

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
MARCH 6, 2006 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
 - A. February 6, 2006 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Policy Committee
 - C. Other Committee/Commission Reports
4. PLANNING COMMISSION CONSIDERATION
 - A. ZO-1-06 Initiating Resolution – Athletic Field Lights
5. PUBLIC HEARINGS
 - A. Z-13-05 Village at Toano
 - B. Z-12-05 Moss Creek Commerce Center (Toano Business Center)
 - C. Z-15-05/MP-12-05 Stonehouse Planned Community MP Amendment
 - D. Z-13-04/MP-10-04/SUP-31-04 Monticello at Powhatan North
 - E. Z-10-04 112 Ingram Road
 - F. Z-1-06 Warhill Proffer Amendment
 - G. Capital Improvements Program
 - H. SUP-3-06 Zion Baptist Church
 - I. AFD-1-98 Barrett's Ferry AFD – 2006 Renewal
 - J. SUP-2-06 Busch Gardens – New France Addition
 - K. Z-16-05/MP-13-05 New Town Sec. 9 – Settler's Market
 - L. SUP-1-06 Centerville Road Tower Relocation
 - M. Z-7-05/MP-5-05 Jamestown Retreat
 - N. Z-19-05/MP-16-05/SUP-32-05 Jennings' Way
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF FEBRUARY, TWO-THOUSAND AND SIX, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL ALSO PRESENT
 Jack Fraley Marvin Sowers, Planning Director
 Don Hunt Adam Kinsman, Assistant County Attorney
 Anthony Obadal Toya Ricks, Administrative Services Coordinator
 Mary Jones Jose Ribeiro, Planner
 George Billups Kathryn Sipes, Planner
 Shereen Hughes
 James Kennedy

2. CLOSED SESSION

Mr. Hunt motioned for the Commission go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, including nominations for Commission Chairman and Vice-Chairman and consideration of appointments to Commission committees.

Ms. Jones seconded the motion.

In a unanimous voice vote the motion was approved.

The Commission convened into closed session.

At 6:55 p.m. the Planning Commission reconvened into open session.

Mr. Kennedy motioned for adoption of the resolution for closed session.

Ms. Jones seconded the motion.

In a unanimous roll call vote the motion was approved.

The Commission recessed for five (5) minutes.

The Commission reconvened at 7:00 p.m.

3. ANNUAL ORGANIZATIONAL MEETING

- A. ELECTION OF OFFICERS

Mr. Sowers opened the floor for nominations for chairman.

Mr. Kennedy nominated Mr. Fraley as the new chairman.

Ms. Jones seconded the nomination.

Mr. Billups moved to close the nominations.

Mr. Kennedy seconded the motion.

The Planning Commission approved Mr. Fraley as chairman with a unanimous voice vote.

Mr. Fraley opened the floor for vice-chairman nominations.

Mrs. Jones nominated Mr. Kennedy.

Mr. Billups seconded the nomination.

Mr. Hunt motioned to close the nominations.

Mr. Obadal seconded the motion.

The Planning Commission confirmed Mr. Kennedy as vice-chairman with a unanimous roll call vote.

Mr. Hunt recognized Mr. Anthony Obadal, the newest Planning Commission member.

Mr. Obadal said he looked forward to working with the other Commissioners.

Mr. Fraley stated that Mr. Obadal represents the Powhatan District.

B. COMMITTEE APPOINTMENTS

Mr. Fraley appointed Ms. Jones, Ms. Hughes, and Mr. Obadal to the Policy Committee with Mr. Billups as Chairman. He also appointed Mr. Hunt, Ms. Jones, and himself to the Development Review Committee with Mr. Kennedy as Chairman.

4. MINUTES

A. FEBRUARY 6, 2006 REGULAR MEETING

Mr. Kennedy motioned to approve the minutes of the February 6, 2006 regular meeting.

Ms. Jones seconded the motion.

In unanimous voice vote the minutes were approved (7-0).

5. COMMITTEE AND COMMISSION REPORTS

A. POLICY COMMITTEE

Mr. Billups stated that the Policy Committee met on January 31 to consider the Capital Improvement Programs (CIP) for various County departments. He said additional meetings have been scheduled for February 8, 9 and 14. Mr. Billups stated that the purpose of the meetings is to analyze the various programs and rank them in priority order. He also stated that the committee is continuing to work on formulating policies to improve the process used to evaluate transportation, school enrollment and environmental impacts of proposed projects.

Mr. Fraley thanked Mr. Billups for his leadership of the Policy Committee and acknowledged the work on Ms. Jones and Ms. Hughes as well.

B. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley stated that on January 16 Mr. Fraley and Mr. Kennedy considered an expedited review of a sidewalk waiver for the Greenmount DCB Storage facility and recommended preliminary approval. He also stated that the DRC considered five cases at its February 8 regular meeting. Mr. Fraley said preliminary approval was recommended for site plans for the New Town Community Building, Stonehouse Elementary addition, and Eagle Cliff condominiums. He stated that deferral was recommended of the Liberty Ridge subdivision plan and a request for a waiver of the required side yard setbacks for Prime Outlets LLC. Mr. Fraley said the voting on all cases was unanimous.

Mr. Kennedy motioned for approval of the report.

Mr. Obadal seconded the motion.

In a unanimous voice vote the DRC report was approved (7-0).

6. PUBLIC HEARINGS

- A. Z-13-05 Village at Toano
- B. Z-12-05 Moss Creek Commerce Center (Toano Business Center)
- C. Z-15-05/MP-12-05 Stonehouse Planned Community MP Amendment
- D. Z-13-04/MP-10-04/SUP-31-04 Monticello at Powhatan North
- E. Z-16-05/MP-13-05 New Town Sec. 9 Settler's Market
- F. Z-10-04 112 Ingram Road Rezoning
- G. Z-7-05/MP-5-05 Jamestown Retreat

Mr. Fraley stated that the applicants for cases 6A-6G requested deferral of those cases until the March meeting.

Mr. Sowers said staff concurred with the requests.

Mr. Fraley opened the public hearings.

Ms. Carrie Viciano, 3971 E. Providence Road, stated that she was part of an informal group of neighbors in the Berkeley section of Powhatan Secondary who oppose the project. She stated that the primary reasons are environmental, safety, traffic, and infrastructure impacts, incompatibility with the Comprehensive Plan, and quality of life concerns.

Hearing no other requests to speak the public hearings were continued until the March 6th meeting.

Mr. Sowers informed Ms. Viciano that a revised proposal had been recently submitted to the Planning Division that altered the number and types of units, and that it was available for review. He also advised that anyone interested in any of the deferred cases stay in contact with the Division for the latest information.

H. Z-17-05/MP-14-05 Greensprings MP Amendment

Ms. Kathryn Sipes stated that Mr. Christopher Basic has applied on behalf of Jamestown, LLC to amend the master plan and proffers to increase the number of single family detached residential dwelling units of Greensprings West Phase VII. The applicant proposed an additional thirty units on approximately 35 acres; 17 units had been previously approved for the site. A total of 1505 units had been previously approved for the entire 1397 acre project; this proposal would bring the new total to 1535 units.

Ms. Sipes stated that the case was deferred at last month's meeting due to concerns regarding turf and stormwater management, and recreational facilities. She stated that the applicant has revised the proposed proffers to include the development and implementation of a turf management plan for the common areas in Greensprings West, the performance of the necessary analysis to ensure the County's 10 point environmental standard will be met with the additional units, and the completion of an additional .6 acre playing field.

Staff found that with the revised proffers the proposal will not negatively impact surrounding property and found the proposal generally consistent with the previously approved Master Plan and recommended approval.

Mr. Kennedy asked what areas would be included in the turf management plan.

Ms. Sipes said the areas that the Homeowners' Association is obligated to maintain such as the community clubhouse areas and along sides roads are included, but not personal properties.

Mr. Kennedy asked if previously approved sections would be included.

Ms. Sipes answered yes.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III gave an overview of the application and proposed proffers. He stated that the request was for a maximum density of 30 additional lots but that was not a guarantee and would be based on how the lots have to be laid out in order to meet County requirements.

Mr. Kennedy asked how close the newly proposed playing field would be to the lot the children had been using for recreation and how the field would be accessed.

Mr. Geddy pointed out both lots on a map.

Mr. Kennedy asked about the topography of the proposed lot.

Mr. Geddy stated that it had been partially cleared and would be completely cleared if the proposal was approved.

Mr. Kennedy asked for a timeframe on clearing the lot.

Mr. Geddy stated his thought was that it would be completed along with the development of Section 7.

Mr. Fraley asked Ms. Sipes for confirmation on the timeframe.

Ms. Sipes said that the proffer stated that the field would have to be in usable condition before final approval is granted for Phase 7 of the development plan.

Mr. Fraley said that he appreciated that the playing field was included but asked if the applicant had considered ways to increase the size.

Mr. Geddy stated that it was possible to increase the size to about an acre and illustrated on a map two options for how that might be achieved.

Mr. Obadal asked how wide the area would be.

Mr. Geddy explained that the narrowest point was approximately 50 feet wide and that it was much wider in other areas.

Mr. Obadal asked the width of the buffer immediately west of the area and what was on the other side of it.

Mr. Geddy said it was 50 feet in width and that open areas and several homes were on the other side.

Mr. Fraley stated that he would like to see the field expanded but that he did not support the option that included expanding into the buffer.

Ms. Jones stated that she would encourage a full acre.

Ms. Hughes concurred with Ms. Jones.

Mr. Kennedy stated that he would like to see an acre but that it was only 50 feet or approximately 18 yards across.

Mr. Geddy said that was only at the narrowest part.

Mr. Kennedy said that even at the widest point the approximately 80 yards was not significant. He also asked how close the field would be to the road.

Mr. Geddy said that the field would be beside the road.

Mr. Kennedy said this was also a concern.

Mr. Geddy stated that the applicant was willing to increase the size of the field to 1 acre and would be willing to work with the DRC to try to optimize the configuration of it.

Mr. Fraley encouraged the applicant to increase the size of the field. He also stated that Mr. Kennedy's concerns were important and asked for confirmation that the applicant would be willing to work with the Planning Division on the design of the field to prevent any safety issues.

Mr. Geddy said the applicant would work with the Division on the design and pointed out that 1 acre would be seven times larger than the lot the kids are currently playing on.

Mr. Kennedy said that he understood that the new field would be much larger but that there is a much larger number of children in Greensprings than was previously anticipated.

Mr. Fraley said that there was another half acre field in the community and asked for its location and if it was useable.

Mr. Jim Bennett with Jamestown LLC stated that between the pool and the back of the clubhouse is an area that is approximately 150 x 200 feet in size and along the road that goes along Section 2 where is an open area meant to be played on. He also stated that with its more modest price points Section 2 has the most children.

Mr. Obadal asked if the population would be older in the newer section.

Mr. Bennett said it was hard to tell but that the price points of lots in the newer sections, 4B and 5, were between \$130,000-\$135,000 per lot and the homes being built are between \$450,000-\$550,000 and have fewer children. In comparison, he said, the lots in Section 2 sold for between \$60,000 - \$70,000.

Mr. Obadal asked if the impact statement relative to schools used the higher number to estimate the number of school children rather than the lower.

Mr. Geddy stated that there is a disagreement over the fiscal impact of the additional 30 lots. He said the County's Financial Management Services (FMS) division looked at the average of what had been built in Greensprings West to date. Mr. Geddy said that at last month's meeting the applicant presented specific information on closings in the more recent sections which showed price increases and that means greater revenue to the County and fewer school children.

Mr. Obadal stated that even with the applicant's lower estimate the capacity of all the schools except the middle school were not sufficient to handle the additional children.

Mr. Geddy stated that with, the third high school it is adequate, but the middle school does not have capacity for any additional students.

Mr. Bennett added that the elementary school level, with the new school across Brick Bat Road, would have capacity.

Mr. Kennedy stated that if it were true that higher cost housing meant fewer school age children then James City County should not be seeing the current influx of students that are currently being seen. He also stated that houses are not being built in the \$200,000-\$300,000 range but rather in the half a million dollar range yet the County is still seeing a large influx of children every year. Mr. Kennedy asked where those children are coming from if they are not moving into the higher end houses.

Mr. Hunt asked if there was any data available to determine whether or not the older homes in the County are being vacated by empty nesters and being turned over to young families with larger than expected numbers of children.

Mr. Sowers said that data is available to show the numbers of school-aged children by neighborhoods. He said that the data had not been analyzed in the manner Mr. Hunt had spoke of but that it might be possible to do so.

Mr. Kennedy asked if the data showed neighborhoods with higher price points with increasing numbers of children.

Mr. Sowers stated that staff had just begun the process of analyzing the information along with the Policy Committee in reviewing the current process used for Adequate Public Facilities testing.

Mr. Geddy pointed out that Ford's Colony with higher priced housing generates significantly fewer school children than other comparable developments. He also stated that the median price of a home in James City County last year was in the lower \$300,000 range so that while there is a perception that everything being built now is very expensive there is a range of house prices out there.

Mr. Obadal stated that a million dollar home in Ford's Colony was sold recently to a family with four children. He also stated that it has been his own experience in Fairfax County where

home prices are comparable that it's the younger families moving in and contributing more of their income to home purchases.

Mr. Geddy said that even using the higher school-aged child projection that 30 lots only adds an additional 8 children instead of 6 in the context of this particular case.

Mr. Fraley stated that while the Policy Committee is working on the Adequate Public Schools Facilities test and how the numbers are calculated, it is the Board of Supervisors who must deal with this issue in their deliberations and who have indicated that this is only one consideration for the Planning Commission when evaluating a project.

Mr. Geddy added that the project does meet all ordinance and park and recreation master plan requirements for recreation. He stated that the proposal has minimal impacts which have been very responsibly addressed by the applicant through proffers and that the request seeks an increase of .003 dwelling units over existing density. Mr. Geddy requested a recommendation for approval.

Ms. Hughes stated her feeling that the delineation of lots as shown would be over-developing the property. She stated that she did not want to approve the additional lots and proposed layout and have the applicant later request waivers of requirements such as stormwater management because the criteria cannot be met at that density. Ms. Hughes also said that the Commission is tasked with ensuring that each new section meets better site design principles to protect the natural environment and includes Low Impact Design (LID) techniques. She said those terms should be included in the proffers

Ms. Jones asked if the applicant would be willing to add LID techniques in the proffers.

Mr. Geddy stated that the applicant understands that the total number of units represented a maximum cap not a guarantee. He also explained that detailed construction plans and layouts are not typically done at this stage due to the expense.

Ms. Hughes asked how the applicant determined that 30 additional lots might fit.

Mr. Geddy said some work had been done. He said they were fairly comfortable that all 30 lots will fit and still meet all County requirements.

Ms. Hughes said that the lots fit but that the applicant is not applying any better site design principles. She stated that it is obvious in looking at the topography that 7 of the lots are not going to drain into a stormwater basin. She also stated that the proposal represented plucking down a bunch of lots on top of a section of property in a conceptual way without following the contours or doing detailed analysis.

Mr. Geddy confirmed that that's what had been done.

Ms. Hughes encouraged the applicant think of better design techniques at this stage instead of later when money has to be spent in redesign because the criteria cannot be met.

Mr. Geddy stated that this is an area that has already been approved for development and that there is an existing approved stormwater management plan. He said the applicant has included in the proffers to perform analysis to ensure that the stormwater requirements are met.

Mr. Fraley asked if the project would be reviewed by the DRC for site plan approval.

Mr. Sowers said that if the project is submitted as proposed then DRC approval would not be required.

Ms. Sipes added that the location of the recreational facilities will require DRC approval.

Mr. Billups stated his concern that the lots are located outside the Primary Service Area (PSA). He asked if it were possible to project the impacts to water and sewers services and how the lots would be brought into the system.

Ms. Sipes answered that the 35 acre parcel where the lots will be located will be served by public water and sewer. She stated that while most of the area in Greensprings West is outside of the PSA the infrastructure was put in place according to the previously approved master plan.

Mr. Kennedy asked if there were other parcels inside of Greensprings that could be developed further later on.

Mr. Geddy said this was it in terms of Greensprings West.

Ms. Hughes asked if any request for waivers or variances would be brought before the DRC.

Mr. Sowers said that waivers are very specific in terms of what they can be granted for and also the specific criteria. He also said the recreational facilities would be considered by the DRC but not environmental waivers.

Ms. Hughes asked if the applicant were unable to comply with the 10 point BMP requirements and cannot put in 398 homes with the current BMP system and desired a waiver or variance to still allow the 398 lots who would approve such a request.

Mr. Sowers stated that that would be for the Environmental Division.

Mr. Geddy stated that an applicant could not develop if the 10 point stormwater management criteria were not met. He said an applicant would have to either add more facilities or open space in order to obtain the necessary points.

Ms. Jones asked if the Homeowners' Association was comfortable with an additional 1 acre recreational space.

Mr. Bennett said the Association was in agreement with the location but that the size had not been discussed.

Ms. Jones referred to a letter regarding what is currently be used by kids as a recreational area. She asked if homeowners' had been notified that children should not be playing in the area.

Mr. Bennett said a sign was posted and a letter was sent out to the neighbors.

Mr. Obadal asked if Mr. Wayne Potter had withdrawn his objections.

Mr. Geddy said that was his understanding.

Mr. Bennett added that the area next to Mr. Potter was in the process of being landscaped to further deter its use as a play area.

Mr. Fraley asked if the Environmental Division had recommended approval of the proposal.

Ms. Sipes stated that the Environmental Division had reviewed and approved the most recently revised proffer language.

Mr. Fraley stated his thought it would be good to have a senior staff member from Environmental at Planning Commission meetings.

Mr. Billups stated that members have recommended that each department write an impact statement as to the demands of a proposed development on their departments both in the short-term and long-term.

Mr. Fraley stated that the Commission and staff have had preliminary discussions with regard to the application process. He stated that it is the intention of the Commission to engage in additional work in that area with staff and asked Mr. Sowers to ensure that Mr. Billups' comments are one of the focal points of those considerations.

Mr. Kinsman explained that applications are routed to all of the County agencies who then provide written comments. He suggested that those comments could be stapled to the Commissioners' packets.

Mr. Billups said that most of the comments Commissioners' see stated that the agencies did not have a concern. He suggested having a form to be filled out that asks about impacts and conditions. He mentioned that Newport News and other jurisdictions have such an attachment.

Mr. Kinsman stated that most of the comments that come in are thorough and complex. He said Mr. Billups might appreciate getting the information.

Ms. Hughes stated that her comments were based on discussions with the Environmental Division. She also stated that the Environmental Division had agreed to start writing the Environmental section of the staff report.

Hearing no other requests to speak the public hearing was closed.

Ms. Jones motioned to recommend approval of the application. She asked for suggestions on amending the size of the additional recreation area to 1 acre and a proffer to include low impact design elements.

Mr Kinsman and Mr. Fraley discussed how to amend the proposal.

Mr. Fraley suggested voting on the application as presented and recommending the applicant make the suggested changes.

Mr. Kennedy stated that he did not think the turf management plan went far enough in that it does not include the new homes that will go in. He stated that larger homes tend to use more water. Mr. Kennedy also stated that 8 additional children represented a third of a class size and that even at 1 acre in size most of the recreation area is unusable and too narrow.

Mr. Billups stated that with a housing development of this size there should be a formula for determining the recreational facilities necessary. He also stated his concern with the development being extended beyond the PSA. Mr. Billups said his concerns were not strong enough to deny the application.

Mr. Fraley asked Ms. Sipes to describe the calculations used to determine the size of neighborhood parks.

Ms. Sipes said that the County's recreational guidelines are based on the Parks and Recreational Master Plan and the Comprehensive Plan. She described the calculations and stated that based on them Staff felt the proposal met or exceeded the requirements.

Mr. Obadal stated that he agreed with Mr. Kennedy and Ms. Hughes on the problems but that he was less interested in proffers than the basic plan. He suggested the applicant ask for a deferral to allow time to work out some of the issues.

Mr. Fraley stated that the Commissioners could make a motion to defer the case or Mr. Geddy could make the request.

Mr. Hunt asked if the Environmental Division had determined that the applicants' environmental projections meet their criteria.

Mr. Fraley answered yes.

Mr. Hunt stated that he had no other objections. He said he was willing to vote on the case this evening.

Ms. Jones stated that the site is part of a master planned community and although the recreation is not perfect the density of the overall community is low. She restated her motion to approve.

Ms. Hughes stated that she would like to see the number of lots stated in the proffers so that the applicant could not later request a variance to accommodate a lot to reach the 398 mark. She also stated that she was happy with the play area but encouraged deferral stating concerns that the layout will require an insensitive environmental design and its does not include any LID or Better Site Design features.

Mr. Fraley thanked the applicant for improvements in the design. He said he hoped the applicant would consider extending the turf management program and provide a better design for the playing field. Mr. Fraley said he would support the application.

Mr. Sowers confirmed that the motion was to approve the application with an advisory recommendation to the applicant to increase the size of the recreational area to a full acre.

Mr. Fraley said he would also add a recommendation to extend the turf management plan.

Mr. Kinsman confirmed that the Commission would be voting on the proffers as currently written.

In a roll call vote the application was recommended for approval (4-3). AYE (4): Jones, Hunt, Billups, Fraley NAY (3): Hughes, Kennedy, Obadal.

I. SUP-31-05 Norge Elementary Cafeteria Expansion

Mr. Jose Riberio presented the staff report stating the Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of Williamsburg-James City County Public Schools to bring the school into conformance with the zoning ordinance and to allow for the construction of a 1,550-square-foot addition to the existing cafeteria. The property is located at 7311 Richmond Road, zoned R-2, General Residential District, and can be further identified as Parcel (1-35) on Tax Map (23-2). The Comprehensive Plan designates this property as Federal, State, and County Land.

Mr. Kennedy asked if this case opens the door for future cases involving non-conforming uses and expansions that are not related to government or schools.

Mr. Sowers said it does not necessarily open the door but that there is always the possibility that additional uses that require special use permits will need to expand or renovate.

Ms. Jones asked about the square footage of the current cafeteria.

Mr. Fraley opened the public hearing.

Mr. Alan Robertson, Facilities Manager for the school division, did not know the square footage of the existing cafeteria. He pointed out the location on a map.

Ms. Jones asked if the expansion would adequately support expected enrollment.

Mr. Robertson said yes.

Mr. Billups asked how many students the 1,550 square feet addition would accommodate.

Mr. Robertson said it would accommodate 6 tables and explained the procedure for construction to minimize disruption of the current facilities.

Mr. Billups asked if the 6 tables would seat 8 students or 12.

Mr. Robertson said 12 students and confirmed with Mr. Billups that it would equal to over 60 additional students for each lunch period.

Mr. Billups asked how many lunch periods the school had.

Mr. Robertson said he thought it was 3 or 4.

Hearing no other requests to speak the public hearing was closed.

Mr. Hunt motioned to recommend approval of the application.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE (7): Jones, Hughes, Kennedy, Billups, Hunt, Obadal, Fraley; NAY (0).

J. SUP 33-05 Chickahominy Riverfront Park

Ms. Kate Sipes presented the staff report stating that Mr. Paul Tubach has applied on behalf of the James City County Division of Parks and Recreation for a special use permit to allow a community recreation facility in an A-1, General Agricultural District to bring the current facility into conformance with the zoning ordinance and to make minor improvements to existing amenities. The existing property is approximately 140 acres, is located at 1350 John Tyler Highway, and can be further identified as Parcel (1-2) on Tax Map (34-3). The Comprehensive Plan designates this property as Park, Public or Semi-Public Open Space. Staff found the proposal consistent with surrounding zoning and development and with the Comprehensive Plan and recommended approval.

Mr. Fraley opened the public hearing.

Mr. Paul Tubach stated that the request will allow improvements on 2 ½ acres of the site.

Hearing no other requests to speak the public hearing was closed.

Mr. Kennedy motioned to recommend approval of the application.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE (7): Jones, Hughes, Kennedy, Billups, Hunt, Obadal, Fraley; NAY (0).

7. PLANNING DIRECTOR'S REPORT

Mr. Fraley acknowledged the presence of Boy Scouts Troop 300 from Fords Colony. The troop attended the meeting to earn merit badges for Citizenship in the Community

Mr. Sowers presented the Planning Director's report stating that a workshop would held to discuss New Town Section 9 – Setter's Market on Thursday February 9th at 1 p.m. He also explained why the workshop was necessary. Mr. Sowers also reminded members of the annual meeting with the Board of Supervisors tentatively scheduled for March 28th at 4 p.m. He suggested Commissioners begin thinking of items they would like to discuss with the Board.

Mr. Fraley asked Commissioners to forward their suggestions for agenda topics to him.

Mr. Fraley asked follow Commissioners to support the preparation of a plaque for presentation to former Planning Commissioner, Mr. Wilford Kale, in acknowledgment for his services.

Mr. Fraley discussed with Commissioners their availability to represent the Commission at the March Board of Supervisors meeting. Ms. Jones agreed to be the March representative.

Mr. Hunt stated that he had been notified of a citizens meeting at the Ramada Inn West at 7 p.m. on Wednesday to discuss a proposed 75 unit development on 25 acres between Kristiansand and Norge Elementary School.

Mr. Sowers stated that the rezoning application for the proposal, called Jennings Way, had been recently submitted.

8. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 8:45 p.m.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 2/1/2006 THROUGH: 2/28/2006

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amend.
SP-008-05	Williamsburg National Clubhouse Expansion
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-021-05	Villages at Powhatan Ph. 5 SP Amend.
SP-071-05	Merrimac Center Parking Expansion
SP-076-05	Warhill Multiuse Trail
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-106-05	New Town Block 5 Dumpster Relocation
SP-107-05	Warhill - Eastern Pond Dam Renovations
SP-108-05	Settlement at Powhatan Creek (Hiden)
SP-131-05	Ironbound Square Road Improvements Ph. 1
SP-133-05	Prime Outlets Ph. 6
SP-134-05	Windsor Hall SP Amend.
SP-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-137-05	Williamsburg Place Expansion
SP-139-05	St. Olaf Temp. Trailer
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-145-05	New Town, Langley Federal Credit Union
SP-147-05	Warhill - TNCC Site Improvements
SP-148-05	Noland Commercial Site
SP-149-05	Liberty Crossing
SP-150-05	New Town, Block 11 Residential
SP-153-05	Ironbound Village Parking
SP-156-05	Chickahominy Baptist Building Expansion
SP-157-05	Park Inn Porte Cochere
SP-158-05	New Town, Block 10, Parcel B (McMurrans Bldg)
SP-159-05	New Town Community Building Block 9 Parcel B
SP-160-05	Stonehouse Elementary Addition
SP-162-05	Eaglescliffe Condos
SP-001-06	5525 Olde Towne Rd
SP-004-06	Villas at Five Forks
SP-005-06	Governor's Grove at Five Forks

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SP-007-06 GreenMount Road Extension Ph. 2
 SP-009-06 Williamsburg Indoor Sports Complex SP Amend.
 SP-011-06 Wedmore Place SP Amend
 SP-012-06 New Dawn Assisted Living
 SP-013-06 New Town Block 3 Parcel D (NNSECU Building)
 SP-015-06 Berm Plan @ Centerville Rd. & Blackheath SP Amend.
 SP-016-06 Prime Outlets Kiosks SP Amend

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-063-03	Warhill Sports Complex, Parking Lot Expansion	7 /12/2006
SP-141-04	Carolina Furniture Warehouse	4 /6 /2006
SP-026-05	Williamsburg Plantation, Sec. 10 Amend.	4 /14/2006
SP-042-05	STAT Services, Inc.	6 /6 /2006
SP-060-05	Community Sports Facility (Stadium)	5 /27/2006
SP-094-05	Homestead Garden Center	10/13/2006
SP-097-05	Stonehouse Presbyterian Church	10/27/2006
SP-100-05	Bay Aging	9 /12/2006
SP-102-05	LaGrange Pkwy and Rt 600 to Rt 606	9 /26/2006
SP-103-05	Colonial Heritage Ph. 4	11/7 /2006
SP-104-05	Powhatan Plantation Maintenance Building	12/21/2006
SP-115-05	Farm Fresh Fuel Express	1 /25/2007
SP-116-05	Cookes Garden Center	10/5 /2006
SP-122-05	Titan Concrete	11/7 /2006
SP-123-05	Michelle Point	10/3 /2006
SP-125-05	New Town, Block 10 Parcel D (Foundation Square)	11/7 /2006
SP-128-05	New Town Sec. 3 & 6 Roadways Ph. 4	11/2 /2006
SP-142-05	Busch Gardens Market Bldg	12/7 /2006
SP-006-06	Whythe-Will Parking Lot Expansion	2 /14/2007

C. FINAL APPROVAL

DATE

SP-135-04	Williamsburg Landing Parking Addition	2 /22/2006
SP-024-05	Norge Water System Improvements	2 /7 /2006
SP-051-05	Colonial Heritage Ph. 3, Sec. 3	2 /17/2006
SP-070-05	St. Bede Church Dam Improvement Plan	2 /16/2006
SP-111-05	TCS Materials- Office Renovation/Addition	2 /8 /2006
SP-121-05	Shops at Norge Crossing	2 /7 /2006
SP-135-05	Massie Material Storage SP Amend.	2 /14/2006
SP-141-05	New Town, Block 14, Parcel B (Design Center)	2 /3 /2006
SP-151-05	Pottery Tower Co-location	2 /21/2006
SP-154-05	Tewning Road Bio-Diesel Fuel Tank	2 /15/2006
SP-164-05	Busch Gardens Cold Frame	2 /3 /2006
SP-002-06	Wythe-Will Candy Store Canopy Addition	2 /14/2006
SP-003-06	Lee Tourist Homes SP Amend.	2 /8 /2006
SP-008-06	Kinnamon Property Commercial Parking	2 /17/2006
SP-010-06	Captain Georges Lighting Amend. 2	2 /15/2006

SP-014-06 Ford's Colony Golf Academy SP Amend
D. EXPIRED

2 /27/2006
EXPIRE DATE

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-104-98 Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99 JCSA Mission Bank ROW Acquisition
S-074-99 Longhill Station, Sec. 2B
S-110-99 George White & City of Newport News BLA
S-091-00 Greensprings West, Plat of Subdv Parcel A&B
S-086-02 The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03 Hicks Island - Hazelwood Subdivision
S-034-04 Warhill Tract BLE / Subdivision
S-066-04 Hickory Landing Ph. 1
S-067-04 Hickory Landing Ph. 2
S-118-04 Jordan Family Subdivision
S-121-04 Wellington Public Use Site
S-012-05 Greensprings Trail ROW-Waltrip Property Conveyance
S-013-05 Greensprings Trail ROW-Ambler/Jamestown Prop. Conv
S-014-05 Greensprings Trail ROW-P L.L.L.C Prop. Conveyance
S-039-05 Hofmeyer Limited Partnership
S-042-05 Toano Business Centre, Lots 5-9
S-044-05 Colonial Heritage Road & Sewer Infrastructure
S-059-05 Peleg's Point, Sec. 6
S-075-05 Racefield Woods Lots 5A-5E
S-076-05 Racefield Woods Lots 5E-5I
S-090-05 Powhatan Secondary Ph. 7C
S-094-05 Warhill Tract Parcel 1
S-095-05 Landfall Village
S-097-05 ROW Conveyance- 6436 Centerville Road
S-100-05 Gosden & Teuton BLA
S-101-05 Bozarth - Mahone
S-104-05 1121 Stewarts Rd.
S-105-05 Stonehouse Land Bay 31
S-106-05 Colonial Heritage Ph. 5 Sec. 1
S-108-05 3020 Ironbound Rd. BLE
S-113-05 6425 & 6428 Conservancy BLA
S-115-05 5021 John Tyler BLA & BLE
S-117-05 Liberty Ridge
S-120-05 Lakeview Estates Ph. 1
S-121-05 Lakeview Estates Ph. 2
S-001-06 Prime Outlets Subdivision - 5699 Richmond Rd
S-006-06 Ripley Family Subdivision
S-008-06 108 Mace Street BLE
S-009-06 Garrett BLA & BLE
S-010-06 Ford's Colony Parcel A & A-4

S-011-06 New Town, Block 15, Parcel B
S-012-06 Huss Subdivision

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-044-03	Fenwick Hills, Sec. 3	6 /25/2006
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/6 /2006
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2006
S-101-03	Ford's Colony - Sec. 35	2 /2 /2007
S-116-03	Stonehouse Glen, Sec. 2	4 /6 /2006
S-002-04	The Settlement at Powhatan Creek (Hiden)	3 /1 /2007
S-037-04	Michelle Point	10/3 /2006
S-059-04	Greensprings West Ph. 6	9 /13/2006
S-075-04	Pocahontas Square	9 /16/2006
S-091-04	Marywood Subdivision	12/5 /2006
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2007
S-112-04	Wellington Sec. 6 & 7	12/5 /2006
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2007
S-015-05	Colonial Heritage Ph. 3, Sec. 2	4 /27/2006
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
S-053-05	Kingsmill-Spencer's Grant	7 /11/2006
S-063-05	John Barry Davidson BLE	7 /6 /2006
S-064-05	Stonehouse Commerce Park, Sec. D, Parcels A & B	7 /21/2006
S-065-05	Argo Subdivision	12/23/2006
S-066-05	8739 Richmond Rd Subdivision	12/23/2006
S-071-05	Gordon Creek BLA	8 /2 /2006
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2006
S-079-05	Colonial Heritage Ph. 4	11/7 /2006
S-083-05	Curry Revocable Trust	1 /9 /2007
S-091-05	Windmill Meadows	10/3 /2006
S-114-05	Colonial Heritage Ph. 1 Sec. 5 Lots 1-30	12/15/2006
S-003-06	New Town Block 8 Parcels A, D, & E BLE & BLA	1 /13/2007
S-004-06	New Town Block 6 & 7 Parcel A & C BLA & BLE	1 /12/2007
S-005-06	New Town Block 14 Parcel B	2 /2 /2007

C. FINAL APPROVAL

DATE

S-081-05	New Town, Sec. 6, Parcel 2 BLE	2 /22/2006
S-082-05	Fernandez BLA	2 /22/2006

D. EXPIRED

EXPIRE DATE

MEMORANDUM

DATE: March 6, 2006
TO: The Planning Commission
FROM: Matthew Arcieri, Senior Planner
SUBJECT: Athletic Field Lights Zoning Ordinance Amendment- Initiating Resolution

As part of the Community Sports Stadium project, staff has received a request from James City County Parks and Recreation to amend the Zoning Ordinance to permit athletic field lights with an approved height waiver from the Board of Supervisors. Staff recommends the Planning Commission adopt the attached resolution to initiate the consideration of amending the zoning ordinance.

Matthew Arcieri

Attachments:

- Initiating Resolution

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia,

does hereby request staff to initiate review of Sections 24-218, 24-240, 24-261, 24-293, 24-314(j), 24-335, 24-354, 24-375, 24-397, 24-419, 24-444, 24-473, 24-496 and 24-525 of the Zoning Ordinance for the consideration of permitting athletic field lights with an approved height waiver from the Board of Supervisors. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Jack Fraley
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 6th Day of March, 2006.

REZONING Z-13-05, Village at Toano
Staff Report for March 6, 2006 Planning Commission Meeting

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

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission:	October 3, 2005 (applicant deferral)	
	November 7, 2005 (deferred)	
	December 5, 2005 (applicant deferral)	
	January 9, 2006 (applicant deferral)	
	February 6, 2006 (applicant deferral)	
	March 6, 2006	7:00 p.m.
Board of Supervisors:	May 2006 (tentative)	7:00 p.m.

SUMMARY FACTS

Applicant:	Vernon Geddy III, Geddy, Harris, Franck & Hickman, L.L.P.
Land Owner:	Jessica D. Burden, Rose Bunting, Elsie Ferguson, and Jack Ferguson
Proposed Use:	Construction of 94 town home units
Location:	3126 Forge Road
Tax Map/Parcel:	(12-3) (1-10)
Parcel size:	20.881 acres
Existing Zoning:	A-1, General Agricultural
Proposed Zoning:	R-5, Multi-family Residential, with proffers
Comprehensive Plan:	Moderate Density Residential and Low Density Residential
Primary Service Area:	Yes

STAFF RECOMMENDATION

After the adoption of the Toano Design Guidelines, the applicant has requested deferral of this case until April 3, 2006 in order to resolve various issues associated with the case and proffers. Staff concurs with this request.

Staff Contact: Jason Purse Phone: 253-6685

Jason Purse

ATTACHMENTS:

1. Deferral Letter

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

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

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

ANDREW M. FRANCK
RICHARD H. RIZK

February 24, 2006

MAILING ADDRESS:
POST OFFICE BOX 23185
WILLIAMSBURG, VIRGINIA 23185

email: vgeddy@gkhllaw.com



Mr. Jason Purse
James City County Planning Dept.
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Z-13-05 Villages at Toano

Dear Jason:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this case until its April meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

A handwritten signature in black ink, appearing to read 'V. Geddy, III'. The signature is fluid and cursive, written in a professional style.

Vernon M. Geddy, III

VMG/ch

Cc: Mr. Wally Scruggs
Mr. Marc Gutterman

**REZONING 12-05. Moss Creek Commerce Center (Toano Business Center)
Staff Report for the March 6, 2006, 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

Building F Board Room; County Government Complex

Planning Commission: August 1, 2005 (proffer deadline not met) 7:00 p.m.
September 12, 2005 (applicant deferral)
October 3, 2005 (applicant deferral)
November 7, 2005 (applicant deferral)
December 5, 2005 (deferral recommended by staff)
January 9, 2006 (applicant deferral)
February 6, 2006 (applicant deferral)
March 6, 2006

Board of Supervisors: April 11, 2006 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy

Land Owner: Toano Business Center, L.L.C.

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

Location: 9686 and 9690 Old Stage Road

Tax Map/Parcel Nos.: (4-4)(1-34), (4-4)(1-4)

Parcel Size: 21.23 acres

Existing Zoning: A-1, General Agricultural District

Proposed Zoning: MU, Mixed Use, with Proffers

Comprehensive Plan: Mixed Use and Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested a one month deferral of this case to allow time to address outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

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

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

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

**ANDREW M. FRANCK
RICHARD H. RIZK**

February 24, 2006



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

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

Dear Ellen:

I am writing to request that the Planning Commission defer consideration of this case until its April 2006 meeting to allow the applicant to continue working with residents of Stonehouse on the proposal.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

Vernon M. Geddy, III

VMG/ch
Cc: Mr. Michael C. Brown

REZONING 15-05/MASTER PLAN 12-05. Stonehouse Planned Community Amendment Staff Report for the March 6, 2006, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

November 7, 2005 (applicant deferral) 7:00 p.m.
December 5, 2005 (applicant deferral)
January 9, 2006 (applicant deferral)
February 6, 2006 (applicant deferral)
March 6, 2006

Board of Supervisors:

April 11, 2006 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

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

Land Owner:

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

Proposal:

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

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

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

Location:

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

Tax Map/Parcel Nos.:

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

Parcel Size: 4,684 acres

Existing Zoning: Planned Unit Development Residential & Commercial with Proffers, and
A-1, General Agricultural District (Stinette
Tract)

Proposed Zoning: Planned Unit Development Residential & Commercial with Proffers

Comprehensive Plan: Mixed Use and Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

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

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

**REZONING Z-13-04/SUP-31-04/MP-10-04. Monticello at Powhatan North
Staff Report for March 6, 2006 Planning Commission Meeting**

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

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: November 7, 2005 (applicant deferral)
December 5, 2005 (applicant deferral)
January 9, 2006 (applicant deferral)
February 6, 2006 (applicant deferral)
March 6, 2006 (tentative) 7:00 pm
Board of Supervisors: April 11, 2006 (tentative) 7:00 pm

SUMMARY FACTS

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

STAFF RECOMMENDATION

The applicant has requested deferral of this case until April 3, 2006 in order to resolve various issues associated with the case and proffers. Staff concurs with this request.

Staff Contact: Joel Almquist Phone: 253-6685

Joel Almquist



Scott Evans Contracting, Inc.
Industrial • Commercial • Residential

February 22, 2006

Mr. Jose Ribeiro, Planner
James City County
Department of Development Management
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187

RE: Z-10-04; 112 Ingram Road Rezoning

Dear Mr. Ribeiro:

I would like to request a deferral on the submission of our rezoning application indefinitely or until the property closing. We are expecting to close in the next several days.

Thank you for all your help on this project and I look forward to working with you further.

Sincerely,

Scott Evans
President

REZONING -10-04. 112 Ingram Road

Staff Report for the March 6, 2006, Planning Commission Public Hearing

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

PUBLIC HEARINGS

	<u>Building F Board Room; County Government Complex</u>	
Planning Commission:	October 4, 2004	7:00 p.m. (applicant deferral)
Planning Commission:	November 1, 2004	7:00 p.m. (applicant deferral)
Planning Commission:	December 6, 2004	7:00 p.m. (indefinite deferral)
Planning Commission:	January 9, 2006	7:00 p.m. (applicant deferral)
Planning Commission:	February 6, 2006	7:00 p.m. (applicant deferral)
Planning Commission:	March 6, 2006	7:00 p.m.
Board of Supervisors:	April 11, 2006	Indefinite Deferral

SUMMARY FACTS

Applicant:	Mr. Scott Evans, Scott Evans Contracting, LLC
Land Owner:	Ms. Marjorie Gray, et al
Proposal:	To rezone 0.37 acres from R-8, Rural Residential, to B-1, General Business, with proffers, for the construction of an approximately 3,900-square foot, four-unit office building.
Location:	112 Ingram Road
Tax Map/Parcel	Parcel (1-23) on tax map (47-1).
Parcel Size	0.37 acres
Proposed Zoning:	B-1, General Business, with proffers
Existing Zoning:	R-8, Rural Residential
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside

STAFF RECOMMENDATION

The applicant has requested indefinite deferral of this case in order to resolve issues associated with the property ownership. Staff concurs with this request.

Staff Contact: Jose L. Ribeiro

Phone: 253-6685

Jose L. Ribeiro

ATTACHMENTS:

1. Deferral letter from applicant

REZONING 1-06. Warhill Tract Proffer Amendment
Staff Report for the March 6, 2006, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: March 6, 2006 7:00 p.m.
Board of Supervisors: March 14, 2006 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant/Landowner: James City County

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

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

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

Parcel Size: ± 164.71 acres

Existing Zoning: PUD-R, Planned Unit Development – Residential, PUD-C, Planned Unit Development – Commercial, with proffers

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

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

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

Staff Contact: Matthew Arcieri Phone: 253-6685

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

PROJECT DESCRIPTION

James City County has applied to amend the Warhill Tract proffers approved by the Board of Supervisors on December 13, 2005 to modify the list of prohibited uses. The changes have been negotiated with the Attorney General's office as part of the agreement to transfer property to Thomas Nelson Community College. No other changes to the proffers are proposed.

If approved, two other uses will be prohibited on the County owned portions of the property: fast food restaurants and bookstores (Condition 6 on page 7 of the revised proffers). The table below provides further detail on the affected land bays.

Landbay	Use
2	Unprogrammed County Property
3	JCC Third High School
4	County Economic Development Property

RECOMMENDATION

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


Matthew D. Arcieri

ATTACHMENTS:

1. Revised Proffers
2. Approved Master Plan
3. Staff Report for Z-6-05/MP-4-05, Warhill Tract

WARHILL PROFFERS

THESE PROFFERS are made as of this 22nd day of February 2006, by the County of James City, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County").

RECITALS

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

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

WHEREAS County has applied for a rezoning of the Property now zoned R-8 and B-1 and M-1, with proffers, to PUD-R, Planned Unit Development - Residential, PUD-C, Planned Unit Development - Commercial, with proffers, and R-8 Rural Residential to obtain the greater flexibility in developing and locating uses within the Property provided under the PUD provisions of the James City County Code (the "County Code") and to terminate the Existing Proffers applicable to the Property and to replace the Existing Proffers as they apply to the Property with new proffers.

WHEREAS, in accordance with Section 24-484 of the County Code, the County submitted a master plan with this rezoning entitled "MASTER PLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL" dated September 22, 2005 and prepared by the Timmons Group ("Master Plan") which fully incorporates on Land Bay 1, the master plan entitled "Master Plan for TNCC Historic Triangle Campus" approved by the Virginia State Board for Community Colleges on November 18, 2004.

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

Prepared by:
Leo P. Rogers, Esq.
James City County
P.O. Box 8784
Williamsburg, VA 23187-8784

PROFFERS

PART A. The following proffers shall apply to Land Bay 1:

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only changes thereto that do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown. No changes to Land Bay 1 of the Master Plan shall be made without first submitting the proposed change to the County Administrator and providing the County with a reasonable opportunity to submit written comments. In addition, changes to Land Bay 1 of the Master Plan which adversely impact: i. the infrastructure to the site or remaining Property; ii. facilities for the joint educational programs between the community college and the public schools; iii. the safety and security of students or other persons on the Property; or iv. the finances of the County as it relates to the provision of infrastructure or the remainder of the Property shall only be permitted with the advice and consent of the County. Changes to the Master Plan which adversely impact joint education programs between the community college and the County's public schools shall only be permitted after meeting and conferring with the County.

2. Perimeter Buffer. There shall be a one-hundred-foot (100') perimeter buffer ("Buffer") generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrances, trails, sidewalks, a fire lane and patio area as shown generally on the Master Plan and a single monument sign located within 15 feet of the Centerville Road right of way in the area already cleared for the old entrance to the Property previously used by Dominion Virginia Power. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and County shall endeavor to design utility systems that do not intrude into the Buffer.

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

4. Height Limitation. No building shall exceed sixty feet (60') in height as measured from grade. For the purposes of this proffer, building height shall be defined as: "the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For Building set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building."

5. Signage. All new signage shall conform to the following:

5.1 Freestanding Signs

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

- (a) Sign location and setbacks. One freestanding sign shall be permitted on each street frontage. Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.
- (b) Sign area. Such signs shall not exceed 32 square feet per face.
- (c) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.
- (d) Sign lighting. Internally illuminated signs shall be prohibited. Signs may be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

5.2 Building Face Signs

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

- (a) Sign location and area. The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the buildings or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.
- (b) Sign mounting. Such signs shall be mounted flat against the building on the side measured above. Signs, including mounting apparatus shall extend no more than 18 inches from the building face.
- (c) Sign lighting: Internally illuminated signs shall be prohibited.
- (d) Additional signs for buildings facing onto public rights-of-way or parking lots. When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.
- (e) An owner may elect to relocate the building face sign, which would typically be placed above the buildings main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

5.3 Special Regulations for Certain Signs

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

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

(c) **Signs on entrance marquees or canopies.** Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as provided in paragraph 5.2 (a) above.

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

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

(1) Directional signs shall show only the name and/or logo, mileage and direction; and

(2) Do not exceed ten square feet in size.

5.4 Exemptions

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

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

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

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

(1) One sign is permitted for each street frontage per parcel.

(2) The maximum height of the sign shall not exceed eight feet.

(3) The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.

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

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

5.5 Prohibited Signs

The following signs are specifically prohibited:

- (a) Off-premise signs or off-premise billboards;
- (b) Flashing, animated and rotating signs or appurtenances to signs which are non-stationary;
- (c) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes;
- (d) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet;

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

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

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

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

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

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

6. **Prohibited Uses.** The following uses shall be prohibited: automobile service stations, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off-premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

Part B. The following proffers shall apply to Land Bays 2, 3 and 4:

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

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

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

4. Height Limitation. No building shall exceed sixty feet (60') in height as measured from grade.
5. Signage. All new signage shall be in accordance with the Code of James City, County, as amended.
6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, fast food restaurants, bookstores, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

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WITNESS the following signatures, thereunto duly authorized:

THE COUNTY OF JAMES CITY, VIRGINIA

By: Sanford B. Wanner
County Administrator

Approved as to form:

Sam P. Logan
County Attorney

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

The foregoing instrument was acknowledged before me this 22 day of February, 2006, by Sanford B. Wanner on behalf of the County of James City, a political subdivision of the Commonwealth of Virginia.

[Signature]
Notary Public

My commission expires: 1/31/2009

NOTES

- * TAX MAP ID: (32-11)(1-13)&(32-1)(1-12)
 - * THE SUBJECT SITE(S) ARE SITUATED IN SUBWATERSHED 208 AND CATCHMENTS 208-108-1, 208-107-1 AND 208-208-1 OF THE POWHATAN CREEK WATERSHED.
 - * SPECIAL STORMWATER CRITERIA APPLIES TO THE SUBJECT SITE(S).
 - * CURRENT ZONING: R-8 - 10.24 ACRES
M-1 - 82.88 ACRES
PUD-C - 82.80 ACRES
 - * PROPOSED ZONING: PUD-R - 186.84 ACRES
PUD-C - 8.77 ACRES
R-8 - 1.21 ACRES
 - * LAND BAY AREAS:
- | LAND BAY NO. | USE | AREA |
|---------------|---------------------|---------------------|
| 1 | TNCC | 73.48 ACRES |
| 2 | UNPROGRAMMED | 17.78 ACRES |
| 3 | JCC HIGH SCHOOL | 64.70 ACRES |
| 4 | OFFICE / COMMERCIAL | 8.77 ACRES |
| | R-8 | 1.21 ACRES |
| TOTAL: | | 186.82 ACRES |
- * OPEN SPACE: TOTAL SITE - 186.82 ACRES
DEVELOPED AREA - 48.9 ACRES (26%)
OPEN SPACE - 137.92 ACRES (74%)
 - * MAXIMUM STRUCTURE HEIGHT: 80 FEET
 - * STADIUM ACCESS ROAD SHALL UTILIZE APPROPRIATE TRAFFIC CONTROL MEASURES TO PREVENT CUT-THROUGH TRAFFIC BETWEEN CENTERVILLE AND LONGMILL ROAD.
 - * REFERENCE SUP-17-03/MP-8-03 FOR MASTER PLAN AND CONDITIONS FOR THE WARHILL SPORTS COMPLEX.

