicant, development of the proposed assisted living facility and the commercial/office space is no longer economically feasible. The applicant is seeking to amend the adopted master plan and to rezone the Village at Candle Station properties from MU, Mixed Use, with proffers, to PUD, Planned Unit Development, with amended proffers, to allow for the replacement of the commercial and office spaces and the assisted living facility with 33 new single-family detached residential units and \pm 60,000 square feet of self-storage area.

The change in the zoning classification from MU, Mixed Use, to PUD, Planned Unit Development, is requested by the applicant because PUD is a more appropriate zoning designation, based on the proposed changes to this application, than the current zoning designation of MU. Section 24-519(d) of the Zoning Ordinance states that *"in order to achieve the intent of a mixed use development, no single use or category shall exceed 80 percent of the developable land area within a mixed use area, as delineated on the master plan."* Staff notes that the proposed master plan shows a residential component which is in excess of the 80 percent single use requirement established by the MU district. Further, in order to ensure that there is enough land to incorporate the proposed self-storage area to the master plan, the applicant has proposed to rezone ± 0.46 acres and ± 0.11 acres from adjacent properties (i.e., Candle Factory Storage and the Poplar Creek Office Park parcels) from M-1, Limited Business/Industrial, to PUD, Planned Unit Development, with proffers. As revised, the master plan now shows a total of 208 dwelling units (142 single-family attached and 66 single-family detached units) and $\pm 60,000$ square feet of self-storage area.

The area subject to the rezoning and master plan amendment application is located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607). The area is bounded on the south, east, and west by low-density residential developments zoned A-1, General Agricultural, (i.e., Toano Woods and Oakland Estates) and R-2, General Residential, (i.e., Norvalia). Adjacent properties to the north of the site and along Route 60 are zoned MU, Mixed Use, (i.e., CrossWalk Community

Church, formerly known as the Williamsburg Music Theater) and M-1, Limited Industrial, (i.e., The Candle Factory commercial complex, CVS and Food Lion stores, and the Poplar Creek office park). The Village at Candle Station development is located within the Norge Community Character Area and therefore subject to the recommendations set forth by the 2009 Comprehensive Plan.

Previous Changes made to the adopted master plan

Proposed changes to the adopted master plan for the existing attached and detached single-family units were evaluated by staff and considered by the Development Review Committee (DRC) under separate master plan consistency requests. Below is a summary of these changes with both staff and DRC recommendations. These previous DRC approvals have been incorporated into the revised master plan that is part of the current application. Attachment No. 5 provides a visual explanation of the changes made to the layout of the master plan since its adoption by the Board of Supervisors in 2011.

- January 30, 2013. A request to find the following changes consistent with the adopted master plan: (1) relocation of garages from rear-loaded to front-loaded positions for all 33 single-family detached units and 29 single-family attached units; and (2) removal of a back alley from five rows of single-family attached units. Staff found these changes to be a departure from the master plan, proffers, supplemental materials, and inconsistent with the "20th century Village Community Character" originally proposed by the applicant and recommended the DRC to find the proposal inconsistent with the approved master plan. The applicant requested deferral of the application.
- <u>March 5, 2013.</u> The master plan consistency consideration request was revised and the following changes were proposed: (1) widening of some of the 33 single-family detached lots; (2) relocation of 17 single-family attached dwelling units along the perimeter of the residential development to the denser interior residential cluster; and (3) revisions to the parking area layout for all 142 single-family attached dwelling units eliminating the requirement for rear loaded garages and eliminating the off street parking spaces in the alleys; and (4) revisions to the width and length of alleys to accommodate the relocated single-family detached dwelling units. Staff objected to the relocation of all 17 units as these were an important element of transition between different densities (i.e. from multi-family to single-family). However, staff recommended approval of the master plan consistency request contingent on at least five of the units remaining in the location originally shown on the adopted master plan. The DRC recommended approval of this master plan consistency request as presented by the applicant. No changes to the location of the garages were considered at this meeting.
- <u>August 28, 2013.</u> A request to find the following changes consistent with the approved master plan: (1) to allow a maximum of 10 single-family detached units with front-loaded garages; and (2) provision of individual vehicular driveways instead of shared driveways for all 33 single-family detached units. Staff found the proposal to be inconsistent with "20th century Village Community Character" as proposed by the applicant and with the supplemental materials (i.e., architectural elevations) submitted as part of the rezoning application for the project. The applicant requested deferral of the application.
- <u>September 25, 2013.</u> The DRC recommends approval of the master plan consistency request to allow a maximum of 10 single-family detached units with front-loaded garages and individual vehicular driveways for all 33 single-family detached units.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy. Table 1.0 below identifies all cash contributions (except for \$32,970 proffered for sidewalks and up to \$10,990 proffered for traffic signal coordination) offered by the applicant as a means to mitigate the physical impact of the proposed development. Proffer reductions for affordable and workforce housing based on the Housing Opportunities Policy (HOP) are included as these impact the total monetary amount being proffered. **Table 1.0-Cash Contributions for community impacts**

1. SFD -Single Family Detached/2. SFA -Single Family Attached,

Housing Category	Housing Type	Total Quantity	Pricing Type	Total Quantity	CIP: Schools	CIP: Others:	Water	Sewer	Stream Restoration	Total per Unit	Totals:
SFD ¹	Single Family	66 units	Market Price \$349,000	66 units	\$ 19,505	\$1,099	\$1,375	\$725	\$ 549	\$23,253	\$1,534,698
SFA ²	Townhouse	142 units	Market Price \$249,000	100 units	\$5,550	\$1,099	\$1,039	\$725	\$ 549	\$8,962	\$896,200
НОР*	30-60% of AMI	100% reduction	\$116,213- \$188,124	17 units	\$0	\$0	\$0	\$0	\$ 0	\$0	\$0
	60-80% of AMI	60% reduction	\$188,124- \$228,647	15 units	\$2,220	\$439	\$415	\$290	\$219	\$3,583	\$53,745
	80-120% of AMI	30% reduction	\$228,647- \$358,605	10 units	\$3,885	\$769	\$727	\$507	\$384	\$6,272	\$62,720
											±\$2,547,363

*According to the Housing Opportunities Policy (HOP) a total of 42 units will be offered as affordable and workforce housing. None of the single-family detached units will be offered as affordable units. The percent cash proffer reduction is based on the Area Median Income percentage (AMI) as determined by HUD. Numbers are rounded up.

CONTRIBUTIONS-PUBLIC IMPACTS

Archaeology

Proffers:

• The James City County Board of Supervisors' adopted archaeological policy is proffered (Proffer No.10).

Staff Comments: A Phase I Cultural Resources developed for the property by *Archaeological and Cultural Solutions* was submitted to the Virginia Department of Historic Resources (VDHR) in 2013 for review. The study recommended no further work/excavations on the entire property; VDHR concurred with the study's recommendation.

Environmental

Watershed: Subwatershed 103 of the Yarmouth Creek Watershed Proffers:

- A contribution of \$549.50 for each residential unit shall be made to the County toward stream restoration or other environmental improvements in the Yarmouth Creek watershed [Proffer No. 5 (e)];
- Sustainable building practices are proffered [Proffer No. 11(b)];
- Development of a Master Stormwater Management Plan is proffered with the use of Low Impact Development (LID) techniques to treat 30 percent of the impervious areas on the property (Proffer No. 14); and;
- A Nutrient Management Plan program has been proffered to be implemented in the proposed development (Proffer No. 15).

Engineering and Resource Protection (ERP) Division Staff Comments: Construction plans for the Village at Candle Station project has been previously reviewed and approved by ERP. The master stormwater management plan will require an amendment to reflect the proposed addition of the 33 new single-family dwelling units and the self-storage unit area. The nutrient management plan proffer applies to the amended areas. ERP staff has recommended approval of the rezoning and associated proffers for this project.

Open Space

Section 24-488 of the Zoning Ordinance requires that 35 percent of the gross area of any planned unit development district shall be retained in open space. This may include common open areas, perimeter open space, buffers between various uses or densities, public open space, recreation areas, easements, areas of steep slopes or slopes exceeding 25 percent gradient, and Resource Protection Areas (RPA) or historic sites. According to the master plan a total of 37.5 percent of the gross area of the site will be dedicated as

open space, a slight increase from 37.2 percent provided as part of the previous approved master plan. Staff notes that this proposal offers \pm 45.2 percent of the net developable area as open space.

Fiscal Impact:

Proffers:

- Cash contributions of \$1,099 per dwelling unit (other than the 42 affordable/workforce dwelling units subject to proffer reductions according to HOP) on the property (total of ±\$196,709) 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 improvements plan, which may include emergency services, off-site road improvements, future water needs, library uses, and public use sites.
- A Fiscal Impact Study (FIS) prepared for this development using the County's Fiscal Impact Worksheet and Assumptions (Attachment No. 8) was provided as part of the rezoning and master plan amendment application for this project. According to the study, the residential fiscal impact is negative at **\$166,789.25** while the commercial fiscal impact is positive at **\$30,173**. Therefore, the net final fiscal impact of this proposal is projected to be negative at **\$136,616.25**. By comparison, the net fiscal impact was estimated to be negative **\$46,700** at build out in 2015 for the previous proposal, which included the assisted living facility and the commercial/office uses.
- **Staff Comments:** The Director of Financial and Management Services (FMS) has reviewed the fiscal impact study and generally agrees that there will be a negative fiscal impact associated with this project.

Public Utilities

The site is inside the Primary Service Area (PSA) and served by public water and sewer.

Proffers:

• For cash contribution information please refer to Table No. 1 on this report and/or Proffer No. 5(c), (d) and (f) attached to this report.

Staff Comments: The James City Service Authority (JCSA) has reviewed the rezoning application and finds that proffers being offered will mitigate impacts to the County's public water and sewer system. The JCSA has recommended approval of the rezoning and associated proffers for this project.

Public Facilities

School Proffers:

A cash contribution of \$19,505.34 per each single-family detached dwelling unit and \$5,550.16 for each single-family attached dwelling unit (other than the 42 affordable/workforce dwelling units subject to proffer reductions according to HOP) to mitigate the impacts from physical development and operation of the property [Proffer No. 5(a)]. 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, school uses.

Staff Comments: This project is located within the Norge Elementary, Toano Middle, and Warhill High Schools districts. Under the revised Master Plan a total of 208 residential dwelling units are now proposed. With respect to the student generation and the current school capacities and enrollments for 2014-2015, the following information is provided:

Student Projections:

- Single-Family Detached: 0.4 (generator) x 66 (residential type) generates 26 new students
- Town homes: 0.17 (generator) x 142 (residential type) generates 24 new students

A total of 50 new students are projected to be generated under the assumed residential unit mix. This includes an increase in 13 schoolchildren over the previous approved plan. These numbers are generated by the Department of Financial and Management Services in consultation with Williamsburg-James City County (WJCC) Public Schools based on historical attendance data gathered from other households in James City County. Table 2.0 illustrates the expected number of students being generated by the Village at Candle Station project and overall student capacity for Norge Elementary, Toano Middle, and Warhill High Schools.

School	Effective Capacity ¹	Enrollment (2014-2015)	Projected Students Generated	Enrollment+Projected Students
Norge Elementary School				
	695	578	±22	600
Toano Middle School				
	790	756	±11	767
Warhill High School				
	1,441	1,164	±17	1,181

 Table 2.0-Student enrollment and school capacity for JCC-Williamsburg schools 2014-2015

Source: Williamsburg-JCC Public School Official Student Enrollment Projections- December 2014

1 Effective Capacity represents the "realistic and practical number of students that the school facility can accommodate."

Based on the above analysis, the 50 students projected to be produced from this development would not cause the enrollment levels for Norge Elementary, Toano Middle, and Warhill High Schools to exceed their effective capacities.

Affordable and Mixed Cost Housing:

This application is subject to the HOP adopted by the Board of Supervisors on November 27, 2012. According to the policy, at least 20 percent of a development's proposed new dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median income (AMI). Table 3.0 below illustrates the Policy's income ranges and percentages and how it relates to this application. Staff notes that the applicant has proffered in compliance with the HOP (Proffer No. 4). According to the applicant no single-family detached residential units will be offered as affordable and/or workforce housing.

Units targeted to (percent of AMI)	Price range (Minimum- Maximum-2015)	Minimum percent of the development's proposed dwelling units expected (%)	Number of units subject to policy	
30-60%	\$116,213-\$188,124	8	17 units	
Over 60-80%	\$188,124-\$228,647	7	15 units	
Over 80-120% \$228,647-\$358,605		5	10 units	
	Total	20	42 units	

Table 3.0. Housing Opportunities Policy and AMI

Parks and Recreation

Proffers:

• Approximately 3.65 acres of parkland, including one centrally located, shared playground of at least 2,500 square feet with at least five activities;

- A minimum eight-foot-wide concrete or asphalt path along one side of the entrance road approximately 0.36 miles in length;
- Approximately .094 miles of soft surface walking trail;
- One paved multi-purpose court approximately 50 feet by 90 feet in size; and
- One graded multi-purpose field which will be least 200 feet by 200 feet in size.

Staff Comments: All of the above recreational features have been proffered (Proffer No. 9). Staff notes that the paved multi-purpose court is typically offered as a basketball and/or tennis court. During the review of the construction plans a paved multi-use purpose court with the following activities: chess/checkers, four square, bocce and shuffleboard was proposed by the applicant instead of a basketball/tennis course and accepted by staff. Staff finds the proffered recreational amenities to be generally in accordance with the 2009 County Parks and Recreational Master Plan (CPRM) and to be acceptable.

Transportation

Proffers:

- Reconstruction of the existing private driveway at the Route 60/Croaker Road intersection to a public road with a four- or five-lane road section at the Route 60 intersection [Proffer No. 6(a)];
- At the intersection of Route 60 and Croaker Road, a right-turn lane with 200 feet of storage and a 200foot taper and with shoulder bike lane from eastbound Route 60 into the property shall be constructed [Proffer No. 6(b)];
- At the intersection of Route 60 and Croaker Road, the eastbound left-turn lane shall be extended to have 200 feet of storage and a 200-foot taper [Proffer No. 6(c)];
- Related adjustments to the Route 60 traffic signal at Croaker Road were proffered [(Proffer No. 6(d)];
- Payment to VDOT, not to exceed \$10,000 of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of the signal at the Croaker Road/Route 60 intersection [Proffer No. 6(e)];
- Installation of crosswalks across Route 60, a median refuge island, signage, and pedestrian signal heads at the intersection of Route 60/Croaker Road as warranted [Proffer No. 6(f)];
- Provision of pedestrian and vehicular connections between the Property and the adjacent property -Tax Parcel No. 2321100001F (Proffer No. 7);
- Provision of a crosswalk across Croaker Road from Tax Parcel No. 2321100001B to Tax Parcel No. 2321100001F and crosswalks providing access to the two internal parks on the property (Proffer No. 19).

Traffic Counts:

2007 Traffic Counts: On Richmond Road (Route 60) from Rochambeau Drive to Croaker Road (Route 607), there were 17,201 average daily trips. On Richmond Road from Croaker Road (Route 607) to Norge Elementary there were 21,892 average daily trips. On Croaker Road from Rochambeau Drive to Richmond Road, there were 9,275 average daily trips.

2035 Traffic Counts: On Richmond Road from Rochambeau Drive to Croaker Road 29,293 average daily trips are projected. On Richmond Road from Croaker Road to Norge Elementary 39,110 average daily trips are projected. On Croaker Road from Rochambeau Drive to Richmond Road 28,584 average daily trips are projected. The segment of Richmond Road between Croaker Road and Norge Elementary is listed on the "watch" category and the section of Croaker Road is "recommended for improvements" in the Comprehensive Plan.

VDOT Comments: VDOT concurs with the trip generation and turn-lane warrant analysis as presented by the revised Traffic Analysis. The change in land uses (i.e., removal of the assisted living facility and commercial/office area and the addition of 33 new single-family homes and $\pm 60,000$ square feet of self storage area) is projected to reduce the overall trip generation from $\pm 3,580$ daily trips (i.e., 175 dwelling units, commercial and office space, and the assisted living facility) to below 1,758 daily trips (208 dwelling units and mini storage area).

Staff Comments: Staff concurs with VDOT's findings and notes that all proffered road improvements have been installed and that the revised proposal does not warrant any additional road improvements. Staff notes that Proffer 6(b) required a right-turn lane with 200 feet of storage and a 200-foot taper at the intersection of Route 60 and Croaker Road. Due to the change in the proposed land use for the property the 200-foot taper is no longer warranted and has been removed from this proffer.

COMPREHENSIVE PLAN

Land Use Map

The 2009 Comprehensive Plan Land Use Map designates the site for the Village at Candle Station project as Low Density Residential and Mixed Use. Table 4.0 below shows the two different land use designations on the site broken down by respective acreage, proposed use, and correspondent densities.

	Village at Candle Station Site (Total Acreage)	Mixed Use Designated Area	Low Density Residential Designated Area
Area	± 64.4 Acres	±3.6 acres	± 61.4 acres
Uses Proposed	Residential, non- residential, and recreational uses	Non-residential: ± 60,000 square feet of self-storage	Residential:66Single-FamilyDetached Units,142Single-Family Attached Units.Recreational: ±3.65 acre of park land
Density	± 3.2 dwelling units per acre (density calculation based on 208 units/64.5 acres- total area)	N/A	±3.4 dwelling units per acre (density calculation based on 208 units/61.4 acres (total parcel area 64.4 acre <i>minus</i> 3.6 acres area designated Mixed Use area)

Table No. 4.0.2000 Con	mprohonsiyo Plan la	nd use designation f	or The V	Village at Candle Station
1 able No. 4.0-2009 Col	inprenensive Fian ia	na use designation i	or the v	mage at Canule Station

Source: Rezoning Application Materials Associated with Z-0008-2014/MP-0004-2014

Density

According to Section 24-487(a) of the Zoning Ordinance the base density (dwelling unit per acre or du/ac) for single-family dwellings is 2 du/ac with a maximum gross density of 4 du/ac allowed based on density bonus. For multi-family dwellings containing up to and including 4 dwelling units the base density is 5 du/ac with a maximum gross density of 10 du/ac. Based on information provided in the master plan, the base densities for the single-family and the multi-family areas are ± 1.81 du/ac and ± 5.25 du/ac, respectively. Section 24-487(c) of the Zoning Ordinance allows for density bonus points provided specific benefits are offered. This application provides benefits such as a stormwater management plan that meets the Chesapeake Bay preservation ordinance through extensive use of better site design/low impact development techniques and a set of binding design guidelines. These items are in compliance with the Zoning Ordinance and therefore earning the bonus points required to support a density of 5.25 du/ac as requested by the applicant. However, staff notes that the overall density of the Village at Candle Station is somewhat higher than other nearby residential developments: Table 5.0 below shows density numbers for Candle Station compared to nearby residential developments:

	Total Number of Units*	Total Area	Gross Density	Comprehensive Plan Designation
Village at Candle Station	208	64.4 acres	3.2 du/ac	Low Density Residential
Norvalia	57	26.5 acres	2.1 du/ac	Low Density Residential
Toano Woods	76	47 acres	1.6 du/ac	Low Density Residential
Mirror Lakes	242	213 acres	1.1 du/ac	Low Density Residential
Oakland	40	102 acres	0.4 du/ac	Low Density Residential

Table No. 5.0- Densities for The Village at Candle Station and nearby residential developments

Source: GIS. Numbers are an approximation. *Total number of existing units only. For total number of parcels: Norvalia (59), Toano Woods (76), Mirror Lakes (250), and Oakland (44).

For Low Density Residential areas, a gross density from one unit per acre to four units per acre is allowed, if particular public benefits are provided. An example of such public benefits includes mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principal of open space design. This application proposes a variety of mixed-cost housing, including affordable and workforce (i.e., a total of 42 dwelling units are proffered in accordance with HOP), enhanced environmental protection (i.e., monetary contribution for off-site stream restoration, master stormwater management plan, EarthCraft House Virginia certification for all single-family detached dwelling units, and a nutrient management plan are proffered) and development that adheres to the principal of open space design (i.e., ± 12 acres of additional forested buffers landward of the 100-foot RPA buffers, and ± 40 percent of net developable area will be retained as open space). For Mixed Use areas southwest of the Croaker/Richmond Road intersection, suggested uses include commercial and office as primary uses with limited industry as a secondary use. The Village at Candle Station proposes $\pm 60,000$ square feet of self-storage. Staff finds this proposal consistent with the James City County 2009 Comprehensive Plan.

Norge Community Character Area

Norge has a unique and identifiable residential component located off Richmond Road and some pedestrianoriented storefronts. However, the early 20th century "village" character of its business and residential areas along Richmond Road has been visually impacted by automobile-oriented infill development. The 2009 Comprehensive Plan offers specific design standards intended to guide future development and redevelopment in Norge which includes, but not limited to, (1) architecture of new structures complementing the historic character of the Norge area, (2) parking located to the rear of buildings, (3) pedestrian and bicycle access and circulation, and (4) a mix of land uses in close proximity.

The revised design guidelines for the Village at Candle Station shows design elements, which are compatible with the expectations set forth by the Comprehensive Plan for the Norge area. However, the revised guidelines propose up to 50 percent of the 66 single-family detached dwelling units as front-loaded garages, an increase from the 10 single-family detached front-loaded garages previously proposed as part of the approved design guidelines. On March 25, 2015, the applicant presented to the DRC the proposal to increase the number of front-loaded garages to up to 33 single-family detached units (50 percent of the 66 single-family detached units). The DRC offered feedback which was generally in alignment with the applicant's request. Staff continues to find that front-loaded garages are not a design element compatible with the 20th century "village" character of the Norge area.

LANDSCAPE BUFFER REDUCTION REQUEST

Section 24-492 (2) of the Zoning Ordinance states that "for commercial uses a minimum landscape buffer of 75 feet shall be maintained from all property lines adjoining a different zoning district which abut the site and/or existing or planned public roads or properties that are peripheral to the planned unit development district." The applicant has requested a reduction of the 75-foot landscape buffer between the location where the self-storage area is proposed and adjacent properties to the north (e.g., Food Lion store, Candle Factory warehouse, and Poplar Creek Offices parcels). The applicant has submitted a letter to the Planning Director (Attachment No. 11) requesting the buffer reduction in accordance with criteria established by Section 24-492 (b) of the Zoning Ordinance. The reduction request has been accepted, with conditions, by the Planning Director concurrently with its recommendation of approval for this project.

PRIVATE STREETS

Section 24-528 (b) of the Zoning Ordinance states that: "Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation." The master plan identifies private streets in the residential areas of the development and has proffered (Proffer No. 16) maintenance of the private streets through the Homeowners Association.

RECOMMENDATION

Staff finds that this application is compatible with surrounding zoning and development and consistent with the Zoning Ordinance and the 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application and accept the voluntary proffers. Staff also recommends approval of the private streets proposed as part of this development (refer to the master plan for location of private streets).

ATTACHMENTS:

- 1. Resolution
- 2. Location Map
- 3. Unapproved Minutes from the May 6, 2015, Planning Commission Meeting
- 4. Master Plan (under separate cover)
- 5. Exhibit showing revisions to the adopted master plan (Z-0003-2008/MP-0003-2008)
- 6. Approved Architectural Elevations (Z-0003-2008/MP-0003-2008)
- 7. Revised Architectural Elevations (Z-0008-2014/MP-0004-2014)
- 8. Community Impact Statement Binder (under separate cover)
- 9. Proffers
- 10. Table comparing approved and amended proffers
- 11. Letter from the applicant requesting a modification from landscape buffer
- 12. Correspondence from Rebkee Company, CrossWalk Community Church, Mr. Jack Barnett, and Mr. Dick Ashe
- 13. Housing Opportunities Policy (HOP) and Policy Guide

JR/gb Z-08-14-MP04-14Village

<u>RESOLUTION</u>

REZONING-0008-2014/MASTER PLAN-0004-2014. THE VILLAGE AT CANDLE STATION

REZONING AND MASTER PLAN AMENDMENT

- WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Zoning Case No. Z-0008-2014/MP-0008-2014; and
- WHEREAS, on behalf of various property owners, Mr. Timothy Trant has applied to rezone properties located at 7551, 7567 and a portion of 7559, 7521, and 7505 Richmond Road; 4000, 4002, 4004, 4006, 4008, 4010, 4012, 4014, 4016, 4018, 4020 and 4022 Luminary Drive; 4100, 4102, 4104, 4106, 4108, 4110, 4112, 4114, 4116, 4118, 4120, and 4122 Votive Drive and further identified as James City County Real Estate Tax Map Nos. 2321100001D, 2321100001E, 2321100001A, 2321100001C, 2321100002D, 2321100046, 2321100047, 2321100048, 2321100049, 2321100050, 2321100051, 2321100052, 2321100053, 2321100054, 2321100055, 2321100056, 2321100057, 2321100045, 2321100044, 2321100043, 2321100042, 2321100041, 2321100040, 2321100039, 2321100038, 2321100037, 2321100036, 2321100035, 2321100034, respectively, and a property identified as James City County Real Estate Tax Map No.2321100003B (collectively, the "Properties") from MU, Mixed Use, with proffers to PUD, Planned Unit Development, with amended proffers and from M-1, Limited Business/Industrial, to PUD, Planned Unit Development, with proffers. The request includes an amendment to the adopted master plan for Case No. Z-0003-2008/MP-0003-2008 to replace a $\pm 90,000$ -square-foot assisted living facility and $\pm 30,000$ square feet of commercial/office area with 33 new single-family detached dwelling units and a $\pm 60,000$ -square-foot self-storage area. As amended, the master plan shows a total of 208 dwelling units and approximately $\pm 60,000$ square feet of self-storage; and
- WHEREAS, the Properties are designated Low Density Residential, Mixed Use, and Conservation Area on the 2009 Comprehensive Plan Land Use Map; and
- WHEREAS, on May 6, 2015, after a public hearing, the Planning Commission recommended approval of the application by a vote of 6-1.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0008-2014/MP-0004-2014 described herein, and accepts the voluntary proffers.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the request to allow private streets as shown in the Master Plan for Case No. Z-0008-2014/MP-0004-2014.

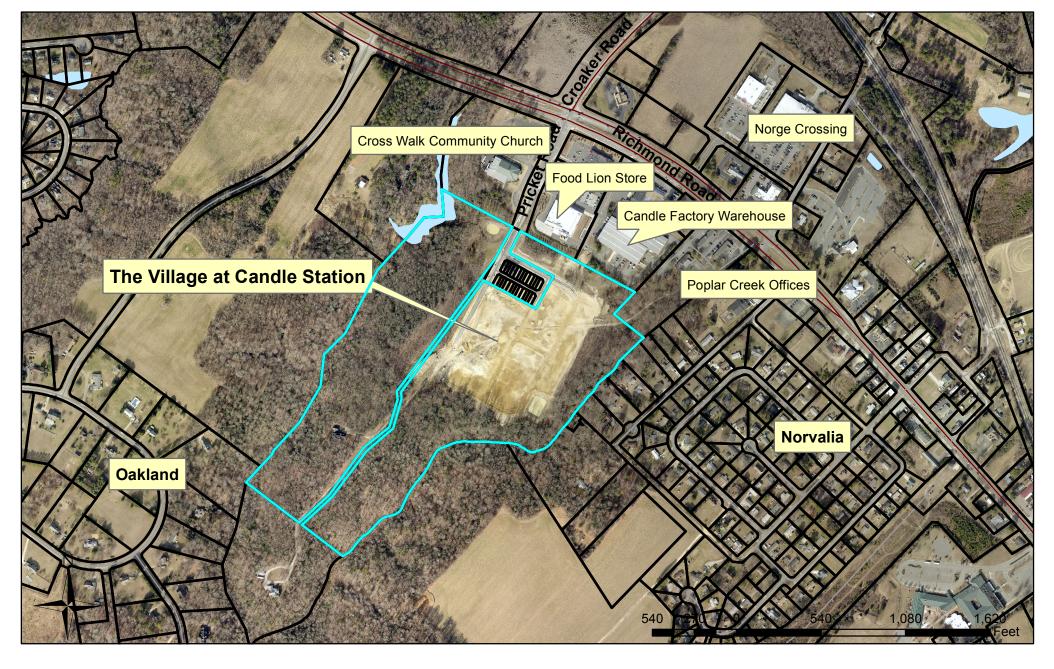
	Michael J. Hi Chairman, Bo		pervisors	5
ATTEST:		VOTE <u>AYE</u>		<u>ABSTAIN</u>
	JONES MCGLENNON			
Bryan J. Hill Clerk to the Board	ONIZUK KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

Z-08-MP-04-14Village-res

JCC-Z-0008-2014/MP-0004-2014 The Village at Candle Station





Unapproved Minutes of the May 6, 2015 Planning Commission Meeting

Case Nos. Z-0008-2014/MP-0004-2014, The Village at Candle Station Rezoning and Master Plan Amendment

Ms. Bledsoe stated that the case was deferred from the April 1 meeting and that the public hearing remains open.

Mr. José Ribeiro, Senior Planner, II, provided an overview of the history of the development and the current request rezone approximately 64.45 acres of land from MU, Mixed Use with proffers to PUD, Planned Unit Development, with amended proffers and to rezone approximately 0.46 acres and 0.11 acres from M-1, Limited Business/Industrial to PUD, Planned Unit Development, with proffers and the proposed amendment to the adopted master plan to replace the 90,000 s.f. assisted living facility and 30,000 s.f. of commercial/office area with 33 new single-family detached dwelling units and a 60,000 s.f. self-storage area.

Ms. Bledsoe opened the floor for questions from the Commission.

Mr. O'Connor inquired if the proposed reduction in percentage of proffered affordable workforce housing was in alignment with the Housing Opportunities Policy.

Mr. Ribeiro confirmed that the percentage of workforce housing is in compliance with the policy.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Rich Krapf stated that he spoke with Mr. Trant regarding the application.

Mr. Basic, Mr. George Drummond, Mr. Wright, and Mr. Heath Richardson each stated that they had spoken with Mr. Trant.

Ms. Bledsoe stated that she spoke with Mr. Trant as well.

Mr. O'Connor stated that he had spoken with Mr. Trant and Mr. Pete Henderson.

Ms. Bledsoe opened the floor for public comment.

Mr. Tim Trant, Kaufman & Canoles, PC, stated that he represents the applicant. Mr. Trant spoke on the history of the project and the rationale regarding the proposed changes. Mr. Trant noted that the approved assisted living facility, which was incorporated in the approved master plan to accommodate a proposal by the adjacent church, was no longer economically viable and despite effort to market the property it is not likely to become a reality. Mr. Trant stated that because the approved proffers tie the build out of the residential units to the existence of the assisted living facility and the anticipated demand for office/retail space has not materialized, it is necessary to revise the master plan. Mr. Trant stated that he believes the amended plan presented represents the least impactful and most economically viable use for the property. Mr. Trant stated that the proposal is a less intensive development plan; more in alignment with the Comprehensive Plan designation; supports the commercial corridor; and is more cohesive with the character of the residential development.

Ms. Irma Thompson, 160 Old Church Road, James City County, stated that she owns a parcel adjacent to the project area. Ms. Thompson stated that she was concerned about the impact of the proposed commercial area and stated that the applicant had addressed her concerns and that she supports the proposal.

Mr. Jack Barnett, 7559 Richmond Road, James City County, stated that he resides on an adjacent parcel which takes access through the subject property. Mr. Barnett noted that his property access is the proposed main road for the Village at Candle Station development. Mr. Barnett stated that he supports the proposed development because of the amenities and enhancements it will provide.

Ms. Bledsoe opened the floor for discussion.

Mr. Krapf inquired about current construction in the existing project.

Mr. Trant responded that there are 24 lots which have been platted; however, only four residences have been constructed to date.

Mr. Krapf inquired if there has been feedback from those homeowners regarding the proposed changes.

Mr. Trant stated that the homeowners support the proposed changes and believe they will preserve and enhance the residential character of the project.

Mr. Richardson requested that Mr. Trant respond to staff's comments that the proposed frontloading garages are not compatible with the Norge Community Character requirements.

Mr. Trant stated that the architectural guidelines for this project have been developed to fit with the Norge community. Mr. Trant stated that all of the townhomes will retain the alley-loaded garages; it is just the single family residences that will have front-loaded garages. Mr. Trant

further stated that this is the preferred design as it does not impact the size of back yards which is a feature desired by potential purchasers. Mr. Trant noted that the major area of concern noted by staff was the main access road. Mr. Trant noted that because of aesthetics and traffic concerns, those residences would be built with rear-loaded garages. Mr. Trant noted that the number of single family homes with front-loaded garages would be limited to 33.

Mr. O'Connor inquired about the number of units and price point ranges for the affordable housing units.

Mr. Trant responded that the initial proffers, which were approved before the Housing Opportunity Policy was established, had only five units set at the entry level range and another five at the mid-range with the remainder of the proffered workforce housing being in the highest tier. Mr. Trant stated that the current proffers will comply with the Housing Opportunity Policy which focuses on providing a larger percentage of units at the lowest range and fewer at the top tier. Mr. Trant further stated that there is a restricted number of units that are proffered to be sold at the affordable housing level and that it will be required to take referrals by the County's Office of Housing and Community Development for those units.

Mr. O'Connor inquired about the potential impact of the self-storage unit on the surrounding residential properties as it relates to the height of the units and the operating hours. Mr. O'Connor stated that he is particularly interested in the landscaping treatments.

Mr. Trant stated the new proposal is a much less intensive use of the property and provides more separation of the buildings from the residential parcels and more opportunity for a buffer if it proves possible to move the self-storage units closer to the Food Lion. Mr. Trant noted that either use would require sufficient lighting for security purposes. Mr. Trant stated that the architectural character of the self-storage units will complement the architecture of the broader project. Mr. Trant further stated that there is a proffer condition which would require submittal of supplemental design guidelines to address the materials and treatments of those buildings.

Mr. O'Connor asked for more detail on the buffer treatment.

Mr. Jason Grimes, AES Consulting Engineers, stated that if the request for a buffer waiver between the self-storage and the Food Lion is approved, the intent is to create a 35-foot buffer between the self-storage and the residential properties. Mr. Grimes stated that the landscaping would be a wooded buffer. Mr. Grimes noted that there is an elevation change of about ten feet between the residential area and the self-storage so that the view from the second floor of a residential unit would be the first floor of the storage units through the wooded buffer. Mr. Grimes noted that the initial proposal was for one-story office or retail units which would have had a similar visual impact without the benefit of the larger buffer. Ms. Bledsoe inquired about the buffer between project and the Norvalia community.

Mr. Grimes stated that the wetlands would serve as the primary buffer. Mr. Grimes noted that there would also be additional landscaping along the rear alley area.

Mr. Krapf inquired about the increased negative fiscal impact of the proposed revision which is approximately \$90 thousand more than the approved project.

Mr. Trant stated that while the figures for the residential portion alone are technically correct, to get a true picture of the impacts, it is necessary to consider the residential portion in conjunction with the commercial portion located along Route 60. Mr. Trant further stated that if the impacts of the entire redevelopment are considered, it will show a substantial positive impact.

Mr. Basic inquired about the amount of reduced buffer between the self-storage units and the Food Lion.

Mr. Trant stated that there would be a reduction in the buffer from 75 feet to ten feet. Mr. Trant further stated that the buffer reduction was necessary in order to have sufficient square footage for the self-storage component so that it would be economically viable. Mr. Trant stated that it appeared to be the better option to take the space from the buffer between the commercial buildings rather than the buffer with the residential units. Mr. Trant stated that the applicant prefers to wait to do architectural renderings of the self-storage units until closer to the time the project comes to fruition. Mr. Trant further stated that there is a proffer in place to submit supplemental design guidelines for the self-storage units to ensure that they will complement the residential component. Mr. Trant stated that this similar to what was initially approved for the assisted living facility.

Mr. Basic stated that based on the history of the project with several issues going to the DRC for Master plan consistency determinations, he would prefer more detail regarding the architectural treatment of the self-storage units at this point in time rather than waiting until later.

Mr. Trant stated that the residential portion of the project would come on line first. Mr. Trant further stated that once the residences are in place and once the final contours and grading of the site are determined, the applicant would be in a better position to develop the landscape plan and façade treatment for the self-storage units that would provide the right aesthetic.

Ms. Bledsoe inquired if Ryan Homes has taken over as builder on the residential project and how it came about that the project was transferred from the locally owned Patriot Builders to a non-local builder. Ms. Bledsoe stated that she wants to see local builders involved in local projects.

Mr. Trant stated that the plan was for Patriot Builders to do the residential project; however, because of the timing of the project in relation to the economic recovery, it was not possible for the builder to take on the project. Mr. Trant further stated that there were no other local builders with the market power to create the necessary sales. Mr. Trant stated that the project was designed by Guernsey Tingle, a local architectural firm, for the purpose of being developed and built by a local builder and to have a home town appeal. Mr. Trant stated that when Ryan Homes took on the project, it was required that they retain that architectural character.

Ms. Bledsoe requested confirmation that the residential project design will remain the same or along very similar guidelines to the initial renderings by Guernsey Tingle.

Mr. Trant stated that the original design with the modifications approved by the DRC are included in the proffered design guidelines and are binding on the project.

Mr. Richardson requested that staff elaborate on the concerns mentioned in the staff report regarding the front-loaded garages not being in keeping with the Norge character.

Mr. Holt stated that this was an initial concern early on in the project; however, over time the plan has evolved and has been to the DRC several times for Master Plan consistency determinations. Mr. Holt further stated that as a result of the last DRC meeting, the developer has amended the plan to include an alley to accommodate rear-loaded garages for many of the units and has provided assurances that there will be no front-loaded garages along the main road. Mr. Holt noted that rear-loaded garages would not be desirable in the northern portion of the project where the new single-family homes will be located because of the enhanced environmental protections that are being offered. Mr. Holt stated that these are the factors that have led staff to recommend that the project is consistent with the Comprehensive Plan.

Mr. O'Connor noted that those garages that are not rear-loaded will be side loaded which will enhance the aesthetics.

Mr. Richardson inquired about the density.

Mr. Ribeiro stated that the residential portion of the project is designated low density residential with a base density of one unit per acre but allow up to four units per acre if public benefits are provided. Mr. Ribeiro stated that the Village at Candle station does have a higher density than the adjacent residential developments; however, it still falls within the allowable range. Mr. Ribeiro noted that the application includes public benefits which factor into allowing the higher density.

Mr. O'Connor inquired about the level of service for the intersection with Croaker Road and Richmond Road.

Mr. Ribeiro stated that in 2011 the intersection was LOS C.

Mr. O'Connor inquired about the LOS on Croaker Road.

Mr. Holt stated that he did not have a projected LOS for Croaker Road in out years; however, there is a programmed improvement to widen the road to four lanes.

Mr. O'Connor inquired about the timing of the road improvements and asked if funding had been identified.

Mr. Holt responded that the project was in conceptual design.

Mr. Richardson stated that the segment of Richmond Road between Croaker Road and Norge Elementary is on the VDOT watch list for needing improvement and Croaker Road is identified in the Comprehensive Plan as needing improvement. Mr. Richardson noted that the LOS for those roads is something that will need to be watched as traffic flow increases.

Mr. O'Connor noted that at the Lightfoot intersection the ADT is approximately 26,000 and between Norge and Toano the ADT is approximately 18,000.

Mr. Ribeiro noted that the revision to the plan would actually decrease the number of daily vehicular trips by half.

Ms. Bledsoe opened the floor for Commission discussion.

Mr. Krapf stated that he was on the Commission when the initial proposal came forward and had voted in favor of the project because it seemed to provide something slightly different than the typical residential development. Mr. Krapf noted that at that time 33% of the project was affordable or workforce housing. Mr. Krapf further noted that the assisted living facility was an important part of his consideration of the application. Mr. Krapf noted that the demographic of the area show an aging population and that the majority of those individuals will not be able to afford to age in place or enroll in continuing care communities. Mr. Krapf stated that the assisted living facility would have filled a necessary and important niche in the community. Mr. Krapf stated that as the project went through several DRC reviews, he was concerned that even though each change was small, the end project would be substantially different from the initial proposal. Mr. Krapf stated that he understands the need for economic viability; however, he would prefer to see a change to the triggers, even coming at the full build out of the residential component, to

allow enough time to attract a potential operator for the assisted living facility. Mr. Krapf noted his concerns with the current proposal included the increase negative fiscal impact and the fact that workforce and affordable housing units have decrease from 33 % to 20% even though here are additional housing units with the new proposal. Mr. Krapf further stated that the only positive to the new proposal is the 50% reduction in traffic on the main arteries because of the change of use. Mr. Krapf stated that he also had concerns about the additional front-loaded garages and the impact on the architectural character of the development. Mr. Krapf stated that the project approved in 2011 was good for the community and provided some long-term benefits for the County. Mr. Krapf further stated that the proposal before the Commission for consideration is substantially different and has become just another residential community with a self-storage component. Mr. Krapf stated that the elements that encourage him to support the project initially no longer exist.

Mr. Richardson inquired if a residential development generally has a negative fiscal impact.

Mr. Holt confirmed that purely residential developments would have a negative fiscal impact.

Mr. Richardson inquired if the fiscal impact would become positive in the long-term.

Mr. Holt stated that residential development alone does not generally pay for itself in regard to the costs of public services.

Mr. Richardson stated that he concurs with the need for the assisted living facility. Mr. O'Connor noted that it would be helpful to have a listing of approved master plans that include assisted living components.

Mr. Holt responded that there is no inventory of where future facilities might be; only the existing facilities and what is in the pipeline where it is indicated that the use might be part of the development.

Ms. Bledsoe noted that the assisted living facility in New Town was approved but not yet built out.

Mr. Richardson stated that he understands the economics and market forces that have affected the project and resulted in the proposal before the Commission. Mr. Richardson further stated that he can see the feasibility of the proposal; however, he has concerns about the negative impacts of the project in comparison to the original project.

Mr. Wright stated that he believes staff has done an excellent job in reviewing the proposal and he concurs with staff's analysis.

Mr. Drummond stated that he believes the developer has put in substantial effort to create a project that fits well with the character of the area and has been responsive to recommendations from staff and the DRC. Mr. Drummond further stated that a project does need to be profitable and that the applicant has done everything possible to make the original proposal work. Mr. Drummond stated that he would support the application.

Mr. Basic stated that the original proposal came forward prior to the economic downturn. Mr. Basic further stated that it is necessary to recognize that what was feasible prior to that may not be feasible now or in the future. Mr. Basic stated that it is not fair to insist that the applicant continue to bear an economic burden to determine if an operator for the assisted living facility may come forward in the future. Mr. Basic stated that while some of the appeal of the original plan has been lost, the new proposal does preserve the architectural character without sacrificing greenspace and environmental protections. Mr. Basic stated that he would support the application.

Mr. O'Connor stated that he had spoken publically in support of the original application specifically because of the inclusion of a substantial percentage affordable and workforce housing units which was above the average for most developments coming forward. Mr. O'Connor noted that he is disappointed in the reduction in the number of affordable and workforce housing units in the new proposal. Mr. O'Connor stated that, in reviewing the application, he tried to balance the needs of the development community for consistency in the legislative process and the right of the developer with the needs of the greater community for predictability in the build out of approved projects. Mr. O'Connor noted that there is already a substantial amount of vacant office and retail space in the corridor and that the office/retail space in the original proposal could potentially add to the amount of vacant units in light of the slower pace of business development in the Norge area. Mr. O'Connor stated that, in this case, the project was in early stages and that the changes will not be burdensome on the existing residents. Mr. O'Connor further stated that the developer has been in the community for a number of years and would not propose something that might jeopardize future development proposals. Mr. O'Connor stated that he would support the application.

Ms. Bledsoe started that throughout the Comprehensive Plan process every effort was made to make it possible for people to age in place. Ms. Bledsoe stated that because of the increased resources for the aging population, it is understandable that the assisted living facility is no longer economically viable. Ms. Bledsoe further stated that in regard to the change in the workforce housing figures, she is not as concerned because the public demand for that product has decreased slightly since 2007. Ms. Bledsoe further stated that the proposed price ranges for quality workforce housing will be an incentive to retain young professionals in the community. Ms. Bledsoe stated that she has confidence in the developer to ensure a quality end product. Ms.

Bledsoe stated that she appreciates the flexibility and creativity of the developer to make the project something that is viable for both the developer and the community. Ms. Bledsoe stated that she would support the application.

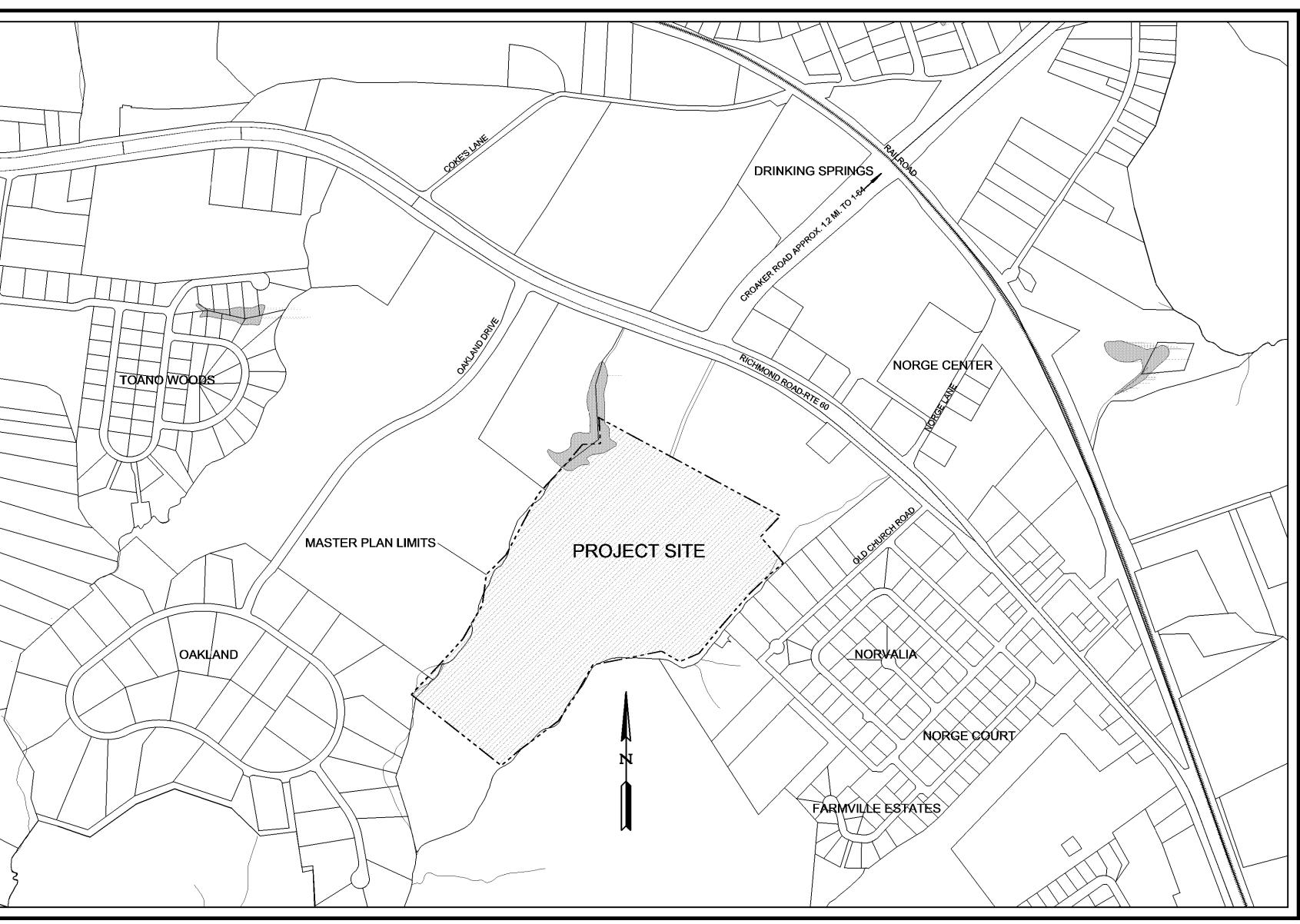
Mr. Drummond moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0008-2014/MP-0004-2014 by a vote of 6-1.

General Notes for Rezoning

- Contact: Jeff Ambrose (757) 565-7 A portion of Parcel #2321100001
- John Barnett 7559 Richmond Road Williamsburg, VA 23188
- Parcel #2321100001D and Parcel #2321100001E Candle Development, LLC 5800 Mooretown Road Williamsburg, VA 23188-1712 Contact: Peter Henderson (757) 565-1090
- Parcel #2321100001C Candle Factory Building LLC 5806 Mooretown Road Williamsburg, VA 23188-1712 Contact: John B. Barnett, Jr., Chickasa
- Parcel #2321100002D Poplar Creek, LLC P.O. Box BM Williamsburg, VA 23187-0341 Contact: John B. Barnett, Jr., Chickasa
- Parcel Numbers and Property Addresses: Parcel #2321100001A
- 7559 Richmond Road Williamsburg, VA 23188 Part of Parcel #2321100001D
- 7551 Richmond Road Williamsburg, VA 23188 Parcel #2321100001E 7567 Richmond Road
- Williamsburg, VA 23188 Parcel #2321100001C 7521 Richmond Road
- Williamsburg, VA 23188 Parcel #2321100002D 7505 Richmond Road Williamsburg, VA 23188
- Total area: approx. 64.91 acres.
- 4. Existing zoning: MU with Proffers
- 5. Proposed zoning: PUD with Proffers
- Topographic information is based on a survey by AES Consulting Engineers.
- Sheet 2, Environmental Inventory, indicates 25% slopes, soil inventory, wetlands, the approximate location of Resource Protection Areas (RPA) and associated buffers, and perennial stream determinations. For further information on the Environmental Inventory, refer to the Community Impact Statement.
- Site lies within the Norge Community Character Area as described on the JCC Comprehensive Plan.
- This project is located in Subwatershed 103 of the Yarmouth Creek Watershed Management Plan in James City County for which a watershed management plan was developed. To observe recommendations of this plan, a combination of structural best management practices, preservation of natural open space, and the use of special stormwater criteria are employed to: prevent further degradation of Yarmouth Creek, enhance groundwater recharge usually lost from land development, and to help preserve some of the natural hydrology of the site.
- 10. Curb and gutter streets are proposed.
- 11. All public streets within the development will be designed per applicable VDOT standards.
- 12. Private streets, if constructed, shall meet VDOT requirements per Section 24-528 (b) and (c) unless waived or modified as prescribed in paragraph (d), (1)-(5).
- 13. Private streets will comply with "Administrative Guidelines for Certification of Private Street Construction" program requirements at development plan stage.
- 14. No structures within the development shall exceed 60' in height.
- 15. This master plan seeks to amend JCC Case Master Plan MP-0003-2008 adopted by the Board of Supervisors on December 13, 2011.

Rezoning & Master Plan Amendment for The Village at Candle Station for Candle Development, LLC James City County, Virginia



VICINITY MAP (APPROXIMATE SCALE: 1"=500')

ORIGINAL SUBMITTAL DATE: NOVEMBER 2014 **REVISED SUBMITTAL DATE: APRIL, 20 2015**

AES PROJECT: W10059-02

JCC CASE NUMBER: MP-0004-2014, Z-0008-2014



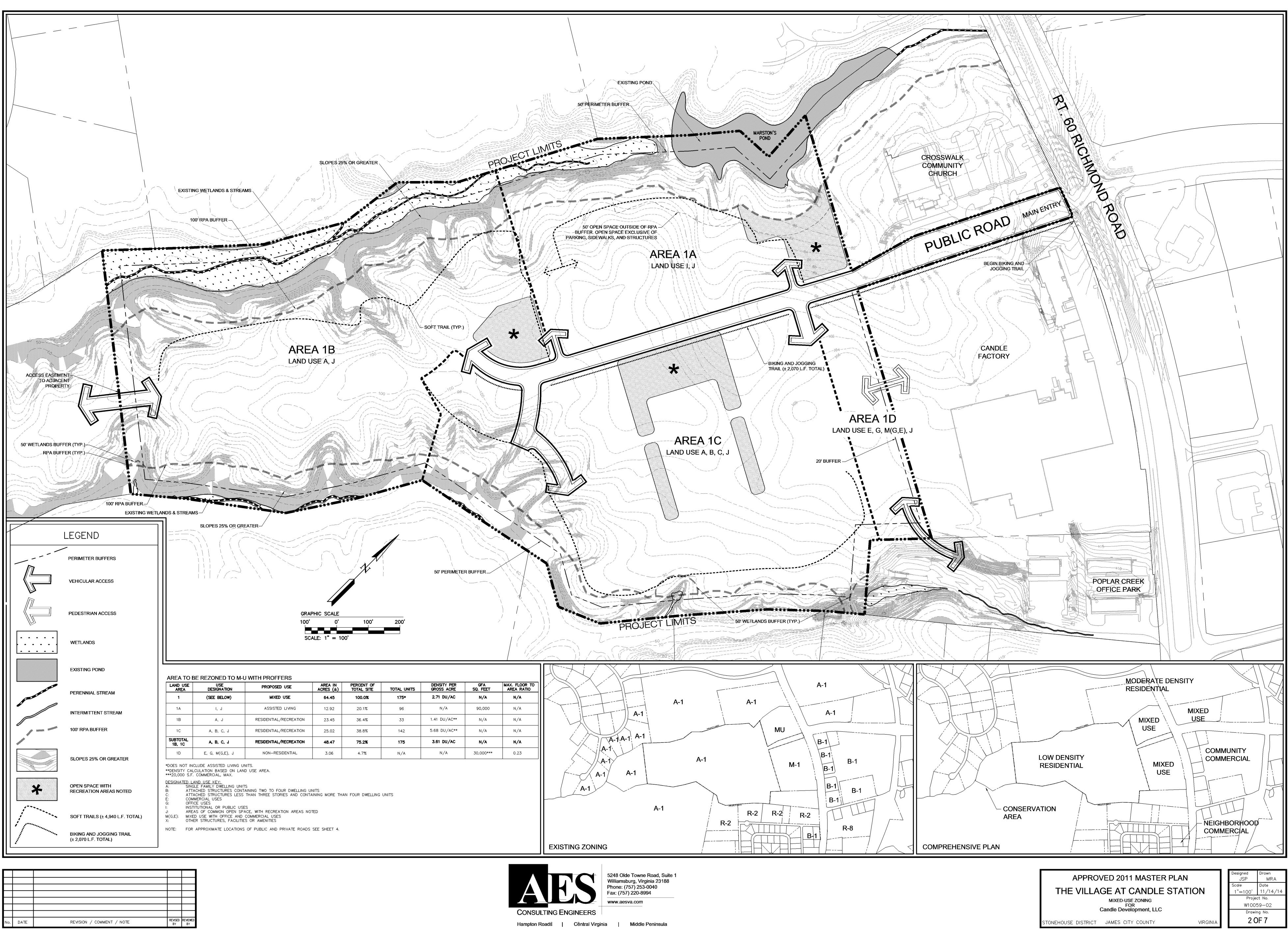
5248 Olde Towne Road, Suite 1 Williamsburg, Virginia 23188 Phone: (757) 253-0040 Fax: (757) 220-8994 www.aesva.com