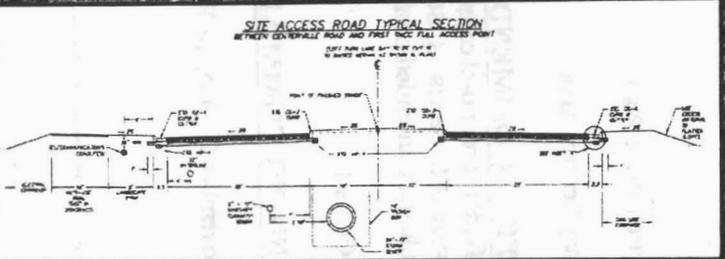
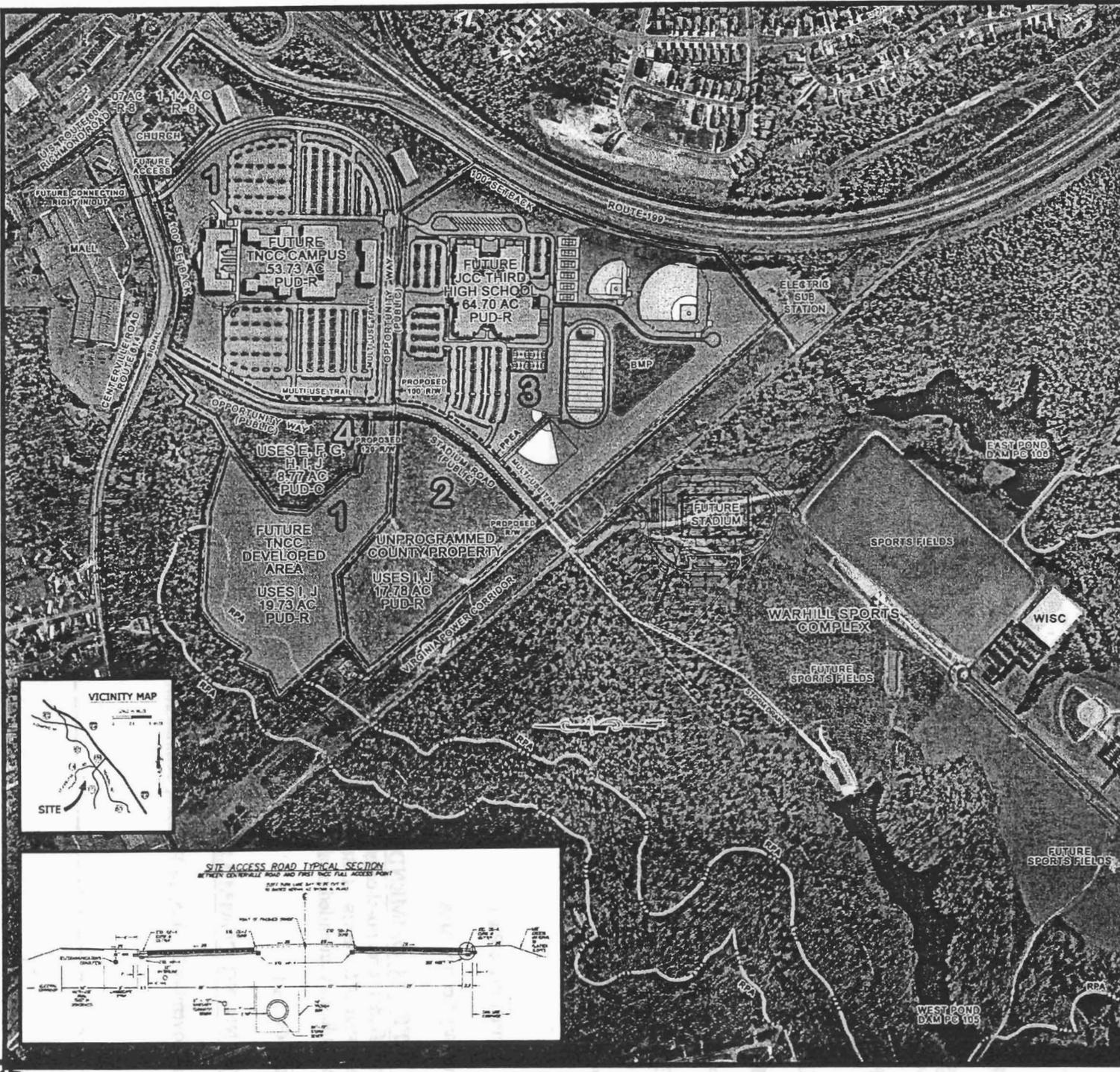

TIMMONS GROUP
 YOUR VISION ACHIEVED THROUGH OURS.
 SEPTEMBER 22, 2005
 GRAPHIC SCALE

 1" = 200' / 1" = 300' / 1" = 400' / 1" = 500' / 1" = 600' / 1" = 700' / 1" = 800' / 1" = 900' / 1" = 1000'
 Aerial Imagery Copyright 2002 Commonwealth of Virginia
MASTERPLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL
 JAMES CITY COUNTY, VIRGINIA
 PPEA CONCEPT PLAN


 CHA
 CIVIL ENGINEERING & ARCHITECTURE

 LANDMARK
 ARCHITECTS
 MOSELEYARCHITECTS
JJR

- LEGEND**
- PROPOSED WATERLINE
 - PROPOSED DRAINAGE SEWER
 - PROPOSED STORM SEWER
 - PROPOSED ROCKY CONSTRUCTION
 - COUNTY ECONOMIC DEVELOPMENT SITE
 - MULTI-USE TRAIL (10' MIN)



**REZONING 6-05/MASTER PLAN 4-05. Warhill Tract
Staff Report for the December 13, 2005, 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:

Building F Board Room; County Government Complex

- June 6, 2005, 7 p.m. (deferred)
- July 11, 2005, 7 p.m. (deferred)
- August 1, 2005, 7 p.m. (deferred)
- September 12, 2005, 7 p.m. (deferred)
- October 3, 2005, 7 p.m. (deferred)
- November 7, 2005, 7:00 p.m.
- December 13, 2005, 7:00 p.m.

Board of Supervisors:

SUMMARY FACTS

Applicant/Landowner:

James City County

Proposal:

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

Location:

6450 Centerville Road and 5700 Warhill Trail; Powhatan District

Tax Map/Parcel Nos.:

(32-1)(1-12) and (32-1)(1-13)

Parcel Size:

± 165.92 acres

Existing Zoning:

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

Proposed Zoning:

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

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

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

Staff Contact:

Matthew Arcieri

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On November 7, 2005, the Planning Commission recommended approval of this application by a vote of 6-1.

Proposed Changes Made Since Planning Commission Meeting: The proffers for this case have been revised to satisfy the concerns of the Attorney General's office. No substantive changes have been made.

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

PROJECT DESCRIPTION

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

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

PUBLIC IMPACTS

Archaeological Impacts:

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

Environmental Impacts:

Watershed: Powhatan Creek

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

Public Impacts:

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

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

Transportation Impacts:

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

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

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

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

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

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

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

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

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

The traffic impact analysis also analyzed the 3,000 seat community sports stadium to be constructed at the Warhill Sports Complex adjacent to the WJCC/TNCC site. The traffic study concludes that although a stadium-generated event would create additional delay, the traffic improvements currently under construction prevent a “gridlock” situation. Specialized traffic management techniques can be employed to mitigate congestion during large stadium events.

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

COMPREHENSIVE PLAN

Land Use Map Designation:

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

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

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

Other Considerations:

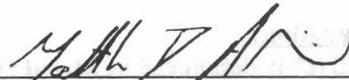
Community Character: Route 199, Richmond Road (Route 60 West), and Centerville Road are all listed as CCCs in the 2003 Comprehensive Plan. Community Character Corridors (CCCs) are roads that serve as entrance corridors and promote the rural, natural, or historic character of the County. These roads have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

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

The 2003 Comprehensive Plan revised the Lightfoot mixed use language to acknowledge that a majority of this site would be used for public uses. This proposal generally satisfies the intent of the plan by providing both public uses and an 8.77-acre economic development site. With a PUD-C zoning this site can be developed for office, commercial or light industrial uses. Staff finds this proposal consistent with the Comprehensive Plan.

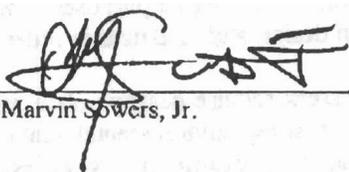
RECOMMENDATION:

Staff finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends approval of the above-referenced applications and acceptance of the voluntary amended proffers. On November 7, 2005, the Planning Commission recommended approval of this application by a vote of 6-1.



Matthew D. Arcieri

CONCUR:



O. Marvin Sowers, Jr.

MDA/nb
z-6-05_MP-4-05

ATTACHMENTS:

1. Planning Commission Minutes
2. Master Plan
3. Proffers
4. Resolution

MEMORANDUM

DATE: March 6, 2006

TO: The Planning Commission

FROM: Matthew J. Smolnik, Planner

SUBJECT: FY 2007-2011 Capital Improvements Program (CIP)

After a series of meetings to discuss and rank Capital Improvements Program (CIP) requests, the Policy Review Committee, in conjunction with staff, is forwarding its recommendations for the Fiscal Years 2007-2011 Capital Improvements Program. In addition to a project's ranking, the Policy Committee includes specific recommendations and comments in some instances. These additional recommendations are included in the project descriptions and are highlighted in *bold italics*. In general, the Policy Committee upgraded projects related to emergency response, school safety and fundamental school maintenance. In contrast, the committee lowered priority for several Parks and Recreation projects as they were deemed to have an overall lower priority than those in the high priority category.

The ranking system for CIP requests emphasizes service needs and conformance to the Comprehensive Plan and Master Water and Sewer Plan. A sample rating sheet is attached for your reference. Following the determination of numerical scores, the projects are divided into high, medium, or low priorities. Please note that this objective ranking system does not account for all factors that may influence a project's priority. For instance, the Policy Committee was mindful of priorities established by specific departments.

All projects receiving a high priority designation either support or implement the adopted Comprehensive Plan. Projects receiving high or medium priority designations may not be specifically supported by the Comprehensive Plan but require particular consideration due to state or federal regulations, contractual obligations, or may be seen as complements to County policy or departmental goals and objectives. Projects receiving a low priority designation may require further scrutiny to determine their standing within the Capital Improvements Program.

The attached report contains a summary of CIP project rankings and descriptions of the proposed projects. As stated in years past, Operating Contribution category requests are for various projects that do not result directly in a county asset, but are major expenditures that support the Comprehensive Plan.

There have been several changes in the CIP review process from the previous year at the request of the Policy Committee and the Department of Financial and Management Services. Previously only projects requesting funds for the upcoming fiscal year received a priority ranking. However, this year all projects are assigned a priority ranking. Secondly, in the past all CIP project priority rankings were combined in one overall master list and this year projects are separated and ranked by division. Finally, general maintenance or repair projects for FY07 to FY11 are specifically denoted from all other CIP projects with an asterisk in the Summary of the CIP Project Ranking.

At the request of the Policy Committee, school CIP priority rankings are based on the tier rankings provided by the Williamsburg James City County Schools. CIP projects in the Tier I category (Health and Safety Issues) received a high priority ranking; CIP projects in the Tier II category (Growth and Maintenance) received a medium priority ranking; and CIP projects in the Tier III (Projects that support and/or enhance the learning process) and Tier IV (Other projects important to the mission of the schools) both received a low priority ranking. The CIP requests for the third high school, eighth elementary school, ninth elementary school, fourth middle school and multi-purpose building were not ranked by the Williamsburg James City County Schools. The CIP rankings for these five projects are based on compliance with the Comprehensive Plan and recommendation of the Policy Review Committee.

RECOMMENDATION:

The Policy Review Committee and staff recommend the Planning Commission approve the Capital Improvements Program rankings as summarized in the attached report.

Matthew J. Smolnik

Attachments:

1. Summary of James City County CIP Project Rankings
2. James City County CIP Project Descriptions and Rankings
3. Summary of JCSA CIP Project Rankings
4. CIP Numerical Rating System Sheet
5. Minutes from the Policy Committee Meetings

FY07-11 CAPITAL IMPROVEMENT PROJECT RANKINGS

(Project Rankings by Priority)

Project Name:	Department:	Policy Committee Priority Ranking :	FY07 Funds Requested:
Pedestrian Facilities	Development Management	High	X
Wayfinding Signs	Development Management	High	X
EDA Drive and Utilities	Development Management	Medium	X
Columbia Drive and Utilities	Development Management	Medium	X
M.A.N. Fiber Ring Replacement	Development Management	Medium	X
Human Services Center Generator	General Services	High	X
Library Roof Replacement *	General Services	High	X
JCWCC Roof Replacement/LR/Sauna Renovation *	General Services	High	X
Crossroads Building Replacement *	General Services	Medium	X
Satellite Services Relocation	General Services	Medium	
General Services Building	General Services	Low	
Security Card Access	General Services	Low	X
Third Library Building	Library Board	Low	
WSC Crosswalks	Parks & Recreation	High	X
Lights for School Fields	Parks & Recreation	High	X
Greenways and Trails	Parks & Recreation	High	X
Outdoor Pool Resurfacing *	Parks & Recreation	High	X
WSC Basketball Lights & Shelters	Parks & Recreation	High	X
JCWCC Parking Expansion/Lighting	Parks & Recreation	High	X
JCWCC Expansion *	Parks & Recreation	High	
WSC Phase V	Parks & Recreation	Medium	
MCP Playground Improvements *	Parks & Recreation	Medium	
MCP Parking Improvements *	Parks & Recreation	Medium	X
MCP Building Replacement *	Parks & Recreation	Medium	
UCP Restrooms and Paving	Parks & Recreation	Medium	
JCWCC Playground	Parks & Recreation	Medium	
Ironbound Square Improvements *	Parks & Recreation	Medium	X
Greensprings Trailhead Parking	Parks & Recreation	Medium	X
JCWCC Center Park Restrooms	Parks & Recreation	Low	
Skatepark Lighting	Parks & Recreation	Low	
WSC Multi-Purpose Gymnasium Facility	Parks & Recreation	Low	X
JCWCC Tower Site Phase II	Parks & Recreation	Low	
Freedom Park Phase III	Parks & Recreation	Low	
JCWCC Tower Site Restroom	Parks & Recreation	Low	
Fire Station 3 Renovation *	Public Safety	High	X
Police Generator at LEC	Public Safety	High	X
Mobile Data System *	Public Safety	High	X
New Police Building	Public Safety	High	
Fire Station 4 Replacement *	Public Safety	Medium	
Ambulance Replacement *	Public Safety	Low	X

Ambulance Replacement *	Public Safety	Low	
Engine / Pumper Replacement *	Public Safety	Low	X
Engine / Pumper Replacement *	Public Safety	Low	
Heavy Rescue	Public Safety	Low	
Citizen Response System *	Public Safety	Low	X
Reconstruct bus loop and additional parking (RBE)	WJCC School District	High	X
Add second entrance and expand parking (TMS)	WJCC School District	High	X
Replace roof over 300 building (RBE) *	WJCC School District	High	X
Replace grease trap/sewer lines (JBM) *	WJCC School District	High	X
Construct gym maintenance catwalk (JHS)	WJCC School District	High	X
Additional cooler and freezer storage (CBB)	WJCC School District	High	X
Additional freezer storage (DJM)	WJCC School District	High	X
Expand cafeteria (TMS)	WJCC School District	High	X
Replace tennis courts (LHS)	WJCC School District	High	X
Re-brick front entrance (MWE) *	WJCC School District	High	X
Replace gym roof (JRE) *	WJCC School District	High	X
Rebuild cupolas (MWE) *	WJCC School District	High	X
Third High School	WJCC School District	High	X
Eighth Elementary School	WJCC School District	High	X
Engineering for HVAC, replacement of HVAC (CBB) *	WJCC School District	Medium	X
Engineering for HVAC, replacement of HVAC (DJM) *	WJCC School District	Medium	X
Refurbishment *, renovate restrooms, gym carpet replacement (RBE)	WJCC School District	Medium	X
Refurbishment *, replace auditorium ceiling *, re-insulate attic * (MWE)	WJCC School District	Medium	
Auditorium light/sound system, cafeteria expansion, refurbishment *, complete roof project, renovate locker rooms and restrooms * replace HVAC system * (BMS)	WJCC School District	Medium	
Interior refurbishments *, HVAC replacement *, replace rear canopy and sidewalk * (JBM)	WJCC School District	Medium	X
Replace telephony systems (CBB, DJM, JRE)	WJCC School District	Medium	
Interior refurbishments (LHS) *	WJCC School District	Medium	
Interior refurbishments (JHS) *	WJCC School District	Medium	
Install new lights, renovate team/public restrooms upgrade * / renovate scoreboard, sound system, equipment shed, re-crown and re-sod field (Cooley)	WJCC School District	Medium	X
Roof Replacement (CBB) *	WJCC School District	Medium	
Roof Replacement (DJM) *	WJCC School District	Medium	
Remove tennis courts and convert to parking, hard surface parking inside bus loop area (NOR)	WJCC School District	Medium	X
Replace Ranger Media System (JHS)	WJCC School District	Medium	X
Add bus loop canopy (SES)	WJCC School District	Medium	
Expand auditorium to 400 seats (TMS)	WJCC School District	Medium	
Multi-Purpose Building	WJCC School District	Medium	X
Parking Lot Expansion (CBB)	WJCC School District	Low	
Resurface bus parking area (JBM)	WJCC School District	Low	
Noise control in auditorium (JHS)	WJCC School District	Low	
Renovate 900 building (LHS)	WJCC School District	Low	X

Two outdoor science pavilions (LHS)	WJCC School District	Low	
Athletic field lights (JHS)	WJCC School District	Low	
Food courts (JHS, LHS)	WJCC School District	Low	
Ninth Elementary School	WJCC School District	Low	X
Fourth Middle School	WJCC School District	Low	

Water Quality	Operating Contribution	Not Ranked	X
Non-Departmental Water Quality	Operating Contribution	Not Ranked	X
Bikeways and Multi-Use Paths	Operating Contribution	Not Ranked	X
Road Match	Operating Contribution	Not Ranked	X
Road Improvements	Operating Contribution	Not Ranked	X
Non-Departmental Underground Utilities	Operating Contribution	Not Ranked	X
Non-Departmental Road Improvements *	Operating Contribution	Not Ranked	X

* Repair, maintenance or routine replacement item

High Priority:	
Medium Priority:	
Low Priority:	
Not Ranked:	

School Project Location Legend:	
Berkeley Middle	BMS
Clara Byrd Baker Elementary	CBB
Cooley Field	Cooley
D. J. Montague Elementary	DJM
James Blair Middle	JBM
Jamestown High	JHS
James River Elementary	JRE
Lafayette High	LHS
Matthew Whaley Elementary	MWE
Norge Elementary	NOR
Rawls Byrd Elementary	RBE
Stonehouse Elementary	SES
Toano Middle	TMS

JAMES CITY COUNTY CIP PROJECT DESCRIPTIONS AND POLICY COMMITTEE RANKINGS

PARKS AND RECREATION

Freedom Park –Phase III – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$3,400,000

Funds requested in FY10 and FY11 are for Phase 3 improvements associated with active recreation near Centerville Road. These improvements include the development of active recreation amenities to include tennis, basketball and volleyball courts, parking, maintenance/restroom facilities. ***We are currently implementing Phase II, move from a medium priority to a low priority.***

Pool Resurfacing – (High Priority)

FY07 Request: \$110,000

Proposed 5-Year Project Total: \$110,000

Funds will be used to resurface outdoor pools at Chickahominy Riverfront Park and Upper County Park. ***Emphasis should be placed on repairing existing facilities, move from a medium priority to a high priority.***

Greenways and Trails – (High Priority)

FY07 Request: \$50,000

Proposed 5-Year Project Total: \$250,000

Continuation of an annual fund to acquire and develop greenways and trails is requested. Funds are designated for the design/development and/or conservation of greenways and open space throughout the County. The funds are also used to support state and federal grant funds for trail development and land acquisition.

Skate Park Lighting – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$50,000

Funds are requested in FY09 to illuminate the skate park adjacent to the James City/Williamsburg Community Center. ***WISC currently offers similar amenities for nighttime activities, move from a medium priority to a low priority.***

Mid-County Park Parking Improvements – (Medium Priority)

FY07 Request: \$80,000

Proposed 5-Year Project Total: \$80,000

Funds are requested in FY07 to construct 40 additional parking spaces. Parking reaches overflow proportions most evenings and weekends due to high use. Some users are denied access during busy times due to the parking shortage.

Mid-County Park Playground Improvements – (Medium Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$450,000

Funds are requested in FY09 and FY10 to rebuild Kidsburg using approved materials for compliance with ADA standards. Aging lumber needs to be replaced and the use of man-made materials will reduce the maintenance costs and will have a longer life.

Mid-County Park Building Replacement – (Medium Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$600,000

Funds are requested in FY08 to demolish the old building and construct a new building to include restrooms, storage, meeting rooms and a small office.

Ironbound Square Park Improvements – (Medium Priority)

FY07 Request: \$200,000

Proposed 5-Year Project Total: \$200,000

Funds are requested in FY07 to construct walkways, picnic shelter and to renovate a basketball court.

Upper County Park Restrooms and Paving – (Medium Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$350,000

Funds are requested in FY09 to pave the existing gravel parking lot and to demolish the existing restroom/shower building and replace it with a 1000 square foot restroom/storage facility.

Greensprings Trailhead Parking – (Medium Priority)

FY07 Request: \$320,000

Proposed 5-Year Project Total: \$320,000

Funds are requested in FY07 to design and construct the roadway and 20 parking spaces for the users of this trail. ***Parks and Recreations number one priority, move from a low priority to a medium priority.***

Lighting for School Fields at Stonehouse Elementary and New 8th Elementary – (High Priority)

FY07 Request: \$300,000

Proposed 5-Year Project Total: \$630,000

Funds are requested in FY07 and FY08 to purchase and install light poles, fixtures, electrical transformers and power lines to light one baseball field and one soccer field at each site. Elementary school fields are desirable sites for weeknight practices due to their proximity to the participants.

James City/Williamsburg Community Center Park Parking Expansion/Lighting – (High Priority)

FY07 Request: \$500,000

Proposed 5-Year Project Total: \$500,000

Funds are requested in FY07 to expand the parking lot and upgrade the lighting for the existing parking lot. Additional parking is essential for public use of the facilities on the property. Building and field use is restricted numerous times throughout the year due to the lack of parking. Amenities such as the Skate Park continue to increase the need for parking.

James City/Williamsburg Community Center Park Restroom Facilities – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$350,000

Funds are requested in FY10 to construct restroom/storage facilities for outdoor park users. The current use of portable toilets is inadequate and unsanitary.

James City/Williamsburg Community Center Expansion – (High Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$690,000

Funds requested for FY09 will be used for the expansion of the current building to house additional fitness equipment and program space. The continued increase in fitness room users requires additional space to increase capacity and additional space is needed for a variety of activities. The proposed 2-story expansion is approximately 2,300 square feet in size.

James City/Williamsburg Community Center Playground – (Medium Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$80,000

Funds requested for FY10 will be used to purchase a pre-fabricated playground structure, a border and fill material. The playground would address the needs of the park users and their children that participate in activities on the Community Center Park property.

James City/Williamsburg Community Center Park Tower Site Phase II – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$200,000

Funds are requested in FY08 to construct 2 picnic shelters, playground and connecting sidewalks on the Tower Site property across from the James City/Williamsburg Community Center. ***This project needs to be timed with the JCSA removal of the existing water tower, move from a high priority to a low priority.***

James City/Williamsburg Community Center Park Tower Site Restroom Facility – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$350,000

Funds are requested in FY10 to construct a restroom/storage facility on the Tower Site property across from the James City/Williamsburg Community Center.

Warhill Sports Complex Phase V – (Medium Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$4,000,000

Funds requested in FY09 will be used for Phase V of the Warhill Sports Complex, which includes the completion of the baseball area, the development of 2 picnic areas to include shelters and restroom facilities and infrastructure (roadway and 176 parking spaces).

Warhill Sports Complex Crosswalks – (High Priority)

FY07 Request: \$150,000

Proposed 5-Year Project Total: \$150,000

Funds are requested in FY07 to add raised pedestrian crosswalks to the roadway in three locations. Each raised crosswalk section will be 6 inches high X 10 feet wide X 22 feet long.

Warhill Sports Complex Basketball Lights and Shelters – (High Priority)

FY07 Request: \$150,000

Proposed 5-Year Project Total: \$150,000

Funds are requested in FY07 to light the new basketball courts and construct two adjacent picnic shelters.