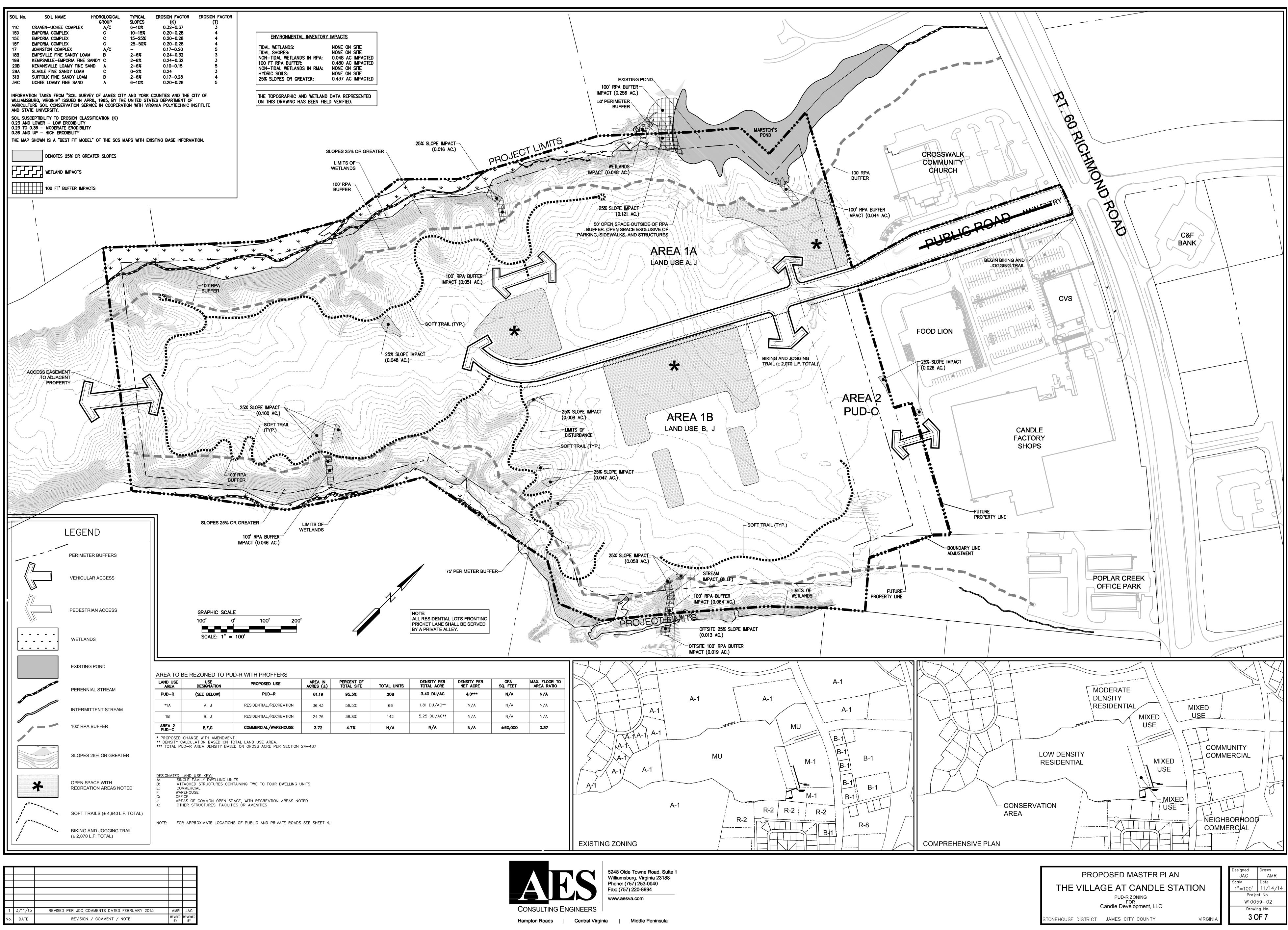
Middle Peninsula

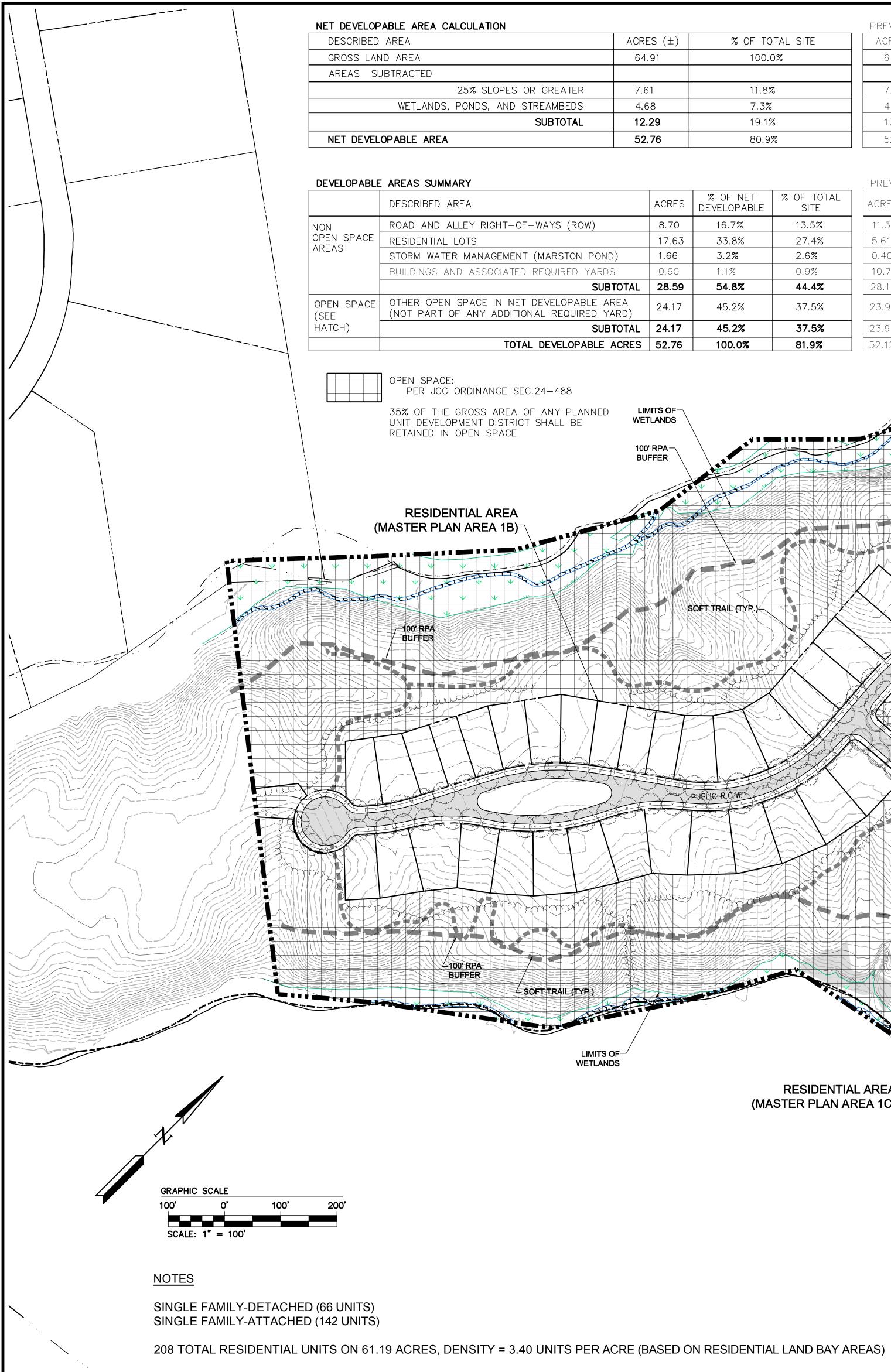
INDEX OF SHEETS	
SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	APPROVED MASTER PLAN (2011 REZON
3	PROPOSED MASTER PLAN
4	APPROVED PLAN OF DEVELOPMENT (2
5	ILLUSTRATIVE PLAN / PLAN OF DEVELO
6	CONCEPTUAL STORMWATER MANAGE
7	CONCEPTUAL SANITARY SEWER AND V

(2011 REZONING) LOPMENT EMENT PLAN **D** WATER DISTRIBUTION PLAN

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42 WORKFORCE/AFFORDABLE UNITS (EXACT LOCATION OF UNITS TO BE DETERMINED. UNITS SHALL BE SPACED THROUGHOUT THE SINGLE FAMILY ATTACHED PRODUCTS)

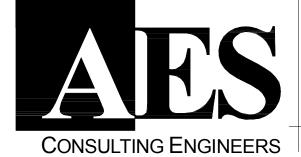
SELF STORAGE - (±60,000 S.F. ON 3.06 ACRES)

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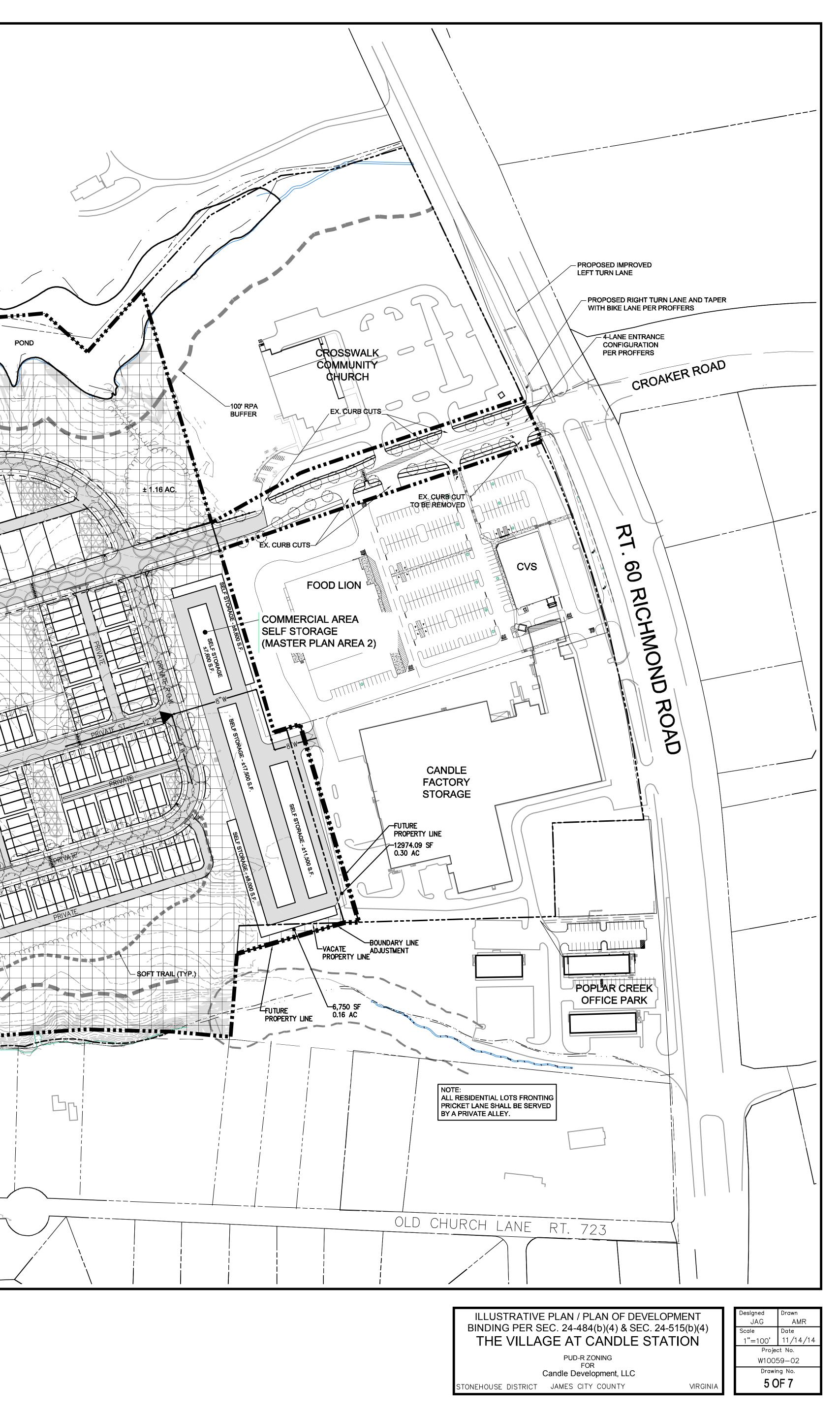
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	CROSSWALK (TYP.)
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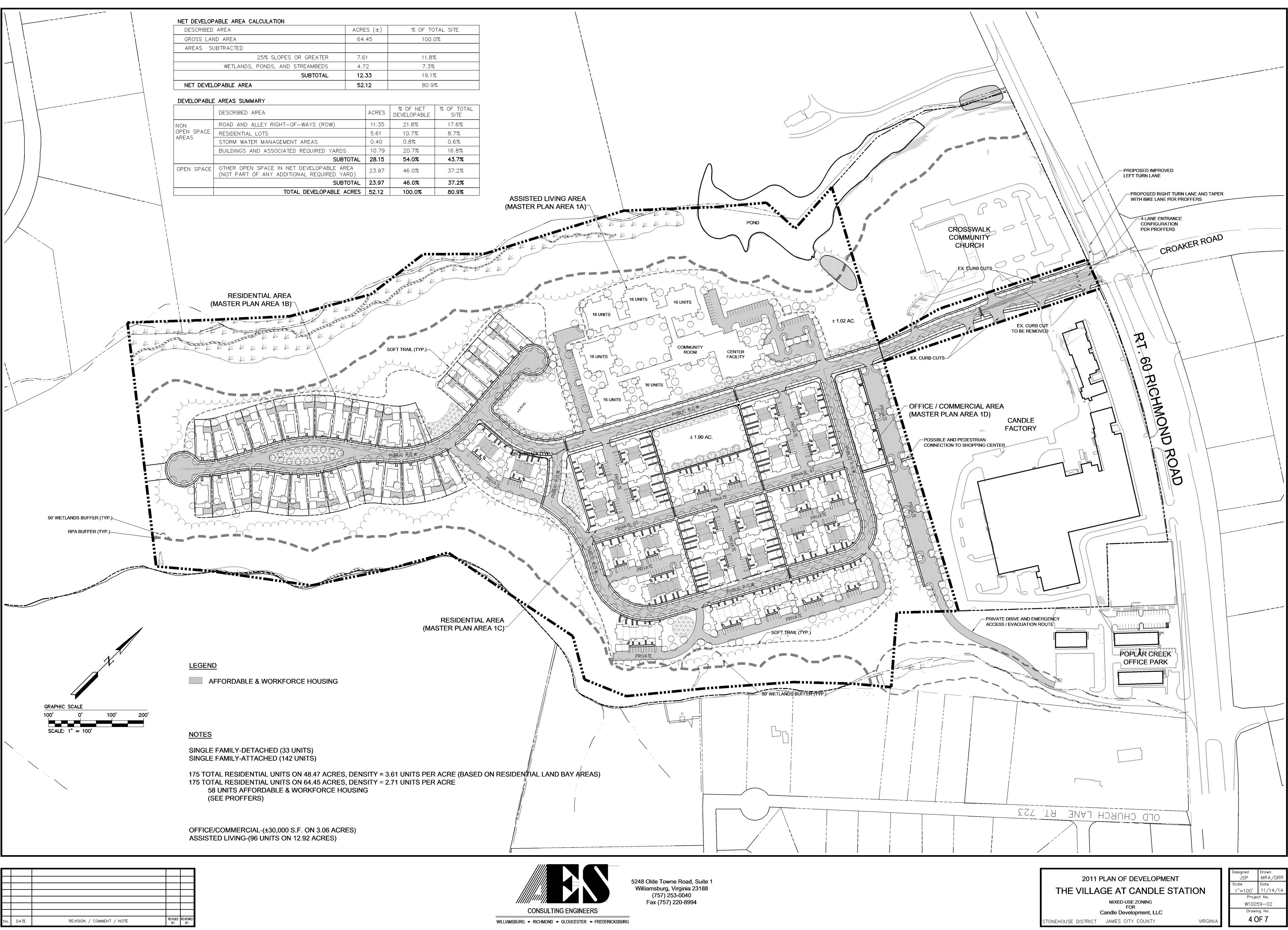
RESIDENTIAL AREA (MASTER PLAN AREA 1C)⁻⁻



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Hampton Roads | Central Virginia | Middle Peninsula



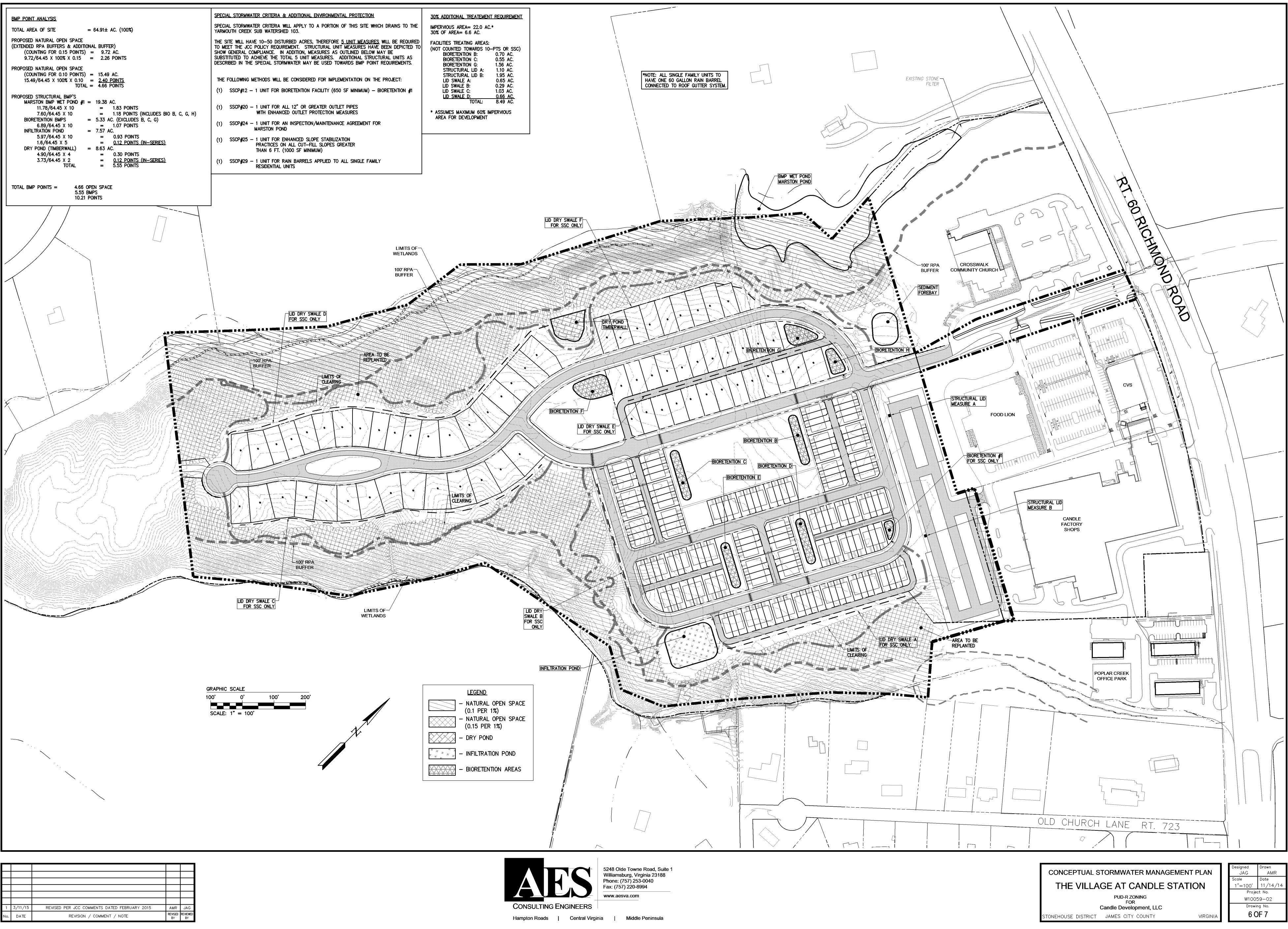


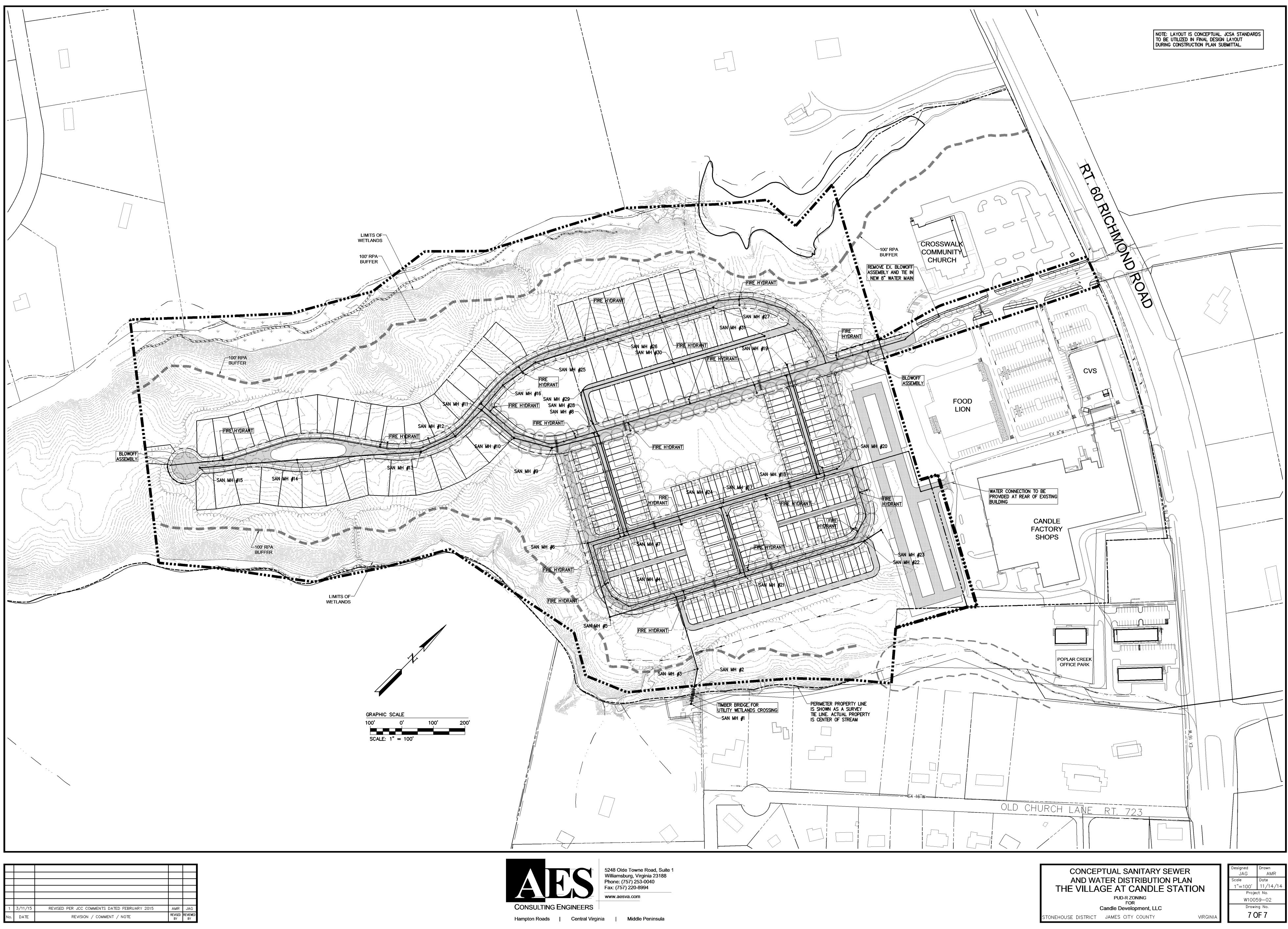
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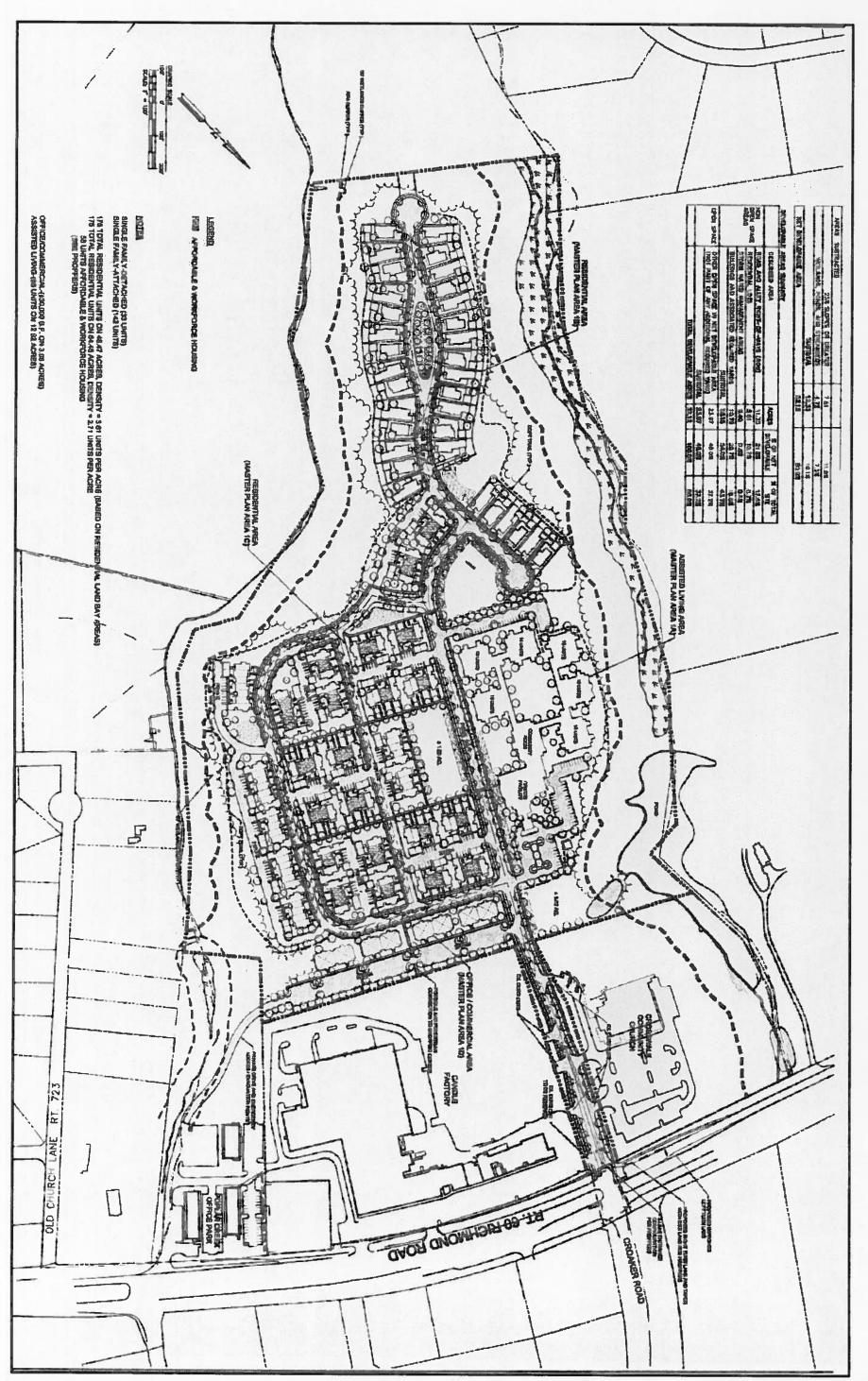
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2	7.3%
33	19.1%
12	80.9%

ACRES	% OF NET DEVELOPABLE	% OF TOTAL SITE
11.35	21.8%	17.6%
5.61	10.7%	8.7%
0.40	0.8%	0.6%
10.79	20.7%	16.8%
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23.97	46.0%	37.2%
52.12	100.0%	80.9%