Warhill Sports Complex Community Multi-Purpose Gymnasium Facility – (Low Priority)

FY07 Request: \$3,500,000

Proposed 5-Year Project Total: \$3,500,000

Funds are requested in FY07 to construct a 31,000 square foot gymnasium facility with playing courts and space designed for basketball/volleyball/wrestling and locker rooms. This is the alternative to constructing separate facilities at each high school. ***May duplicate expenses, move from a high priority to a low priority.***

DEVELOPMENT MANAGEMENT

Columbia Drive and Utilities – (Medium Priority)

FY07 Request: \$648,920

Proposed 5-Year Project Total: \$648,920

The funds requested for FY07 will be used to pay for the cost of extending the utilities along Columbia Drive. With selection of Williamsburg Developments Inc. (WDI) as the preferred site of the County's second shell building, a property swap occurred between WDI and Economic Development Authority (EDA), which required the extension of approximately 1200 linear feet of infrastructure along the Columbia Drive route with no financial participation by WDI. A VDOT Industrial Access Bond Road Fund program will cover the cost of the road, but utilities such as water, sewer, and electric lines are not covered. The utilities are required of the County/EDA by the acquisition agreement. ***This is an excellent opportunity for a public/private partnership, move from a high priority to a medium priority.***

Economic Development Authority Drive and Utilities – (Medium Priority)

FY07 Request: \$100,000

Proposed 5-Year Project Total: \$1,850,000

Funds in FY07 are requested for the surveying/design phase and funds requested in FY08 will be used towards construction costs to extend infrastructure further into the EDA's property in order to sell smaller subdivided lots. To serve these smaller lots, up to 2,200 feet of infrastructure (road, water and sewer) will have to be installed. ***This is an excellent opportunity for a public/private partnership, move from a high priority to a medium priority.***

Metropolitan Area Network (M.A.N) Fiber Ring Replacement – (Medium Priority)

FY07 Request: \$524,000

Proposed 5-Year Project Total: \$2,172,000

Fiber optics that are the foundation for the County's M.A.N may no longer be available after the Cox franchise agreement expires in January 2010, possibly bringing with it a large projected increase in fees amounting to as much as \$1.2 million per year in today's dollars. Funds are requested to install a County-owned fiber run parallel to the existing M.A.N., which will serve as a cushion against catastrophic failure resulting from a cut to the single original cable. Routed this way, the new line owned by the County can also serve as the County's sole fiber network in the event that Cox Communications refuses to negotiate continued use of the four fibers the County acquired in the 1995 franchise agreement.

Wayfinding Signs – (High Priority)

FY07 Request: \$40,000

Proposed 5-Year Project Total: \$40,000

Funds are requested in FY07 for the placement of tourism-oriented directional / guidance signs along county roadways, as part of the Jamestown 2007 project. This project was approved and funded by the BOS in 2004 as was funded at \$95,000. The

total contract price is \$133,000; thus an additional \$40,000 is needed to complete the project. ***This is already a done deal, move from a medium priority to a high priority.***

Pedestrian Facilities – (High Priority)

FY07 Request: \$56,000

Proposed 5-Year Project Total: \$656,000

Funds are requested in FY07, FY08, FY09, FY10, and FY11 to complete and/or upgrade various pedestrian facilities (multi-use paths, sidewalks, etc.) within the county.

LIBRARY BOARD

Third Library Building – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$590,000

With current and projected growth in James City County and the already crowded state of the libraries, a third library facility will be needed by 2013. The funding request of \$350,000 in FY09 is to provide for land acquisition and the funding request of \$240,000 in FY10 is to provide preliminary architectural and engineering work prior to the project going out for bid. The total project cost is estimated to be \$9,330,000 and the building is expected to be completed in 2013.

PUBLIC SAFETY

Fire Station 4 Replacement – (Medium Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$3,300,000

Funds are requested in FY09 and FY10 to construct a new fire station utilizing previous JCC designs or concepts (similar to Fire Station 5 and Fire Station 2 replacement).

Engine / Pumper Replacement – (Low Priority)

FY07 Request: \$445,000

Proposed 5-Year Project Total: \$445,000

Funds are requested to replace an existing 1989 engine/pumper in FY07 with a new Advanced Life Support/Pumper. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the engine/pumper. This replacement will bring [the Fire Department] into compliance with NFPA 1901 Annex D.

Heavy Rescue – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$600,000

Funds are requested to purchase a heavy rescue truck and trailer in FY08. The truck shall be designed so that the Department can consolidate its special rescue equipment onto a single piece of apparatus. The Department will be able to replace a 1984 International truck with extremely limited compartment space that was donated by

Virginia Power. The proposed new truck will be equipped with a telescopic halogen light boom for improved lighting and safety at nighttime incidents.

Engine / Pumper Replacement – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$500,000

Funds are requested to replace an existing 1989 engine/pumper in FY08 with a new Advanced Life Support/Pumper. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the engine/pumper. This replacement will bring [the Fire Department] into compliance with NFPA 1901 Annex D.

Fire Station 3 Renovation – (High Priority)

FY07 Request: \$119,648

Proposed 5-Year Project Total: \$119,648

Funds are requested in FY07 to renovate Station 3 to meet employee diversity issues with the [current] building, and to provide regular maintenance of the facility.

Ambulance Replacement – (Low Priority)

FY07 Request: \$185,000

Proposed 5-Year Project Total: \$185,000

Funds are requested in FY07 to replace an existing 2003 light-duty ambulance with a new medium-duty ambulance. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the ambulances. This medium-duty ambulance will provide a longer service life than the light-duty units currently in service. No additional staffing will be required, as current personnel would be assigned to the new unit.

Ambulance Replacement – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$185,000

Funds are requested in FY08 to replace an existing 2003 light-duty ambulance with a new medium-duty ambulance. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the ambulances. This medium-duty ambulance will provide a longer service life than the light-duty units currently in service. No additional staffing will be required, as current personnel would be assigned to the new unit.

Citizen Response System – (Low Priority)

FY07 Request: \$60,000

Proposed 5-Year Project Total: \$120,000

The Information Resources Management (IRM) Division proposes a computer-based citizen response system to consistently record and track citizen requests throughout County departments. FY07 funds would finance hardware and software licenses for a pilot program in the ECC/EOC. IRM anticipates that in addition to helping manage requests during extraordinary events such as hurricanes and Jamestown 2007, the system would also routinely shed non-emergency calls from the 911 dispatch center,

dispense immediate and accurate information to callers, and generate work orders to appropriate departments.

Police Generator at LEC – (High Priority)

FY07 Request: \$75,000

Proposed 5-Year Project Total: \$75,000

Funds are requested to replace the existing generator in FY07 with an 80 KW Natural Gas Generator that is capable of powering the entire building during power outages. The current generator is diesel powered and undersized and does not provide for HVAC or hot water. There is also an underground diesel tank that must be removed per the Department of Environmental Quality as soon as possible. Natural gas will eliminate the need for fuel deliveries during severe weather events that, many times, can be difficult to accomplish. Removal of underground tank and old generator is not part of this proposal, and cost estimates need to be generated.

New Police Building – (High Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$12,300,000

Funds are requested for FY09 and FY10 to purchase the land for, plan, design, build, equip, and furnish a new Police Department facility. This proposal constructs a 40,000 square foot facility on roughly five acres, which will accommodate future growth and staffing needs for the Police Department, based on URS Corporation projections prepared for that organization. ***The need for adequate facilities is currently below standards for law enforcement officers, move from a medium priority to a high priority.***

Mobile Data System – (High Priority)

FY07 Request: \$859,000

Proposed 5-Year Project Total: \$2,267,000;

Increased funds (over what was previously adopted by the BOS for funding in FY06 and FY07) are requested in FY07, FY08, and FY09 to cover increased costs laptop computers (increased by \$1,000 each), and the addition of new equipment into the project including a GPS-based automatic vehicle location system (which includes vehicle equipment and software licensing), an Accident Module for police vehicles (which includes vehicle equipment and software licensing), and necessary server software to support the new equipment and provide system functionality. ***Police Departments number one priority, move from a low priority to a high priority.***

GENERAL SERVICES

General Services Building – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$2,100,000

Funds are requested in FY08, FY09 and FY10 to plan, design and construct an 11,000 square foot general services building at the Tewning Road Operations Center. The

building would allow for the consolidation of General Services functions with adequate space for Facilities Management and Capital Projects; and would release existing facilities at Tewning Road for use by the JCSA.

Crossroads Building Replacement – (Medium Priority)

FY07 Request: \$175,000

Proposed 5-Year Project Total: \$350,000

Funds are requested in FY07 and FY08 to replace the Crossroads Community Group Home currently located on Longhill Road. The current group home was originally a single family home and is in need of continual major repairs. The replacement home has been identified and the State has lifted the moratorium for the Colonial Group Home Commission for this group home construction. The proposed facility will be partially owned by James City County and the current facility will be sold to help finance the new facility.

Security Card Access – (Low Priority)

FY07 Request: \$55,000

Proposed 5-Year Project Total: \$55,000

Funds are requested in FY07 to provide a proximity card access system for each JCC office building at the Government Complex. The hardware involved will be compatible with software purchased by IT, including photo ID cards. This will allow better security/control on access issues and key distribution.

Roof Replacements – (High Priority)

FY07 Request: \$116,885

Proposed 5-Year Project Total: \$116,885

Funds are requested in FY07 to replace the roofing systems at the Croaker Library and the Landfill Scale Office. ***We need to maintain our current facilities, move from a medium priority to a high priority.***

Human Services Center Generator Installation – (High Priority)

FY07 Request: \$165,000

Proposed 5-Year Project Total: \$165,000

Funds are requested in FY07 to purchase and install a 200 KW diesel Genset generator with above ground fuel tank. This generator will be used to power the Human Services Center in the event of an emergency that necessitates its use.

(Note: Per Steve Hicks, this application is placed on hold to allow for further discussions on the project until further notice.)

Roof Replacement / Locker Room & Sauna Renovation – (High Priority)

FY07 Request: \$400,000

Proposed 5-Year Project Total: \$500,000

Funds are requested in FY07 and FY08 to replace a leaking roof and to renovate the locker rooms and sauna as they are both original to the building. ***We need to maintain our current facilities, move from a medium priority to a high priority.***

Satellite Services Relocation – (Medium Priority)

FY07 Request: No funds are currently requested

Proposed 5-Year Project Total: No funds are currently requested

Funds have not yet been requested for this particular project. With the construction of the new 911 center, the Satellite Services and DMV plan to expand into the current EOC “war room”.

OPERATING CONTRIBUTION PROJECTS

Bikeways and Multi-Use Paths (Non-Departmental Matching Funds) – (Not Ranked)

FY07 Request: \$386,400

Proposed 5-Year Project Total: \$1,632,000

Funds are requested in FY07 and FY08 to construct bikeways and multi-use paths for both pedestrians and cyclists, with primary emphasis on facilities that leverage non-county funds, connect to such existing facilities, or meet critical needs.

Road Improvements – (Not Ranked)

FY07 Request: \$73,000

Proposed 5-Year Project Total: \$73,000

Funds requested for FY07 to complete various roadway and roadside landscaping projects within James City County.

Non-Departmental Underground Utilities – (Not Ranked)

FY07 Request: \$500,000

Proposed 5-Year Project Total: \$1,000,000

Funds are requested in FY07 and FY08 to complete underground utility projects at various key places around the county. Funding as requested will complete 1-2 additional projects. Current proposals include a location along Jamestown Road, in the Toano Community Character Area, and along Richmond Road.

Road Match – (Not Ranked)

FY07 Request: \$1,000,000

Proposed 5-Year Project Total: \$5,000,000;

Funds are requested in FY07, FY08, FY09, FY10, and FY11 to provide the local match to State Revenue Sharing Funds. Specific projects to be worked on are decided upon by the BOS each spring, in consultation with VDOT. Probable projects for FY07 include Ironbound Road Widening; (#1 Secondary Road priority), Secondary Road projects, and landscaping along state roads.

Non-Departmental Road Improvements – (Not Ranked)

FY07 Request: \$15,000

Proposed 5-Year Project Total: \$30,000

Funds requested in FY07 and FY08 for maintenance of Wayfinding (tourism-oriented directional / guidance signs along county roadways) program signs in James City County.

Non-Departmental Water Quality – (Not Ranked)

FY07 Request: \$607,000

Proposed 5-Year Project Total: \$607,000

Funds are requested in FY07 to complete regional stormwater management projects. The work needed will be completed during FY07 and FY08, and includes design, planning, and construction of stormwater management ponds and restoration of stream channels.

Water Quality – (Not Ranked)

FY07 Request: \$1,114,000

Proposed 5-Year Project Total: \$2,144,000

Funds are requested in FY07 and FY08 to complete regional stormwater management projects. The work needed will be completed during FY07 and FY08, and includes design, planning, and construction of stormwater management ponds and restoration of stream channels.

Schools

Clara Byrd Baker Elementary School

FY07 Request: \$230,000

Proposed 5-Year Project Total: \$2,886,000

FY07 Projects:

- *Start-up Engineering costs to replace HVAC system (**Medium Priority**)*
- *Additional walk-in cooler and freezer storage space (**High Priority**)*

Future Projects:

- *Replacement of HVAC system equipment (**Medium Priority**)*
- *Parking Lot Expansion (**Low Priority**)*
- *Roof Replacement (**Medium Priority**)*

Rawls Byrd Elementary School

FY07 Request: \$1,945,000

Proposed 5-Year Project Total: \$1,945,000

FY07 Projects:

- *Refurbishment (**Medium Priority**)*
- *Renovate student and staff restrooms in academic pods (**Medium Priority**)*
- *Replace gymnasium carpet (**Medium Priority**)*
- *Reconstruct current bus loop and add more parking (**High Priority**)*
- *Replace roof over 300 Building with metal seam (**High Priority**)*

Future Projects:

- *(None)*

D. J. Montague Elementary School

FY07 Request: \$185,000

Proposed 5-Year Project Total: \$2,826,000

FY07 Projects:

- *Additional walk-in freezer storage space (High Priority)*
- *Start-up Engineering costs to replace HVAC system (Medium Priority)*

Future Projects:

- *Replacement of HVAC system equipment (Medium Priority)*
- *Roof Replacement (Medium Priority)*

Norge Elementary School

FY07 Request: \$183,000

Proposed 5-Year Project Total: \$183,000

FY07 Projects:

- *Surfacing of previously developed parking lot (Medium Priority)*
- *Remove tennis courts and convert to parking area (Medium Priority)*

Future Projects:

- *(None)*

Matthew Whaley Elementary School

FY07 Request: \$0

Proposed 5-Year Project Total: \$1,006,000

FY07 Projects:

- *(None)*

Future Projects:

- *Refurbishment (Medium Priority)*
- *Re-insulate attic (Medium Priority)*
- *Rebuild cupolas (High Priority) Cupolas are currently leaking, move from a medium priority to a high priority.*
- *Replace auditorium ceiling (Medium Priority)*
- *Re-brick front entrance (High Priority) Falling bricks are a safety issue, move from a medium priority to a high priority.*

James River Elementary School

FY07 Request: \$216,000

Proposed 5-Year Project Total: \$216,000

FY07 Projects:

- *Replace gym roof with standing metal seam (High Priority) This is a safety issue, move from a medium priority to a high priority.*

Future Projects:

- *(None)*

Jamestown High School

FY07 Request: \$184,000

Proposed 5-Year Project Total: \$895,461

FY07 Projects:

- *Construct maintenance catwalk for gym (High Priority)*
- *Replace Ranger Media System (Medium Priority)*

Future Projects:

- *Install noise control devices for AC in auditorium (**Low Priority**)*
- *Renovation of cafeteria serving lines (food court concept) (**Low Priority**)*
- *Install lights at soccer/hockey, football, and baseball fields (**Low Priority**)*

Stonehouse Elementary School

FY07 Request: \$0

Proposed 5-Year Project Total: \$229,000

FY07 Projects:

- *(None)*

Future Projects:

- *Construction of a bus loop canopy (**Medium Priority**)*

Berkeley Middle School

FY07 Request: \$0

Proposed 5-Year Project Total: \$5,342,500

FY07 Projects:

- *(None)*

Future Projects:

- *Auditorium light and sound system (**Medium Priority**)*
- *Expansion of cafeteria dining space (**Medium Priority**)*
- *Complete standing seam metal roof over remaining areas (**Medium Priority**)*
- *Renovate locker rooms (**Medium Priority**)*
- *Restroom renovations (**Medium Priority**)*
- *Refurbishment (**Medium Priority**)*
- *Replacement of HVAC system equipment (**Medium Priority**)*

James Blair Middle School

FY07 Request: \$180,000

Proposed 5-Year Project Total: \$3,758,500

FY07 Projects:

- *Replace canopy and sidewalk at bus drop in rear of building (**Medium Priority**)*
- *Replace grease trap and associated sewer lines (**High Priority**)*

Future Projects:

- *Interior Refurbishments: Paint, Tile, and Carpet (**Medium Priority**)*
- *HVAC system design and replacement, including kitchen area (**Medium Priority**)*
- *Resurface bus parking area (**Low Priority**)*

Cooley Field

FY07 Request: \$169,000

Proposed 5-Year Project Total: \$888,500

FY07 Projects:

- *Renovate visiting team and public restroom facilities (**Medium Priority**)*

Future Projects:

- *Install new lighting system at field (**Medium Priority**)*
- *Renovations and Upgrades: scoreboard, sound system, equipment/storage building, re-crown and re-sod field (**Medium Priority**)*

Toano Middle School

FY07 Request: \$605,000

Proposed 5 Year Project Total: \$5,680,000

FY07 Projects:

- *Expansion of cafeteria dining space (**High Priority**)*
- *Provide additional parking and install second entrance bus area (**High Priority**)*

Future Projects:

- *Expand auditorium to 452 seat capacity (**Medium Priority**)*

Lafayette High School

FY07 Request: \$441,750

Proposed 5-Year Project Total: \$1,565,750

FY07 Projects:

- *Field Drainage (Phase II) (**Not currently prioritized**)*
- *Replacement of tennis courts (**High Priority**)*
- *Renovation of 900 building (Career & Technical Program) (**Low Priority**)*

Future Projects:

- *Two outdoor science pavilions on headwaters of Powhatan Creek (**Low Priority**)*
- *Renovation of cafeteria serving lines (food court concept) (**Low Priority**)*
- *Interior Refurbishments: Carpet, Tile, and Painting (Phase I) (**Medium Priority**)*

Third High School – (High Priority)

FY07 Request: \$625,000

Proposed 5-Year Project Total: \$1,250,000

The funds in FY07 are being requested to fund the contingency for this project.

Fourth Middle School – (Low Priority)

FY07 Request: \$0

Proposed 5-Year Project Total: \$46,553,000

In an effort to address enrollment growth expected to occur over the next several years, the School Board has decided that a fourth middle school is needed. It is expected that this facility will allow the school division to maintain and/or enhance programmatic effectiveness at the middle school level. The school will open in the fall of 2009.

Eighth Elementary School – (High Priority)

FY07 Request: \$6,860,435

Proposed 5-Year Project Total: \$6,860,435

Funding is requested in FY07 for off site improvements, some of which the County may handle. The school is scheduled to open in the fall of 2007.

Ninth Elementary School – (Low Priority)

FY07 Request: \$1,000,000

Proposed 5-Year Project Total: \$26,989,000

In an effort to address enrollment growth expected to occur over the next several years, the School Board has decided that a ninth elementary school is needed. It is expected that this facility will allow the school division to maintain and/or enhance programmatic effectiveness at the elementary school level. The school will open in the fall of 2009.

Multi-Purpose Building – (Medium Priority)

FY07 Request: \$5,617,374

Proposed 5-Year Project Total: \$6,620,800

A multi-purpose building is requested to meet various identified needs of school division student programs, adult programs, student services, staff, records and archives, purchasing and storage. Current plans call for a 30,000 square foot two story building that will house CEO, Student Services and Records Storage. Phase II includes construction of a separate storage building. The main building will open in the fall of 2007. Funding is requested in FY07 for the construction, inspection and survey work along with furnishing the building. Funding is requested in FY09 and FY10 for the construction of the Records Storage Building.

Summary of JCSA CIP Rankings

The projects below are listed as originally ranked by JCSA. The Policy Committee made special note of several projects as follows, and as shown in the rankings below:

- (1.) These projects should be given special attention and higher priority as failure of the facility could cause significant environmental damage and/or affect public health and safety.
- (2.) These projects should be given special attention and higher priority as they are necessary to make existing facilities fully operational.
- (3.) These projects are exploratory rather than solutions to identified problems and the Committee felt that they should be of a lower priority.

High Priority Projects

King William Reservoir
Five Forks Water Treatment Plant Watermain
Riverview Plantation Distribution Water Lines
Lift Station 1-1 Powhatan Interceptor Sewer Main Rehab.
Monticello Storage Tank Modifications
Sewer System Improvements
Lift Station Upgrades (Seven Air Ejector Stations)
Water Supply Reserve
Sewer System Overflow Report Preparation

Medium Priority Projects

Well Facility Upgrades
Flextran Interceptor Sewer Main Rehabilitation **(1)**
Water System Improvements
Water Distribution Zonal Isolations
Ironbound Watermain Replacement **(2)**
Sewer Bridge Rehabilitation **(1)**
Evergreen Way Sewer Line Replacement **(1)**
Heavy Equipment Replacement
Tewning Road Facility Expansion
Kingswood Area Waterline Replacement **(3)**
White Oaks Waterline Replacement **(3)**
Indigo Park/White Sewer Replacement **(3)**
Kingswood Sewer Replacement **(3)**

Low Priority Projects

Water Storage Tank Demolition
Chisel Run Interceptor Sewer Main Rehabilitation **(1)**
Neck-O-Land Water Transmission Line
James Terrace Sewer Line Replacement **(1)**

CAPITAL IMPROVEMENTS PROGRAM RATING SYSTEM

This is the rating system which will be used by the Planning Division in ranking all CIP projects. CIP project funding requests will become part of the Five Year Capital Improvements based on their conformity with the strategies and policies of the Comprehensive Plan. This form is provided for your information only. Please do not attempt to rate your project request(s) using this form. The Policy committee will review this form and approve it or some variation thereof for use during consideration of funding requests.

<u>Rating Category</u>	<u>Points</u>
1. Implements Comprehensive Plan	
A. Implements specific strategy	20
B. Implements specific objective or goal	10
2. Project/Service Location	
A. Encourages development or service provision in appropriate areas as delineated by the Comprehensive Plan	10
B. Encourages development or service provision in inappropriate areas as delineated by the Comprehensive Plan.	-10
3. Service Needs	
A. Meets service needs which are totally unmet as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable).	10
B. Meets service needs which are inadequate as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable).	5
C. Commits the County to an entirely new service not addressed by the Comprehensive Plan or duplicates an existing community service.	-10
4. Project Timing/Urgency	
A. Cannot be reasonably postponed due to mandate or service/facility need.	10
B. Necessary within five years for anticipated needs.	5
C. Can be postponed for at least five years without detriment.	0
5. Project Funding	
A. Partially funded as part of previous fiscal year CIP.	10
B. Project will utilize Federal, State, Non-County, or Private sources or cost will be shared as part of a regional agreement.	5
C. Not previously funded and/or does not utilize any non-County funds.	0
6. Project Site Characteristics (if applicable)	
A. Utilizes an existing County-owned or controlled site or facility.	10
B. Preserves only potentially available and/or appropriate site or facility for the future.	5
7. Project Relationships	
A. Supports or improves existing facilities or services not addressed by the Comprehensive Plan (i.e., addressed by Tactical Plan, Master Water and Sewer Plan, Recreation Master Plan, etc.)	10
B. Contrary to County policy or negative impacts other programmed projects.	-10

UNAPPROVED MINUTES
POLICY COMMITTEE MEETING- First CIP review of requests
January 31, 2006

A. ROLL CALL

PRESENT:

Mr. Don Hunt
Mr. George Billups
Mr. Tony Obadal
Ms. Shereen Hughes
Ms. Mary Jones

ABSENT:

None

OTHERS PRESENT:

Ms. Sue Mellen, Director of Budget and Finance
Mr. John McDonald, Manager of FMS
Mr. John Horne, Development Manager
Mr. Matthew Smolnik, Planner
Ms. Ellen Cook, Senior Planner
Mr. David German, Planner

A. Introduction

Mr. George Billups opened the meeting and referenced a guide for CIP protocol that each member was sent. Mr. Matthew Smolnik summarized the agenda, had all parties introduce themselves, and noted that specific information on any proposal could be requested by bringing the proposing agency in to present their requests. He explained the ranking system and noted that a 5 year ranking was being implemented with staff setting priorities by giving each request a low, medium, or high status. Mr. Smolnik noted that there were two more total requests this year than last.

Ms. Jones asked if the long term rankings would fall under a separate arena to allow more focus on the requests for the next fiscal year. Mr. Hunt responded that the dollar figure should not have major weight and rankings should be based on importance. Ms. Hughes asked how projects with pre-secured grants factored in and what weight to give to projects with correlating Board adopted policies or master plans. Mr. Billups noted that the School Board could axe, move, forward and delay projects. He added that there were many projects that were not yet completed and would require additional funding through completion and that those might take precedent. Mr. Don Hunt stated that many projects have been on the list for many years. Ms. Jones stated that it would be helpful to know the current status of many ongoing projects.

Mr. Obadal asked if any of the Parks and Recreation projects had accompanying master plans and how to evaluate the projects without. He asked that comparisons between last year and this year be shown. Mr. Billups stated that the whole CIP process was based on

getting each project through the proper channels of consideration and to the Board of Supervisors. He noted that the flashy brochures for certain requests should be discouraged. He added that many of the requests submitted by Parks and Recreation likely do not have a master plan as many of them request cramming new parking and other space-consuming projects into existing parks, thereby reducing green space and open space. Mr. Billups stated that some of the projects slated for implementation in the fourth and fifth years of the CIP cycle had unrealistic cost projections based on inflation, growth, and other factors.

Mr. Smolnik stated that the CIP rankings should be based primarily on the strategies, goals, and actions listed in the Comprehensive Plan and asked the Committee to avoid concentrating on the year the project is proposed for. Mr. Billups noted that 15 million of the 194 million CIP fund was included in a referendum for Parks and Recreation that includes funding for County trails, Chickahominy Riverfront Park, Warhill Park, and Freedom Park. Mr. German began summarizing the individual requests.