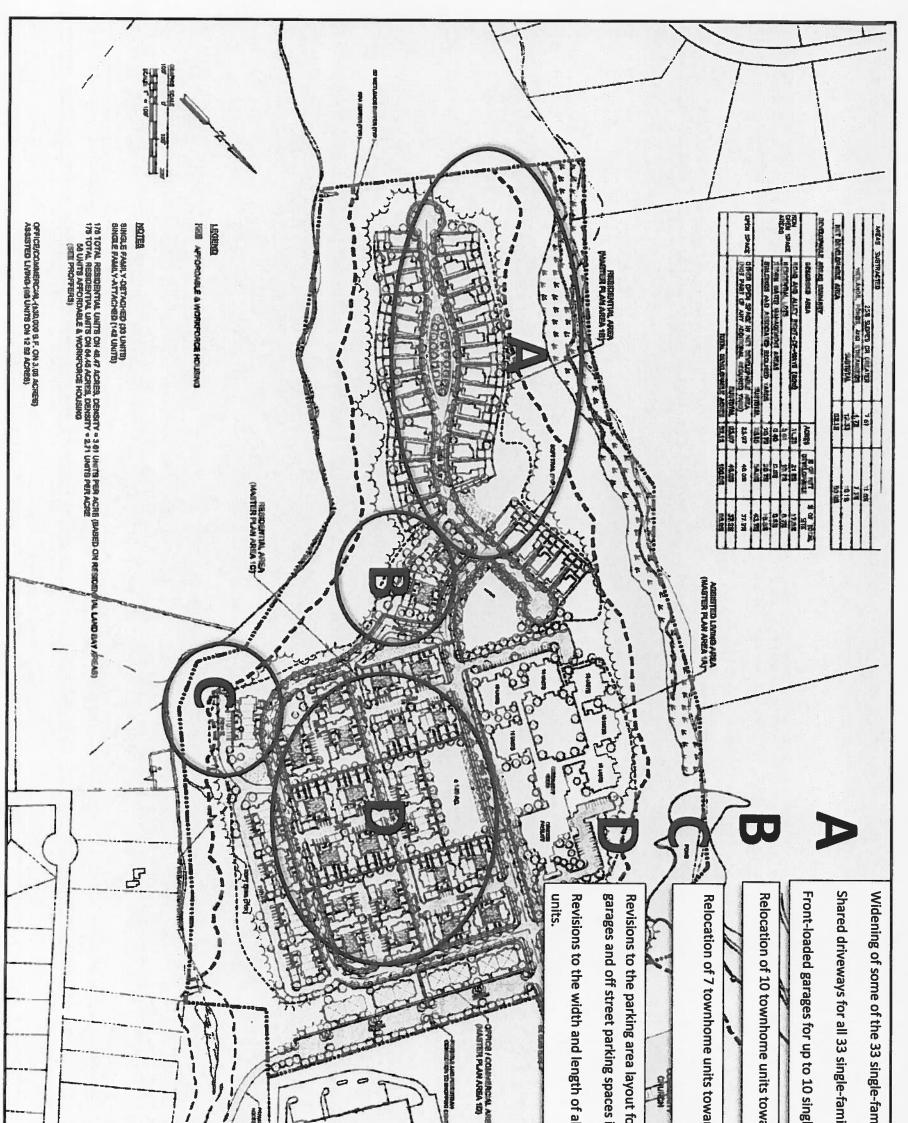




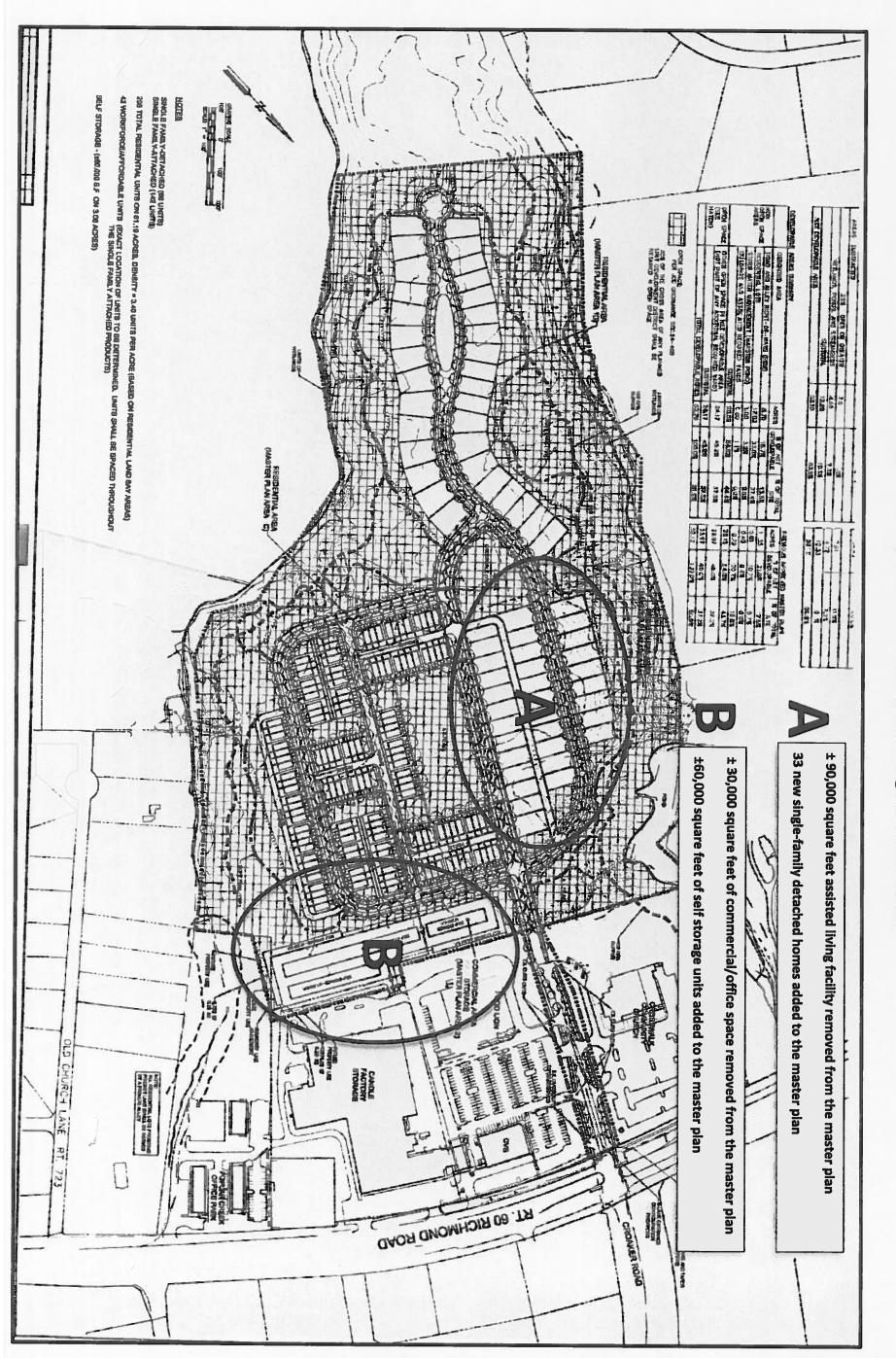




Master Plan for Village at Candle Station adopted by the Board of Supervisors on December 13, 2011.



Revisions approved to the Master Plan for The Village at Candle Station (DRC meetings on January, March, August, and



Proposed changes to the Master Plan for Village at Candle Station



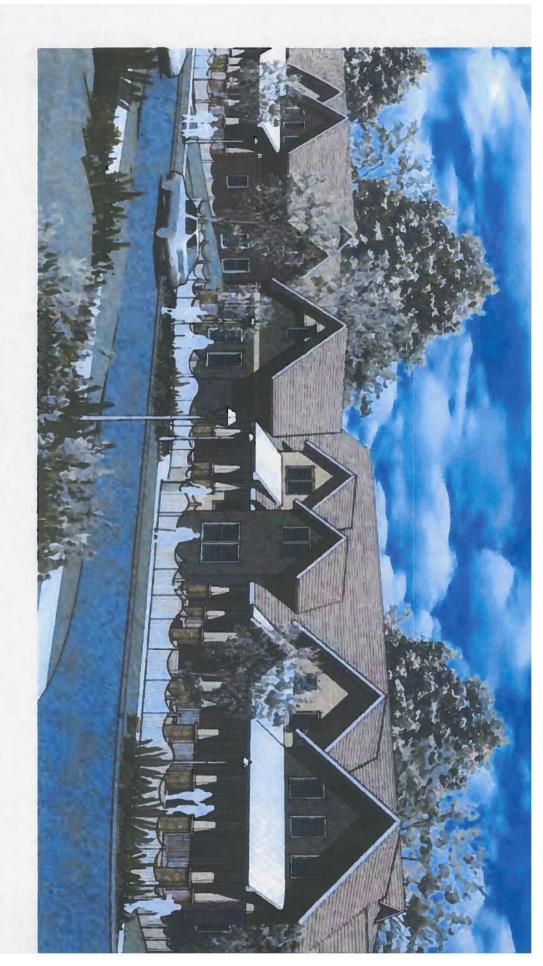
Candle Factory Development Patio Homes Detached







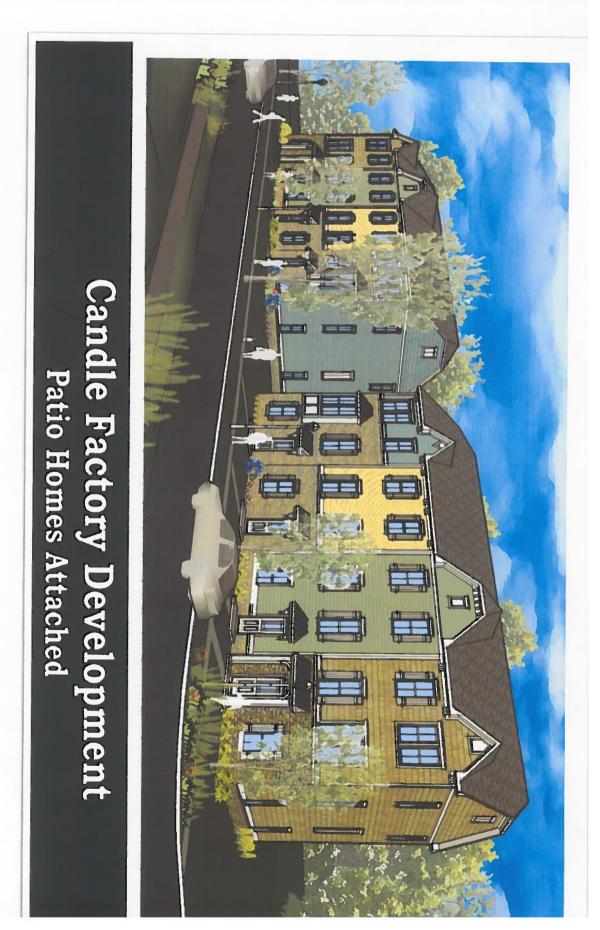




Candle Factory Development Patio Homes Attached - Alley View









Community Impact Statement

Rezoning and Master Plan Amendment

for

THE VILLAGE AT CANDLE STATION



November 2014 AES Project Number: W10059-02

Revised April 2015

Prepared by:



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

TABLE OF CONTENTS

١.	NTRODUCTION AND PROJECT DESCRIPTION
II.	HE PROJECT TEAM
III	A. Comprehensive Plan, Zoning and Density Discussion B. Planning Criteria and Better Site Design C. Summary of Public Benefits
IV.	 NALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES
V.	ANALYSIS OF ENVIRONMENTAL IMPACTS14
VI.	ANALYSIS OF STORMWATER MANAGEMENT (SWM) / BEST MANAGEMENT PRACTICES (BMP)14
VII.	ANALYSIS OF IMPACTS TO TRAFFIC16
VIII.	NALYSIS OF FISCAL IMPACTS
IX.	CONCLUSION17

The Village at Candle Station

I. INTRODUCTION AND PROJECT DESCRIPTION

Candle Development, LLC proposes to rezone the existing Mixed Use Master Plan for The Village at Candle Station in the Norge area of James City County, Virginia from MU (Mixed Use) to PUD (Planned Unit Development). The community is located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607). The property is bounded on the south, east and west by private residences located in the General Agricultural (A-1) and General Residential (R-2) zoning districts. Along the Richmond Road frontage from the west to the east are the Crosswalk Community Church (CCC) formerly The Music Theater of Williamsburg zoned Mixed Use, the recently renovated Candle Factory shopping center (CFSC) and the Poplar Creek Office Park, both zoned Limited Business/ Industrial District (M-1).

Candle Development, LLC proposes this rezoning to revise the plan and remove the assisted living and commercial components, replacing them with 33 single family homes and up to 60,000 square feet of mini-storage. The original proposed owner/developer of the assisted living facility elected not to proceed with the project and after significant efforts to secure a replacement (including 2 different real estate firms, numerous showings, and chasing many leads over the past 2 years) we have reached the conclusion that an assisted living facility is not likely an economically viable use on the property. Industry insiders tell us that the model for elder care is evolving towards in-home care or full-service continuing care facilities (which include independent living, assisted living, and skilled nursing all in the same facility) and away from assisted living facilities like the one shown in our approved plan. Additionally, there has been a persistent decline in the retail/office market in the Norge/Toano corridor over the last few years. Accordingly, we do not think that the originally proposed commercial space, which is hidden from the primary Rt. 60 corridor, will be viable. The proposed new residential units will add support to the property owners association budget, home values in the neighborhood, and existing business directly adjacent to the property such as the Candle Factory Shops, the Food Lion, CVS, Popular Creek Office Park, C&F Bank, Farm Fresh, and Tractor Supply to name a few. The proposed mini-storage will not (as was previously planned with the commercial use) shared access with the residential area reducing potential conflicts of uses and traffic. The mini-storage is planned to expand the existing Candle Factory storage facility adjacent to the site. Ultimately the design intends to accommodate the proposed uses while maintaining the better site design elements from the original master plan.



Exhibit 1 – Location Map

II. THE PROJECT TEAM

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

- Developers Candle
 - Candle Development, LLC
- Land Planning AES Consulting Engineers
- Civil Engineering AES Consulting Engineers
- Legal Kaufman and Canoles
- Traffic DRW Consultants, Inc.

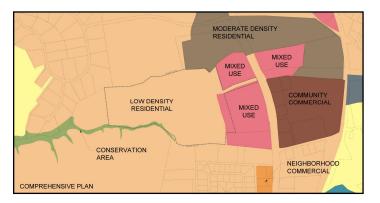
III. PLANNING CONSIDERATIONS

A. Comprehensive Plan, Zoning and Density Discussion

The Comprehensive Plan discussion of the Norge Community Character Area includes recommendations for residential, commercial, and office uses in close proximity as a mechanism to enhance community character. The area between the Village at Candle Station and Route 60 is designated Mixed Use on the Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses

are encouraged. The majority of the master plan area is designated Low Density Residential on the Comprehensive Plan. A narrow strip of land (approximately 3 acres) that was previously planned as office/commercial lies along the northeast boundary is designated as Mixed Use on the Comprehensive Plan and is now proposed for residential uses. Low Density Residential areas generally contain a gross density of one unit per acre but may also contain up to four units per acre if particular public benefits are provided. Examples of such benefits include mixed cost housing, affordable & workforce housing, unusual environmental protection, or development that adheres to the principles of open space design. All of the above benefits are being provided in the proposed Planned Unit Development of the Village at Candle Station. A summary of specific benefits to the community and density discussion is provided later in this report.

The Village at Candle Station site has been master planned. The residential development shares a vehicular roadway access with Crosswalk Community Church, the newly constructed Food Lion and CVS shops and the existing Candle Factory shopping center. These links are further enhanced with pedestrian/ multiuse trails along the entrance road. The Village at Candle Station Master Plan describes land use designations including recreation and open space, single family dwelling units, attached structures containing two to four dwelling units and attached structures containing more than four dwelling units. Finally, the neighborhoods at The Village at Candle Station are subject to Design Guidelines which shall incorporate appropriate, sustainable building practices and green building practices.



The existing Candle Factory commercial area is zoned M-1. The primary purpose of the M-1 district is to establish areas where the principal land uses are limited business, industrial operations, commercial and office uses compatible with limited business and industrial uses. Since the historical use of this property has been much less intensive than the uses anticipated for M-1 zoning, one could infer that designating this area as Mixed Use on the Comprehensive Plan was, at least in part, in recognition of this site's ability to be compatible with a wider array of

uses including carefully designed and sited residential uses. The remaining 64 acres of the Village at Candle Station property is zoned MU. As discussed above, this area contains two different Comprehensive Plan Land Use designations, the largest area being Low Density Residential.

B. Planning Criteria:

The following paragraphs address five planning criteria that may be considered with any new residential development. These criteria are stated below in italics, along with our assessment of how the Village at Candle Station Master Plan complies.

1. <u>Compatibility with adjacent neighborhoods</u>: Compatibility with adjacent neighborhoods in terms of lot area, width and overall density.

Except for the Candle Factory shopping center fronting Richmond Road, The Village at Candle Station is surrounded primarily by low density residential uses. In keeping with Comprehensive Plan design guidelines for the Norge Community Character Area, the Village at Candle Station Master Plan proposes a Planned Unit Development which could allow earned moderate residential densities. The Village at Candle Station earns density credits to provide densities above the 4 unit per acre moderate density minimums associated with a PUD development. However, while providing a mix of residential types, including single family, and in recognition of the low density of adjacent residential development, and to ensure compatibility with the surrounding area, the Village at Candle Station proposes a density of 3.4 units per acre within the range established by the Comprehensive Plan for low density residential development.

2. <u>Buffers and Community Character</u>: Buffers adjacent to existing neighborhoods should exceed ordinance requirements and 150' width Community Character Corridor (CCC) buffers should be honored. Densities at the higher end are expected to exceed minimum standards.

In addition to the required RPA buffers, The Village at Candle Station provides more than 15 acres of additional open space outside of the 100' RPA buffer at the perimeter of the development which serves not only to further buffer development from adjacent properties, but also to enhance environmental protection for the Yarmouth Creek watershed and satisfy a key provision of open space design principles by moving open space to the perimeter. Along the northeast property line a 50' landscaped buffer is provided as a transition to the developed Candle Factory site. 3. <u>Environmental Protection</u>: Environmental protection-- better site design, low impact development techniques, turf management, HERS certification, LEED green building techniques, at least 25' construction setbacks from the RPA and water quality measures exceeding minimums.

a. The principles of Better Site Design (BSD) are derived from Model Development (MD) principles created to help protect the Chesapeake Bay by minimizing land disturbance, preserving indigenous vegetation, and minimizing impervious surface. The Village at Candle Station team addresses BSD/MD principles as they apply to The Village at Candle Station as follows:

<u>BSD/MD Principle #1</u> - "Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation."

James City County incorporates requirements for conservation and protection of trees and preservation of open space as a normal part of its development and site planning process and requires the permanent protection and maintenance of open space through conservation easements and/or the establishment of homeowner organizations to manage community open space. The Village at Candle Station honors those requirements.

<u>BSD/MD Principle #2</u> – "Clearing and grading of forests and native vegetation at a site should be limited to the minimum amount needed to build lots, allow access, and provide fire protection. A fixed portion of any community open space should be managed as protected green space in a consolidated manner."

With extensive (12 acres) additional forested buffers landward of the 100' RPA buffers, green space on developable lands at or approaching forty percent, and roughly 10 acres of the property presently sparsely wooded or open upland meadows on former agricultural land, The Village at Candle Station maximizes density and land use on the less wooded areas creating more opportunities to retain existing vegetation and contribute additional canopy cover to the Village at Candle Station site. Nearly 1.5 miles of subdivision roads and their associated street trees will contribute the equivalent of 2.5 acres of canopy to the project, in addition to other landscaping requirements. The Master Plan design not only retains existing forested areas within RPA buffers, but also provides permanent lot line setbacks from buffers which meet, and in most cases exceed, the suggested construction buffer - effectively adding an additional 12 acres of up-slope forested canopy protection for the perennial

streams feeding Yarmouth Creek. All open space will be managed and protected either by a homeowners' association or natural open space easement.

<u>BSD/MD Principles #3-6</u> – "#3- Promote open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreation space, and promote watershed protection. #4- Reduce side yard setbacks and allow narrower frontages to reduce total road length and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness. #5- Promote more flexible sidewalk design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas. #6- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together."

The Village at Candle Station Master Plan effectively demonstrates many of these principles. Lot sizes and side setbacks are reduced in order to provide additional open space; and alley service to many units provides the opportunity for reduced front setbacks that minimize driveway and entry walk length. A minimum of 40% of the developable area of the site (19.11 acres) will be dedicated and protected as contiguous (in many cases), natural open space. It should be noted that the open space provided with this plan, far exceeds the open space requirements for the PUD-R designation the applicant is seeking. Common walkways incorporate both paved and soft surface walking trails and, where practical, sidewalks are limited to only one side of the street, porous pavement will be used extensively in the service areas of the attached patio home areas.

<u>BSD/MD Principles #7-16</u> – "#7- Design residential streets for the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access. These widths should be based on traffic volume." #'s 8-11 are paraphrased as follows: Reduce the length and right-of-way widths of residential streets where possible. Use the smallest possible radius for culde-sacs or consider alternative turnarounds. Where possible use vegetated open channels within the right-of-way to convey and treat stormwater. #'s 12-16 address minimizing the impact of large parking lots.

To reduce pavement footprints we have utilized the smallest acceptable radius for culde-sacs. To help minimize the impact of expanded parking some of the residential area stormwater runoff will be treated through bioretention filters and the use of pervious pavement rather than being piped directly to BMPs. A bio-retention strip is proposed within the roadway and along the ridgeline occupied by the single family attached patio homes. b. Green building, home energy conservation and nutrient management practices will be considered in the development of The Village at Candle Station proffers. With regard to the suggested 25' construction zone setback from the RPA, the Master Plan shows that The Village at Candle Station lots have been pulled back from the RPA by as much as 150' to create the additional buffering discussed in BSD principle 2 above.

c. Other important planning considerations involve environmental concerns associated with the site's location within subwatershed 103 of the Yarmouth Creek Watershed. This subwatershed contains nearly five miles of headwater streams that drain to the main portion of Yarmouth Creek and are critical to the overall health of the watershed. Subwatershed 103's classification as "sensitive" means it is among the healthiest in the county in terms of stream and habitat quality. The applicants recognize that their efforts to preserve the present "sensitive" status of the unnamed headwater streams which bound the property provide a significant public benefit. The Village at Candle Station Master Plan incorporates unusual environmental protection through a variety of measures. It meets the County's expectations for stormwater management, Special Stormwater Criteria (SSC) and ground water recharge, and provides nearly 12 acres of additional protection to Resource Protection Areas and associated buffers. A nutrient management plan to regulate the application of chemical fertilizers will be proffered. Additional environmental benefits are outlined in the Summary of Public Benefits that follows this discussion.

4. <u>Recreation</u>: To be provided in accordance with County Parks and Recreation Master Plan (CPRM) with active and passive on-site recreation facilities exceeding minimums.

Because this is a Planned Unit Development containing a variety of residential dwelling types, The Village at Candle Station provides centralized shared recreational facilities based upon total unit counts and unit types. As shown in the following analysis, the proposed on-site, community recreation features meet and exceed requirements contained in the CPRM.

Analysis per the 2009 Comprehensive Parks and Recreation Master Plan for James City County.

- Calculation basis for 208 units: Single Family Detached (SFD): 2.58 persons per unit and Townhouse and Multi-family (TMF): 1.52 persons per unit.
- Proffer amounts and facilities reflect either the combination of SFD and TMF requirements based upon combined total unit counts, or the higher or more restrictive

number of the two requirements.

Park Land:

SFD - 66 units @ 0.0039 acres/unit = 0.26 acres (No Monetary Proffer Alternative) TMF - 142 units @ 0.0023 acres/unit = 0.33 acres (No Monetary Proffer Alternative) **Required:** 0.59 acres **Provided:** +/- 3 acres

Playgrounds:

SFD - 66 units @.001 playgrounds/ unit = 0.07 playground

TMF - 142 units @ .00061 playgrounds/ unit = 0.09 playground

Required: 0.16 playground

Provided: 1 centrally located, shared playground (2500 sf minimum, 5 activities) satisfies the service level for both unit types.

Biking/Jogging Trails:

SFD - 66 units @ 5.28 LF/ unit = 349 LF TMF - 142 units @ 3.21 LF/ unit = 456 LF

Required: 805 LF of 8' wide, gravel or paved shared use path along one side of collector roads **Provided:** A +/- 1,800 LF 8' wide, asphalt shared use path along one side of the entrance road is provided.

Courts or pool:

SFD - 66 units @ 0.001 basketball courts/unit = 0.07 basketball courts
 TMF - 142 units @ 0.00061 basketball courts/unit = 0.087 basketball courts
 Required: 0.16 basketball courts
 Provided: 1 Paved multi-purpose court

Fields, Multiuse/ rectangular:

SFD - 66 units @ 0.00065 fields/unit = .043 fields TMF - 142 units @ 0.00038 fields/unit = .054 fields **Required**: 0.097 fields **Provided:** Multi-purpose fields

C. Summary of Public Benefits

The Village at Candle Station Master Plan provides several important public benefits to the community. The site is located adjacent to the existing Candle Factory shopping center which has been the subject of a recent renovation. The existing and recently redeveloped Candle Factory shopping center represents a significant effort toward the revitalization of local business opportunities in this part of the County. Any effort toward redevelopment of this type should be recognized as a public benefit and any residential development such as that proposed with this Master Plan that supports and feeds the growing commercial redevelopment should also be considered a benefit.

Two additional benefits to the community planned for this project are the provision of

mixed-cost housing, affordable, and workforce housing. Plans for the residential component include a variety of housing types at a variety of prices ranging from at or below \$160,000 for affordable units, up to \$350,000 for market rate homes. 42 affordable and workforce housing units will be provided at the Village at Candle Station in accordance with the James City County affordable and workforce housing policy. See proffers for a breakdown of affordable and tiered workforce housing prices.

This plan provides unusual environmental protection. The current plan shows the limits of residential development outside and removed from the protective 100' buffer adjacent to two perennial streams bounding the site. Open space provided within the 100' buffer and the residential development totals approximately 24 acres or nearly 37% of the master planned area. The minimum distance from the back of a lot to the 100' buffer is 25' but this distance varies and some areas the buffer to the wetlands are as deep as 150' to 200'. Holding 25' back from an RPA buffer represents an extraordinary protection to seen in other developments and represents a total of 2.93 acres at the Village at Candle Station.

This plan provides an important public benefit through its adherence to the principles of open space design. The zoning ordinance and the Comprehensive Plan recognize the principles outlined in the Residential Cluster Overlay District as open space design. The cluster overlay requires up to 35% of the net developable acres of a residential cluster be preserved as open space. The Village at Candle Station Master Plan contains 64.9 total acres. 12.3 acres of this total are non-developable and include wetlands, streams, steep slopes, and areas subject to flooding. The remaining 52.8 acres are developable lands. The Village at Candle Station plan illustrates up to 40% of the net developable acres as open/green space. As described above, much of the approximately 12 acres of developable open space provided is "meaningful" open space with added buffer protection and internal park areas.

Because the Village at Candle Station is seeking a rezoning to PUD-R and PUD-C, it is appropriate to address density per Section 24-487 of the Zoning Ordinance. Section 24-487 states that the base density for single family residential areas is 2 dwelling units per acre.

Densities may increase to up to 4 units per acre with specific and prescribed density bonuses. Multi-Family areas can have base densities of 5 units per acre for dwellings containing up to and including 4 units with maximum gross densities of up to 10 units per acre with prescribed density bonuses. The base density in area 1A (Single Family) is 1.81 dwelling units per acre. The base density for area 1B (the multi-family area) is 5.25 units per acre. Per the table in Section 24-487 paragraph (c), The Village at Candle Station provides bonus items B, (a stormwater management plan that meets the Chesapeake Bay preservation ordinance through extensive use of better site design/low impact development techniques, 1.5 points) D, and K, (A set of Design Guidelines, .5 points), thus earning a total of 2 bonus points, above and beyond the bonus requirements needed to support a density of 5.25 units per acre in area 1B.

All of the above shall be implemented on this 64.45 acre portion of the Village at Candle Station property and is confirmed either on the Master Plan or through proffers or both. Additionally, Right of Ways will be lined with trees placed at 1 tree per 40 linear feet of frontage, and sidewalks will be provided on at least one side of all streets. As illustrated on the Master Plan, the requirements for recreation based on the County's Master Recreation Plan will be met and exceeded on this property. Plans for the Village at Candle Station have already provided for the Implementation of the County's Natural Resources Policy by providing a detailed environmental inventory. The Village at Candle Station neighborhood has been planned utilizing open space design techniques. Much of this open space is adjacent to the perennial and non-perennial streams identified in the Williamsburg Environmental Group's studies. Both perennial streams ringing the site are protected by 100' RPA buffers and the additional 12 acres as described above. These well buffered stream valleys provide natural corridors for wildlife.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property of this rezoning application is located within the Primary Service Area of James City County. Identified on the zoning maps, the Primary Service Area is an area where urban development is encouraged to occur. Public water and public sanitary sewer services (and other public services such as police, fire and life rescue, and transportation) are presently provided to parcels within the Primary Service Area.

A. Public Water Facilities

The Village at Candle Station Property, located within the Primary Service Area of James City County, is currently provided public drinking water via an existing water main along the Richmond Road frontage of the property and looped around to the rear of the old candle factory building; although, generally, distribution lines are not located within the subject property. The James City Service Authority (JCSA) currently maintains this 16-inch water main, being part of the central system, along the south side of Richmond Road.

The project's internal water distribution system will consist of 4-inch, 8-inch, and 12-inch water mains, sized accordingly to provide the project adequate water volumes and pressures for domestic use, as well as fire protection. Verification of the adequacy of the JCSA existing water system and design of the on-site water main extensions will be further analyzed with modeling techniques once field-testing has been arranged and completed.

No central water system upgrades are expected and the anticipated water demand has been reduced from approved Community Impact Statement last dated on March 5, 2010.

B. Public Sewer Facilities

Wastewater produced by this proposed project is conveyed to treatment facilities through the public sewer system of JCSA. Public sanitary sewer for this property is available via a sewer bridge connection to existing Lift Station 6-6 (located within the "Norvalia" subdivision, southeast of the project area). The estimated wastewater flows are reduced with the proposed master plan amendment.

C. Public Schools

The Village at Candle Station is located within the Norge Elementary, Toano Middle, and Warhill High School districts. The Village at Candle Station Master Plan proposes a total of 208 residential units, which is envisioned to generate a total of 50 school kids (see table below for projected students). The master plan amendment generates a net increase of 13 school children from the currently approved master plan from grades K-12, the generated school children has been compared to the published effective school capacities and the schools are shown to have the necessary capacity to accommodate the increase. This proposal additionally

offers to offset the increase costs to the schools by providing school proffers for the proposed housing units.