B. Review of Requests

I. Parks and Recreation

- a) Freedom Park- Phase III: Mr. Horne noted that Parks and Recreation could give further information on any of the requests and explained how to assign priorities. Mr. Billups explained that projects were targeted for specific years. Ms. Hughes asked if staff could inform them of any project with a master plan. Mr. Horne responded that a master plan would not necessarily indicate a target date for completion of many of its projects. Discussion ensued about understanding the timing of requests based upon directives in a related master plan and the impact of surrounding development on feasibility of requests.
- b) Pool Resurfacing: Staff noted that there was no master plan.
- c) Greenways and Trails: The policy committee and staff discussed existing greenways and trails. Mr. Billups inquired about a record of completed projects and upcoming projects.
- d) Skate Park Lighting: No comments.
- e) Mid-County Park Parking Improvements: No comments.
- f) Mid-County Park Playground Improvements: Mr. Billups noted that new space demands are reducing open space at parks that have no ability to expand and questioned the need to replace lumber that was simply aged. Mr. Horne noted that there was a history of problems that led to the request. Mr. Hunt stated that part of the request was intended for the remediation of copper arsenic infiltration of soils.
- g) Mid-County Park Building Replacement: No comments.
- h) Ironbound Square Park Improvements: Mr. Horne noted that the park was an existing park in need of rehabilitation. Ms. Jones asked about the feasibility of making it a Boy Scout project. Mr. McDonald stated that

part of the project may be included in a separate grant obtained by the Housing and Community Development Division.

- i) Upper County Park Restrooms and Paving: Staff noted that there was no master plan.
- j) Greensprings Trailhead Parking: Mr. Billups asked if the County was funding this alone. Mr. Hunt stated that there should be some Federal money for the project. Mr. Horne responded that the County would fully fund this project. Ms. Hughes asked why the existing Jamestown parking lot wasn't being utilized. Ms. Jones stated she felt it was unnecessary. Ms. Hughes stated she had been there many weekends and that adequate parking was already available. Mr. Horne noted that the Committee should discuss the projects submission with Parks and Recreation and in conversations with W-JCC Schools.
- k) Lighting for School Fields at Stonehouse Elementary and New 8th Elementary: A question was asked about what the fields were used for and who was paying to maintain the fields since they were often used by baseball leagues that were not school sponsored functions. Mr. Horne noted that they were practice fields for County league practice, not schools. Ms. Hughes asked about a possible overlap in funding for schools and parks and recreation projects. Mr. Horne noted that this project was specifically directed by County Administration. He noted that private organizations were running the league and providing recreation service in exchange for County maintenance and funding of facilities.
- l) James City/Williamsburg Community Center Park Parking Expansion and Lighting: No comments.
- m) James City/Williamsburg Community Center Park Restroom Facilities: No comments.
- n) James City/ Williamsburg Community Center Expansion: No comments.
- o) James City/Williamsburg Community Center Playground: No comments.
- p) James City/Williamsburg Community Center Park Tower Site Phase II: Ms. Jones asked which tower was being referenced. Mr. Hunt noted that it was the James City County water tower. Ms. Hughes stated that the site was supposed to accommodate a passive park and walking trail according to the Comprehensive Plan.
- q) James City/Williamsburg Community Center Park Tower Site Restroom Facility: No comments.
- r) Warhill Sports Complex Phase V: Ms. Hughes asked if all the plans including all parking facilities have already been approved and cited environmental concerns. Mr. Horne answered that not all the parking facilities had been approved at the site plan stage, but that an overall master plan had been approved for the site by the Board of Supervisors.
- s) Warhill Sports Complex Crosswalks: No comments.
- t) Warhill Sports Complex Basketball Lights and Shelters: Mr. Billups asked if Thomas Nelson Community College was involved. Mr.

McDonald responded that the facilities were County facilities.

- u) Warhill Sports Complex Community Multi-Purpose Gymnasium Facility: Ms. Mellen asked about the relation between this proposal and the auxiliary gyms proposal that was slated for review in 2007. Ms. Shereen Hughes asked if the request for Parks and Recreation request or W-JCC Schools. Mr. Hunt noted that 3.5 million was likely for the planning and engineering and not actual construction costs. Mr. German responded that the planning and engineering required 350,000 and the construction costs were estimated at 3.15 million dollars. Ms. Hughes stated that she would not support this project because it did not take advantage of the “shared facilities” directive in the Comprehensive Plan and was a huge bill. Mr. Billups stated that it should be given low priority. Mr. McDonald stated that it was a practice facility but did not accomplish all the objectives associated with the auxiliary gyms. Ms. Hughes asked if the building could be funded through a public-private cooperative effort. Ms. Hughes stated that she would like to have Parks and Recreation further explain the proposal but recommended that both Parks and W-JCC schools should be in the same room talking about the proposal. Ms. Jones noted that a lot of people representing various interests in the proposed facility may be in the dark because they weren’t privy to independent meetings held by individual organizations.

II. Development Management

- a) Columbia Drive and Utilities: No comments.
- b) Economic Development Authority Drive and Utilities: Mr. Horne noted that both projects were in the James City Commerce Center, and stated that for many years the County was in partnership with Colonial Williamsburg and WDI to jointly develop the property. He stated that they had reached a property exchange agreement where the majority of the back of the property would come under EDA control. He stated that the road was placed to market sites in the industrial area and that the proposals were for funding of infrastructure for extension into the EDA’s property.
- c) Metropolitan Area Network Fiber Ring Replacement: Mr. McDonald noted that this request was for continued funding of an ongoing project that received 500,000 in the first year.
- d) Wayfinding Signs: Ms. Jones asked if the project received high priority last year. Mr. Horne responded that the project did, and received 95,000 dollars to begin the project. He added that the current proposal was to aid in completion of the project. Ms. Hughes and Ms. Jones inquired about the difference between the requests for the signs and for non-departmental road improvements. Mr. Horne and Mr. German clarified that the Wayfinding Signs request was for the placement of the signs, and the Non-departmental road improvements request was for maintenance of

the signs, mainly reparations from vehicular damage.

- e) **Pedestrian Facilities:** Ms. Hughes asked for an example of the various proposed facilities. Mr. Horne noted that the facilities were proposed in accordance with the Sidewalks and Trails master plan. He stated that this was an ongoing request often categorized as sidewalk funds or road improvements.

III. Library Board

- a) **Third Library:** Mr. Billups asked about the viability of existing facilities. Ms. Hughes noted that there were Comprehensive Plan requirements that specify amount of required space per capita. Mr. Hunt stated he wanted more justification of a need for a library in 2013. Mr. Billups stated that once the request is reduced to paper it should have a plan for location already in the works. Mr. Billups criticized the lack of pre-planning in obtaining property for foreseeable community needs.

IV. Public Safety

- a) **Fire Station 4 Replacement:** Discussion ensued about the location and proximity to City of Williamsburg fire services. Mr. Billups asked if the new station would be relocated or replaced on the existing property. Mr. McDonald responded that a lot of the Fire Departments planning for the new building was contingent upon upcoming decisions related to the proximity of service to City of Williamsburg stations.
- b) **Engine/Pumper Replacement:** No comments.
- c) **Heavy Rescue:** No comments.
- d) **Engine/Pumper Replacement:** No comments.
- e) **Fire Station 3 Renovation:** Mr. Obadal inquired about the need for renovation to meet “employee diversity issues.” Mr. German responded that separate bunking facilities and restrooms were needed for female employees.
- f) **Ambulance Replacement FY07:** See comments below.
- g) **Ambulance Replacement FY08:** Mr. German explained that two ambulance replacements were proposed, one for FY07 and one for FY08. Ms. Hughes questioned the need for complete replacement after only 3 years. Mr. German summarized the advantages to purchasing only medium-duty ambulances from this point forward as disclosed by Fire, mainly that light-duty ambulances have to be replaced more frequently. Ms. Jones stated that it was a dire need according to Fire. Mr. Hunt stated that he trusted that the new trucks were a priority to Fire. Mr. Hughes noted that Ms. Hughes had a point in inquiring about a possible delay of replacement until FY09 or FY10.

- h) Citizen Response System: No comments
- i) Police Generator at LEC: Ms. Hughes stated that she didn't disagree with the need but questioned the necessity of the scale.
- j) New Police Building: Ms. Hughes noted that there was free land in Stonehouse for a new building. Mr. Horne responded that they have to look in the Central area of the County. Mr. McDonald stated that this was the main headquarters building and being proposed to replace the existing LEC. He added that each of the Fire Stations contained space reserved for police officers to fill out reports and do paperwork and therefore served as branches in a way.
- k) Mobile Data System: Mr. McDonald explained that the request included new laptops, software for new patrol car laptops, and funding for licensing agreements.

V. General Services

- a) General Services Building: No comments.
- b) Crossroads Building Replacement: No comments.
- c) Security Card Access: No comments.
- d) Roof Replacements: Mr. Billups questioned if the entire roof replacement was necessary. Mr. Horne noted that General Services did regular inspections and determined that the entire roof needed to be replaced. He added that there are many cases where only sections of a roof are replaced but that this case was deemed otherwise. Ms. Hughes noted that some of the roof designs were out of date, especially in the schools, leading to constant band-aid roof repairs.
- e) Human Services Generator Installation: No comments.
- f) Roof Replacement/Locker Room & Sauna Renovation: Ms. Hughes asked if the renovations were for the Rec Center. The committee confirmed. She asked why the request was not a Parks and Recreation request. Ms. Mellen noted that General Services was responsible for servicing all County Facilities. She added that they had to make constant repairs to the sauna facility. Ms. Hughes asked if the sauna was mal-functioning. Mr. Smolnik noted that one problem was with the hot water heater.
- g) Satellite Services Relocation: No comments.

VI. Operating Contribution Projects

- a) Bikeways and Multi-Use Paths: Mr. Billups asked if the request is to cover operating costs. Mr. Horne responded that the paths and bikeways would actually be built.
- b) Road Improvements: No Comments.

- c) Non-departmental Underground Utilities: No comments.
- d) Road Match: Mr. Horne stated that the money was specifically for VDOT's revenue sharing program and that this was the County's way of budgeting for the receipt of these funds. Mr. McDonald noted that the State was increasing the amount from one million to eight million, and in essence shifting the costs that were typically theirs to localities that will match up to that amount.
- e) Non-Departmental Road Improvements: Mr. Horne stated that future discussions would decide if the request should be included in the CIP. Mr. Horne noted that the request was for money to repair signs that were damaged by motor vehicles.
- f) Non-Departmental Water Quality: No comments.
- g) Water Quality: Ms. Hughes asked if this was for maintenance of BMPs and stream channel restoration. Mr. Horne stated this covered construction costs not maintenance. He added that an example would be renovating an existing BMP to bring it up to performance standards. Discussion ensued about the distinction between CIP and non-departmental requests in the spreadsheet. Mr. McDonald noted that the CIP would include regional stormwater systems, Warhill, etc. and that the non-departmental request would include stream restoration that was needed on private properties. Ms. Hughes asked if the request was tied to the watershed management plan. Mr. Horne referenced a spreadsheet that lists restoration projects on various properties around the County.

VII. Schools

- a) Clara Byrd Baker E.S.: No comments.
- b) Rawls Byrd E.S.: Ms. Hughes asked about the capital project detail for Toano Middle School in the School Board CIP packet. She asked about the breakdown of costs for the cafeteria expansion. Mr. McDonald noted that the first figure represented the cost for engineering and planning and that the second figure was the hard dollar cost for construction. Mr. McDonald further explained that contingency money was set aside for unanticipated costs during construction. Ms. Hughes stated that the 1,945,000 cost for reconstructed diagonal parking seemed like an overquote. Mr. McDonald noted that a large part of that cost was for general refurbishment with the specific breakdown listed under the chart.
- c) D.J. Montague E.S.: Mr. Obadal asked if air conditioners were included as items that needed routine maintenance or if they were to be completely replaced based on a product lifecycle. Mr. Horne stated that the item was included more as a capital

maintenance cost than a capital project. Mr. Smolnik stated that requests would be labeled as “repair” or “routine maintenance” costs in the future.

- d) Norge E.S.: No comments.
- e) Matthew Whaley E.S.: No comments.
- f) James River E.S.: No comments.
- g) Jamestown H.S.: No comments.
- h) Stonehouse E.S.: No comments.
- i) Berkeley M.S.: Ms. Hughes questioned the absence of funding going to restroom renovations given plumbing problems. Mr. McDonald noted that 300,000 was included for restroom repair. Mr. Billups asked why the repairs had not been completed with funding acquired in previous CIP budgets for expansion. Mr. McDonald noted that the district added many students and not all of the general projects could be completed due to expansion costs.
- j) James Blair M.S.: No comments.
- k) Cooley Field: Ms. Hughes asked about the purpose of the Cooley Field versus the new stadium. Mr. McDonald stated that Cooley Field was to be used for high school junior varsity and middle school games to disperse parking between the Field and the stadium, which would accommodate high school varsity soccer and football games. He added that this is a school board request because the school owns and maintains the facilities.
- l) Toano M.S.: No comments.
- m) Lafayette H.S.: No comments.
- n) Third H.S.: No comments.
- o) Fourth M.S.: No comments.
- p) Eighth E.S.: Mr. Smolnik noted that only a portion of the 6-8 million would be used for off-site improvements. He added that the total requested also included, planning, construction, and other project costs.
- q) Ninth E.S.: Mr. McDonald summarized the timeline of projected contract bids, construction, and opening of new proposed school facilities.
- r) Multi-Purpose Building: Mr. Billups expressed concern over the School’s justification for estimated costs. He added that the project should be given low priority and questioned if the proposal couldn’t be grouped with the eighth elementary school in an effort to consolidate projects to reduce property costs. Mr. McDonald stated that a major issue was moving into owned space and getting out of rented space that was no longer secure on a long-range basis. He noted that retention requirements for school records posed a challenge and resulted in much-needed space for records storage. Mr. Billups asked which groups the

Committee though they should bring in.

C. Confirmation of Questions/Presenters/Order

Mr. Billups asked which groups the Committee thought should be brought in. Mr. Smolnik stated he believed the consensus was for Parks and Recreation, Fire, Schools, Police, and JCSA to individually present their proposals. He noted that Parks and Recreation and Schools should be on separate days since they each have the most requests. Ms. Hughes stated that she would like to see Parks and Recreation present all the requests park by park, note what master plan it referenced, and funding priorities according to the master plan. Mr. Billups and Ms. Hughes noted that it would be a good idea to get Schools and Parks to meet separately to work out possible overlaps in requests. Mr. McDonald explained how the requests were different in terms of spectator gyms versus practice gyms, and which projects were school-operated versus parks-operated. Ms. Hughes stated that she thought all the kinks needed to be worked out before pursuing a 4 million dollar budget.

Ms. Hughes stated that she would ask Schools about proposed expansion plans to the existing middle schools due to over-capacity even with the proposed new middle school. Mr. Horne and Ms. Hughes discussed how the non-departmental underground utility requests were funded. Mr. Horne noted that it was initially funded with a small percentage of property tax and has evolved into specific projects that need CIP funding. Mr. Billups discussed questions that the schools should be asked.

Mr. Tony Obadal asked if the County was investing in debt-service financing or if it was pursuing bond financing. He asked how much the County was increasing its debt-service financing and whether it aligned with money coming in as tax revenue. Mr. McDonald noted that the County's fiscal capacity was substantial and that the County's tax base was comparable to the City of Hampton's. He added that the County enjoyed high interest rates and noted that increasing rates might be introduced in the future to help pay for schools, and other public facilities and utilities. Discussion ensued about debt-financing versus revenue.

D. Next Meeting

Preparations for the following meeting were made.

E. Adjournment

The meeting was adjourned at 5:40 p.m.

George Billups
Chairman

O. Marvin Sowers
Secretary

UNAPPROVED MINUTES
POLICY COMMITTEE MEETING- Second CIP review of requests
February 8, 2006

A. ROLL CALL

PRESENT:

Mr. George Billups
Ms. Shereen Hughes
Ms. Mary Jones

ABSENT:

None

OTHERS PRESENT:

Ms. Sue Mellen, Director of Budget and Finance
Mr. John McDonald, Manager of FMS
Mr. Tal Luton, Fire Chief
Mr. Todd Wilson, District Fire Chief
Mr. Larry Foster, General Manager of JCSA
Mr. Bob Smith, Assistant Manager of JCSA
Mr. Alan Robertson, W-JCC Schools
Mr. John Horne, Development Manager
Ms. Ellen Cook, Senior Planner

A. Introduction

Ms. Ellen Cook opened the meeting and introduced Mr. Luton and Mr. Wilson.

B. Discussions and Presentations

1. Fire Department Presentation

Mr. Wilson noted that the medium duty ambulance request could possibly be delayed a year but added that the light duty ambulance normally produced five years of front-line service and three to four years as a reserve unit. He added that the current light duty ambulance was being overtaxed due to reserves currently under repair. He noted that they currently had two reserve ambulances, and five front line ambulances. Mr. Wilson stated that they would like to retire the two current reserve ambulances, manufactured in 1996 and 2000, and replace them with two light duty ambulances manufactured in 2000 and 2003 and near the end of their productive life cycles. He stated that the Fire Department intended to switch to a medium-duty ambulance with a heavier truck chassis with an expected ten year front line service life cycle.

Mr. Billups asked if the ambulances would be donated or resold for other organizational use. Mr. Wilson stated that they would sell the two reserve ambulances and future retired ambulances to resale for markets in South America and Mexico. Ms. Jones asked if this helped offset costs. Ms. Hughes asked if the Citizen Response System was part of Fire

and Rescue. Mr. Luton stated that he co-signed on the system because he was responsible for the 911 center and noted that the system was being established to help alleviate and remove traffic entering the 911 center. He noted that the system would be automated to help respond to routine requests automatically and to reduce the amount of phone traffic that is coming to dispatchers that are needed for police contacts and 911 emergency calls.

Mr. Billups asked for clarification that current vehicles weren't deteriorating and that the Fire Department wanted heavier duty vehicles to increase efficiency and capacity. Mr. Wilson stated that the design for the medium duty vehicles was ideal for accommodating higher mileage and a longer lifespan but added that all the current vehicles were wearing out. Mr. Billups asked if health and safety factors would be increased by delaying replacement of the ambulances. Mr. Wilson stated that the medium duty ambulances would provide them more reliability, especially near the end of their life spans.

Mr. Billups asked how Fire would prioritize their requests. Mr. Wilson stated that the ambulances were a high priority, given the need to replace operating equipment. Mr. Wilson noted that historically they received one new ambulance every year but with the new "five front-line, two-reserve" set-up, they would have years where two ambulances would be requested and others where no new units would be requested.

Ms. Hughes asked how Fire would rate the station 3 renovation. Mr. Luton explained that when station 3 was built that they only staffed one female employee of 50 total on staff, adding that the Fire Department now had a 20% female staff with three female employees working at Station 3. He emphasized the need for separate bunking and bathing facilities to accommodate a more diverse work force. Ms. Hughes asked about the possibility of moving staff around to avoid the cost of expanding the Station 3 facility. Mr. Luton stated that Station 3 had the perception as the big house or the major station, and reasoned that he did not want to deny the opportunity to get experience at Station 3 to any employee.

2. JCSA Presentation

Mr. Foster introduced Bob Smith. Ms. Hughes asked if the tank demolition included the tower at James City County-Williamsburg recreation center. Mr. Foster confirmed that the tower at the recreation center would be demolished in 2009. Mr. Foster noted that a special use permit had been obtained to build the new replacement towers, which he anticipated to be ready and in service in two years. Ms. Hughes stated on a separate note that Parks and Recreation could not build a trail on the site until the tank was demolished. Mrs. Hughes asked why the water supply reserve escrow fund went up significantly in 2010. Mr. Smith responded that it was an escrow account that was used for unanticipated projects that need funding during a particular year, but were not originally identified. He added that when they reached 2010 they would identify additional projects. Mr. Foster noted that the funds in that account would be swallowed up with the King William project in addition to other smaller projects, that they could not possibly budget enough for it, and that additional financing would also likely be needed.

Ms. Hughes asked if money from proffers for sewer/water went into an escrow account. Ms. Mellen stated it went into their revenue stream and partially funded research and development. She added that for 2007, a certain amount of funding comes from water and sewer connection fees, and proffers, and that additional funding may need to be obtained by other means. She further explained how proffer money related to revenue forecasts, noting that once proffer money came in budgets were reallocated to direct that money toward certain projects. Mr. Smith added that it was difficult to project what proffers they would receive, so those numbers were not built into forecasts.

Ms. Hughes asked if expenses shown in 2007 were carried over from something approved the previous year. Mr. Smith stated it could be part of a multi-year project. Ms. Hughes asked which projects depended on the CIP money to facilitate their completion. Mr. Smith responded that information could be emailed. Mr. Billups asked about potential problems with the desalinization plant in terms of starting production and getting it kicked out into the system. Mr. Foster referenced projects that will help maximize the production capacity of the desalinization plant. He referenced some other projects that did not have adequate flow to meet fire demands and he stated that those project estimates were programmed into their CIP requests.

Mr. Billups asked how JCSA was geared to accommodate the Greensprings expansion project. Mr. Foster answered that it was part of the central water system and that they look at how the conceptual expansion can be tied in to the central water system service. He added that the developer was usually responsible for 100% of costs but that occasionally loop water lines were installed by JCSA to improve the hydrolics of the entire system. Discussion ensued about requested upgrades to older water systems. Ms. Hughes asked if Stonehouse would pay for the cost to bring their community well into the central water system. Mr. Foster confirmed and noted that the objective was to tie their system in to compliment the central water system and that there were benefits for both. Discussion ensued about projected future capital outlays. Mr. Foster summarized that water supply was the major item to be addressed. He added that due to increasing water/sewer regulation from the EPA, the JCSA was increasingly investing more money into sewer rehabilitation and replacement.

Ms. Jones asked for a ranking priority. Mr. Foster referenced a sheet that broke the individual requests down by priority level, noting that the King William reservoir was the highest priority. Discussion ensued about the merits of listed high priority projects. Mr. Foster explained the technicalities of how various systems around the County worked and example of situations in which systems can partially fail. The Committee thanked Mr. Foster and Mr. Smith for their time.

3. Schools Presentation

Mr. Robertson spoke to the Warhill multi-purpose gymnasium, stating that there was a joint-use committee comprised of Schools and Parks staff that worked out kinks in

overlaps and conflicts of interest for schools and parks facility use. He stated that the County Administrator had proposed the multi-purpose facility as being an option to satisfy the athletic facility need. He stated that in terms of similarities, the facility infrastructure itself was comparable to an auxiliary gym. He stated that the auxiliary gyms were not added as a CIP request because they wanted to evaluate alternatives and did not think that they would be granted money for an auxiliary gym at each school. He added that from an equity standpoint they reasoned that a better option was to first look into other alternatives. He added that if the County found it unrealistic to build three auxiliary gyms than the multi-purpose facility alternative was great. He added that if he could have only one or the other, the auxiliary gyms would be preferential for several reasons. He listed two major advantages including 1) access for health and P.E. classes and location advantages for school sports teams and 2) transportation advantages considering the restrictions placed on students driving to school-sponsored events after school hours. In conclusion, he stated that having the multi-purpose facility would be better than having no facilities, and added that he understood his chances were slim to get approval for three auxiliary gyms given rising construction costs.

Ms. Jones stated she thought it was a big mistake not having the auxiliary gyms in the CIP request and downplayed equity as a consideration for leaving it off. Mr. Robertson noted that the school board had received many opinions from school parents who would be displeased if their respective school did not receive equitable treatment in getting needed facilities. Ms. Jones and Ms. Hughes acknowledged that it was a political issue but stated that people do not want to see the same mistake made consistently. Ms. Hughes stated her concern was trying to discern if some of the requests were for short-term fixes that may eventually be alleviated with the building of three new schools. Mr. Robertson stated that the Stonehouse and Norge expansions will bring those schools to the maximum allowable capacity level set forth by the School board, specifically, 700 students per elementary school. He added that the request was made to help even the playing field and bring existing facilities to a level that will maximize their capacity. Ms. Hughes asked if evening the playing field was a priority or if it could be done down the road and after the new facilities were built. Mr. Robertson stated that projections showed that during the future build out of the eighth and ninth elementaries, Stonehouse and Norge would be pushing capacity, and the request was designed to save money by avoiding the continued practice of installing and removing trailers and their required infrastructure.

Mr. Billups asked about the possibility of a K-8 school. Mr. Robertson responded that a lot of consideration would have to go into such a proposal. Discussion ensued about various approaches to cost-saving. Mr. Billups stated that the need for auxiliary gyms seemed program driven. Mr. Robertson concurred and stated the space was needed for required program activity and that creative solutions have had to be incorporated. Ms. Jones noted that the gyms should have been promoted for their ability to accommodate in-school programs instead of only highlighting the advantages they would bring to after-school programs.

Ms. Hughes asked if the 700 student cap was written into the comprehensive plan. Mr. Robertson stated that the schools were developing efficiency standards that include building, design, and site standards including school size standards for adoption by the Board, set at 700, 800, and 1250 students for elementary, middle school, and high schools respectively. Discussion ensued about the third high school. Ms. Hughes referenced applicable sections of the comprehensive plan that spoke to the school capacity levels that Mr. Robertson referenced. Discussion ensued about the reasoning behind not pursuing a 900 student capacity at the middle school level when the need was spelled out in the comprehensive plan.

Discussion was initiated about the schools method of ranking critical projects by assigning them to tiers. He explained that tier 1 was health and safety, and tier 2 growth and capital maintenance. He noted that projects within each tier were listed in order of priority. When questioned, Mr. Robertson explained the parking expansion requests as being necessary for accommodating major events such as PTA meetings. Discussion ensued about the need for resurfacing tennis courts. Ms. Hughes asked if any of the refurbishment requests were carried over from previous years. Mr. Robertson identified Norge tennis courts, catwalks, and media systems as projects that did not get funding. Mr. McDonald and Mr. Billups engaged in discussion of how priorities had changed from previous years and discussed the challenges that the need for new facilities placed on refurbishment requests.

Ms. Jones asked if it was possible to obtain a listing of what was funded the previous year. Mr. Billups noted that they were challenged to make an independent decision. Ms. Hughes stated that if it was a continuing project, that information was important. Mr. Robertson stated that there was a reasonable expectation that tier 3 and tier 4 projects would likely not get priority in the CIP process. Ms. Hughes inquired about Cooley Field. Mr. Robertson stated that all the JV sports teams will move to Cooley Field and with each school having three teams each, the field would stay booked. He added that all the varsity teams would play at the new stadium.

Ms. Hughes inquired about the need for lighting at sport facilities and asked if they were a duplication of the Cooley Field request. Mr. Robertson responded that the lights were requested for school practice facilities. Ms. Hughes referenced a Parks and Recreation proposal to add lights to several elementary schools. Mr. Horne stated that the retrofitting of existing school field lighting was showing up as Parks and Recreation CIP requests and ensured that lighting for newly proposed school facilities were included in the total cost estimate listed in the request. Mr. Billups called attention to the priority rankings. Mr. Robertson stated that the request for the multi-purpose building had been removed as a CIP request. Discussion began about the possibility that rankings could be made but not voted on by the Board of Supervisors. Ms. Hughes asked why the ninth elementary school request asked for funding for FY07 but the fourth middle school request did not. Mr. Billups again raised the possibility of using County acreage to implement a K-8 school. Ms. Hughes stated that from a planning perspective she would be surprised if the ninth elementary school needed immediate funding and the fourth middle school did not.

Mr. McDonald stated that both schools would be scheduled to open in fall of 2009. Discussion continued about the current capacities at County middle schools. The Policy Committee thanked Mr. Robertson.

C. Adjournment

Arrangements were made for the third meeting and the meeting was adjourned at 5:40 p.m.

George Billups
Chairman

O. Marvin Sowers
Secretary

UNAPPROVED MINUTES
POLICY COMMITTEE MEETING- Third CIP presentations
February 9, 2006

A. ROLL CALL

PRESENT:

Mr. George Billups
Ms. Shereen Hughes
Ms. Mary Jones

ABSENT:

Mr. Tony Obadal

OTHERS PRESENT:

Ms. Sue Mellen, Director of Budget and Finance
Mr. Emmett Harmon, Fire Department
Mr. John McDonald, Manager of FMS
Mr. Paul Tubach, Park and Greenway Planner
Mr. John Carnifax, Director of Parks and Recreation
Mr. Matthew Smolnik, Planner
Mr. David German, Planner

A. Introduction

Mr. Billups opened the meeting and Mr. Smolnik introduced police department staff in attendance to present their CIP requests.

B. Presentation and Discussions

1. Police Department CIP Presentation

Mr. Billups asked Mr. Harmon to present the police department requests in priority order. Mr. Harmon stated that the mobile data terminals were the highest priority. He expressed that although the department had run out of space in the current building, the need to expand into a new police building could possibly be put off for a year. Mr. Billups asked for further explanation of how much had currently been invested into the data terminals. Mr. Harmon stated that ten data terminals had already been ordered during the current fiscal year, with ten more proposed for FY07. In response to Ms. Jones inquiry, Mr. Harmon noted that the initial ten were approved in last years CIP budget and that the current proposal was a continuing request.

Mr. Harmon stated that the request would help alleviate radio traffic being handled by central dispatchers. He noted that a portion of this traffic was created by police officer requests for wanted-checks and license checks. He added that the terminals would allow officers to complete reports in-vehicle and access needed databases such as "Links" which served all of Hampton Roads and allowed police officers to view mug shots and other information.

Mr. Billups asked how many units were being requested per staff member. Mr. Harmon responded that one unit would be needed for each sworn officer in the field and the investigator. Ms. Hughes asked how many officers there were. Mr. Harmon answered that there were 77 sworn officers, not all field officers. Ms. Jones asked how long the technology would last before requiring updates. Mr. Harmon described the mobile data system as robust but noted that updates were inevitable with technology. Mr. Billups asked what the software costs were per year. Mr. Harmon stated that Motorola would handle maintenance contracts. He added that a different vendor would have to be pursued for records management system maintenance.

Mr. Billups asked when the bulk of the funding would be requested. Mr. Harmon responded that the request would be made for FY08. He reiterated that the mobile data system was their first funding priority, and that although they were out of space at the current Law Enforcement Center they could possibly delay expansion for a year. He explained that entire departmental units were located in scattered off-site locations throughout the County including Prime Outlets, but added that leased spaces were cramped. Ms. Jones asked about possibilities for the facilities location. Mr. Harmon stated that a Committee had been tasked with identifying the most strategic locations, and that a report with the top five recommended locations was given to the County Administrator. He stated that the top sites were decided using various criteria including: 1) geographically centered, 2) close access to 199. Mr. Harmon stated that the top location was the Warhill location, as it best met the criteria, with Eastern State and New Town being second and third, respectively.

Mr. Billups asked about potential tracts on Centerville Road. Mr. Harmon responded that one parcel was looked at but it did not provide close access to Route 199. Ms. Hughes asked if the stated request included the price of purchasing the property. Mr. Harmon noted that the request included the cost of purchasing land and site development and that those costs could be subtracted if they located on County land. Ms. Hughes asked if the mobile data system would take any strain off the need for office space. Mr. Harmon responded that it would not alleviate space needs but would take an excessive call volume off of central dispatch. Ms. Jones noted that officers would be able to do reports in the car.

Mr. Harmon stated that not every job was an office job, but that they had budgeted for some needed office positions and had no space at this point to put them. He added that last year they had a 25 % increase in calls for services, but noted that there were ideas for temporary space to stretch until they could get funding. He added that six or seven years ago, the department requested a building with nearly twice the amount of space they currently had at the law enforcement center, so the need was an existing one. He added that they were trying to up the officer-to-citizen ratio since they currently had one

of the lowest ratios at 1.35 officers per 1,000 citizens. He pointed out that the City of Williamsburg had 2.6 officers per 1,000 citizens, partially due to tourists, but added that the James City County tourist population was large as well and would be an added incentive for additional officers. He stated that the County had a comparable tourism impact from attractions such as Busch Gardens, Jamestown, and Prime Outlets, noting that they would like to get the number of officers up to 1.75 per 1,000 residents in an effort to mitigate the impact as well as expand current services.

Ms. Hughes stated that consideration regarding timing would have to be given to the coordination of the proposed fire expansion with the proposed new police building. Mr. Harmon stated that the current law enforcement center was a good building and that it would help to meet the fire departments needs. He added that an offer had been made to convert the building into a joint public safety building that would provide new facilities for training and fire administrative services. Ms. Hughes asked if the mobile data system coordinated with the citizen response system. Ms. Mellon responded the citizen response was a 311 information system and the mobile data terminals were for access of police records and information.

Ms. Hughes asked if the new building request had been approved by the Board of Supervisors. Mr. Harmon that it had been submitted for review, but not yet approved by the Supervisors, noting that it had been a recurrent CIP request for several years. He added that the Board instructed them to hire a professional architect to perform a needs assessment and space allocation, which was completed and resulted in a recommendation for a larger space allotment. Ms. Jones asked if the target staff level was accounted for with the space/needs assessment. Mr. Harmon confirmed it had been taken into account. Ms. Jones and Ms. Hughes agreed that coordination was needed on CIP requests for fire and police to work out the kinks with potential overlaps and concurrent execution. Ms. Mellon stated that Fire's space needs were temporarily being helped with some space in McLaw's Circle.

Ms. Jones asked about the possibility of a new joint police/fire building. Mr. Billups asked how close the new facility needed to be to Route 199 and what the Northern and Southern-most boundaries were for an ideal centralized location. Mr. Harmon replied that they did not want to be located any further South of where they currently were, and ideally would not be any further North than the Warhill site. Mr. Billups asked about potential sites in Lightfoot. Mr. Harmon agreed that a site location near Lightfoot would be acceptable, but that the downside was proximity to 199. Mr. Harmon noted that Eastern state had previously deeded land to the County for the current recreation center, and stated that depending on how things worked out, it was possible to be able to obtain land from Eastern State again. Mr. Horne noted that at this point speculation should be taken lightly due to the political nature of the anticipated consolidation. He stated that multiple levels of State

government would likely be involved and that the site should not be relied upon at this point. Mr. Billups raised the possibility of using a section of Mid-County park. Discussion ensued about various possibilities for relocation including New Town.

Mr. Harmon responded to the question of whether additional funds would be requested for removal of underground diesel tanks previously raised by the Policy Committee. Mr. Harmon stated that this request was originally lumped in with the Williamsburg Conservancy's request for a generator. He added that a larger generator was recommended to meet service needs, and a cost adjustment was made. He noted that the tank would require an additional \$2,000 not included in the CIP request. Ms. Jones asked what the law enforcement center currently had. Mr. Harmon stated that there was a generator but that it did not power the entire building. Mr. Billups thanked Mr. Harmon for his input.

2. Parks and Recreation CIP Presentation

Mr. John Carnifax introduced himself and presented master plans for various parks. Ms. Hughes requested that he note which master plans were approved by the Board of Supervisors. Mr. Carnifax noted that both Warhill and Freedom Park were approved by the Supervisors. He added that every project they had done was consistent with the comprehensive plan and the Parks master plan with the exception of the skate park. Ms. Jones asked what the Parks master plan was. Mr. Carnifax stated that the master plan was updated internally since 1993, and included public meetings and opportunities for input. He added that one budget request is geared toward updating the Parks and Recreation master plan for 2007. Ms. Jones asked about the requested amount. Mr. Carnifax stated that \$80,000 was requested. Ms. Jones asked what the update entailed. Mr. Carnifax stated that the difference between the plans is that with the Parks and Recreation master plan update, the division engages the public in discussing facilities, programs, teams, senior, and asks for input on what new programs could be provided and how needs could be addressed over the next 10 to 15 years.

Mr. Carnifax stated that all the projects were consistent with the comprehensive plan and Parks and Recreation master plan. He stated that concerning the water tower site, JCSA gave them some of the property and they received a special use permit to operate the skate park on the site. He noted that they did not have a master plan for the site, and so their plan for the next 12 months was to take the community center site, and the water tower site and master plan it to add parking and needed facilities. Mr. Billups asked about green space. Mr. Carnifax stated that they were in compliance with open space and green space requirements and went through the same review process that any applicant would. He noted that they were challenged at the Mid-County Park, the community center, and the James River site but

exceeded requirements at Warhill, Upper-County Park, Freedom Park, and Chickahominy Riverfront Park.

Mr. Billups asked if greenspace was being removed to add parking at Mid-County Park. Mr. Carnifax presented an aerial overhead and stated that the proposed location of parking was chosen to avoid encroachment upon current athletic fields. He added that open space would not be impacted and that future trails would not be effected. He noted that summer rental requests were often unable to be accomodated at Mid-County Park because of lack of available parking stemming from athletic events. He added that the summer fun fest had been moved to Chickahominy Riverfront Park for the same reason.

Mr. Billups asked if there were any multi-use fields. Mr. Carnifax responded that though seldom, lights were placed on existing baseball fields for use as football fields in the fall. He added that fields at Warhill were used for multiple uses. Mr. Billups asked about the possibility of discouraging driving and promoting walking and biking to the park. Mr. Carnifax stated that the pedestrian corridors from the surrounding residential areas to the park were being improved. Ms. Jones asked if the front parking lot could be expanded toward Ironbound Road. Mr. Carnifax responded that it could not because a trail was there.

Ms. Hughes asked if there was a master plan for the Mid-County Park Improvements. Mr. Carnifax stated that there was a master plan and special use permit for the site. Ms. Hughes asked for further information about the need for additional restroom facilities at Upper-County Park. Mr. Carnifax stated that they had major problems with termite damage and that a temporary fix to refurbish the interior was short-lived. He stated that the current request would be for a new restroom facility and storage/activity center. Ms. Jones raised the need for termite prevention.

Mr. Billups asked about improvements to Warhill Park. Mr. Carnifax presented an approved master plan and referenced new roads, facilities, the reproduction of historic structures, and other amenities included as part of the bond package. He referenced 7 miles of mountain bike trails and 2.5 miles of multi-use paths. Mr. Billups inquired about previous plans for a golf course. Mr. Carnifax responded that those plans were scrapped with the latest master plan revision. Mr. Billups asked for confirmation that money would not be invested directly into the Phase V projects until 2012. Mr. Carnifax confirmed with the exception of money obtained the bond package that went in that year. He called attention to active projects included in the 5 year CIP plan which included a water-based playground or small pool and active basketball. He noted that water structures were identified as a need at community meetings and mapped out planned passive and active recreation on the park map.

Mr. Carnifax presented an approved master plan for the Warhill Sports Complex pointing out the stadium, athletic fields, and parking locations, noting that the Williamsburg Indoor Sports Complex had been leased to a private enterprise that operate programs and maintain the facilities. He added that they were responsible for adding parking spaces in conjunction with the expansion. He stated that 8.3 million from the bond referendum would be used to build six synthetic turf multi-use fields, and increased parking. He added that the stadium would be maintained by the County and that in terms of facility-sharing the high school would get first priority. Mr. Billups asked if there was only one stadium on the site. Mr. Carnifax confirmed and stated that joint-use agreements could be entertained for use by Thomas Nelson. Ms. Hughes asked where the multi-purpose gymnasium facility would be located. Mr. Carnifax stated that the location had not been identified.

Mr. Billups asked if there was a trail connection between Lafayette High School and the park. Mr. Carnifax said he had not heard anything since preliminary discussions that took place years ago. Mr. Horne stated that initiative for a project like that would come from the schools. Ms. Hughes asked if there was a sidewalk along Longhill between the high school and the park. Mr. Carnifax stated that there was an eight foot wide multi-use and combination trail and sidewalk. Ms. Hughes stated that schools had presented their requests the day before and mentioned that the need for auxiliary gyms would not be solved with the multi-purpose gymnasium facility proposed by Parks and Recreation. She stated that the project did not seem of high priority since it did not serve the real needs of the schools for auxiliary gyms. Mr. Billups stated that more cooperation was needed between Parks and Schools on the matter. Ms. Jones stated that schools should not have to be bussing students to and from a community gym, and noted that the proposal involved precious property. Mr. Carnifax stated that the cost-benefit analysis for the facility should be considered and that transportation plans had been discussed.

Ms. Jones stated she was hoping to see an auxiliary gym at the high school. He stated that the schools get priority use of their buildings, and if Parks builds the multi-purpose gym, the schools could schedule the gyms until 6:30 pm and Parks could allow volunteer coaches and youth teams to use the gyms afterward for evening activities. He added that Schools could not get coaches that were teachers and consequently bumped youth programs out of the schools because there was a hard time getting coaches that taught. He concluded that they were losing gym space at the schools but that Lafayette High School was using their facilities at Mid-County Park and getting priority for those reservations. Mr. Obadal asked if Mr. Carnifax was implying that plans for auxiliary gyms move forward even though the plans were not favored by the School board. Mr. Carnifax stated that he felt the gyms should have been added as a CIP request regardless of how Schools anticipated the decision going.

Mr. Carnifax stated that all special interests have to be considered but felt that the Board came up with a good alternative. He added that if funding were approved he would be interested in comparing the cost of building three new gyms with the cost of transporting students to a single facility. Mr. Billups stated an issue was defining what an auxiliary gym is and what programs it would involve. Mr. Carnifax stated that if youth programs were not able to be carried out at the gyms that they may not be worth building. Ms. Hughes asked if the funds requested for the Warhill complex for each fiscal year complemented the phasing sequence of the master plan. Mr. Carnifax confirmed.

Mr. Carnifax presented the plan for the crosswalks and traffic calming devices showing locations marked for crosswalks. Ms. Hughes asked for confirmation that money was out to bid on construction of basketball courts and that the funding request for lights and shelters was a supplementary request for FY07. Mr. Carnifax confirmed.

Ms. Jones asked if the stadium could be expanded from 3,000 to 8,000 seats. Mr. Carnifax stated it could not be. Mr. Horne stated that the County currently couldn't afford to expand past 3,000 seats. Mr. McDonald stated that there were 3,000 current seats that would be expanded to 5,000. Ms. Jones argued that an expansion to 8,000 seats would allow them to host State tournaments. Mr. Carnifax stated that 5,000 seats would hold a State AA capacity.

Mr. Carnifax presented the Greensprings Trailhead parking request, stating that the site was on School Board property. He noted that parking was scarce on the premises with signs stating that trail users could not park on School property. He stated that a conversation was held with the School Board and they claimed that all the parking was needed for student parking. Ms. Hughes asked if the trailhead parking was included in the Greenway Master Plan. Mr. Carnifax confirmed. Ms. Jones stated that it was a shame that shared parking could not be worked out. Mr. Carnifax stated that from an operational standpoint, Schools was concerned that if Parks did not gate their separate parking lot that students would use it to park. He added that gates would be unlocked in the morning and locked after hours. Ms. Hughes noted that if the gate was unlocked in the morning the students would probably use it anyway.

Mr. Horne asked what School's issue was with using their parking lot. Mr. Carnifax noted that if signage was placed prohibiting students from using trailhead parking, neither the school nor Parks could reasonably enforce it. He added that they were also were unable to expand to the level they felt necessary and so were already pushed for spaces. He concluded that the proposed request was the best alternative. Discussion ensued about the feasibility of various surfacing possibilities for the Greensprings Trail. Mr.

Tubach noted that if the cost-benefit analysis was referenced for the long-term life-cycle for a paved versus gravel trail, the costs would balance out in 22 to 25 years. Ms. Jones asked where funding was coming from for the trail. Mr. Tubach responded that some money came from State grants and that funding was being pursued from VDOT. Ms. Hughes noted she never had any problems parking in the cul-de-sac. Mr. Carnifax stated that he had several concerns from residents about parking. He added that now that funding had been obtained for the full length of the VA Capital trail, pressure for parking space would increase. He did note the existence of some parking at Jamestown Settlement and added that he predicted that the majority of users likely to use the newly proposed parking would be using the Greensprings Trail only.

Ms. Hughes asked if the cul-de-sac turnaround was VDOT property and if it could be gated. Mr. Carnifax stated he would have to check with VDOT and account for possible pros and cons of the alternative with Parks staff. Ms. Hughes asked if Mr. Carnifax felt the project could be delayed to explore other opportunities and co-funding options. Mr. Billups remarked that if parking was not needed in the trails previous five years of operation it might not be warranted at all. Mr. Tubach stated that moving the parking closer to the t-terminal would not have the advantage of creating a separation between high school and trail parking to clearly differentiate the two. He noted additionally, that the proposed location does not carry the same impact on residents as the suggested alternative does.

Mr. Carnifax asked for any other questions. Ms. Hughes stated she did not understand the request for trail funding at the tower site before the tower could even be removed. Mr. Carnifax responded that the request for FY08 corresponded with JCSA's original target date for demolishing the tower, but now that it had been moved back they also delay funding requests until FY09 as well. He added that they still would move forward with the request for funding the proposed parking area at James City/Williamsburg Community Center which would not be affected by the timeline of the tower removal. Discussion ensued about traffic circulation. Mr. Billups asked if the request would open up an abundance of parking to accommodate the increased need for parking at the community center. Mr. Carnifax responded that they were attempting to keep the area as green as possible and minimize the amount of parking placed. He stated that the parking request was a high priority.

Ms. Hughes inquired about the need for two playgrounds within close distance from one another. He stated that the demand for another playground, picnic shelter, and restrooms was high. Ms. Hughes referenced playgrounds down the street in the City of Williamsburg and another on the other side of the recreation center and questioned if efforts were being duplicated. Ms. Jones asked for the top 5 priorities from Mr. Carnifax. Mr. Carnifax stated that aside from the on-going bond projects, pool resurfacing, James City

County/Williamsburg parking lot and community center expansion, school athletic field lighting, Greensprings Trail, and Warhill crosswalks. Mr. Paul Tubach stated he agreed with the priorities. Ms. Hughes commended the Parks representatives on the Chickahominy Riverfront Park projects and the inclusion of environmental safeguards. She asked if it was possible to include semi-permeable paving in the future she would recommend it. Ms. Jones encouraged the Parks staff to use the boy scouts for maintenance projects if need be. Mr. Billups thanked the Parks representatives.

Ms. Hughes asked why there was a \$50,000 request for a pedestrian facility from District Park to Liberty Ridge. Mr. Horne stated that the request was put on because Liberty Ridge committed to placing a multi-use path across the property, and Mr. Horne stated they realized an opportunity to complete the link all the way to Freedom Park. Discussion ensued about the proposal. Mr. Billups asked if sidewalks could be continued past the sensitive Mill Pond area. Mr. Horne stated it was possible to build up shoulder fill and provide a retaining wall on the pond side.

C. Adjournment

Mr. Smolnik stated they would provide final rankings categorized by request type and then the Policy Committee could review and further adjust priorities. Mr. Smolnik agreed to have the priority rankings to the committee by the 14th of February. Arrangements for the next scheduled CIP meeting were made and the meeting was adjourned at 5:30 pm.

George Billups, Chairman

O. Marvin Sowers, Secretary

UNAPPROVED MINUTES
POLICY COMMITTEE MEETING- Fourth CIP review of requests
February 16, 2006

A. ROLL CALL

PRESENT:

Mr. George Billups
Ms. Shereen Hughes
Ms. Mary Jones
Mr. Tony Obadal

ABSENT:

None

OTHERS PRESENT:

Ms. Sue Mellen, Director of Budget and Finance
Mr. John McDonald, Manager of FMS
Mr. John Horne, Development Manager
Ms. Ellen Cook, Senior Planner
Mr. Matthew Smolnik, Planner
Mr. David German, Planner

A. Introduction

Mr. Billups opened the meeting. Ms. Mellen called for discussion of how each item was ranked. Mr. Billups stated that from the Policy Committee perspective, requests were ranked by consistency with the Comprehensive Plan. Ms. Mellen stated the ranking was based on the system developed by the Planning Commission, and noted she wanted to ensure there was discussion of why certain projects got certain scores before switching them around. Mr. Smolnik explained the ranking sheet and the points to be allocated for meeting each criteria. Mr. German noted that some projects would get a “not applicable” for certain criteria. Mr. Billups asked how continuation projects were ranked. Ms. Hughes also asked if requests that included opportunities for receiving matching grants got increased priority. Mr. German responded that it was not automatic, but that those requests got points for meeting that criteria and most of those requests are as a result medium or high ranked projects. Mr. Smolnik clarified that requests with the same categorical ranking were listed in priority order from top to bottom.

B. CIP Rankings Discussion

1. Development Management Requests

Ms. Hughes asked that the rankings be reviewed by department. Discussion of Development Management rankings ensued. Ms. Hughes asked if Columbia and EDA Drive utilities were required. Mr. Horne responded that they were not required and explained that they swapped property with the EDA and needed the utilities installed

to derive the benefit of the property swap and open up the land for economic development. Ms. Hughes asked if there was any plan for economic development in the near future. Mr. Horne stated that there were presently no clients. Mr. Billups asked what the advantage of the request was. Mr. Horne stated that the Comprehensive Plan called for balancing residential growth with commercial and industrial and that installing the utilities would help the County proceed in marketing the sites to industrial clients. Mr. Billups asked if the project was a done-deal. Mr. Horne confirmed. Mr. Billups stated the project was done and it should be paid off. He recommended moving it to a high priority and Ms. Hughes concurred.

Mr. Billups asked about the M.A.N. fiber ring. Ms. Mellen stated that it was a long-standing project where the County facilities were increasingly being connected to the fiber optic ring to network the entire County. Mr. Billups asked if there were any programs that were proposed with the installation of the M.A.N. He referenced projects being undertaken by Charles City County and the City of Williamsburg. Ms. Hughes stated that they were leasing cable from a private company and were installing the cable as a safeguard in anticipation of an expiring contract and for the advantage of ownership. Mr. Billups stated that the wayfinding signs were a high priority. Ms. Mellen restated that ranking should be based upon comprehensive plan consistency.