Student Projections

Residences	Generator	Total Students
66 S.F.	0.40	26 ***
<u>142</u> T.H.	0.17	<u>24</u>
208		50

School	Projected Candle	2014 Effective	2014 Projected
	Enrollment	Capacity*	Capacity (w/ Candle)**
Norge Elementary	22	695	619
Toano Middle	11	790	704
Warhill	17	1,441	1,177

* Effective Capacity from Moseley Architects study from 2004, most recently revised 2010.

** Enrollment Projections from DeJong/Healy study, November 2012

*** This includes an increase in 13 school children over the approved plan.

D. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Service (EMS) to James City County. Each station is placed within the County in such a way as to help achieve the response goal of six minutes or less. Every station is staffed by three shifts of career and volunteer Firefighters. Station crews are responsible for the pre-planning of target hazards in their area as well as safety inspections of private businesses within the response district. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance.

The location of the Village at Candle Station project receives primary coverage from nearby James City County Fire Station 1, located in Toano, with Station 4, located on Olde Towne Road, available as a backup, with York County Station 5 in reserve.

E. Solid Waste

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

F. Utility Service Providers

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

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

AES Consulting Engineers field located the wetlands as delineated by Kerr Environmental and also field determined the location of the steep slopes since the last rezoning/master plan application. The master plan changes fully preserve the RPA buffers, wetlands and the natural steep slope areas with the current master plan design. The impacts for utilities and stormwater features associated with the entire development are outlined on the proposed master plan for reference. No additional environmental impacts are anticipated with the proposed development changes.

VI. ANALYSIS OF STORMWATER MANAGEMENT (SWM) / BEST MANAGEMENT PRACTICES (BMP)

As a part of this Community Impact Statement and the planning for the Village at Candle Station project, a conceptual stormwater management program, exceeding the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed. The goal of the stormwater management program is to meet and exceed local and state stormwater requirements.

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

- The property drains to unnamed tributaries of Yarmouth Creek, and lies within the upland Subwatershed 103 of the Yarmouth Creek Watershed.
- The project area resides on upland areas between two un-named tributaries of Yarmouth Creek
- The area currently contains a small, previously cultivated farm field; some forested areas; and commercial/retail establishments along Richmond Road.
- The project site largely consists of moderately well drained and poorly drained soils. Moderately well drained soils are largely positioned at the center of the property.

Stormwater management, conceptually, consists of two primary components:

1) Best Management Practices (BMP's) (one existing wet pond, an infiltration pond, a dry pond, and multiple bioretention facilities generally located in common green space areas) with the ability of providing stormwater management for approximately 70% of the development site; and

2) Natural open spaces, enhanced with increased widths to the 100-foot Resource Protection Area Buffer (RPA Buffer) on some portions of the site. Approximately 24% of the site is natural open space directly associated with Resource Protection Area (RPA) components and 100-foot wide RPA buffers. Additional buffer widths, located immediately adjacent to the 100-foot wide RPA buffer account for approximately 16% of the property. (Note: Stormwater management natural open space calculations use different baseline acreages and measurement criteria than those utilized to calculate open space detailed in the planning discussion and the two should not be compared)

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, a measure of stream channel protection for receiving stream and waterways, and water quality improvements mitigating the impacts of proposed development on the property.

As the Village at Candle Station property resides in the Yarmouth Creek Watershed, additional measures of watershed management are beneficial to protect the natural resource of the watershed, and prevent further degradation of the watershed's water quality. These measures, in the form of Special Stormwater Criteria (SSC), further enhance the quality of stormwater runoff from the development site and assist in the preservation of pre-development hydrology. Current investigations of the site and the proposed development of the site suggests the incorporation of bioretention designs, rain barrels for detached single family units, enhanced outfall designs, a retrofit of the existing stormwater management facility located at the site, and enhanced cut-fill slope protection/stabilization practices, and the possible inclusion of other water quality measures insure the goals of the Yarmouth Creek Watershed Plan are exceeded.

An analysis of the Stormwater management and BMP goals using the James City County BMP point system is included on the Master Stormwater Management Plan. The BMP Point System worksheet indicates a minimum total point value of 10.0 is achieved by the structural BMP's and the dedication of natural open space in wetlands and buffers.

In addition to the main structural BMP, five (5) SSC measures are required to meet minimum Special Stormwater Criteria (SSC) and an additional 30% of the developed site is to drain to a bioretention or dry swale not counting towards the required 10.0 points or SSC compliance per proffers. These items meet the intents of the Yarmouth Creek Watershed Management Plan.

Furthermore, additional measures will be installed to improve the water quality of the Yarmouth Creek Watershed "over and above" the recommendations of the Yarmouth Creek Watershed Plan. Water quality measures to be implemented include: bioretention facilities and dry swales at the rear of half of the single family detached lots not draining to a BMP; enhanced outlet protection at all pipe, channel, and BMP outfalls; enhanced cut/fill slope stabilization measure applied site-wide; stormwater management/storm sewer record drawing preparations. Please refer to the conceptual storm water management plan for the water quality calculation work sheet as well as the list of measures to be implemented.

In summary, with the preliminary analysis of The Village at Candle Station project, the stormwater management plan proposed will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the tendency of development to cause downstream erosion of receiving channels.

VII. ANALYSIS OF IMPACTS TO TRAFFIC

The proposed amendment results in a net reduction in anticipated traffic to and from the project site by a factor of approximately 50%. A memo update has been provided discussing how the changes to the master plan amendment will impact traffic. The original Traffic Impact Analysis was prepared by DRW Consultants, Inc. but was not included with this submittal; copies can be provided as requested.

VIII. ANALYSIS OF FISCAL IMPACTS

While the County's fiscal impact worksheet (attached) projects a modest net decrease in the anticipated James City County revenues, we believe that the project should be considered as part of the larger The Village at Candle Station project area. The area immediately adjacent to Richmond Road fosters retail, office and other commercial business that should benefit from the addition of residential development immediately adjacent. Accordingly, we believe that the overall fiscal impact of this project is positive while providing a substantial affordable/workforce housing component.

IX. CONCLUSION

In summary, The Village at Candle Station's Master Plan amendment is proposing the addition of 33 total residential units (33 single family units) to the existing master plan of development and up to 60,000 square feet of mini-storage. The proposed project abuts the recently renovated Candle Factory shopping center, combines new Planned Unit Development residential component containing innovative design features that satisfy Comprehensive Plan public benefit criteria for a moderate increase in residential density - while remaining under the low density residential development umbrella. Planning and redeveloping the site incorporates open space design principles, respects the environmental sensitivity of the Yarmouth Creek watershed, meets the intent of the Comprehensive Plan for low density residential development, compliments the Norge Community Character Area, and satisfies Planning Commission expectations for higher standards in new residential development design. Additional positive aspects of the proposed development include:

• Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.

- The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area.
- Proposed reduction in traffic from the original master plan development.
- The Planned Unit Development provides a total of over 24 acres in net developable open space per current James City County criteria.
- In recognition of environmental concerns, the Village at Candle Station master plan provides for an exceptional stormwater master plan; which includes additional natural/reforested open space between the developed area of the site and adjacent perennial streams and their associated 100' RPA buffers, additional Special Stormwater Criteria measures which increase water infiltration. All this serves to reduce uncontrolled runoff, improve downstream water quality and protect downstream channels from erosion meeting the goals of the Yarmouth Creek Watershed Study
- Proffers in accordance with the affordable and workforce housing policy
- Proffers in accordance with the school policy

This Community Impact Statement concludes that The Village at Candle Station, as planned and proffered will compliment the area and will positively impact neighboring residential communities and other adjoining properties as yet undeveloped and that James City County and the Norge Community will realize significant tangible public benefits with the approval of the Village at Candle Station Planned Unit Development.



Candle Factory Development Patio Homes Attached





Candle Factory Development Patio Homes Detached







MEMORANDUM

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- FROM: Dexter R.Williams, P. E.
- SUBJECT: Candle Factory Traffic Forecast Update
 - DATE: October 21, 2014

2008 VS. 2014 PROPOSED TRIP GENERATION

The original version of the Candle Factory Ch. 527 traffic study was dated Nov. 10, 2008 and a supplement was dated December 11, 2008. Table 1 on enclosed Exhibit A shows trip generation for the Candle Factory in the 2008 original and supplement traffic studies. This included five land uses: single family residential, condo/townhouse, office, retail and assisted living. <u>Trip Generation</u>, 7th Edition, (TG7) published by the Institute of Transportation Engineers (ITE) was the trip generation source at that time.

Table 2 on Exhibit A shows trip generation for the proposed development in Candle Factory. Office, retail and assisted living are no longer included. The proposed development has 68 single family residential units and 172 condo/townhouse units. <u>Trip Generation Manual, 9th</u> Edition, (TGM9) published by ITE is the current trip generation source used in Table 2

The proposed change in land use is a reduction in trip generation for almost all components. Only AM exiting traffic is increased, and then by only 9%. AM total traffic is down 35%, PM total traffic is down 58% and daily traffic is down 51%.

RIGHT TURN LANE WARRANT: RT. 60 EASTBOUND AT CROAKER ROAD

Enclosed Exhibit B shows the right turn lane warrants from the 2008 traffic studies. The 2015 peak hour traffic in the 2008 traffic studies warranted a full width right turn lane with taper but not by a great margin.

Enclosed Exhibit C shows the right turn lane warrants for 2015 with the proposed Candle Factory development trip assignments. Only a right turn taper is required with the reduction in traffic as proposed. The results are also affected by the elimination of commercial traffic which had a higher distribution assignment to the eastbound right turn on Rt. 60 at Croaker Road.

POPLAR CREEK INTERCONNECTION

The 2008 traffic studies did not include any interconnection between Candle Factory and Poplar Creek. The elimination of that connection has no effect on traffic study results to date.

		LAND	T		WEE	VDAV7	TRIP GEN	VEDATI		
			COFT				-			
ļ		USE	SQ.FT.,	AM PEAK HOUR				PM PEAK HOUR		
VALUE	LAND USE	CODE	OTHER UNITS	Enter	Exit	Total	Enter	Exit	Total	DAILY
TABLE 1 - 20	008 TRIP GENERATIO	JN - <u>TRIP</u>	GENERATION, 7TH	EDITIO	N					
avg. rate-adj. st.	Single-Family	210	33 units	6	19	25	21	12	33	316
avg. rate-adj. st.	Condo/Townhouse	230	142 units	11	51	62	50	24	74	832
eqadj. st.	Gen. Office Building	710	20,000 sq. ft.	46	6	52	17	84	101	386
pk.genavg.	S.C./Spec. Ret.	820	10,000 sq. ft.	24	15	39	66	71	137	1520
avg. rate-adj. st.	Assisted Living	254	192 occ.bed	23	9	32	29	27	56	526
			TOTAL:	110	100	210	183	218	401	3580
<u>.</u>										
TABLE 2 - 20	014 PROPOSED TRIP	GENERA	ΓΙΟΝ - <u>TRIP GENER</u> /	<u>ATION N</u>	<u>AANUA</u>	<u>.L, 9TH</u>	EDITIO	<u>N</u>		
eqadj. st.	Single-Family	210	68 units	14	43	57	47	27	74	737
eqadj. st.	Condo/Townhouse	230	172 units	14	66	80	63	31	94	1031
			TOTAL:	28	109	137	110	58	168	1768

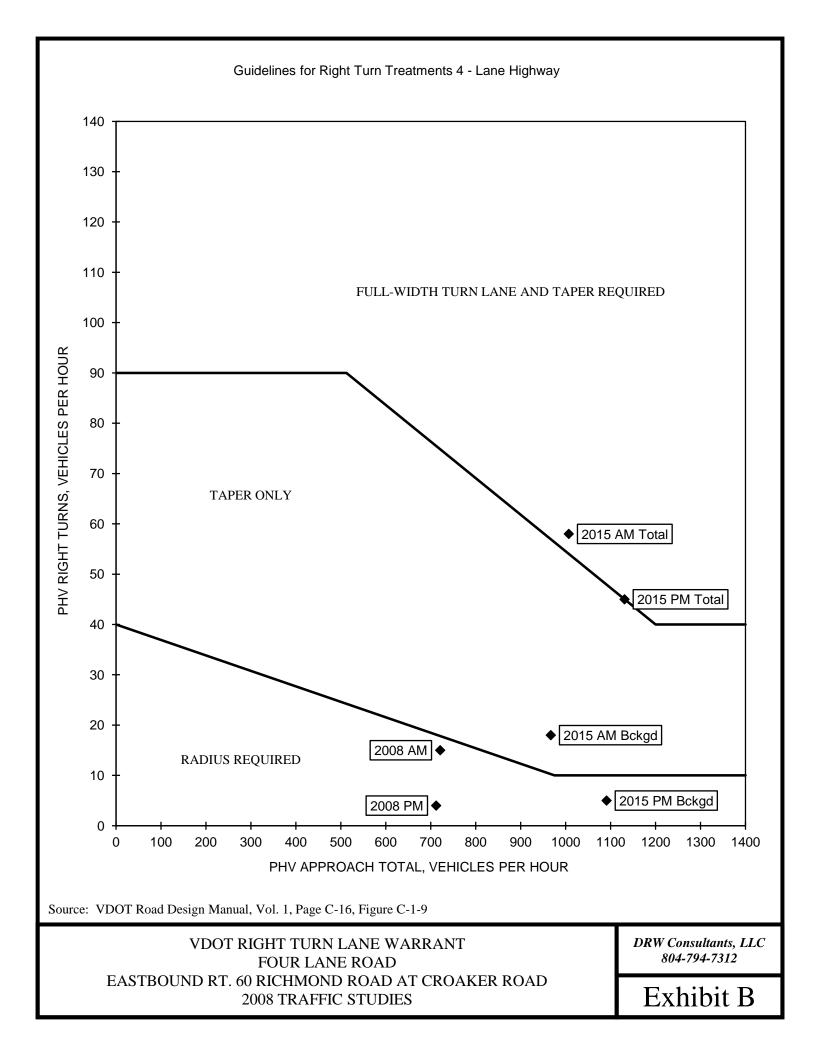
Note:

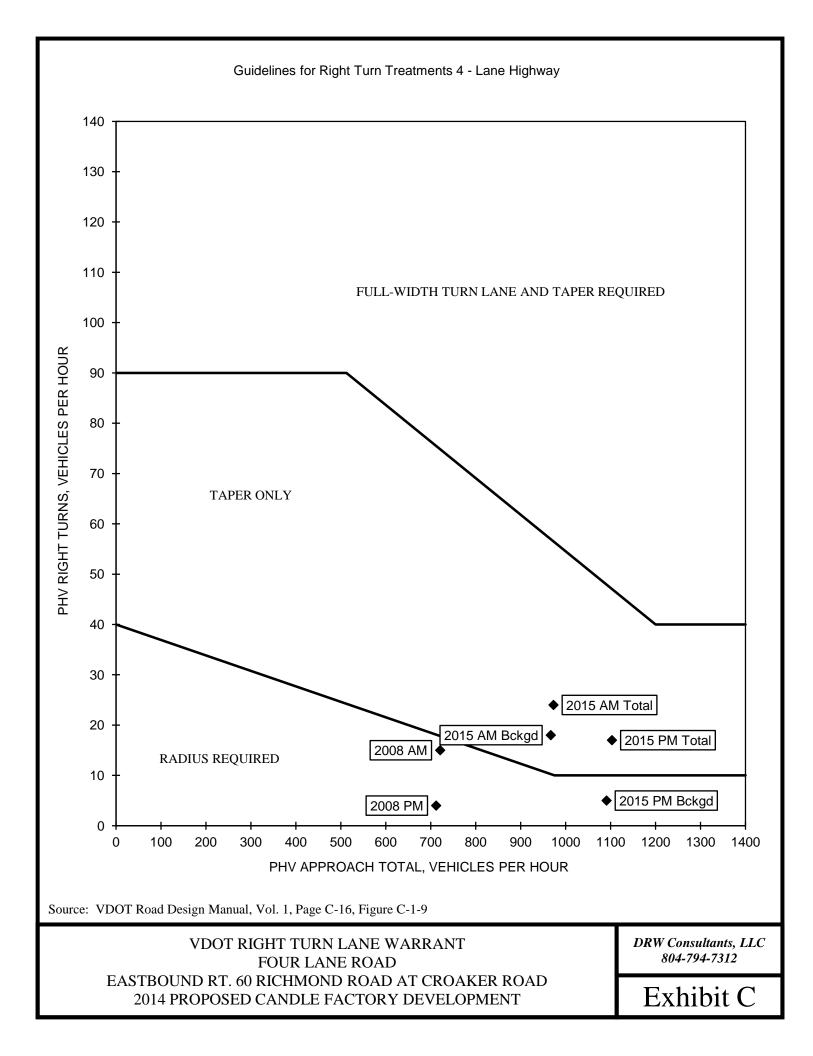
Additional plan changes made since the study by DRW Consulants have been made. The chanages reduce the total number of residential units to 208 and have added approximately 60,000 sf of self-storage to the plan. The changes result in a further reduction in traffic than what is presented in the October memo, resulting in a Total Daily Volume of less than 1720 trips -- still less than half of the original projected traffic volume.

TRIP GENERATION CANDLE FACTORY 2008 DEVELOPMENT VS. 2014 PROPOSED DEVELOPMENT

DRW Consultants, LLC 804-794-7312

Exhibit A





			WEEKDA	Y TRIP GEN	ERATION				
	LAND USE	SQ. FT.	AM PEAK HOUR			PI	M PEAK HO	PEAK HOUR	
LAND USE	CODE	OTHER	Enter	Exit	Total	Enter	Exit	Total	
		UNITS							DAILY
TABLE 3 AES CON	SULTING EN	GINEERS	. MODIFICA	TIONS FOR	CURRENT	PLAN			
Single Family									
Single Farmy	210	66 Units	12	38	50	42	24	66	632
Condo/Town	230	142 Units	11	51	62	50	24	74	832
Self Storage	151	60,000	5	4	9	8	8	16	150
			28	93	121	100	56	156	1614

** Note: Self Storage will have access from multiple points along the commercial frontage of Route 60 and will not have access from internal to the residential phase

The Village at Candle Station

Design Guidelines

June 17, 2013 Revised April 2015

Candle Development, LLC Williamsburg, Virginia 23188 757-565-1090



prepared by:

AES Consulting Engineers 5248 Olde Towne Road, Suite 1 Williamsburg, VA 23188 (757) 253-0040 www.aesva.com

in association with

Candle Development, LLC P.O. Box BM Williamsburg, Virginia 23187 757-565-1090

Design Review Board

1.1 Goal

The Design Review Board for the Village at Candle Station is established to insure the quality and orderly development of the property. Each stage of development activity will be carefully monitored to assure compatibility with the Master Plan, proffers, and general consistency with the supplemental drawings submitted with the rezoning.

1.2 Basis for Approvals

To accomplish our objectives, the DRB reviews applications and design documents for any and all construction, called Improvements, including landscaping. Each application is evaluated on its own merits; however, the lot preparation, design elements, construction, and landscaping of each land use must be compatible with the community as a whole. The DRB does not seek to restrict individual creativity or preference, but rather to maintain standards for the overall community. The DRB will always keep in mind the aesthetic relationship between individual land uses, the impact to the natural environment, and the relationship to surrounding neighborhoods.

1.3 Authority

The authority of the DRB is set forth in the proffers. The DRB shall be appointed by the Developer until he no longer owns any additional land for development in the Village at Candle Station, or until such time as he may turn the responsibility over to The Association.

1.4 Members

The DRB shall consist of three or more members appointed by the Developer. Members may be added and removed at any time at the Developer's sole discretion. From time to time, the DRB may engage or consult with design professionals to render opinions on the merits of an application. The design consultants need not be members of the DRB. Consideration shall be given to include members with design/architectural qualifications and/or experience.

1.5 Responsibilities

- DRB approval is required for any and all Improvements prior to construction within the Village at Candle Station.
- The DRB shall meet regularly to review applications.
- The DRB shall determine if architectural styles and exterior architectural and landscaping designs are complimentary to the Norge Community Character Area.
- The DRB shall establish Criteria that seek harmonious relationships between neighboring structures and land uses and the natural features for the site.
- The DRB shall encourage the use of high quality modern construction materials that emulate materials used in historic applications.
- The DRB shall encourage the highest standards for quality construction.
- The DRB may establish fees and bonds in accordance with their objectives.
- The DRB may inspect dwellings and lots while under construction to assure compliance with the approved application and compliance with job site conditions and maintenance standards.
- The DRB shall notify any person who is in violation of the established design criteria for Candle Station and take whatever action is necessary to assure compliance.
- The DRB shall maintain copies of applications, design documents, and related records.
- The DRB may amend the criteria from time to time with the prior approval of the James City County Director of Planning and shall inform builders and owners of changes.
- The DRB shall assist the owner in determining that Level I Earthcraft Certification is achieved for all single family detached homes.

2. Design Guidelines - Introduction

In accordance with the proffers for Candle Factory these specific design guidelines for the Village at Candle Station have been prepared for use by the Design Review Board, to be established by Candle Development LLC. Design review and approval by the Board shall be for the purposes of insuring that this mixed use community will have an integrated character with strong unifying design elements including building and streetscape design, open space, and landscaping.

It is the purpose of the architectural standards set forth by these guidelines to ensure general consistency with the approved Master Plan (as amended by the James City County Development Review Committee), the supplemental materials submitted as part of the rezoning application for the Village at Candle Station mixed use development, and the design standards outlined in the James City County 2009 Comprehensive Plan for the Norge Community Character Area. With this in mind, the design of the Village at Candle Station shall encourage and promote the following:

- The architecture, scale, materials, spacing, and color of buildings shall complement the character of the Norge/Toano area.
- Off street parking and garages for attached town homes shall be located to the rear of buildings and accessed from alleys.
- Front entries shall be encouraged and shall include the use of front porches or covered stoops to enhance the village character and complement the streetscape. New landscaping should be of a type, size, and scale to complement the buildings and the site. The use of native plants, while not required, is preferred and encouraged.
- Signage should be of a scale, size, color, and materials to complement the area. Signage shall comply with Article II, Division 3 of the James City County Zoning Ordinance.
- Pedestrian and bicycle circulation should be encouraged.
- Within the community, tree-lined streets with sidewalks and pedestrian scale lighting, green spaces, and parks will link together, edged by a regulated arrangement of buildings forming the boundaries of a variety of pedestrian experiences.
- Town homes and other future land uses are to be good neighbors, relating to each other in making places within the neighborhood. The design of buildings should respond to the nature of the public open spaces and street types upon which they front. Building entrances, front yards, and porches shall orient toward the street or on to public open space in recognition of the greater community.

These guidelines, along with the oversight of a Design Review Board established by Candle Factory, LLC, will ensure a level of quality and consistency in the design of streets, open spaces, and buildings throughout the development.

A copy of the Design Review Board's approval shall accompany each building permit.

2.1 Street Design

The Village at Candle Station is organized by an interconnected system of streets, pedestrian ways, and open spaces. The streets, pedestrian ways, and open spaces are collectively known as the public realm and vary in character from large and small, natural to formal, and regular to irregular.

The entrance to the Village is from a partial boulevard street entering the site from Route 60/Richmond Road. Route 60 is a major thoroughfare through James City County and this roadway abuts commercial property and Crosswalk Community Church along the site's northern boundary. The community is buffered from this busy roadway by these non-residential areas. This main entry drive provides access to the residential areas.

All streets within Candle Station should be designed to encourage community interaction among neighbors. Street tree planting, in accordance with the James City County Streetscape Guidelines Policy, and pedestrian lighting shall be provided on both sides of the street allowing comfortable places to stroll day and evening. In instances where sidewalks are not provided on both sides of a street they shall be located along all building fronts.

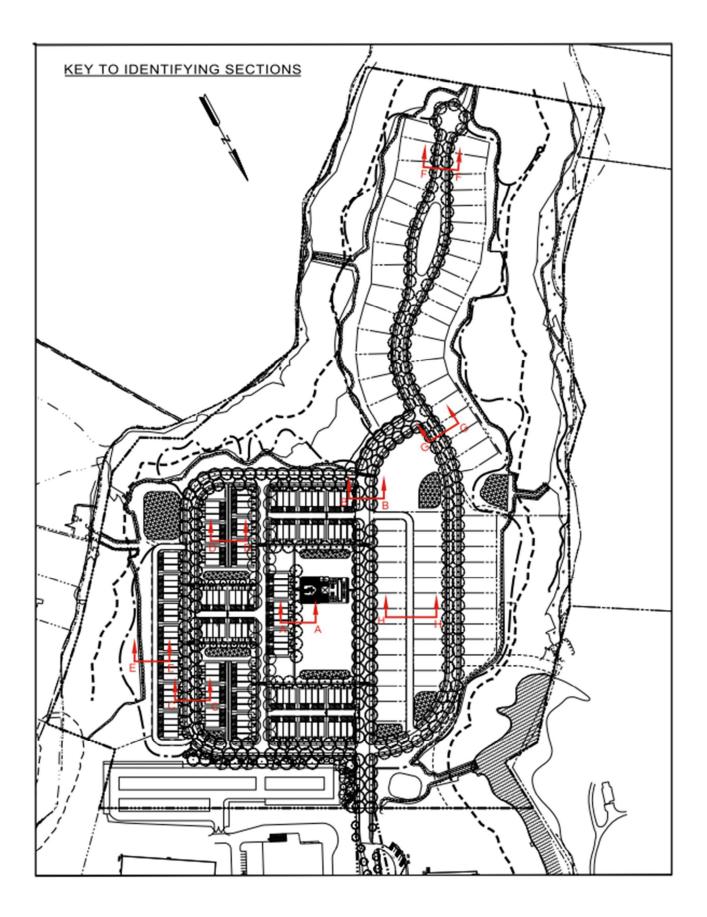
The dimensions, general landscape requirements, traffic, and parking criteria of street rights-of-way are delineated

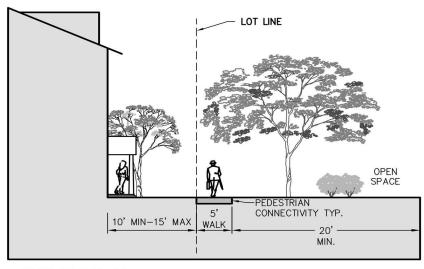
below. While all proposed street sections are intended to be public, private streets, when utilized shall be generally consistent with the adopted, amended, and binding Master Plan and will meet Virginia Department of Transportation (VDOT) Construction Standards (except geometric standards), and will be maintained by the Homeowners' Association. Build-to lines are established along all streets and open spaces and are noted in the sections.

The following street and open space sections are proposed for the Village at Candle Station.

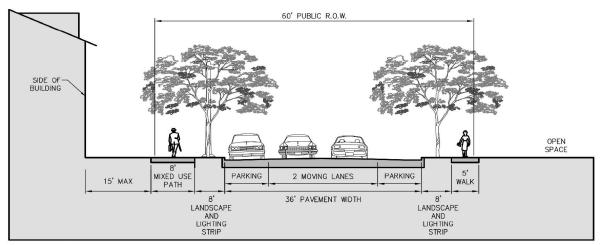
Key to Identifying Sections:

- Section AA Town homes fronting on open space
- Section BB Side of town homes fronting on public street with on street parking on both sides
- Section CC Town homes fronting on private street
- Section DD Town homes backing on alley on both sides
- Section EE Town homes backing on alley and open space
- Section FF Single family housing
- Section GG Single family housing with front-loaded garages and 30' frontage zone
- Section HH Single family alley loaded



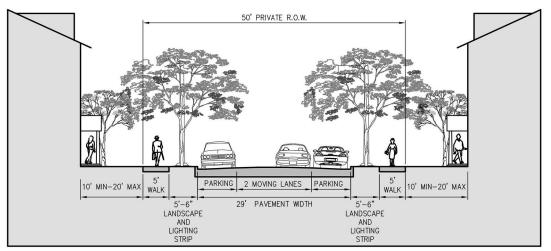


SECTION 'A-A' TOWN HOMES FRONTING ON OPEN SPACE NOT TO SCALE



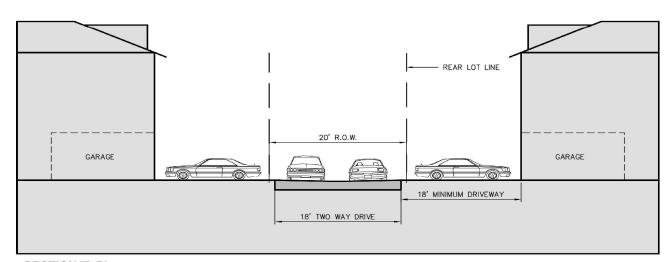
SECTION 'B-B'

SIDE OF TOWN HOMES FRONTING ON PUBLIC STREET WITH ON STREET PARKING ON BOTH SIDES STREET TREE AND STREET LIGHT LOCATION SUBJECT TO VDOT APPROVAL SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIPS) NOT TO SCALE

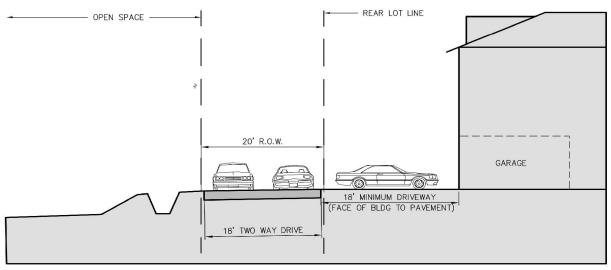


SECTION 'C-C'

TOWN HOMES FRONTING ON PRIVATE STREET SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH AS 29'-36' FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIPS) NOT TO SCALE

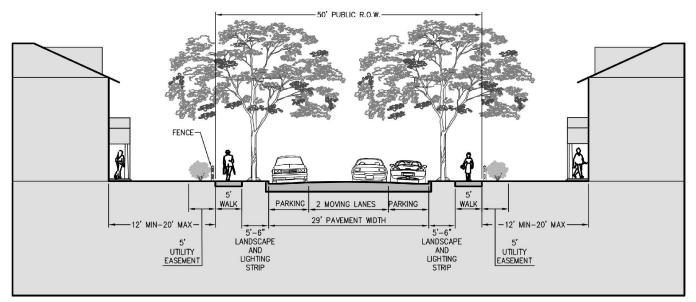


SECTION 'D-D' TOWN HOMES BACKING ON ALLEY ON BOTH SIDES NOT TO SCALE



SECTION 'E-E'

TOWN HOME BACKING ON ALLEY AND OPEN SPACE NOT TO SCALE

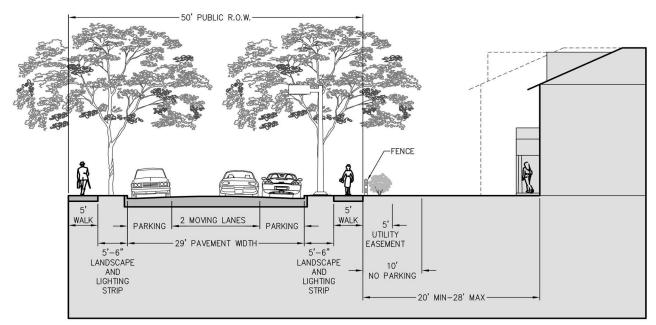


SECTION 'F-F'

SINGLE FAMILY HOUSING

STREET TREE AND STREET LIGHT LOCATIONS SUBJECT TO VDOT APPROVAL

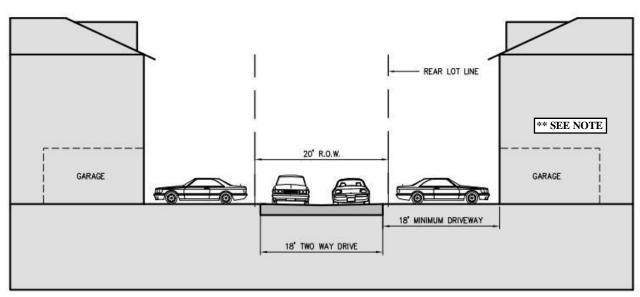
SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH AS 29'-36' FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIP) FENCE SHOWN IS REQUIRED PER SECTION 4.2 AND 5.1 OF THE DESIGN GUIDELINES NOT TO SCALE



SECTION 'G-G'

SINGLE FAMILY HOUSING WITH UP TO 10 FRONT LOADED GARAGES AND 10' NO PARKING ZONE STREET TREE AND STREET LIGHT LOCATIONS SUBJECT TO VDOT APPROVAL

SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH FACE/CURB TO FACE/CURB DEPENDING ON AVERAGE DAILY TRIPS FENCE SHOWN IS REQUIRED PER SECTION 4.2 AND 5.1 OF THE DESIGN GUIDELINES NOT TO SCALE



SECTION 'H-H'

SINGLE FAMILY BACKING ON ALLEY ON BOTH SIDES

**NOTE: HOUSES FRONTING ON WICKS ROAD CAN ACCESS THE ALLEY OR WICKS WITH FRONT OR SIDE LOADED GARAGES.

3. Block Pattern

While the single family detached homes at the Village occupy a single street, the layout and blocks formed by the ring road now referred to as Luminary Drive are dictated by the entrance road, common open space and the wetlands and self-storage area bordering the site. The blocks within this area of the Village respond in depth and width to the unit types they accommodate. Where block faces within Luminary Drive exceed 300 feet they shall be further subdivided by distinct pedestrian ways, in areas exclusive of any lot, to provide additional neighborhood connectivity. No Blocks within the town home area should exceed 300-ft maximum without an alley or pedestrian pathway providing through-access to another street, pedestrian pathway or common open space. The intent of this block pattern design is to be consistent with the binding master plan as adopted by the Board of Supervisors and generally consistent with the supplemental materials and conceptual layouts which were included with the submittal.

3.1 Block Orientation

a. To Streets

All streets are to have lots which orient townhouse fronts toward them. Mid-block lots will orient toward the street which passes in front of them. Corner lots should orient toward a minor residential street while presenting consistent architectural treatment to both street frontages.

b. To Open Spaces

Purposefully designed public open spaces, whether bordered by neighborhood streets or public sidewalks, should have blocks which orient houses toward them. Where open spaces intersect main residential streets, corner units may orient toward the main residential street or the open space. Where open spaces intersect side residential streets or lanes, lots, where possible, should orient toward the open spaces.

4. Building Type Standards

The architectural styles and building types employed at Candle Station shall be generally consistent with the approved and amended Master Plan and the supplemental materials submitted as part of the rezoning application for the Village at Candle Station. While no one architectural style is responsible for establishing the Norge community character, several examples of the Craftsman style, which was popularized from the turn of the Century until the 1930's, can be found in residences from Norge to Toano. Craftsman-revival styles have been used on contemporary commercial facilities in Norge. This architectural style is generally reflected in the supplementary drawings that accompanied the rezoning. The supplementary drawings were prepared to illustrate a cohesive design for the community through the use of similar architectural treatments throughout the development. These drawings were also intended to illustrate how to reduce the visual scale of larger multi-family and non-residential buildings by breaking the massing into a smaller scale with varied rooflines, entry elements, side wings, porches, and other techniques. The Craftsman style of architecture often includes such elements as the following:

- Generally lower pitched and gabled roofs with a wide, unenclosed eave overhang
- Porches *either full or partial width with roof supported by* tapered or square columns with stone or brick bases *that extended down to grade.*
- Partially paned doors (including garage doors)
- Multi-paned windows (e.g. 2 over 2; 3 over 1; 6 over 1, etc.)
- Earthy color palettes
- Single and often wider dormers
- Exposed rafter tails
- Knee braces or decorative (false) beams or brackets under wider eaves
- Blank walls exceeding 15 linear feet are prohibited on sides of end units.
- Fenestration minimum/maximum (20/70) for each unit façade and each end unit.
- 8ft/9ft (Minimum/maximum) floor heights.

• 20ft Minimum lot/unit width on SFA's; 50ft Minimum lot width on SFD's

4.1 Townhomes -

- A. Height:
 - a. Townhomes will generally be elevated to a minimum of 16" above grade at the front of the home.
 - b. Minimum: 1-1/2 Story
 - c. Maximum: 3 stories above grade
- B. Frontage and Setbacks:
 - a. Frontage Zone:
 - i. Minimum Setback: 10'
 - ii. Maximum Setback: 20'
 - b. Side Setback:
 - i. Corner lot to street
 - 1. 5' minimum (with no encroachments) from exterior property line.
 - ii. Building to Building Spacing
 - 1. Minimum: 10'
 - 2. Maximum: 20'
 - c. Rear Setback:
 - i. Minimum Setback: 0' with no encroachment into buffers and 18' from an alley
 - right-of-way for garages integral to the main body of the townhome structure.
- C. Permitted Encroachments:
 - a. The following items may encroach beyond the frontage zone (4.1Ba) a maximum of 10':
 - i. Porches
 - ii. Stoops
 - iii. Raised Front Entries
 - iv. Terraces with Garden Walls
 - b. The following items may encroach beyond all setbacks a maximum of 5' (as long as minimum building code separations are maintained):
 - i. Awnings
 - ii. Roof overhangs
 - iii. Bay windows
 - iv. Balconies
 - v. Chimneys
 - vi. Foundations
 - vii. Mechanical equipment*

*Note: Mechanical Equipment shall be screened from view utilizing fencing and/or landscaping.

- D. Parking:
 - a. A minimum of 2.5 spaces per townhome shall be provided. This can be achieved by both offstreet (on lot) and on-street parking.
 - b. No driveway is required if there is no garage.

NOTE: There shall be no more than 4 contiguous units in a single grouping of townhomes. End units, where facing a street, public green, or public right of way shall be so designed and landscaped so as to create a pleasing façade and logical relationship to those public areas.

- 4.2 Single Family Detached Buildings
 - A. Height
 - a. All homes must be elevated a minimum of 16" above grade at the front of the home.
 - b. Minimum: 1 story at front elevation
 - c. Maximum: 2 story at front elevation
 - B. Frontage and Setbacks:
 - a. Frontage Zone:
 - i. Side Load Units
 - 1. Minimum Setback: 12'
 - 2. Maximum Setback: 20'
 - ii. Front Load Units
 - 1. Minimum Setback: 20' (No vehicles permitted in first 10' of setback)
 - 2. Maximum Setback: 28' (No vehicles permitted in first 10' of setback)
 - b. Side Setback:
 - i. Corner lot to street
 - 1. 15' minimum
 - ii. Building to Building
 - 1. As governed by Virginia Building Code (USBC)
 - c. Rear Setback:
 - i. Minimum Setback
 - 1. Main Structure: 10'
 - 2. Accessory Structures: 5'
 - C. Permitted Encroachments:
 - a. The following items may encroach beyond the frontage zone (4.1,B,a) a maximum of 10':
 - i. Porches
 - ii. Stoops
 - iii. Raised Front Entries
 - iv. Terraces with Garden Walls
 - b. The following items may encroach beyond all setbacks a maximum of 5' (as long as minimum building code separations are maintained):
 - i. Awnings
 - ii. Roof overhangs
 - iii. Bay windows
 - iv. Balconies
 - v. Chimneys
 - vi. Foundations
 - vii. Mechanical equipment*
 - D. Parking
 - a. A minimum of 2 spaces shall be provided. This can be achieved by both off-street (on lot) and on-street parking.
 - b. No parking will be allowed in the frontage zone with the exception of front load units as described above (4.2, B, a, ii).
 - c. NO MORE THAN 50% OF THE SINGLE FAMILY UNITS IN CANDLE STATION SHALL HAVE FRONT LOADED GARAGES.
 - d. No Driveway is required if there is no garage.
 - E. Frontage Treatment
 - a. All Single Family Homes shall have a picket fence 36-42" tall made of white vinyl or PVC.
 - b. The picket fence shall be located within 4' of the sidewalk along the frontage of the lot (Per sections 4.2 and 5.1)

4.3 Self Storage

SECTION RESERVED

5. Visual Character

5.1 Edge Definition and Screening

Fences, buildings, walls, and hedges have been a traditional means to physically and visually separate properties while serving to define street edges and parking areas or to conceal undesirable views into service areas, thus enhancing the pedestrian experience. Because neighbors, in essence, share these means, consideration should be taken in their placement and design.

a. General Provisions

Fences and walls, when utilized, shall be architecturally consistent with the residential neighborhood design. Walls are to be made of stuccoed concrete block or brick. Residential fences and privacy screens are to be made of wood pickets or PVC lumber/ Non-residential fences should be wrought iron, painted steel or pre-fabricated vinyl board. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities. A uniform fence style or styles, approved by the DRB, shall be required along the right of way within the single family detached area. A uniform fencing and/or landscaping treatment, approved by the DRB, shall be required along rights of way within the townhome area.

Fences, walls, and hedges are often used to help define property boundaries or screen private activities. Fences and walls, when employed, are to be a maximum height of 6' except those located along public rights-of-way or forward of the main body of a structure, which are to be a maximum of 3-½' in height.

5.2 Architectural Expression

The following descriptions and recommendations shall apply to all buildings in the Village at Candle Station.

Articulation is expressed through two devices: building massing and architectural elements. Buildings with large profiles should be designed to appear smaller through the articulation of the overall massing as a collection of component masses. The use of architectural elements such as bays, balconies, porches, loggias, and arcades add interest to building facades and aid in relating the scale of any building to human dimensions. Roofs may be articulated through the use of projecting gable ends, cross gables, hipped sections, and a variety of dormer conventions. Each of these devices adds character and interest to the buildings which, in turn, reinforces the village character intended by these guidelines.

There shall be an adequate variety of architectural elements along street facades to distinguish individual dwellings and land uses while remaining stylistically consistent within the entire Community.

Below is a list of standard architectural requirements applicable to all houses in the Village at Candle Station.

- A. Exterior Walls:
 - a. Exposed concrete foundation walls higher than 1.5' and facing a street shall be screened with landscaping.
 - b. Exterior walls (excluding foundation) shall be covered with one of the following approved materials:
 - i. Brick
 - ii. Stone (Natural or Manufactured Synthetic Stone)
 - iii. Horizontal Lap Siding
 - iv. Vertical Siding:
 - 1. Board and Baton
 - 2. Shingle or "Shake" Style
 - c. Horizontal lap siding, vertical siding and shingles shall be manufactured with vinyl or cementuous materials.
 - d. Front facades shall require brick, stone or a mixture of siding materials with vertical/horizontal siding elements.

- e. No more than three wall materials listed in (A,b) may appear on any individual townhome unit or single family detached dwelling.
- f. No Full brick or full stone veneers are allowed, to help reinforce the Craftsman revival style.
- B. Roofs, Flashing, Gutters and Downspouts:
 - a. Materials:
 - i. The following materials are approved for roofing in the Village at Candle Factory:
 - 1. Painted Standing Seam Metal
 - 2. Copper
 - 3. Architectural (Dimensional 25 year or greater) Asphalt Shingles
 - 4. Architectural (Dimensional 25 year or greater) Fiberglass Shingles
 - ii. The following flashing materials are approved in the Village at Candle Factory:
 - 1. Copper
 - 2. Lead Coated Copper
 - 3. Pre-finished Metal
 - 4. Synthetic Poly Material (kick out flashing)
 - iii. Gutters and Downspouts will be prefinished Galvanized Aluminum and must match the trim color of the house.
 - b. Roof Pitch
 - i. Principle Roofs:
 - 1. Front Gabled, hipped, Cross Gabled and Side Gabled with a slope of 4:12 to 12:12.
 - ii. Secondary Roofs:
 - 1. Shed with minimum slope of 2:12
 - iii. Flat Roofs:
 - 1. Permitted when accessible from and interior space or in the form of a special rooftop element. Must have parapets, balustrades, or railings.
 - 2. Parapets must be horizontal
 - iv. Dormers:
 - 1. May be Gabled or Shed in fashion
- C. Porches and Stoops:
 - a. Porches and/or covered stoops shall be provided on all townhomes and single family detached units.
 - b. Minimum Sizes:
 - i. Townhomes: All stoops to be- 5' wide x 4' deep
 - ii. Single Family Detached: 5' wide x 4' deep
- D. Openings:
 - a. The following provisions apply to non-residential buildings only:
 - i. Horizontal dimensions of opening may not exceed the vertical dimension
 - ii. Paned windows
 - iii. All masonry shall be appropriately detailed in a load-bearing configuration
 - iv. Windows shall be no closer than 30" from the building corners.
 - b. Windows
 - i. Windows for the Single Family Detached and Townhome units will be Single-Hung Low-E Windows with a 2/2 grill pattern

- Bay Windows are incorporated into some of the Townhome elevations. These will be box-style bays wrapped with PVC or Synthetic Material (No Wood). The bay windows will have standing seam metal roofs of the type mentioned in (5.2,b).
- c. Shutters and Exterior Window Treatment
 - i. Shutters may be constructed of Wood or Vinyl
 - ii. Where shutters are used on Townhomes, Synthetic "Shutter Dogs" will be required in accordance with the approved building elevations.
 - iii. Windows on the front elevation of siding veneers that do not have shutters must have a vinyl or PVC 1x4 trim, in accordance with the approved architectural elevations.
- d. Doors
 - i. Doors may be constructed of the following approved materials:
 - 1. Wood
 - 2. Fiberglass
 - 3. Metal Clad Wood
 - 4. Painted Metal
 - 5. Glass Panes
 - ii. Townhome and Single Family Dwellings will have Partially Paned Fiberglass Front Entry doors.
 - iii. Sliding Glass doors are allowed on the rear of homes.
- e. Garage Doors
 - i. Garage doors will be constructed of Steel.
 - ii. The garage doors will be painted to match one of the approved exterior trim colors:
 - 1. White
 - 2. Beige
 - iii. All Single Family Detached Garage Doors will have glass in the top panels with simulated divided light.
 - iv. Single Family detached homes will have garage door hardware consisting of the following:
 - 1. Decorative Hinges
 - 2. Decorate Pulls
 - v. Townhomes will have garages that face the alley way, and thus will be permitted to be full steel doors without lights (glass panels).
- E. All exterior trim must be wrapped in aluminum or PVC Composite (Fypon, Synboard). Wood is not acceptable.
- F. <u>Repetition</u>:
 - a. House models with the same elevations shall not be located adjacent to or directly across from each other on the same street. The same color schemes may not be used adjacent to, directly across from or diagonally across from each other.
- G. Driveways:
 - a. Driveways shall be constructed of one of the following approved materials:
 - i. Brushed Concrete
 - ii. Exposed Aggregate
 - iii. Stamped Concrete
 - iv. Brick or Stone Pavers

- H. Exterior Lighting & Fixtures:
 - a. Exterior light fixtures shall be limited to incandescent lights at entrance, at garage doors, one exterior front post lamp, low intensity landscape or driveway lights and eave mounted floodlights directed completely within the owner's lot area.
 - b. Post lamps of traditional design, appropriate to the style of the house, are required in each front yard. Post lamps shall be hot-wired "photo-cell"; control switches are not permitted in the home.

All single family detached homes in Candle Station shall achieve Earth Craft House Virginia certification at Earth Craft House Certified Level I.

6. Landscape and Open Space Standards

6.1 General requirements

The general requirements for street landscape standards are established by the street sections provided in these guidelines. Landscaped open spaces should have emphasis placed on their edges either with buildings or plantings to create outdoor rooms. Public open spaces (parks, squares, and greens) are required to be bordered by streets or building walls along at least 50% of their perimeter.

a. Streets

Streets within the residential portions of Candle Station are to be planted per the street with trees spaced a maximum of 40' o.c. Shade/Canopy type trees are the preferred tree type for all streets; however, minor trees reaching a mature height of 30' and ornamental trees may be used on all streets adjacent to buildings, along the edges of parking areas, on one way streets, within greenways, and in public open spaces. At a minimum the streetscape shall conform to the James City County Streetscape Policy.

b. Parking Areas

Any parking areas within the self storage portions of the project shall be landscaped to minimize visual intrusion to the adjacent lots and common areas. These areas shall be designed to incorporate pedestrian scale lighting fixtures and drive aisles shall be planted in a similar manor as streets (noted above). The small, discretely placed parking areas located within the residential area should be landscaped with an appropriate mix of trees, shrubs, and groundcovers to enhance their serviceability and to minimize visual intrusion to adjacent lots and common areas. Landscaping shall be in conformance with standards set forth in the James City County Zoning Ordinance, modifications to the Ordinance requirements shall be handled as outlined in the Ordinance by the James City County Planning Director. Sidewalks are encouraged to provide connectivity to open spaces, adjacent streets, and to residential units.

- c. Landscaping of attached structures shall contain landscaping per James City County Ordinance standards; but, may be considered for modifications to these standards on a case by case basis, according to the special needs of each building or block subject to review and approval by the James City County Planning Director. The Director may, at its discretion, grant modifications to minimum landscaped perimeters when provisions are made for the addition of street furnishings such as benches, tables, and chairs, or additional planters, when larger individual landscaped areas are provided, or where neighborhood architectural and paving details and finishes are determined to be of such a quality that offset the need for additional landscaping.
- 6.2 Neighborhood Parks / Open Spaces

Park spaces will be primarily defined by the residential architecture and the street trees and landscaping defining its edges. The parks shall be designed to serve both the residential area and visitors driving, walking, or bicycling on the mixed use path. The detailed design of open spaces shall include existing and proposed landscape areas and hardscape development that encourages pedestrian circulation around the perimeter of the main open spaces and connectivity to the adjacent streets. These public spaces will provide opportunities for neighborhood gatherings and activities. Park areas in total shall be designed to meet or exceed the James City County Parks and Recreation design standards and the proffers approved with the rezoning.

ATTACHMENTS:

- (1) Proposed examples of town home and single family detached units
- (2) Typical Building Sketches (supplementary drawings to the rezoning)



Candle Factory Development Patio Homes Attached



Candle Factory Development Patio Homes Detached













Candle Factory Development Patio Homes Attached



Guernsey Tingle Architects

Candle Factory Development Patio Homes Detached

Version 12.6.12



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at (757) 253-6685 or planning@jamescitycountyva.gov

- 1a) PROPOSAL NAME Village at Candle Station
- 1b) Does this project propose residential units? Yes No (if no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes Ve_ No_

Fiscal Impact Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	66	Apartment	
Townhome/Condominium/Single Family Attached	142	Manufactured Home	
Total Dwelling Units	208		

Are any units affordable? Yes <u>/</u> No ____ (If yes, how many?)<u>42</u>

Residential Expenses – School Expenses

2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed	Student Generation	Students Generated
	Units (from 2a)	Rate	
Single Family Detached	66	0.40	26.4
Townhome/Condo/Attached	142	0.17	24.14
Apartment		0.31	
Manufactured Home		0.46	
Total	208		50.54

(If no, skip Sec. 3)

2c). TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students	Per-Student	Per-Student Capital	Per-Student	Total School
Generated	Operating Expenses	Expenses	Total Expenses	Expenses
50.54	\$5920.16	\$2176.06	\$8096.22	\$409,182.96

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
208	2.19	455.5

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per-Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
455.5	\$640.98	\$291,979.21

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$409,182.96	\$291,979.21	\$701,162.17

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected	Total Expected
		Market Value:	Market Value:
Single Family Detached	66	\$349,000.00	\$23,034,000.00
Townhome/Condo/Multifamily	142	\$249,000.00	\$35,358,000.00
Total:		N/A	\$58,392,000.00

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate blow.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$58,392,000.00	0.0077	\$449,618.40

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$449,618.40	0.15	\$67,442.76

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$449,618.40	.09	\$40,465.66

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation	Assessment Rate	Conservation Easement Taxes
Easement Size		Paid
0	\$2000/acre (prorated)	\$

2I) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non-HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
		.0077	\$

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	\$557,526.82
----------------------------	--------------

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
701,162.17	557,526.82	\$(143,635.35)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? <u>1</u> (include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall). 3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$ 2,100,000	0.0045	\$ 9,345.00

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. Estimate the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
+/- 60,000 SF of Mini-Storage	2,100,000.00
Total:	\$

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
2,100,000	0.0077	\$16,170.00

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business	Total Business	Personal Property Tax	Total Business
Name	Capitalization	Rate	Property Taxes Paid
Mini Storage	\$1,850,000	0.01	\$18,500
		0.01	
		0. 01	
Total:	\$1,850,000	N/A	\$18,500

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business	Total Business	Machinery and Tools	Total Business
Name	Capitalization	Tax Rate	Property Taxes Paid
		0.01	
		0.01	
Total:		N/A	\$0

3g) TOTAL SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Тах Туре	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales	\$404,000	0.01 of Gross Retail Sales	\$4,040
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$\$4,040

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) TOTAL BUSINESS LICENSES FEES PAID. Estimate each business element's total gross sales. *Multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed	Business Type*	Projected Total	Business	Annual Business
Busines	(see exhibit sheet)	Gross Sales	License Rate	License Fees Paid
Name(s)				
	Professional		0.0058	
	Services			
	Retail Services	\$404,000	0.0020	\$808
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$808

3i) TOTAL COMMERCIAL AND INDUSTRIAL REVENUES. *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$39,518

3j) COMMERCIAL FISCAL IMPACT. *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
\$9,345.00	\$39,518	\$30,173

3k) TOTAL PROPOSED FISCAL IMPACT. *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
\$(155,714.90)	\$30,173	\$(125,541.90)

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached		Apartment	
Townhome/Condominium/Single Family Attached		Manufactured	
		Home	
Total Dwelling Units	0		

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing	Student Generation	Existing Students
	Units	Rate	
Single Family Detached		0.40	
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total	0	N/A	

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	\$8096.22	\$

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	2.19	\$

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$640.98	\$

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$0	\$	\$

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <u>http://property.jccegov.com/parcelviewer/Search.aspx</u>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
7551 Richmond Road - Parcel ID 2321100001D (36.82 AC.)	\$1,220,600.00
7567 Richmond Road - Parcel ID 2321100001E (26.28 AC.)	\$1,204,400.00
	\$
Total:	\$2,425,000.00

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$2,425,000.00	.0077	\$18,672.50

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$18,672.50	0.15	\$2,800.88

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$18,672.50	.09	\$1,680.53

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$23,153.90
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4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
0	\$23,153.90	\$23,153.90

4m) FINAL RESIDENTIAL FISCAL IMPACT. *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(143,635.35)	\$23,153.90	\$(166,789.25)

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties? 0 ______ (include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Current Commercial Revenues

5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at <u>http://property.iccegov.com/parcelviewer/Search.aspx</u>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business	Personal Property Tax	Business Property
	Capitalization	Rate	Taxes Paid
		0.01	
		0.01	
		0. 01	
Total:		N/A	\$

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business	Personal Property Tax	Machinery and Tools Tax
	Capitalization	Rate	Paid
		0.01	\$

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License	Annual Business
		Rate	License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$
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5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$\$30,173

5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
		\$

5k) FINAL FISCAL IMPACT. *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
\$(166,789.25)	\$30,173	\$(136,616.25)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) *Copy and paste* the residential phasing template from the accompanying Excel sheet to the page below.

Commercial Phasing

6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

DEFINITIONS AND ASSUMPTIONS

<u>Apartment</u> – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

<u>Assessment Value</u> – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

<u>Commercial Expense Rate</u> – The commercial expense rate uses the proportional valuation method (see below) to determine individual business expenses. Under that method, businesses are collectively responsible for contributing 15% of the non-school budget (\$ 10,391,694). Dividing this portion of the budget by the total commercial real estate in the County (\$2,060,690,000) gives a commercial expense rate of 0.0045. This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses, incurring greater County expenses.

<u>Condominium</u> – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

<u>Contractor</u> - Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys, or highways, any excavation of earth, rock, or other materials, any construction of sewers, and any installation of interior building components.

<u>Direct Impact</u> – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools, and, as such, does not make a determination whether any type of development "should" happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic, or non-budget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the State, remain uncounted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, and tourist cabins.

<u>Exempt</u> – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes, and gasoline sales.

<u>Fees & Licenses</u> – All fees collected by the County, including business & professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses, and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

<u>Fiscal Impact Analysis</u> – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

<u>Fiscal Impact Worksheet</u> – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

<u>Non-School Expenses</u> – Non-school expenses include all FY10 non-school budget spending. Nonschool expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

<u>Manufacturing</u> – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances, or purposes.

<u>Market Value</u> – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

<u>Manufactured Home</u> – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation, after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after Board of Supervisors approval.