Mr. Horne stated that the IT department found the M.A.N. to be an ideal project and a good business opportunity for divorcing the County from Cox Cable. He stressed that funding was not critical for FY2007 or that there would be any major drop off in public service if they did not have it. Mr. Horne stated that if they could get installation by 2010 they would save a lot of money from avoiding new contract discussions and an otherwise imminent lease with Cox Cable. Mr. Obadal stated that he would favor placing a medium priority on the M.A.N. and that he was more hesitant to rank the Columbia Drive project high because industrial companies would normally be held responsible for costs of roads and utilities. Ms. Hughes cited comprehensive plan consistency as a support factor for a high priority. Ms. Hughes requested that a note be made that the project was an ideal opportunity for a public-private partnership to implement it, which is why it was moved to medium.

Mr. German recapped the development management rankings listing pedestrian facilities and wayfinding signs as a high priority; and EDA and Columbia Drive Utilities, and M.A.N. fiber ring replacement as medium priorities.

2. General Services Requests

Mr. Billups initiated discussion of general services priority rankings. The request for human services generators was briefly recapped and the Policy Committee maintained its high ranking. Ms. Hughes stated that if the library and JC-WCC had leaking roofs they should be moved to a high priority to be consistent with the Comprehensive Plan directive to maintain existing facilities. Mr. Billups questioned the need in comparison with other requests. Ms. Hughes noted that both facilities had severe leaks and added

that maintaining the quality of existing facilities should carry a higher priority than a wish-list of new facilities. Ms. Mellen stated that the Crossroads group was relocating its home to York County but that the County would be a partner in the plans for the new building. Ms. Hughes asked if immediate funding was needed to secure the partnership. Ms. Mellen added that a moratorium was placed on group home building by the General Assembly, but that this facility had been approved as an exception. She further stated that the current building was not well-suited for the operation. Discussion ensued about ranking priorities, and Ms. Hughes referenced a Comprehensive Plan standard that specifies 12 bed spaces per 50,000 population. Ms. Hughes added that the current building was at capacity.

The Policy Committee voted to move the JCWCC roof replacement and library roof replacement to high priority and leave the other projects at the ranking level they were set at using the criteria.

3. Library Board

Discussion began regarding the request for the third library building. Ms. Hughes stated that the decision should ensure that there are 3-5 books per capita and 3 seats for every 1,000 residents cumulatively in accordance with the Comprehensive plan. Ms. Mellen stated that the financial constraints of the decision should not be taken into consideration and restated that the criteria for the decision be based on consistency with the comprehensive plan. Discussion ensued about the role of the Planning Commission in making financial considerations. A decision was made to keep the request as a lower-end medium priority.

4. Parks and Recreation

Ms. Hughes restated that she did not feel any money should be put toward the multi-purpose gym building until all agreements were made. The Policy Committee was in general agreement that it did not appear in the Comprehensive Plan or in any Parks and Recreation master plan and therefore should be ranked low. Increasing pedestrian safety issues was tagged as reasoning for the WSC crosswalks and the priorities were maintained as high. Mr. Horne recommended that the requests be discussed only on an exception basis, or any case where the Committee felt the ranking should be reorganized. Mr. Horne stated that the greenways and trails were a continuing project. Ms. Hughes stated that the comprehensive plan advocated for continued funding of greenways and trails. Mr. Obadal and Ms. Mellen discussed the separate parks and recreation bonds, referencing the greenspace and purchase of development rights bond and greenways and trails bond.

Mr. Billups asked for Committee feedback on phase II of the JCWCC tower site. Ms. Hughes restated that the trails could not be placed until the tower was removed. Mr. Billups noted that it was an approved project. Ms. Hughes acknowledged the projects approval but noted that it should not receive priority funding because the tower removal

was not scheduled for another three years. Discussion ensued about the merits of the project and its relation to the request for parking expansion and lights on the site. The committee agreed to rank it low and make a note that the request should be timed with the JCSA removal of tower in 2009.

Mr. Billups asked if the Committee had any objections to the medium ranked Parks and Recreation projects. Mr. Horne noted that phase III of Freedom Park was not funded until FY10 anyway, but that it should not effect their full consideration. Ms. Hughes suggested moving all of the maintenance items to the higher end of the medium priority rankings. Ms. Mellen noted that the budget document that went from the Planning Commission to the Board only showed each request as high, medium, or low priority and did not specify which projects had higher status rankings within those three broad categories. Ms. Hughes asked if general notes could be disclosed that explain which projects in a ranking category should receive priority. Ms. Mellen replied that notes could be included. Ms. Hughes asked to add a note that maintenance items in the medium category take priority over new facility proposals.

Mr. Billups asked if restrooms at Upper County park should be ranked high since they presented somewhat of a health and safety concern. Mr. Smolnik recapped changes made to the Park and Recreation priorities, stating that the multi-purpose facility and phase II tower site was moved to low priority. Ms. Hughes recommended moving the Greensprings Trailhead parking up to medium priority since it was a high priority for Parks and Recreation. Mr. Horne added that Parks and Recreation claimed the parking will contribute to the functionality of the trail and noted that they see it as something that should have been in place all along. Ms. Hughes stated she thought that the parking was more important than Freedom Park Phase III. Discussion ensued about the ranking of Freedom Park Phase III. Ms. Hughes recommended that the trailhead parking be moved to medium and Freedom Park III to low to accommodate Park's priorities.

5. Public Safety

Mr. Obadal stated that the fire station 3 renovation should remain as a high priority. Mr. Billups stated that he felt the police generator should be ranked high. Ms. Hughes noted that the mobile data system was a higher priority to police than the new building and felt that the priority should be changed to medium. The committee agreed. Mr. Horne noted that public safety projects only received one high priority ranking, a few mediums and the rest lows. He questioned the reasoning behind certain projects receiving a low allocation of points. Mr. Smolnik noted that projects such as the ambulance replacement do not get points for being inside the PSA since they are not necessarily attached to a particular physical property. Ms. Hughes questioned the logic of the ranking criteria. Mr. Obadal asked for clarifications on the ambulance replacement proposal. Ms. Hughes stated that the police department placed the mobile data system as a high priority and that it should be higher than the generator or the new police building. Mr. Billups stated he agreed since it was already funded.

Mr. Billups restated that Fire Station 3 renovation remain as a high priority. He added that the police generators for the LEC be moved to high priority and a note should be made that those were moved due to their consistency with the comprehensive plan. Mr. German recapped that police generators, the new police building, and the mobile data system were moved to high. The rest of the priorities remained as listed.

6. WJCC School District

Mr. Billups asked if there were any conflicts with the multi-purpose building and stated that he did not feel the cost was justified and that it should be moved to medium. Mr. Horne stated that one reason for the building was to house alternative education that was going to be kicked out of the Eastern State complex. Mr. Billups inquired about the number of kids in the program. Mr. Billups stated he felt the ninth elementary school be moved to low and the eighth remain high. Ms. Hughes stated that she felt if all the middle schools were brought up to a 900 student capacity there may not be an immediate need. Mr. Obadal stated he thought the need was justified. Ms. Hughes stated that the concern she had was that the school board was making decisions that were in conflict with the comprehensive plan. She noted that at this time if capacity was increased to 900 they would need additions and possibly school trailers but that a new middle school would not immediately be needed. Discussion ensued about design capacity and how policy might enable a temporary delay on the need for a new middle school.

Ms. Hughes requested again that a note be made specifying that medium ranked maintenance projects get priority over other medium ranked schools projects. She recommended that the Clara Byrd refurbishments be moved to medium priority, and recalled the freezers and refrigerators needed to be brought up to health and safety standards. Ms. Hughes noted that schools grouped requests by tiers such as critical maintenance needs and health and safety needs, but when they are lumped together there are projects with critical maintenance issues that are getting a low priority ranking. Ms. Cook recalled that in previous years projects would be bumped up based on critical aspects being part of an overall request.

Mr. Horne suggested the Policy Committee raise the possibility of grouping certain requests by functional category with the Board of Supervisors. Mr. Billups asked that a note be made to discuss the issue with the Board. Ms. Hughes stated she was more comfortable with the school's rankings than the grouping that was currently being presented. Ms. Mellen advocated that the change be made now to implement it before the presentation to the Board of Supervisors. Mr. Billups stated that refurbishments would have to be done regardless because it is part of ongoing maintenance operations. Ms. Mellen noted that in the past they have had to delay refurbishments. Mr. Billups responded that they had the latitude to delay transfers. Ms. Hughes stated that some of the refurbishment rankings in front of them were not reflective of the schools critical refurbishment needs. Mr. Horne stated he thought the school maintenance division's ranking system might be more sensible than the CIP ranking system currently being used and that the Committee could place greater emphasis on their priorities.

Discussion ensued about ranking priorities. Mr. Billups stated that most refurbishments should not be ranked lower than medium. Mr. McDonald stated that timing factors have to be considered for each request. Ms. Hughes recommended placing the tier 1 requests as high priority because they carried critical health and safety considerations. Ms. Mellen suggested that it would be helpful to the Board to explain in the cover memo that certain requests were bumped down to account for policy determinations that may present better alternatives. The Committee agreed to make those notes. Mr. Billups reintroduced different possibilities for adjusting refurbishment requests and discussion ensued. Mr. Billups raised a concern about automatically placing high priority on refurbishment requests that are for health and safety mitigation purposes, noting that safety issues with tennis courts for example might not be as important as other refurbishment needs.

The committee agreed to rank all tier 1 requests as high, tier 2 as medium, and lower tiers as low. Discussion ensued and Mr. Horne recommended that the rankings proceed by tier and that requests unfit with planning considerations be noted via email for reordering purposes.

7. Operating Contributions

Mr. Obadal asked why the projects were not ranked. Ms. Mellen stated that they were funded on an operating basis, and don't produce an asset that the County owns and maintains so they don't appear in the capital projects rankings anymore. Discussion ensued about operating contributions and JCSA rankings.

Mr. Horne explained the operating contribution projects. Mr. Obadal asked about road match and road improvements. Mr. Horne stated that road match was based on transportation projections.

8. JCSA

Ms. Hughes stated that the Ironbound water-main should be moved to high priority to make sure an existing facility was fully operational. She added that many maintenance concerns would be environmental liabilities and that projects rehabbing or replacing infrastructure that carry certain environmental considerations be moved to high priority. She listed the respective projects that should have high priority. Ms. Hughes added that the sewer bridge rehab had ongoing funding and should be moved to medium priority. Discussion ensued about the merits of sewer projects. Mr. Horne stated that a general note could be made that any general sewer rehab or replacement with a threat of failure should be elevated in priority. Mr. Billups stated that projects that carried major implications would be done regardless of where funding came from. Discussion ensued about elevating CIP priorities. Ms. Hughes recommended that projects that were described as needing to be assessed but with no critical need or current dysfunction be given low priority. She stated that the heavy equipment and Tewing escrow request be given medium to low priority. Discussion ensued. Mr. Smolnik listed the specific

projects moved to low priority and those with major environmental implications that were moved to high priority.

C. Next Steps

Mr. Smolnik stated that the rankings would be presented at the March 6 Planning Commission meeting and then at the April 25th Board meeting. Arrangements were made to have any further considerations sent. Ms. Hughes summarized how the notes should be organized. Discussion ensued.

D. Adjournment

Mr. Billups adjourned the meeting at 2:30 p.m.

Mr. George Billups, Chairman

Mr. O. Marvin Sowers, Secretary

SPECIAL USE PERMIT-3-06. Zion Baptist Church Expansion
Staff Report for the March 6, 2006, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: March 6, 2006 7:00 p.m.
Board of Supervisors: March 14, 2006 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: John Morman
Land Owner: Zion Baptist Church
Proposal: House of Worship Expansion
Location: 6373 Richmond Road
Tax Map/Parcel Nos.: (24-3)(1-47)
Parcel Size: 3.59 acres
Zoning: R-8, Rural Residential
Comprehensive Plan: Mixed Use
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed additions consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this proposal with the conditions listed in the staff report.

Staff Contact: Ellen Cook

Phone: 253-6685

PROJECT DESCRIPTION

Mr. John Morman, on behalf of Zion Baptist Church, has applied for a special use permit to allow the construction of approximately 5,900 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, at the intersection of Centerville Road. The proposed additions would house the relocated sanctuary, allowing the former sanctuary to be used as the fellowship hall. The existing church is approximately 4,140 square feet in size. At the time it was originally constructed, a house of worship was a permitted use in the R-8, Rural Residential, zoning district. Currently, a house of worship requires an SUP in the R-8 district. An expansion of a specially permitted use also requires an SUP.

The property is located at the southern side of Centerville Road at the intersection of Richmond Road. The parcel is adjacent to the Warhill Tract which was recently rezoned (Z-6-05). The approved Warhill Master Plan indicates that the area immediately surrounding the church parcel will have buildings associated with the Thomas Nelson Community College (TNCC) campus; the Warhill Master Plan also includes the Third High School and various sports facilities. During the rezoning process, 1.14 acres of land were conveyed to Zion Baptist by the County in exchange for additional right-of-way along Centerville Road.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: Environmental staff noted that this site was included in overall stormwater master planning associated with the Warhill Master Plan and other County Warhill tract development. It was included in postdevelopment drainage assumptions associated with the TNCC site and associated drainage systems. As such, the Zion Baptist Church expansion is covered for ultimate stormwater quality and quantity control by regional best management practice (BMP) methods consistent with the approved Powhatan Creek Watershed Master Plan. Environmental staff further stated that it would be important to ensure that increased runoff from the site, on an interim basis, does not result in the erosion of existing natural offsite receiving channels until such time as associated offsite drainage improvements are implemented. Environmental staff has reviewed the applicant's initial plan for addressing this issue and has generally concurred with the concept: final details of the stormwater plan will be worked out at the plan of development stage.

Public Utilities

This site is served by public water and sewer.

Staff Comments: JCSA staff had only minor technical comments to be addressed at the plan of development stage.

Transportation

The property has existing entrances on both Centerville and Richmond Road. Both entrances would continue to be utilized, and both would be right-in, right-out only. Based on Institute of Transportation Engineers projections, the expanded church would generate 388 total trips on a given Sunday, and 11 weekday p.m. peak hour trips.

2005 Traffic Counts:

Centerville Road (from Richmond Road to Ruth Lane/Route 678): 10,364

Richmond Road (from Lightfoot Road to Olde Towne Road): 23,288

2026 Volume Projected:

Centerville Road (from Route 60 to Longhill Road): 15,000

Richmond Road (from Centerville Road to Route 199): 31,000

Road Improvements:

- Condition 5 states that all entrances shall be approved by VDOT prior to final site plan approval.
- Relevant road improvements which have been approved and will be completed in association with the Third High School/TNCC project include: Centerville Road will be widened to a four-lane, median divided roadway from Richmond Road to the Warhill entrance road; and the northbound Centerville Road approach to Richmond Road will be reconstructed to accommodate a left,

combination left-through, and a right-turn movement, with approximately 300 feet of left-turn storage capacity.

VDOT Comments: The traffic generated from the church expansion as proposed will not adversely impact the local roadway network. Since this portion of Centerville Road will become divided by a concrete median, the entrance will be limited to right-in/right-out only. No changes to the design of the entrance will be required as a result of this.

Staff Comments: The traffic study conducted for the Warhill Rezoning states that with the added traffic from the Third High School and TNCC, the Centerville/Richmond Road intersection is projected to operate at a Level of Service “C” in both 2007 and 2017 once the signal is optimized and specific geometric improvements (listed above) are made. Church officials state that the current church membership and attendance should remain approximately the same with or without the proposed additions, as the additions are for the purpose of providing more space for existing uses. As a result, the proposed additions are not likely to significantly increase the church’s trip generation, and the trips that are generated will be largely for off-peak days and times.

COMPREHENSIVE PLAN

Land Use Map Designation

The Property is designated as Mixed Use on the Comprehensive Plan Land Use Map, specifically the Lightfoot Mixed Use Area. The Comprehensive Plan states “for the undeveloped land in the vicinity of and including the Route 199 crossover of Richmond Road (Route 60 West) at the Warhill property, the principle suggested uses are a mixture of public uses and commercial, office and limited industrial.” Since this expansion will be contained within the existing church property, and will not impact the development of the Mixed Use potential for the Warhill property, staff finds this expansion to be generally consistent with the Comprehensive Plan.

Other Considerations

- **Community Character:** Both Centerville Road and Richmond Road are designated as Community Character Corridors.

Conditions

SUP conditions 1, 2, 3, and 6 are included to address any negative impacts the project might have on these Character Corridors. The proposed expansion is located approximately 90 feet from Richmond Road (approximately the same distance as the existing structure) and over 170 feet from Centerville Road.

RECOMMENDATION

Staff finds the proposed additions consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this proposal with the following conditions:

1. **Concept Plan:** This Special Use Permit shall be valid for a 5,900 square foot expansion of the Zion Baptist Church and accessory uses thereto as shown on the “Exhibit for SUP” dated February 3, 2006. Development of the site shall be generally in accordance with the above referenced plan as determined by the Development Review Committee of the James City County Planning Commission (the “DRC”). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. **Architecture:** The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the addition shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. **Lighting:** Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.

4. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Entrance Improvements: Entrance improvements shall meet the requirements of the Virginia Department of Transportation (VDOT) and shall be approved by VDOT prior to final site plan approval.
6. Landscaping: A landscaping plan shall be approved by the Planning Director, or his designee, prior to final site plan approval. The owner shall provide landscaping for the area surrounding the future church expansion to mitigate the impact of the expansion on the adjacent property. Landscaping shall be provided along the Centerville and Richmond Road Community Character Corridors which exceeds ordinance planting requirements by at least 125 percent.
7. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or the foundation has passed required inspections.
8. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ellen Cook

ATTACHMENTS:

1. Location Map
2. Exhibit for SUP (separate cover)

JCC-SUP-3-06

Zion Baptist Church Expansion



**AGRICULTURAL & FORESTAL DISTRICT-1-98. Barrett's Ferry 2006 Renewal
Staff Report for the March 6, 2006, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: March 6, 2006 7:00 p.m.
Board of Supervisors: April 11, 2006 7:00 p.m.

SUMMARY FACTS

Owner	Parcel No.	Acres
Baxter Bell	(43-2)(1-3)	198.9
Zoning:	A-1, General Agricultural	
Comprehensive Plan:	Rural Lands and Conservation Area	
Primary Service Area:	Outside	

STAFF RECOMMENDATION

Due to the minimum core district requirements not being met, staff recommends that the Barrett's Ferry AFD be terminated after the parcel is transferred to the adjacent Gordon Creek AFD. Staff believes that this transfer will be beneficial in that it will further strengthen the Gordon Creek AFD, and it will allow this parcel to continue to participate in the AFD program.

On February 23, 2006 the AFD Advisory Committee recommended termination of this district and transfer of the parcel to the Gordon Creek district by a vote of 8-0.

Staff Contact: Ellen Cook Phone: 253-6685

SUMMARY

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD’s) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report reviews AFD-1-98, Barrett’s Ferry which is scheduled to expire in April.

The Barrett’s Ferry AFD currently consists of one parcel of approximately 198.9 acres located between Route 5 and the Chickahominy River, and bounded to the east and west by Governors Land and Barrett’s Ferry subdivisions. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Baxter Bell	(43-2)(1-3)	198.9

DISTRICT HISTORY

The Barrett’s Ferry Agricultural and Forestal District was created in 1998 for a term of four years and originally consisted of one parcel totaling 210.49 acres. The District was renewed in 2002 for a four year period. As part of this 2006 renewal, staff has worked to verify the district’s acreage, and, with the Real Estate Assessments office, has identified a tax map labeling error that occurred for several years in the 1990’s (now corrected). This factor, and increased mapping precision, result in a district acreage of approximately 198.9.

ANALYSIS

The bulk of the District is woodland, and is zoned A-1, General Agricultural. The parcel is designated as Rural Lands and Conservation Area by the Comprehensive Plan and is outside the Primary Service Area. The Comprehensive Plan’s Community Character goal is to enhance and preserve the County’s scenic, cultural, rural, farm, forestal, natural and historic resources. The AFD program helps satisfy this goal and therefore this renewal is consistent with the 2003 Comprehensive Plan.

However, in accordance with the State Code, the core minimum size requirement of an AFD is 200 acres. Thus the Barrett’s Ferry AFD is approximately 1.1 acres short of the minimum size requirement. For the Barrett’s Ferry AFD to continue as it currently exists, either a survey of the property would have to be completed that shows that the parcel is in fact over 200 acres, or qualified land must be added to the district. To date, the property owner has not proposed adding land to the district nor withdrawing land from the district, and staff does not recommend that the expense of a survey is warranted since the parcel can continue to be part of an AFD via transfer to the Gordon Creek AFD. Staff has discussed the option of transfer with the property owner and the property owner has not expressed any objections. The Gordon Creek AFD is currently approximately 3,000 acres, is located directly north across Route 5, and the conditions are the same as those on the current Barrett’s Ferry AFD.

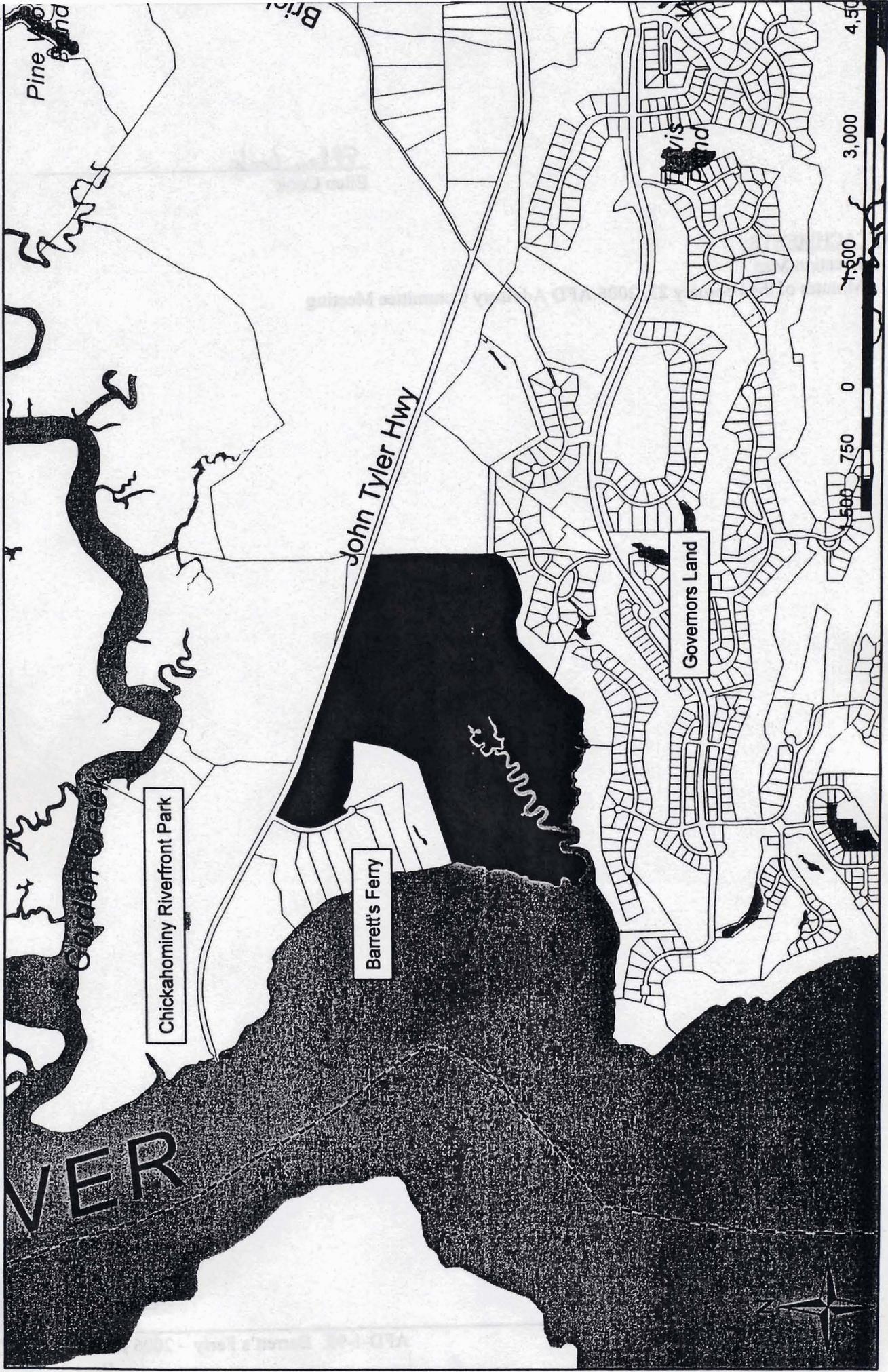
RECOMMENDATION

Due to the minimum core district requirements not being met, staff recommends that the Barrett’s Ferry AFD be terminated after the parcel is transferred to the adjacent Gordon Creek AFD. Staff believes that this transfer will be beneficial in that it will further strengthen the Gordon Creek AFD, and it will allow this parcel to continue to participate in the AFD program. On February 23, 2006 the AFD Advisory Committee recommended termination of this district and transfer of the parcel to the Gordon Creek district by a vote of 8-0.