<u>**Professional Services</u>** - Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture,</u>

law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

<u>Proportional Valuation Impact</u> – Proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated a aggregate property assessment value of \$13,763,228,800 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$2,060,690,000. Dividing the commercial value by the total value shows that commercial and industrial properties compose 15% of the total property tax base, and are responsible for 15% of County non-school expenses. This results in residential development being responsible for Schools impacts and 85% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees, and licenses into account. As 15% of the tax base, businesses contribute 15% for all County non-school expenses. As 85% of the tax base, residents contribute 85% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

<u>Per Capita Evaluation Method</u> – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current percapita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

<u>Per Capita</u> – Per capita calculations divide each department's spending, minus fees and State contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

JCC Population 2010	Dwelling Units 2010
66048*	30221**

*US Census 2010 Population Count

**JCC Codes Compliance Division Housing Unit Count + Apartment Count

<u>Per Student</u> – Per student calculations divide County contributions to WJCC Schools, minus State educational contributions, by the total number of K-12 students living in James City and also

attending WJCC Schools. Total students are determined from Williamsburg James City County Schools 2009-2010 School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and State contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses	5400*
Percentage of Property Tax Assessments	15%**

*James City County Commissioner of the Revenue **Commercial impacts are calculated on a proportional variation process

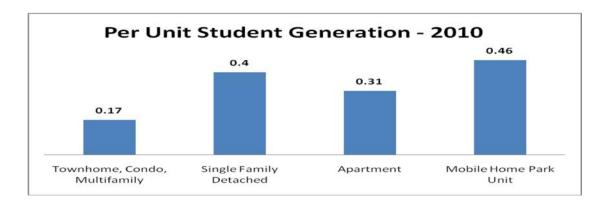
<u>Proffer</u> – pProffers paid for schools can only be applied toward the capital expense portion of perstudent school expenses. (See Board of Supervisors' Proffer Policy.)

<u>**Retail Services**</u> – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses, and other uses.

<u>Single Family Detached Dwelling</u> – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

<u>State Contributions</u> – The State contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate - The student generation rate the number of students produced by a individual dwelling unit per year. Different domestic units produce students are different rates. Using WJCC enrollment figures, an address was found for WJCC student residing in James City County. Using the James City County Real Estate Division's Property Information map on the James City County website, the number of students from each subdivision was determined. Using the Real Estate Division's Real Estate Parcel Count, the number of improved lots in each neighborhood was determined. Total students from each neighborhood were divided by the total number of units from that neighborhood to determine the average number of students per housing unit. The student generation numbers for 256 subdivisions were determined this way, along with the same method for counting students from apartments and manufactured home parks.



Townhome –In a structure containing three or more dwelling units, a dwelling unit for single family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.

Phasing - Residential Phasing

6a) When will proposed residential units be built?

Total Units Proposed

208

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	50	45	45	35	33	208
Total Res Exp	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	
Per Unit Exp	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97
Total Res Exp	\$ 168,548.60	\$ 151,693.74	\$ 151,693.74	\$ 117,984.02	\$ 111,242.07	\$ 701,162.17
Total Res Rev	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	
Per Unit Rev	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42
Total Res Rev	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 670,104.35
Per Unit Impact	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55
Res Impact	\$ 40,093.57	\$ 76,177.78	\$ 112,262.00	\$ 140,327.50	\$ 166,789.25	\$ <mark>(166,789.25)</mark>

Phasing - Commercial Phasing

6b) When will proposed commercial units be built?

	Tot	al New Busin	esse	S	1
		Year 1		Year 2	Buildout
Bus Built		0.5		0.5	1
Bus Exp	\$	9,345.00	\$	9,345.00	
Per Bus Exp	\$	9,345.00	\$	9,345.00	
Year Bus Exp	\$	4,672.50	\$	4,672.50	
Bus Rev	\$	16,170.00	\$	16,170.00	
Per Bus Rev	\$	16,170.00	\$	16,170.00	
Year Bus Rev	\$	8,085.00	\$	8,085.00	
Bus Impact	\$	3,412.50	\$	6,825.00	

6c) What is the final phasing projection?

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Res Impact	\$ 40,093.57	\$ 76,177.78	\$ 112,262.00	\$ 140,327.50	\$ 166,789.25	\$ 166,789.25
Bus Impact	\$ 3,412.50	\$ 6,825.00	\$ 6,825.00	\$ 6,825.00	\$ 6,825.00	
Final Impact	\$ 43,506.07	\$ 83,002.78	\$ 119,087.00	\$ 147,152.50	\$ 173,614.25	

Employment

7a) How many fill-time equivalent jobs (FTE) will be generated from the proposal? What will be the average payroll?

	Business	FTE Jobs Generated	Ave	rage Payroll
1	mini-storage	2	\$	40,000.00
2			\$	-
3			\$	-
4			\$	-
5			\$	-
6			\$	-

THE VILLAGE AT CANDLE STATION

PROFFERS

THESE PROFFERS are made this 2th day of April, 2015 by CANDLE DEVELOPMENT, LLC, a Virginia limited liability company (together with its successors in title and assigns, the "Candle"), CANDLE FACTORY BUILDING, LLC, a Virginia limited liability company ("CFB"), POPLAR CREEK, LLC, a Virginia limited liability company ("PC"), NVR, INC., a Virginia corporation, doing business as Ryan Homes ("NVR"), KLR PROPERTIES, LLC, a Virginia limited liability company ("KLR"), KEITH A. MCCARTHY and ADRIENNE D. MCCARTHY (collectively, "McCarthy"), BRYAN C. SZOSTAK ("Szostak"), RONICA LEFTWICH ("Leftwich"), and JOHN B. BARNETT, JR. and JUDITH BARNETT, individually and as Trustees of the John B. Barnett Jr. and Judith L. Barnett Living Trust dated June 2, 2011 (the "Barnetts").

RECITALS

A. Candle, CFB, PC, NVR, KLR, McCarthy, Szostak, Leftwich, and Barnetts (collectively, "Owner") are the owners of that certain property (the "Property") located in James City County and more particularly described on Exhibit A attached hereto.

B. The Property is now zoned Mixed Use with proffers and M-1. The Property is designated Low Density Residential, Mixed Use, and Conservation Area on the County's Comprehensive Plan Land Use Map.

Prepared By: Kaufman & Canoles, P.C., 4801 Courthouse Street, Suite 300, Williamsburg, VA 23188 Return To: James City County Attorney's Office, 101-C Mounts Bay Road, Williamsburg, VA 23185

C. The Owner has submitted to the County an application (the "Application") to rezone the Property from Mixed Use with proffers and M-1 to Planned Unit Development with proffers.

D. Owner has submitted to the County a master plan entitled "PROPOSED MASTER PLAN THE VILLAGE AT CANDLE STATION", Drawing No. 3 of 7, prepared by AES Consulting Engineers, dated November 14, 2014, last revised March 11, 2015 (the "Master Plan") for the Property in accordance with the County's Zoning Ordinance. The Master Plan is on file with the County in the Office of the Director of Planning.

E. Owner has submitted to the County design guidelines entitled "THE VILLAGE AT CANDLE STATION DESIGN GUIDELINES", prepared by AES Consulting Engineers, dated June 17, 2013, last revised April 2015 (the "Design Guidelines"). The Design Guidelines are on file with the County in the Office of the Director of Planning.

F. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Planned Unit Development.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended (the "Virginia Code"), and the County's Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

CONDITIONS

1. <u>Density</u>. The number of residential dwelling units ("Dwelling Units") located on the Property shall not exceed 208 Dwelling Units.

2. **Owners Association.** There shall be organized a property owner's association (the "Association") for the residential development of the Property in accordance with Virginia law in which all residential property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized separate owner's associations for individual neighborhoods within the Property in which all owners in the neighborhood, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to the County Attorney for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for residential development of any portion of the Property. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, if any, sidewalks, and all other common areas (including open spaces) under the jurisdiction of the Association and shall provide the Association with authority to (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement and enforce a water conservation standards and nutrient management plan as provided herein.

3. <u>Water Conservation</u>.

(a) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and for, subsequently, enforcing such 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 drought resistant native and other adopted low water use landscaping materials and warm season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be submitted to JCSA for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property.

(b) In the design phase, Owner shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection from the surface water ponds or other rainwater collection devices and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

4. <u>Housing Opportunities</u>. Development of the Property shall be done in a manner

consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning (the "HOP") to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that affordable and workforce Dwelling Units provided may be located anywhere within the Property in areas designated for residential development. With respect to affordable and workforce Dwelling Units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the HOP or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the Dwelling Unit to assure the Dwelling Unit continues to meet the requirements of the HOP. In addition, each deed to an affordable or workforce for sale Dwelling Unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the Dwelling Unit. All affordable or workforce Dwelling Units provided pursuant to this Proffer shall be sold to persons whose incomes fall within the qualifying income ranges used to determine the prices under the HOP.

5. <u>Cash Contributions for Community Impacts</u>.

(a) A contribution of \$19,505.34 for each single-family detached Dwelling
 Unit and of \$5,550.16 for each single-family attached Dwelling Unit constructed on the Property
 shall be made to the County for the mitigation of impacts on County schools.

(b) A contribution of \$1,099 for each Dwelling Unit constructed on the Property shall be made to the County for the mitigation of impacts on emergency services, offsite road improvements, future water needs, library uses, and public use sites. (c) A contribution of \$1,375.00 for each single-family detached Dwelling Unit and of \$1,039.00 for each single-family attached Dwelling Unit constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's potable water system.

(d) A contribution of \$725.00 for each Dwelling Unit constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system.

(e) A contribution of \$549.50 for each Dwelling Unit constructed on the Property shall be made to the County for off-site stream restoration or other environmental improvements in the Yarmouth Creek watershed.

(f) A one-time contribution of an amount equal to \$2.10 multiplied by the total estimated daily sanitary sewage discharge from each non-residential building constructed on the portion of the Property shown on the Master Plan as "MASTER PLAN AREA 2" (the "PUD-C Area") shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system. The County shall not be obligated to issue a certificate of occupancy for a non-residential building constructed on the PUD-C Area until the contribution prescribed in this subsection (f) has been paid.

(g) A one-time contribution of \$32,970 shall be made to the County for offsite sidewalks. The County shall not be obligated to issue certificates of occupancy for more than 87 Dwelling Units on the Property until the contribution prescribed in this subsection (g) has been paid.

(h) Notwithstanding any other provision of these Proffers, the contributions described in subsections (a) through (e) above shall be reduced by the applicable percentage set

forth in the HOP for affordable and workforce Dwelling Units provided on the Property in accordance with the HOP.

(i) The contributions described in subsections (a) through (e) above shall be payable for each Dwelling Unit on the Property prior to issuance of a certificate of occupancy for such Dwelling Unit.

(j) The contribution(s) paid in each year pursuant to this Section and Section 6(e) shall be adjusted annually beginning January 1, 2016 to reflect any increase or decrease for the preceding year in the Index. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in subsections (a) through (e) of this Section and Section 6(e). The adjustment shall be made using Section 98, Comparative Costs Multipliers, Regional City Averages of the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County) 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.

6. <u>Entrances; Traffic Improvements</u>.

(a) The existing private driveway at the Route 60/Croaker Road intersection shall be reconstructed to a public road with a four lane road section (provided, however, that the County may require a fifth lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such additional lane) at the Route 60 intersection and tapering to a two lane section. The northbound Croaker Road approach to the Croaker Road/Route 60 intersection shall include a left turn lane with 200 feet of storage, a through lane (provided, however, that the County may require a through/left turn lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such through/left turn lane) and a right turn lane.

(b) At the intersection of Route 60 and Croaker Road, a 200 foot right turn taper with shoulder bike lane from east bound Route 60 into the Property shall be constructed.

(c) At the intersection of Route 60 and Croaker Road, the eastbound Route 60 left turn lane shall be extended to have 200 feet of storage and a 200 foot taper.

(d) The improvements proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall include any related traffic signal improvements or replacement, including signal coordination equipment, at that intersection. The improvements listed in subsections (a) through (c) shall be completed or guaranteed ("Guaranteed") in accordance with Section 15.2-2299 of the Virginia Code prior to final approval by the County of the first site plan for development of any portion of the Property.

(e) Within 180 days after issuance by the County of the 135th building permit for construction of Dwelling Units on the Property, Owner shall pay to VDOT the costs, not to exceed \$10,990, of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of that signal and the signal at the Croaker Road/Route 60 intersection.

(f) Subject to the prior approval of VDOT and when the sidewalk has been constructed on the north side of Route 60 at the Croaker Road/Route 60 intersection to receive pedestrians, Owner shall install or pay the costs of installation of crosswalks across Route 60, a median refuge island, signage and pedestrian signal heads at the intersection ("Pedestrian Improvements"). The County shall not be obligated to issue building permits for more than 100 Dwelling Units on the Property until either (i) the Pedestrian Improvements have been installed, or (ii) Owner has guaranteed the installation of such Pedestrian Improvements.

7. <u>Connections to Adjacent Properties</u>. Owner shall provide pedestrian and vehicular connections between the Property and the adjacent property (Tax Parcel 2321100001F) generally as shown on the Master Plan. The plans, location and materials for such connections shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property. The connections shall be either (i) installed or (ii) Guaranteed prior to final approval by the County of the first site plan for development of the property.

8. <u>Streetscape Guidelines</u>. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy or, with the permission of VDOT, the plantings (meeting County standards for plant size and spacing) may be installed in the adjacent VDOT right-of-way. The streetscape improvements shall be shown on development plans for the portions of the Property proposed for development and shall be submitted to the County Director of Planning for approval in connection with the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Street trees shall be located no farther than 10 feet from the edge of pavement, subject to VDOT approval. Streetscape improvements shall be either (i) installed within 6 months after the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property, or (ii) Guaranteed prior to the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property.

Page 9 of 29

9. <u>Recreation</u>. The following recreational facilities shall be provided on the Property:

(a) Approximately 3.65 acres of parkland;

(b) 1 centrally located, shared playground at least 2,500 square feet in area with at least five activities either in composite structures or separate apparatus;

(c) 1 picnic shelter of at least 625 square feet;

(d) A minimum 8 foot wide, concrete or asphalt shared use path along one side of the entrance road approximately 0.36 of a mile in length and an additional approximately 0.94 of a mile of soft surface walking trails generally as shown on the Master Plan;

(e) 1 paved multi-purpose court approximately 50' x 90' in size; and

(f) 1 graded multi-purpose field which will be at least 200' x 200' in size. The exact locations and design of the facilities proffered in this Section and the equipment to be provided at such facilities shall be shown on development plans for the portions of the Property in which such facilities are located, which development plans shall be submitted to the County Director of Planning for approval for consistency with this proffer prior to the County's approval of a site plan for development of such portions of the Property. Such facilities shall be constructed at the time of the construction of the phase of the development in which such facilities are located as shown on the development plans for the Property.

10. <u>Archaeology</u>. If required by the County Director of Planning, a Phase I Archaeological Study for the entire Property shall be submitted to the County Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the County Director of Planning for all sites in the Phase I study that are Page 10 of 29

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

11. Design Guidelines and Review; Sustainable Building.

(a) The Property shall be developed substantially in accordance with the Design Guidelines. Owner shall submit a supplement to the Design Guidelines for Area 2, as shown on the Master Plan, to the County Director of Planning for review and approval for consistency with these Proffers, the Design Guidelines, and the Master Plan in connection with Page 11 of 29

the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Owner shall establish a Design Review Board to review all residential building plans and residential building elevations for conformity with the Design Guidelines. The Design Guidelines may be amended from time to time provided that such amendments do not alter the basic character and intent of the Design Guidelines and provided that such amendments are approved by the County Director of Planning for consistency with this proffer upon the recommendation of the Design Review Board.

(b) All single-family detached Dwelling Units shall achieve EarthCraft House Virginia certification at the EarthCraft House Certified (Level I) level. Owner shall provide a copy of each certification to the County Director of Planning within one year of the issuance of a certificate of occupancy for such Dwelling Unit.

12. <u>Sidewalks</u>. There shall be sidewalks installed on at least one side of each of the public streets on the Property, which sidewalks may be installed in phases as adjacent Dwelling Units are constructed. Sidewalks shall be installed prior to issuance of any certificates of occupancy for adjacent Dwelling Units. The sidewalk design shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County Director of Planning of the any site plan for development of the Property where sidewalks are required.

13. <u>Curb and Gutter</u>. Streets (but not the private alleys) within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified by the County Director of Planning along those segments of street, including entrance roads, where structures are not planned.

14. <u>Master Stormwater Management Plan</u>. Owner has submitted to the County a master stormwater management plan for the Property ("Stormwater Plan") which is on file with the County in the Office of Engineering and Resource Protection and includes facilities and measures necessary to meet the County's 10 point stormwater management system requirements and the special stormwater criteria applicable in the Yarmouth Creek watershed ("SSC") and, in addition, including additional low impact development ("LID") measures to treat stormwater from 30% of the impervious areas on the Property, which additional LID measures are over and above those necessary to meet the 10 point and SSC requirements. The Property shall be developed in general conformity with the Stormwater Plan. The Stormwater Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer.

15. <u>Nutrient Management Plan</u>. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Nutrient Plans") for all common areas within the Property and each individual single-family lot shown on each subdivision plat of the Property. The Nutrient Plans shall be submitted to the County Director of Engineering and Resource Protection for review and approval for consistency with this Proffer prior to the issuance of the building permits for more than 25% of the Dwelling Units shown on the subdivision plat. Upon approval of the Nutrient Plans by the County Director of Engineering and Resource Protection, the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Nutrient Plans. The Owner shall provide a copy of the individual Nutrient Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final Dwelling Unit on the Property and every 3 years thereafter, a turf management information seminar shall be conducted for the Association. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants. The County Director of Engineering and Resource Protection shall be provided evidence of the seminars taking place by submitting to the County Director of Engineering and Resource Protection a seminar agenda and or minutes thereof no later than 10 days after each seminar.

16. <u>Private Streets</u>. All private streets, if any, and alleys on the Property shall be maintained by the Association. The owner responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County Director of Planning shall be provided evidence of the deposit of such maintenance fee prior to issuance of certificates of occupancy for Dwelling Units served by the relevant private street.

17. <u>Water and Sanitary Sewer Master Plan</u>. Owner has submitted to JCSA a water and sanitary sewer master plan for the Property ("Water/Sewer Plan") which is on file with the County in the Office of the General Manager of JCSA. The Property shall be developed in Page 14 of 29

general conformity with the Water/Sewer Plan. The Water/Sewer Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to JCSA for review and approval for consistency with this Proffer.

18. <u>Route 60 Median Landscaping</u>. Subject to VDOT approval, Owner shall install landscaping as provided herein in the portion of the Route 60 median beginning at the Route 60/Croaker Road intersection and extending eastward 800 feet. The landscaping shall consist of 20 street trees at least 125% of the caliper size requirements prescribed in the County's Zoning Ordinance. A landscape plan for the median shall be submitted to the County Director of Planning with the initial site plan for development on the Property for review and approval for consistency with this proffer and the County's Streetscape policy. The median shall be planted or the planting Guaranteed prior to the County being obligated to issue building permits for buildings located on the Property.

19. <u>Crosswalks</u>. Subject to VDOT approval, Owner shall provide a crosswalk across Croaker Road from Tax Parcel 2321100001B to Tax Parcel 2321100001F and crosswalks providing access to the two internal parks on the Property both in the locations generally as shown on the Master Plan at the time the final layer of pavement is placed on the segment of Croaker Road where the crosswalks are located.

20. <u>Boundary Line Adjustment</u>. Prior to final site plan or subdivision plan approval for development of Area 2 shown on the Master Plan, Owner shall submit to the County Director of Planning for review and approval a boundary line adjustment plat consistent with the Master Plan for Area 2.

<u>Master Plan</u>. The Property shall be developed generally as shown on the Master
 Plan. Development plans may deviate from the Master Plan as provided in Section 24-23 of the
 Zoning Ordinance.

22. <u>Headings</u>. All section and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

23. <u>Delegation of Subsequent Approvals</u>. The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

24. <u>Severability</u>. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged 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.

25. <u>**Conflicts**</u>. 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 as otherwise provided by law.

26. <u>Successors and Assigns</u>. 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.

27. <u>Void_if Application not Approved</u>. In the event that the Application is not approved by the County, these Proffers shall be null and void.

28. <u>Amended and Restated</u>. These Proffers amend, restate, and supersede all prior proffers accepted by the County regarding the Property.

[SIGNATURES LOCATED ON SUCCEEDING PAGES]

WITNESS the following signatures.

	CANDLE DEVELOPMENT, LLC
	By: Pete Henderson, Manager
STATE OF VIRGINIA AT LARGE	, to-wit:
The foregoing instrument was ackn by Pete Henderson as manager of Candle D	owledged this $\frac{24^{12}}{100}$ day of <u>April 2015</u> , Development, LLC.
My commission expires: 11/30/18 Registration No.: 7600737	NOTARY RUBLIC
	REGISTRATION NO.
	REGISTRATION NO. 7600737 11/30/2018 NO VIRGINIA.

WITNESS the following signatures.

CANDLE FACTORY BUILDING, LLC By:_ Pete Henderson, Manager STATE OF VIRGINIA ĄŢ LARGE CITY/COUNTY OF YOYK _, to-wit: The foregoing instrument was acknowledged this $24\frac{19}{2015}$ day of April 2015 by Pete Henderson as manager of Candle Factory Building, LLC. My commission expires: Registration No.: _____6 REGISTRATION NO. REGISTRATION NO. REGISTRATION NO. NY COMM. EXPIRES. 11/30/2018 VOTARY PUBLICING 760

WITNESS the following signatures.

POPLAR CREEK, LLC By:_

Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE CITY/COUNTY OF YOYK ____, to-wit: The foregoing instrument was acknowledged this 24^{H} day of Apvil, 2015 by Pete Henderson as manager of Poplar Creek, LLC. Su NOTARY PL My commission expires: Registration No.: _______ 2 REGISTRATION NO. 7600737 MY COMM. EXPIRES. 11/30/2018

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COMMONW

NVR, INC. By: Name: Jeff Ambroce Title: Vice President
STATE OF VIRGINIA AT LARGE CITY/COUNTY OF <u>JAMES CAND</u> , to-wit: The foregoing instrument was acknowledged this <u>2110</u> day of <u>MPAL</u> by <u>JAPP PABLOSC</u> as <u>MANESTOF</u> of NVR, Inc.
My commission expires: $6-30-2015$. Registration No.: 146383 .
GALLO

KLR PROPERTIES, LLC

By: Kinkert	L. Dulles					
Kimber	Kimberly L. Roller, Managing Member					
By:	NVR, Inc., Attorney-In-Fact By:					
]	Name: SEFF Anbros					
-	Fitle: Vice President					

STATE OF VIRGINIA AT LARGE CITY/COUNTY OF <u>Ourses</u> (ity, to-wit:

The foregoing instrument was acknowledged this $\frac{24}{2015}$ day of $\frac{4pril}{2015}$, by <u>Deff</u> Ambro 2 as <u>Vice President</u> of NVR, Inc. as attorneyin-fact for Kimberly L. Roller, as Managing Member of KLR Properties, LLC.

NOTARY PUBLIC

My commission expires: Registration No.:

Kelly Lynn Wroten NOTARY PUBLIC 7149229 Commonwealth of Virginia My Commission Expires May 31, 2019

Keith A. McCarth NVR Ing., Attorney-In-Fact By: ÷ Name: Title: Vice Preaci drienne I Adrienne D. McCarthy By: NVR, Inc., Attorney-In-Fact By: Name: Title STATE OF VIRGINIA AT LARGE CITY/COUNTY OF JUMES _, to-wit: The foregoing instrument was acknowledged this $\frac{\partial 4}{\partial y}$ day of $\frac{April}{\partial C15}$, by <u>Deff</u> April $\frac{\partial C15}{\partial y}$, as <u>Vie</u> <u>President</u> of NVR, Inc. as attorneyin-fact for Keith A. McCarthy and Adrienne D. McCarthy. NOTARY PUBLIC 531/19 My commission expires: Registration No.: _ 14922 Kelly Lynn Wroten NOTARY PUBLIC 7149229 Commonwealth of Virginia My Commission Expires May 31, 2019

Drum (Bryan C. Szostak By: NVR, Inc., Attorney-In-Fact By Name: Ti STATE OF VIRGINIA AT LARGE. CITY/COUNTY OF DUFFES LU ty, to-wit: by <u>Deff Probrose</u> as <u>Vice President</u> of NVR, Inc. as attorneyin-fact for Bryan C. Szostak. NOTA 5 31 19 My commission expires: Registration No.: _____ 7149229 Kelly Lynn Wroten NOTARY PUBLIC 7149229 Commonwealth of Virginia My Commission Expires May 31, 2019

Fonica Leftwich Ronica Leftwich NVR, Inc., Attorney-In-Fact By: B AMORE eft 1 Name: Title

STATE OF VIRGINIA AT LARGE CITY/COUNTY OF Junes Lity, to-wit: The foregoing instrument was acknowledged this $\frac{24}{4}$ day of $\frac{4pril 2015}{1015}$, by \underline{Jeff} Amber 28 as \underline{Vie} President of NVR, Inc. as attorneyin-fact for Ronica Leftwich. My commission expires: $5|31|_{19}$ Registration No.: $\underline{1149299}$

Kelly Lynn Wroten NOTARY PUBLIC 7149229 Commonwealth of Virginia My Commission Expires May 31, 2019

John B. Barnett, Jr. John B. Barnett. Trustee Judith Barnett rdith

BODOIR BODOIR OF VIRGINAR NOTARY PUBLIC

Judith Barnett, Trustee

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

The foregoing instrument was acknowledged this 24^{4} day of <u>April</u>, <u>2015</u>, John B. Barnett, Jr. and Judith Barnett, individually and as trustees of the John B. Barnett, Jr. and Judith L. Barnett Living Trust dated June 2, 2011 A COM

NOTARY 30/2018 My commission expires: Registration No.: _____

Page 26 of 29

EXHIBIT A

Property Description

Parcel D1

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel D1 as shown on a certain plat entitled "PLAT OF SUBDIVISION ON THE PROPERTY OWNED BY JOHN B. BARNETT JR., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 6, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No.

and

Parcel E

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel E as shown on a certain plat entitled "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OWNED BY JOHN B. BARNETT-JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 4, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 060013607.

Including, all those certain lots, pieces, or parcels of land lying and being in the County of James City, Virginia, and known and designated as Lot Numbers 34 - 57 and the private right-of-ways of Luminary Drive, Tealight Drive, and Votive Drive as shown on that certain plat entitled "PLAT OF SUBDIVISION, VILLAGE AT CANDLE STATION, PHASE 1, LOTS 34 - 57", a subdivision of the property of Candle Development, LLC, James City County, Virginia, made by AES Consulting Engineers, Williamsburg, Virginia August 8, 2014, and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Virginia, on September 10, 2014 as Instrument Number 140014744.

County Tax Parcel Numbers: #2321100001D, #2321100001E #2321100034, #2321100035, #2321100036, #2321100037, #2321100038, #2321100039, #2321100040, #2321100041, #2321100042, #2321100043, #2321100044, #2321100045, #2321100046, #2321100047, #2321100048, #2321100049, #2321100050, #2321100051, #2321100052, #2321100053, #2321100054, #2321100055, #2321100056, #2321100057, and #2321100038

And

A portion of Parcel A, County Tax Parcel #2321100001A, containing a total of approximately 1.764 acres:

ALL THAT CERTAIN PORTION OF PARCEL "A", TAX MAP PARCEL #(23-2)(11-1A), SITUATE, LYING AND BEING IN THE POWHATAN DISTRICT OF THE COUNTY OF JAMES CITY, VIRGINIA, CONTAINING A TOTAL OF 76,820 SQUARE FEET± OR 1.764± ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60; A CORNER OF PARCEL "B", NOW OR FORMERLY OWNED BY CROSSWALK COMMUNITY CHURCH, INC., TAX MAP PARCEL #(23-2)(11-1B); THENCE IN A EASTERLY DIRECTION AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S70°01'07"E, 573.20' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 14.83' TO A POINT; THIS BEING THE TRUE POINT OF BEGINNING (P.O.B.) AND THE NORTHWESTERN CORNER OF PARCEL "A" OF THE PROPERTY DESCRIBED HEREON.

THENCE FROM SAID TRUE POINT OF BEGINNING, SAID POINT BEING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "E" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 25.14' TO A POINT; A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "D" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE LEAVING SAID CORNER AND RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S26° 33'06"W, 399.43' TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 583.96' AND AN ARC LENGTH OF 71.64' TO A POINT; THENCE S19° 31'22"W, 247.60' TO A POINT, THENCE S36° 52'20"W, 2358.01' TO A POINT; THENCE N51° 43'03"E, 25.01' TO A POINT; THENCE N36° 52'20"E, 2353.58' TO A POINT; THENCE N19º 31'22"E, 243.78' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 608.96' AND AN ARC LENGTH OF 74.71' TO A POINT; THENCE N26° 33'06"E, 396.79' TO THE AFORESAID TRUE POINT OF BEGINNING;

THAT PORTION OF PARCEL "A" AND THE PROPERTY DESCRIBED HEREON IS MORE PARTICULARLY SHOWN ON THAT CERTAIN PLAT ENTITLED, "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OF JOHN B. BARNETT, JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC.", DATED APRIL 4, 2006, REVISED MAY 5, 2006 AND DULY RECORDED AT THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA AS INSTRUMENT #060013607.

And

That certain portion of James City County Tax Parcel 2321100001C to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

And

That certain portion of James City County Tax Parcel 2321100002D to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

	Proffers	Original/approved Proffers	Revised Proffers
1.	Density	175 dwelling units and 96 assisted living units	208 dwelling units
2.	Owners Association	Home Owners Association and Commercial Association	Minor changes. A commercial Association is no longer proffered
3.	Water Conservation	Water Conservation standards	Minor revisions
4.	Affordable/Workforce Housing	A total of 58 units were proffered as affordable/workforce housing:	A total of 42 units are proffered as affordable/workforce housing in accordance with the Housing Opportunities Policy (HOP):
		• 5 units offered at \$160,000;	• 17 units offered at a price range of \$116,213-\$188,124;
		• 5 units offered at \$ 190,000; and	• 15 units offered at a price range of \$188,124-\$228,640; and
		• 48 units offered at \$225,000	• 10 units offered at a price range of \$228,640-\$358,605
5.	Cash Contribution for	Cash contributions for school in accordance with	Cash contributions for school in accordance with Board of
	Community Impacts	Board of Supervisors Policy. Cash contributions for	Supervisors Policy. Cash contributions for other public uses, JCSA
		other public uses, JCSA water and sewage systems	water and sewage systems and stream restoration. All these
	-	and stream restoration.	contributions have been updated.
6.	Entrances; traffic	Improvements to the Croaker/Richmond Road	Elimination of a 200 foot taper from the east bound Richmond Road
	improvements	intersection	due to change in land uses. Minor changes.
7.	Connections to	Provision of pedestrian and vehicular connections	Minor changes
	adjacent properties	with adjacent property	
8.	Streetscape Guidelines	Provision of streetscape improvements	Minor changes
9.	Recreation	Recreation amenities provided in accordance with the Parks and Recreation Master Plan	Minor changes
10.	Archaeology	Provision of archeological studies	Minor changes
11.	Design Guidelines and Review; Sustainable Building	Provision of a design guideline for the property	Design guidelines have been revised to incorporate proposed changes
12.	Sidewalks	Installation of sidewalks on at least one side of each of the public streets on the Property	Minor changes

13. Curb and Gutter	Provision of curb and gutter on all streets in the development (except for private streets)	Minor changes
14. Master Stormwater Management Plan	Provision of a master stormwater management plan	Minor changes
15. Nutrient Management Plan	Provision of a nutrient management plan	Minor changes
16. Private Streets	Provision of private streets (alleys) on the property	Minor changes
17. Development Phasing	Providing a maximum number of lots/units to be developed each year after approval of the rezoning application in 2011	Removed as it no longer applies. All 175 units can be developed at this point.
18. Water and Sanitary Sewer Master Plan	Provision of a water and sanitary sewer master plan	Minor changes
19. Route 60 Median Landscaping	Installation of landscaping in a portion of Route 60	Minor changes
20. Crosswalks	Provision of crosswalks across Croaker Road and certain internal areas	No changes
21. Phasing of Residential Development Based on Assisted Living Facility	Allowing building permits for no more than 87 dwelling units until a temporary or permanent certificated of occupancy is issued for the assisted living facility	Removed as an assisted living facility is no longer part of this development.
22. Boundary Line Adjustment	N/A	Submittal of a boundary line adjustment consistent with the master plan
23. Master Plan	The property shall be developed as shown on the master plan	Minor changes
24. Phased Clearing	The property shall be developed in phases in accordance with the approved plans for the development	Removed as it no longer applies.
25. Headings	N/A	New proffer
26. Delegation of Subsequent Approvals	N/A	New proffer
27. Severability	If a part of legal document is found to be unenforceable it does not alter the rest of the	Minor changes

	document	
	N/A	New proffer
28. Conflicts		
29. Successors and Assigns	N/A	New proffer
	N/A	New proffer
30. Void If Application not		
Approved		
31. Amended and Restated	N/A	New proffer



April 24, 2015

Transmitted Electronically

Mr. Paul Holt Planning Director James City County Planning Department 101-A Mounts Bay Road Williamsburg, Virginia 23187

RE: Village at Candle Station James City County Case # - MP-0004-2014, Z-0008-2014

Dear Paul:

Division 14 of the Zoning Ordinance, Planned Unit Development Districts, states that a 75' perimeter buffer shall be maintained from property lines adjoining a different zoning district to a PUD. Paragraph (b), Waiver Provisions, provides a mechanism for waivers to this buffer requirement when adjoining properties are zoned for commercial or industrial uses and are designated general business, limited industrial, or general industrial on the Comprehensive Plan.

These conditions exist on the Candle Station property and the adjacent properties abutting the property and fronting on Route 60, Richmond Road. AES, on behalf of Candle Development, LLC respectfully requests a waiver to section 24-492, paragraph (a), peripheral buffers, (2) commercial. The accompanying exhibit shows a 10' buffer between the proposed self-storage facility and the loading and service area behind the adjacent Food Lion parcel. A property line adjustment is proposed between the self- storage facility and the Candle Factory Storage facility where the buffer is reduced to zero. In this case, the two properties are under the same ownership and access to the self-storage facility is provided from the Candle Factory Storage side. To the east, a narrow strip of the site is adjacent to more land connected to the Poplar Creek Office Park land zoned M-1. The 260 feet of buffer here is proposed at a 20' width. While this waiver request proposes the removal of approximately 72,000 sq. ft. of landscaped area, Candle Development LLC has agreed to provide landscaping (trees and shrubs) in amounts comparable to those required in buffers, between the residential portion of Candle Station and the proposed self-storage facility and in other public open space throughout the village.

Mr. P. Holt April 24, 2015

In conclusion and per paragraph (b), Waiver Provisions 1., The zoning and comprehensive plan designation of these adjoining properties are compatible with the proposed self-storage facility. 2., The compatibility of the adjoining land uses reduces the need for buffering, and 3., The reduced buffers will be replaced with significantly enhanced landscaping between the residential portion of the Village at Candle Station and the self-storage facility. Additional landscaping is also proposed between the Village at Candle Station and the properties along Old Church Lane to the east of the site, and in other public spaces within the community.

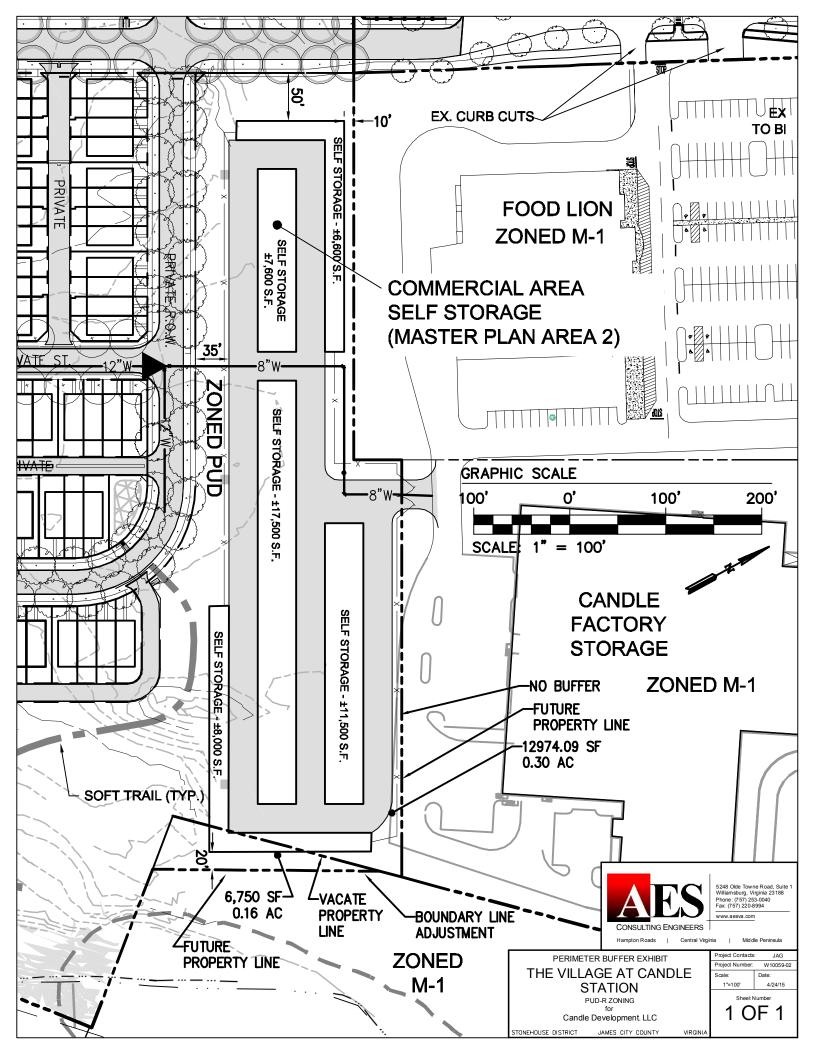
Sincerely,

AES Consulting Engineers

James S. Peters Senior Landscape Architect James.peters@aesva.com

JSP:jar

S:\OPEN\James\Village at Candle Station Letter 4-24-2015.doc



May 4, 2015



VIA EMAIL: Jose.Ribeiro@jamescitycountyva.gov

James City County Board of Supervisors & Planning Commission c/o: Planning Department attn: Jose Ribeiro 101-A Mounts Bay Road Williamsburg, VA 23185

RE: The Village at Candle Station Rezoning and Master Plan Amendment

Dear Board of Supervisors, Planning Commissioners, and Planning Staff:

My company owns and developed the Candle Factory Shopping Center at the entrance to The Village at Candle Station. We are very much in favor of the proposed rezoning and master plan amendment and asked that you please approve the proposal. When we contracted to purchase the property and develop the Food Lion and CVS Pharmacy it was a part of a master development plan that is dependent on the success and viability of the residential development associated with The Village at Candle Station. I think Mr. Henderson is wise to abandon the concept for an assisted living facility and office/retail located behind the Food Lion.

The senior care market place has been in a state of flux over the last few years with changes in our nation's health care laws, the associated financial models for providing end of life care, and society's evolving philosophy on the best model for delivering such care. From my vantage point, a stand-alone assisted living facility is no longer an economically viable land use for the project. Likewise, retail and office vacancy rates in the project area have risen in recent years and, combined with the lack of visibility that the commercial space would have behind the Food Lion, it is my sense that its viability would be severely challenged.

In contrast, adding approximately 30 new single-family residences will enhance the demographics that support our shopping center and the broader commercial corridor, it will reduce traffic on the road serving the development, establish a more homogenous residential character for the project, and enhance the overall success and viability of the master development plan which includes the commercial space along Richmond Road and has very positive combined fiscal impact that cannot be separated from the residential component. The self-storage element is in high demand and will place a low intensity, low profile use as an improved buffer and transition between the Food Lion and the townhomes. Routing the traffic associated with the self-storage project through the Candle Factory makes perfect sense and further protects the character of The Village at Candle Station.

I ask that you please support the proposal and thank you for your consideration.

Sincerely,

Robert W. Hargett



April 15, 2015

James City County Board of Supervisors & Planning Commission i/c Jose Ribeiro 101 – A Mounts Bay Road Williamsburg, Virginia 23185

RE: The Village at Candle Station Rezoning and Master Plan Amendment

Dear Supervisors, Planning Commissioners, and Planning Staff:

The leadership of CrossWalk Church supports the above-captioned rezoning and master plan amendment. When Mr. Henderson approached us in the early 2000's with his concept for redevelopment of the existing retail center and development of the land behind it, we thought it was a great use of the property and felt that it fit well with our aspirations for the area. At that time, we had a vision for the church to sponsor the development of an assisted living facility. We discussed this concept with Mr. Henderson and he was very gracious in working with us to accommodate that vision into his master plan and to support us in the pursuit of that project. But after Mr. Henderson obtained a rezoning, we were never able to arrive at a position to follow through with our plans for an assisted living facility on the site. So he worked hard with two different brokerage firms to try to find another entity to develop an assisted living facility there, but to no avail.

So we believe that the alternative version of the plan being proposed with single-family homes and self-storage uses is a good concept that will reduce the overall density of the project, improve the aesthetics, create a more cohesive residential neighborhood, reduce traffic, and provide expanded storage services for nearby residents and small business owners which services are in high demand. We regret that we were not able to make our dream of an assisted living facility on the property a reality. But we think the proposed plan represents a fantastic alternative that will allow Mr. Henderson's project to be successful and will enhance the character of our area.

Sincerely,

Mark Morrow

Rev. Mark Morrow Pastor

May 15, 2015

Board of Supervisors James City County

RE: Village at Candle Station ("the Village") rezoning

John & Judith Barnett of 7559 Richmond Road, Williamsburg, VA (James City County) are submitting this letter because we will be unable to attend the June 9, 2015 Board meeting. Our house and property are adjacent to the land being developed for the Village. Our names are listed as owners on the application documents but we want to state that we are not financially vested in any way with the project. We own a flag lot that provides us access to Richmond Road through the Village development.

We feel the Village at Candle Station project aligns with the current Norge Community character. Henderson, Inc. and Ryan Homes have gone back to the drawing boards several times to assure that the design of the housing units will be a good fit. The first building that is now fully occupied has been well received. The planned recreational green space will be a wonderful addition for residents to enjoy the outdoors with their families. We look forward to the new walking trails and sidewalks as we frequently walk to the neighborhood businesses.

The Norge Community Character of the early 1900s disappeared with the four-laning of Richmond Road around 1970, but Norge has grown with the times. It now has a plethora of neighborhood resources, businesses and services available to residents. A unique benefit for the new residents of the Village is within walking distance, there are currently: 2 banks, 2 pharmacies, 2 grocery stores, 4 churches, a post office, fitness center, restaurants, dry cleaners, nail/hair salons, Tractor Supply, dentist, lawyers, among others. Public transportation is readily available as well as easy access to I64 for commuting. The JCC library is within a half mile and hopefully a proposed footbridge will offer pedestrian access soon. As long-time residents, we certainly appreciate the close proximity of all of these things. Increased utilization by new residents with the existing businesses will certainly have a positive impact on the Norge community's economy.

Of note should be the significant acreage zoned mixed use on the north side of Richmond Road as it intersects with Croaker Road has been standing idle for decades. There is no question that the availability of potential employees and customers in such close proximity to this property would provide added incentive for commercial growth, thereby increasing the tax base.

Pete Henderson and his family are conscientious, community minded residents and business owners. They have kept the best interests of all parties involved, especially surrounding property owners, in this development as a priority.

I have lived on this same property for over 50 years, raised my family here, owned and operated Williamsburg Soap and Candle and the Music Theatre, and have enjoyed an extraordinary personal and business relationship with the Norge community. My wife and I feel that this project will be an asset to Norge and fully support the current proposed plans. We encourage the Board of Supervisors' positive vote for moving forward with the proposed rezoning and changes.

From: Phil Doggett [pdoggett@ameastern.com] Sent: Saturday, May 02, 2015 9:47 AM To: Robin Bledsoe; Chris Basic; Richard Krapf; George Drummond; Tim OConnor; John Wright; Heath Richardson Cc: Dick Ashe Subject: Fw: Z-0008-2014/MP-0004-2014 The Village at Candle Station

Chairwoman Bledsoe and Fellow James City Co. Planning Commission Members,

I'm writing to you regarding the Approval of Development of Candle Station and the NEED to REQUIRE a connecting Street Right of Way to adjacent Whisper Ridge Property .

First let me agree that I'm 100% in support of Property Rights . However the Va. General Assembly promulgated Legislation years ago requiring all Va. Localities to establish Planning Departments and develop Regulations in accordance with Va. State Codes to insure the orderly development of all Property in each Locality . Va. Code section 15.2-2241 "Mandatory provisions of a Subdivision Ordinance "of the VirginiaState Code page 234. #2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location , widths , grades and drainage , including , for ordinances and amendments there to adopted on or after January 1 , 1990 , for the coordination of such streets with existing or future adjacent or contiguous to a adjacent subdivisions; I believe this Va. state code is adopted in James City County Ordinances Chapter 19 SUBDIVISIONS , PAGE 19-23 SECT. 19-48 . Therefore I believe it is your Duty to require this Right of Way connection with the approval of development of Candle Station for the following reasons .

1: Virginia Code and James City County Code require coordination of streets .

a: Community street connectivity is important for Police , Fire , Mail , School Bus pick up , neighbor's and children visiting other friends and families .

b : Inter community interaction without the requirement of traveling out of your community onto major Arterial streets such as Rte. 60 to visit your neighbor who may live a few hundred feet in an adjacent Neighborhood . Safety of our Children etc.

c : Logical coordination and design of the streets . Each Planning Commission member should visit Farmville lane which is the access to Whisper Ridge property . The intersection of Farmville Lane and Rte. 60 is extremely dangerous , because the building on the North West side of Farmville La. is located about 12 FEET off the edge of Rte. 60 blocking the view of oncoming traffic , making it an EXTREMELY DANGEROUS INTERSECTION .

d : Extending Croaker Rd. thru Candle Station makes perfect sense relating to road design for the local area . First the existing community access using Farmville La is is extremely dangerous for all existing Residents , who will gain ingress and egress thru Croaker Rd. with a Traffic Signal once the road connection is made .

2 : Neighboring Localities all ways require inter connecting streets at the development approval stage . As for property rights of the developer , they quote the Virginia Code and their Codes as justification . Also the DUTY of their Planning Department to insure the development of their locality in a SAFE and ORDERLY manner .

3 : Once a development is complete ; the streets are turned over to VDOT or the Locality for ownership and maintenance . The developers responsibility is to construct the streets IAW with approved Plans .

The DUTY of the Development Approval Authority is to ensure the development complies with all Codes , and provides for it to blend in SAFELY and ORDERLY with the area .

Enclosed you will find my letter dated March 14 ,2014 to Douglas Powell addressing this Right of Way issue . Also enclosed is a response letter from Paul Holt . Mr. Holt writes Section 19-48 In addition , a minimum 50 - foot right of way shall be platted to the property line at suitable intervals, as determined by the agent, where appropriate to afford access to undeveloped land . Next it is stated that the adopted Master Plan for the Villages at Candle Station does not direct or indirect connection to your property and staff cannot require the adjacent property owner to amend the plan and provide you with one . Further ,based on existing topography and the of Resource Protection Area buffers { which generally indicate the presence of wetlands } between your property and the Villages at Candle Station property , there does not appear to be an appropriate location to provide such a connecting access road

1 : As Mr. Holt states the Code states a right of way SHALL be provided

2: A revision request is before the Planning Commission ; opportunity exists for requiring a 50 ft. right of way connection to my property .

3: Crossing of Resource Protection areas can be mitigated.

I respectfully appreciate your consideration to correct the ordinance requiring the right of way given the above information .

Sincerely,

Dick Ashe

HR Ashe Sent from my iPad

RESOLUTION

HOUSING OPPORTUNITIES POLICY

- WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and
- WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and
- WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and
- WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: "Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility." In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

- 1. Definitions
 - a. Affordable Housing. Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
 - b. Workforce Housing. Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

- 2. Provision and Integration of Housing Opportunity Dwelling Units
 - a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to	Percent of the development's proposed
(percent of AMI):	dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.
- 3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units
 - a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.
- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.

- 6. Procedures
 - a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
 - b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions¹, which shall be calculated and made available on an annual basis by the County.
 - i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development ("OHCD") shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
 - ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.

¹ The prices shall be established based on payment of 30 percent of household income toward housing cost.

iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.

ha llennor

John J. McGlennon Chairman, Board of Supervisors

ATTEST:

0 Robert C. Middaugh

Clerk to the Board

	VOTE	S	
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_X		
JONES	<u> </u>		
KENNEDY	X		
ICENHOUR	<u>×</u>		
KALE	×		

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

ZO-07-09-10_res2

Housing Opportunities Policy Guide

In November 2012, the James City County Board of Supervisors adopted a Housing Opportunity Policy to recognize the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of the County's Area Median Income (AMI). Staff recommends reviewing the Policy in full, but has also developed the guidance below to assist in its application. It is important to first understand that the Policy is geared toward two types of housing, affordable and workforce - these terms are defined in the Policy.

The Policy is applicable in all rezoning applications that include a residential component. The Guide is intended to be a helpful resource in understanding how the policy is implemented and it includes all applicable annual cost basis updates.

<u>Step 1</u>

Determine the number of units that would be expected to be affordable and workforce in your proposed development. The Policy states that at least 20 percent of a development's proposed units should be offered for sale/rent at prices targeted at households earning 30 to 120% of AMI, and further specifies percentages targeted at the AMI in certain components of that overall range, as follows:

Units targeted to (percent of AMI):	Minimum percent of the development's
	proposed dwelling units expected
30 percent – 60 percent	8
Over 60 percent - 80 percent	7
Over 80 percent – 120 percent	5

This means that if a 60 unit development were proposed, 12 units should be targeted to the overall AMI range, and that within this, 5 units would be targeted to 30 - 60% of AMI, 4 units targeted to 60 - 80% of AMI, and 3 units targeted to 80 - 120% of AMI. (Should standard rounding conventions yield numbers that do not add up to the 20%, or would result in more than the 20%, the number of units in each category shall be determined by the Planning Director.)

Step 2

The "targeted to" prices will be provided by the County's Office of Housing and Community Development based on the definitions in the Policy. Each year, these numbers will be updated. These prices can be used to guide for any proffers that are offered. In **2014**, these numbers are as follows:

Units targeted to (percent of AMI):	Price range (Minimum – Maximum)
30 percent – 60 percent	\$99,436 - \$173,376
Over 60 percent – 80 percent	\$173,377 - \$242,386
Over 80 percent – 120 percent	\$242,387 - \$380,407

The step 2 conclusion shows that for a developer wishing to pursue a 60 lot development, the Policy would look for 5 of the units to be offered at prices between \$99,436 and \$173,376, for 4 of the units to be offered at prices between \$173,377 and \$242,386, and for 3 of the units to be offered at prices between \$242,387 and \$380,407. In terms of any proffers that are offered, the text could be written to reference the price that will be posted by OHCD via the annual updates provided in this guide.

Other Considerations

Cash Proffers in Relation to the Affordable and Workforce Units

For the targeted affordable and workforce units, the Board of Supervisors included a reduced expectation of cash proffers in the Housing Opportunities Policy. Examples of typical cash proffers offered in association with development proposals are amounts for schools, water and sewer improvements, and other public facility and infrastructure capital improvement program items. The Policy includes a specific reduction for each of the component AMI ranges, as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent - 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

Based on the reduction amounts specified above, for a 60 unit development that is offering 12 affordable and workforce units as described above, 5 of the units would not be expected to be associated with any cash proffers, 4 could be associated with 40% of the amount otherwise being offered, and 3 could be associated with 70% of the amount otherwise being offered.

Affordable and Workforce Unit Retention Period

The Policy specifies certain provisions intended to retain the benefit of affordable and workforce units over time – please see the Policy for further information.

In-lieu Contribution to the Housing Fund

The Policy also includes provisions for the payment of contributions in-lieu of a commitment to build and offer units for sale as described above. The amount consists of two components added together – the unit price and the median lot cost price.

Unit Price

The unit price is a set amount that will be recalculated each year by OHCD using the structure set forth in the Policy. For **2014**, the unit prices calculated by OHCD are as follows:

Units targeted to (percent of AMI):	Unit Cash-in-lieu amount
30 percent – 60 percent	\$118,800
Over 60 percent – 80 percent	\$118,800
Over 80 percent – 120 percent	\$138,600

For a developer wishing to pursue a 60 lot development, the Policy would look for cash in-lieu amounts for the 5 units of \$594,000 (\$118,800 each), for the 4 units of \$475,200 (\$118,800 each), and for 3 units of \$415,800 (\$138,600 each), for a total of \$1,477,800. Please note that a developer can choose pursue a combination of built units and cash-in-lieu, so long as the overall and AMI component percentages are met.

Median Lot Cost Price

The unit price figure described above would be added to the development's anticipated median lot cost price for each of in-lieu units. (The median lot cost is intended to reflect the land and infrastructure costs to create a buildable lot, not the price at which the lot will be offered for sale.) Using the example 60 lot development described above, if the anticipated median lot cost was \$80,000, the total for this component of the in-lieu calculation would be \$960,000 (\$80,000 times 12). As noted above, the developer can choose to pursue a combination of built units and cash-in-lieu, so long as the overall and AMI component percentages are met.

Again using the example 60 lot development described above, the total cash-in-lieu amount (assuming all 12 units would be in-lieu) would be \$2,437,800 (unit price cost of \$1,477,800 plus lot cost price of \$960,000).

Other Procedural Notes

The last section of the Policy provides important procedural information including details on required assurances, which should be carefully reviewed and reflected in any proffered language, as appropriate.

This guide last updated on: February 6, 2014

AGENDA ITEM NO. K.1.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Bryan J. Hill, County Administrator
SUBJECT:	County Administrator's Report

ATTACHMENTS:

D	Description CA Report		Type Cover Memo
REVIEWERS:			
Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/15/2015 - 4:52 PM

M E M O R A N D U M

DATE: June 23, 2015

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place June 3, 2015 through June 16, 2015:

June 3, 2015 (Wednesday)

- Met with John Horne, General Services Director
- Met with Michael Hipple, BOS Chair
- Met with Robin Bledsoe, JCC Planning Commission Chair
- Met with Jack Tuttle, City of Williamsburg Manager
- Interviewed at WMBG Radio Spot

June 4, 2015 (Thursday)

- Met with Angie Gilliam, Human Resources Director
- Met with Allen Murphy, Development Management Director; Paul Holt, Planning Director; and Tammy Rosario, Principal Planner
- Attended JCCPD Retiree Potluck
- Met with Steven Constantino, WJCC Superintendent, and Jack Tuttle, City of Williamsburg Manager
- Met with Mary Jones, Supervisor, and Adam Kinsman, Assistant County Administrator

June 5, 2015 (Friday)

- Attended Hermione Arrival Ceremony with Michael Hipple, BOS Chair
- Met with Bill Porter, Interim WATA Director
- Briefed with John McGlennon, Supervisor

June 6, 2015 (Saturday)

• Attended Capital MAC Ribbon Cutting

June 8, 2015 (Monday)

- Conference Call
- Met with Sue Mellen, Financial and Management Services Director
- Met with Angie Gilliam, HR Director

County Administrator's Report June 23, 2015 Page 2

June 9, 2015 (Tuesday)

- Met with Adam Kinsman, Assistant County Administrator
- Agenda Meeting
- Met with John Carnifax, Parks and Recreation Director
- Met with Alek Colorado and citizens; Fernbrook MOU discussion
- Met with Erin Carter, Outreach Representative for Senator Mark Warner

June 10, 2015 (Wednesday)

- Met with Sue Mellen, Financial and Management Services Director
- Met with citizen: Mr. Braxton; funding request: First Night
- Attended Virginia Local Government Management Association Summer Conference, Virginia Beach

June 11, 2015 (Thursday)

• Attended Virginia Local Government Management Association Summer Conference, Virginia Beach

June 12, 2015 (Friday)

• Attended Virginia Local Government Management Association Summer Conference, Virginia Beach

June 13, 2015 (Saturday)

• Charlotte, NC- Parks and Recreation Association

June 15, 2015 (Monday)

- Attended Historic Triangle Collaborative meeting
- Met with Sue Mellen, Financial and Management Services Director
- Met and tour with Michelle Gowdy, County Attorney

June 16, 2015 (Tuesday)

- Met with Kitty Hall, Purchasing Director, and Linda Hodges, Senior Purchasing Specialist
- Welcoming new employees, New Employee Orientation
- Met/Heard set-off with Doug Powell, JCSA Manager, and Max Hlavin, Assistant County Attorney
- Met with John Carnifax, Parks & Recreation Director
- Attended Executive Leadership Team Meeting

BJH/gb CAReport062315-mem

AGENDA ITEM NO. M.10.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Secretary to the Board
SUBJECT:	Certification of Closed Session

ATTACHMENTS:

٥	Description Certification Resolution		Type Resolution
REVIEWERS:			
Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/16/2015 - 10:45 AM

<u>RESOLUTION</u>

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), the consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions.

	Michael J. Hipple Chairman, Board of Supervisors			
ATTEST:		VOTE <u>AYE</u>		<u>ABSTAIN</u>
	JONES MCGLENNON			
Bryan J. Hill Clerk to the Board	ONIZUK KENNEDY HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 2015.

062315bos-ex-res

AGENDA ITEM NO. N.1.

ITEM SUMMARY

DATE:	6/23/2015
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Secretary to the Board
SUBJECT:	Adjournment

REVIEWERS:

Department Board Secretary Reviewer Fellows, Teresa Action Approved Date 6/15/2015 - 10:36 AM