ATTACHMENTS:

1. Location Map
2. Minutes of the February 23, 2006 AFD Advisory Committee Meeting

Barrett's Ferry



**UNAPPROVED MINUTES OF THE FEBRUARY 23, 2006
MEETING OF THE AGRICULTURAL AND FORESTAL
ADVISORY COMMITTEE**

A. AFD-1-98 Berrett's Ferry (2006 Renewal)

Ms. Ellen Cook gave the staff report and staff's recommendation of approval. Mr. Ford questioned the acreage correction since it was not based on an official, physical land survey or recorded deed but rather on GIS estimates. Ms. Cook stated that Mr. Bell had been given the option of re-surveying to confirm the acreage, but that staff did not recommend it given the expense and the fact that the parcel could be included in another AFD and protected that way, which was the most important factor. Mr. Ford stated that basing the numbers on GIS resulted in an arbitrary change. Ms. Cook referenced a mapping error as contributing to the acreage correction. Mr. Ford acknowledged that the mapping was in error, but stated that acreage should nevertheless be confirmed with the deed. He added that it would not be the best course to assume that a landowner actually owned ten less acres than what they understood to have based on a mapping correction. Ms. Cook noted that for taxation purposes, the landowner would have to resolve the acreage issues with the real estate office. Mr. Richardson inquired if possible acreage fluctuations may have been due to natural shoreline expansion. Ms. Cook agreed that the increase in the area of water could have had an impact. Discussions ensued about minimum qualifications for land-use taxation and AFD status. Mr. Ford and Ms. Lowe agreed that there was a great need to keep the land preserved and that rolling the parcel into the Gordon Creek AFD was the best option. They added that they wanted staff to understand why it was important to base numbers on the physical survey and deed description.

Mr. Abbott stated his concern about implications for land owners, noting that if major decisions about moving property in and out of the AFD districts were not based on the survey, than the property owner's rights may not be protected. Ms. Cook noted that currently, the Berrett's Ferry AFD was the only district close to breaching the required minimum of 200 acres. Mr. Cripe confirmed that the only other AFD totaling less than 300 acres was Williamsburg Farms which had been recently renewed. A question was raised as to whether the original plat had been looked at in Real Estate. Ms. Cook stated that she looked at recorded plats in the Real Estate office for past development projects associated with the parcel. Discussion ensued regarding the implications of State and local government rights to legally dissolve an AFD by law. Mr. Abbott asked staff to find out if the property owner is responsible for paying roll back taxes if the Board of Supervisors were to dissolve an AFD. He additionally asked staff to explore the possibilities of amending the process by which renewal letters are sent to property owners who own land in a conservation easement or land with purchase of development rights restrictions. Mr. Ford made a motion to roll the Berrett's Ferry AFD into the Gordon Creek AFD. Mr. Abbott seconded the motion and a roll call vote was taken. The motion was approved (8-0).

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**SPECIAL USE PERMIT-02-06. BUSCH GARDENS, WILLIAMSBURG – NEW FRANCE EXPANSION
Staff Report for March 6, 2006 Planning Commission Meeting**

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

PUBLIC HEARING

Planning Commission:
Board of Supervisors:

Building F Board Room: County Government Complex

March 6, 2006, 7:00 p.m.
Scheduled for April 11, 2006, 7:00 p.m. (Height Waiver HW-01-06)

SUMMARY FACTS

Applicant: Ronnie Orsborne of LandMark Design Group

Land Owner: Busch Entertainment Corporation

Proposal: Busch Entertainment Corporation proposes to erect a queuing building and an embarking/disembarking station, collectively totaling approximately 7,500 square feet in size, and with additional auxiliary support buildings, as needed, to serve a new theme-park expansion in the New France area of Busch Gardens, Williamsburg, which will be laid out over a total area of approximately five acres. By creating an expansion of 5,000 square feet or more, this project requires a Special Use Permit, pursuant to Section 24-11(b)(2) of the Zoning Ordinance. A Height Limitation Waiver is separately being requested from the Board of Supervisors, pursuant to Section 24-419(c) of the Zoning Ordinance, to allow other portions of the expansion to exceed 60 feet in height above grade.

Location: 7851 Pocahontas Trail, Roberts District (Inside Busch Gardens Theme Park)

Tax Map / Parcel Nos.: (51-4) (1-9)

Parcel Size: Project will affect approximately 5 acres of a 381.71 acre parcel

Existing Zoning: M-1, Limited Business/Industrial

Proposed Zoning: (No change in zoning proposed.)

Comprehensive Plan: Limited Industry

Primary Service Area: Inside

Staff Contact: David W. German Phone: (757) 253-6685

STAFF RECOMMENDATION

Given that the proposed queuing building and embarking/disembarking station is intentionally planned for a location near the center of the Busch Gardens Theme Park, the Planning Division finds that the proposed structures will have minimal visual or audio impact to persons or properties outside the boundaries of the Busch Gardens property. The proposed use is in keeping with the tenets of both the Zoning District and Comprehensive Plan

designations and goals for the subject parcel on which the use is to be located. Planning Staff recommends that the Planning Commission approve this Special Use Permit Application.

PROJECT DESCRIPTION

Mr. Ronnie Orsborne of LandMark Design Group has applied on behalf of Busch Entertainment Corporation for a Special Unit Permit to allow for the construction of a queuing building and an embarking/disembarking station, with additional auxiliary support buildings, as needed, to serve a new amusement attraction (“expansion”) in the New France area of the Busch Gardens, Williamsburg Theme Park. The new queuing building and embarking/disembarking station will collectively be approximately 7,500 square feet in area, and will serve the balance of the overall expansion, which will be laid out over an area of approximately five acres. The buildings will be constructed on-site of materials (wood, stucco, stone, etc.), and have a thematic appearance similar to other nearby structures in the theme park. The buildings are not expected to exceed forty feet in height at their highest points, and should not be visible from outside the theme park’s boundaries. Section 24-11(b)(2) of the Zoning Ordinance requires a Special Use Permit for any expansion collectively totaling 5,000 square feet or greater in commercial area. The proposal calls for the new buildings (and associated expansion) to be constructed near the center of the theme park near the northwest end of the Rhine River, and just north of the existing *Alpengeist* rollercoaster attraction. The new buildings and expansion will replace an attraction currently located in that vicinity.

It is envisioned that other parts of the proposed expansion not covered by this SUP will reach heights of up to 210’ over finished grade; these portions of the expansion are being separately addressed by the James City County Board of Supervisors, in response to the applicant’s separate Height Waiver Application (HW-01-06).

SURROUNDING ZONING AND DEVELOPMENT ANALYSIS

To the west and southwest of Busch Gardens is Kingsmill, a residential subdivision zoned R-4, Residential Planned Community, and Carter’s Grove County Road, on land owned by the Colonial Williamsburg Foundation. To the north of the theme park is the Anheuser-Busch Brewery on land zoned M-2, General Industrial. To the northeast of the park are the Route 60 and Route-143 roadways, sections of rail line owned by CSX Railroad, and the Williamsburg Country Club and Golf Course. To the east and southeast of the theme park is Grove, which contains residentially zoned properties. Planning Staff believes that the proposed expansion places supporting buildings for a theme park attraction use into an existing theme park, on land properly zoned for such use, and, thus, finds the proposal to be compatible with surrounding land uses.

ACCESS AND TRAFFIC IMPACTS ANALYSIS

This Special Use Permit (SUP) would not change any access into or out of Busch Gardens. The applicant has represented that the proposed buildings would, in and of themselves, likely have a minimal impact on the total amount of traffic that is generated by the theme park. The traffic impacts caused by this proposal would be minimal, excepting for a possible temporary increase in overall park attendance when the expansion first opens to the public.

COMPREHENSIVE PLAN ANALYSIS

The 2003 James City County Comprehensive Plan designates the Busch Gardens property as Limited Industry. The Limited Industry designation is reserved for sites within the Primary Service Area that are used for warehousing, office space, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area. In the consideration of acceptable land uses for Limited Industry areas, dust, noise, odor, and other adverse environmental effects, not size, are primary considerations.

An amusement park is a service industry, albeit not a traditional one. The park will not create dust or odor, and noise pollution is largely kept to a minimum by heavy vegetative screening along its perimeter. Because the proposed queuing building and embarking/disembarking station will be built near the center of the park, the audio and visual impact of these buildings will be minimal.

The Planning Staff analyzed the proposed SUP against the *Goals, Strategies and Actions* for Community Character areas found in the 2003 Comprehensive Plan of James City County. The proposed use does not contradict the *Goals* of the Community Character guidelines. The following Community Character *Strategies* were most closely applicable to this SUP application (as numbered in the Comprehensive Plan):

2.) Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.

Staff Comment: The proposed queuing building and embarking/disembarking station will be located near the center of the Busch Gardens theme park, and will not have a discernable impact to locations beyond the park's boundaries.

3.) Ensure that development along community character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.

Staff Comment: Due to the envisioned location for the queuing building and embarking/disembarking station, the impacts to the natural views, greenbelt networks, and entrance corridors of the area will be negligible. The applicant has indicated that the highest parts of the queuing building and embarking/disembarking station will not exceed forty feet in height, which will help to keep the structures screened from view from locations outside Busch Gardens. Further, this will help to maintain the natural tree line found in the Busch Gardens Park, which will help to protect the natural views of the area. Finally, the unique character of the area is somewhat defined by the presence of the Busch Gardens Theme Park, which this new proposal is intended to enhance.

6.) Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery, and scenic views.

Staff Comment: The applicant has indicated that the queuing building and embarking/disembarking station will be well screened by the natural tree line of the Busch Gardens Park, which will help to preserve the scenic view corridors of the area. No unique formations will be disturbed by the construction of these buildings.

The following Community Character *Action* was most closely applicable to this SUP application (as numbered in the Comprehensive Plan):

24.) Maintain the small town, rural, and natural character of the County by:

b. Encouraging new developments to employ site and building design techniques that reduces their visual presence and scale. Design techniques include berms, buffers, and landscaping, building designs that appear as collections of smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.

Staff Comment: Because the proposed expansion is located more than 1,800 feet from US Route 60 (Pocahontas Trail), the impact to the buffers and landscaping associated with this Community Character Corridor should be negligible. The proposed queuing building and embarking/disembarking station will be screened from view by the natural tree lines, plantings, and landscaping currently present in Busch Gardens. To help reduce the mass of the buildings involved, Busch Entertainment Group proposes to use four smaller buildings of specific function, rather than to combine all four functions into one larger building. Finally, the buildings will be made of materials that help them blend in with each other, existing buildings in the same area of the park, and with the natural and man-made landscaping of the immediate area. The character of the proposed buildings and their intended use is in keeping with those uses immediately adjoining them (the rest of Busch Gardens), and with the standards associated with properties zoned M-1, Limited Business/Industrial. This supports the General Land Use Standards found on

For these reasons, Planning Staff supports the proposed expansion, finding it to be consistent with the tenets of the Comprehensive Plan.

RECOMMENDATION

Given that the proposed queuing building and embarking/disembarking station is intentionally planned for a location near the center of the Busch Gardens Theme Park, the Planning Division finds that the proposed structures will have minimal visual or audio impact to persons or properties outside the boundaries of the Busch Gardens property. The proposed use is in keeping with the tenets of both the Zoning District and Comprehensive Plan designations and goals for the subject parcel on which the use is to be located. Planning Staff recommends that the Planning Commission approve this Special Use Permit Application. Planning Staff recommends that the Planning Commission approve this Special Use Permit Application, with the following Conditions:

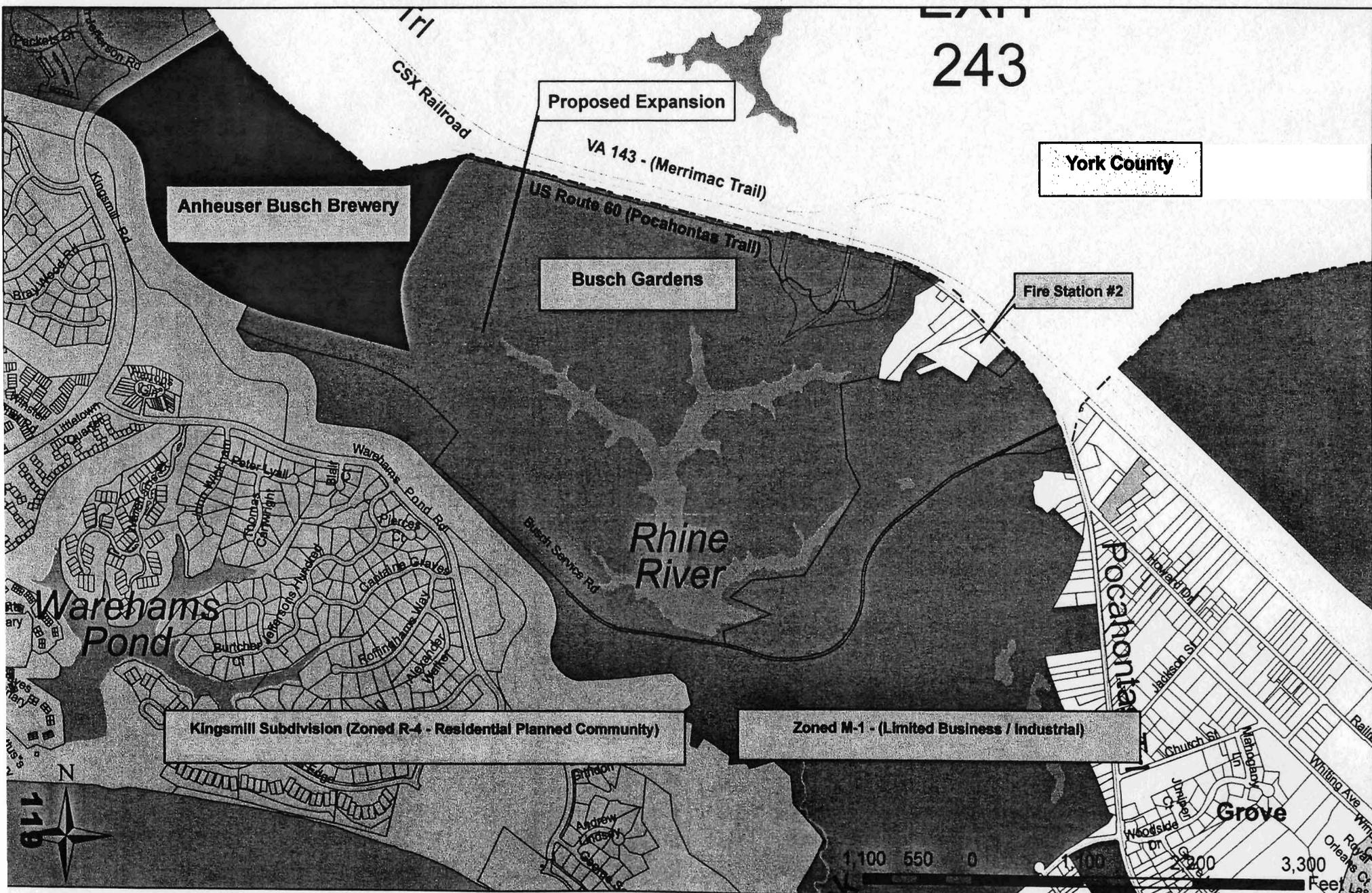
1. **Permit:** This Special Use Permit shall be limited to the construction of a queuing building and embarking/disembarking station, totaling approximately 7,500 square feet in size, and with additional auxiliary support buildings, as needed, to serve the proposed new expansion in the New France area of Busch Gardens, Williamsburg, as represented by the applicant.
2. **Height:** No part of the queuing building, embarking/disembarking station, or auxiliary support buildings shall exceed approximately 40' in height over finished grade. The average finished grade at the site of the Expansion is represented by the applicant as being up to approximately 70' feet above sea level.
3. **Lighting:** A lighting plan shall be submitted to, and approved by, the Planning Director or his designee prior to the issuance of a final Certificate of Occupancy for any of the proposed buildings. The lighting plan shall show that no glare will be cast beyond the Busch Gardens property boundary line by any lighting installed as a component of or result of any of the proposed buildings. Further, the lighting plan shall prohibit any lights which direct light upward to illuminate any part of the proposed buildings or surrounding theme park areas.
4. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this special use permit or this special use permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings;
5. **Severance Clause:** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

David W. German

Attachments:

1. Location / Zoning Map

Busch Gardens, Williamsburg-New France Expansion



REZONING-16-05. New Town Section 9 – Settlers Market
MASTER PLAN-13-05. New Town Section 9 – Settlers Market
Staff Report for the March 6, 2006 Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission:	November 7, 2005	7:00 p.m. (applicant deferred)
	December 5, 2005	7:00 p.m. (applicant deferred)
	January 9, 2006	7:00 p.m. (applicant deferred)
	February 6, 2006	7:00 p.m. (applicant deferred)
	March 6, 2006	7:00 p.m.
Board of Supervisors:	April 11, 2006	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	Mr. Vernon Geddy, III on behalf of AIG Baker Development, LLC and Developer's Realty Corporation
Land Owner:	WHS Land Holdings, LLC and New Town Associates, LLC
Proposal:	To apply Design Guidelines and rezone 58.0 acres to MU, Mixed Use, with proffers. If approved, proposed construction includes approximately 401,945 to 426,342 square feet of office and commercial space and approximately 215 to 279 residential units.
Location:	At the intersection of Monticello Avenue and Route 199
Tax Map/Parcel Nos.:	(38-4) (1-3), (38-4) (1-2), (38-4) (1-52) and a portion of (38-4) (1-56)
Parcel Size:	58.0 acres
Existing Zoning:	R-8, Rural Residential with proffers and an approved Master Plan and M-1, Limited Business / Industrial
Proposed Zoning:	MU, Mixed Use, with proffers
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds this proposal for New Town Section 9 generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. The proposed development is compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. However, there are several underlying concerns with traffic along the Monticello Avenue corridor. Staff has not received comments from VDOT regarding this case and we are waiting for our traffic consultant to provide further analysis of the traffic issues along the Monticello Avenue corridor. Outstanding questions regarding the traffic along this corridor include: (1) when will the coordination of all traffic signals occur, (2) will the coordination be

effective to move traffic on Monticello Avenue in a timely manner, (3) which parties will be responsible for the cost of installing the traffic signal coordination equipment, (4) what year will the level of service (LOS) degrade to a LOS D, (5) how do weekend and seasonal peaks correspond with p.m. peaks, (6) what is the approximate cost of upgrades to the west side of the Monticello Avenue corridor to improve LOS and (7) how will the proposed upgrades to this section of the corridor be funded? Based on the aforementioned outstanding issues, staff recommends the Planning Commission defer the rezoning and master plan applications until the pending traffic issues have been resolved.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$820.00 per dwelling unit
Recreation	\$109.00 per dwelling unit
School Facilities	\$528.00 per dwelling unit
Library Facilities	\$61.00 per dwelling unit
Fire / EMS Facilities	\$71.00 per dwelling unit
Total Amount (2006 dollars)	\$341,635 to \$443,331

BRIEF HISTORY AND DESCRIPTION OF NEW TOWN

In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the “Casey” Property. The winning town plan, chosen from among 99 entries worldwide, was submitted by Michel Dionne, Paul Milana and Christopher Stienon of New York City. The program included several civic facilities, 600,000 square feet of regional and community retail, 400,000 square feet of office space and 2,000 residential units of varying types. The plan locates a civic green at the southeast corner of the site where it becomes central to the larger Williamsburg region and an urban gateway to the town. A retail square is the focus of the mixed-use town center with research and development corporations along Discovery Boulevard. The neighborhoods are composed of a simple urban street and block pattern that accommodates alleys, and permits a variety of lot sizes and housing types. The public spaces of the plan connect to the regional system of public open space so that the new town becomes an urban extension and center for the region.

Using the winning town plan as a launching pad, on December 22, 1997, the Board of Supervisors approved rezoning applications (Case Nos. Z-4-97 & Z-10-97) that set forth the New Town binding master plan and Design Review Guidelines by rezoning 547 acres of the Casey Tract to R-8 with proffers. The purpose of the R-8 zoning was to bind the property to the Proffers and Master Plan, which set maximum densities, major roads, major open spaces and types of uses. The rezoning also established Monticello Avenue and Ironbound Road through New Town as major urban arterials with design and operating standards more reflective of urban rather than suburban roads. Under the proffers, the R-8 area could not actually be developed until further rezoning to MU. The purpose for this was to gradually implement the full development. Also, by rezoning areas separately, the Planning Commission and Board will have the opportunity to gauge proposed development against current situations (in an attempt to best mitigate impacts) and to evaluate the proposed development against the Master Plan, the proffers and the design guidelines.

To allow for initial and immediate construction, 27.5 acres of the Plan (Section 1) was rezoned to Mixed Use in 1997. Section 1 approved uses included 146,000 square feet for institutional and public use (80,000 square feet for the Courthouse and 66,000 square feet for the Williamsburg United Methodist Church); 60,000 square feet for office space, Institutional/Office Mixed Use, or Office/Commercial Mixed Use; and 3.5 acres for Open Space.

On what is commonly referred to as the west side of New Town due to its location west of Route 199, the Windsor Meade Retirement Community rezoning application (Case Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. Windsor Meade Retirement Community will provide 300 residential units of various levels of continuous health care and have a maximum of 19,500 square feet of commercial office space. Windsor Mead Marketplace (Case Z-05-03/MP-06-03) was approved on October 14, 2003 and will include approximately 200,000 square feet of commercial and retail space fronting Monticello Avenue.

On the east side of New Town, Section 2 & 4, or the New Town Center, was rezoned to Mixed Use with proffers on December 11, 2001 (Case No. Z-03-01) and amended on October 14, 2003 when approximately 3 acres were added on October 14, 2003. (Case No. Z-06-03/MP-4-03) Section 2 & 4 borders both Ironbound Road and Monticello Avenue and contains the initial development opened in New Town: the Corner Pocket and the SunTrust Building. Proposed, featured architectural and design highlights of Section 2 & 4 include Court Square, the Civic Green, the Village Square, the Village Green and Pecan Square.

Accessed from Tewing Road and separated by wetlands from the core of New Town East, Section 5 was rezoned to M-1, Limited Business/Industrial with proffers on June 8, 2004. (Case No. Z-1-04/MP-2-04).

Encompassing approximately 70 acres to the north of Section 2 & 4 is New Town Section 3 & 6, which was rezoned from R-8, with proffers, to MU, with proffers on October 26, 2004 (Case No. Z-05-04/MP-05-04). Section 3 & 6 is bounded by Ironbound Road to the east, Discovery Boulevard to the south and west, the lands of Eastern State Hospital to the north and east and an industrial neighborhood (Section 5 and Tewing Road) directly to the north. Section 3 & 6 will consist of a maximum of 470 dwelling units with an overall density cap of 4.5 dwelling units per acre and a maximum of 220,000 non-residential square feet.

In each of the subsequent rezonings, the cases were evaluated to ensure consistency with the original New Town vision as set out in the master plan, proffers and design guidelines. The cases were also evaluated to ensure their impacts were consistent with the other standards and impacts envisioned in the original rezoning especially in regard to traffic, fiscal and environmental impact.

PROJECT DESCRIPTION

The current request is to rezone approximately 58 acres in Section 9 from R-8, with proffers, to MU, with proffers. The following description of Section 9 is an excerpt from the introduction of the attached *Settler's Market at New Town Section 9 Design Guidelines*, which are proposed by the applicant:

This section of New Town is master planned as a Gateway Commercial District in the New Town Master Plan. The proposed mixed-use development includes well-appointed residential condominiums and townhomes, office uses, nationally recognized retail tenants and specialty shops to serve the daily needs of the residents and workers within New Town.

The joint zoning application is for property in Section 9 totaling 58 acres, which includes the addition of approximately 8 acres previously included in Section 8. The property is currently owned by two entities: New Town Associates, LLC and WHS Land Holdings, LLC. Settler's Market is bounded on the west by State Route 199, to the south by Monticello Avenue, to the north by future Section 8 residential within New Town and to the east by approximately 4.5

acres of preserved wetlands between Settler’s Market and Section 4. Settler’s Market Boulevard connects Monticello Avenue through the development into the future Section 8 residential. Traversing from the south northward, the development transitions from retail and restaurants to multi-level mixed use buildings and retail stores to an open green and residential buildings before entering Section 8. Entering Section 9 from New Town on Casey Boulevard, the frontage east of Settler’s Market Boulevard is comprised of residential and mixed-use buildings before turning south towards Monticello Avenue through primarily retail and restaurant uses.

The green space transitions the development from retail, office and mixed uses to residential buildings as Settler’s Market Boulevard enters Section 8. The green’s placement adjacent to the main intersection of Settler’s Market Boulevard and Casey Boulevard provides a focal point of activity for the residential owners, pedestrian users, retail shoppers and office workers. The green’s final design will encourage use by the residential owners near its edge, while still protecting the sense of place for the occasional user and visitor and the opportunity for public uses and activities.

Settler’s Market functions as the commercial gateway to New Town from State Route 199 and Monticello Avenue, establishing the first impression of the Town to those who pass by or visit. The mixed-use center is designed to provide characteristics that are in harmony with other sections of New Town. The site layout and landscaping provide a visually appealing as well as a functional design of streets and parking zones, which limit visibility to parking areas from major access points. The architecture will be in keeping with the current Town Center area. Building placement is functional yet contemporaneous with New Town principles. The roadway design and pedestrian connectivity enable both permanent New Town residents and visiting shoppers or office workers to utilize the retail, restaurants, activities and public areas.

Plan Flexibility

When New Town was originally rezoned in 1997, rather than set finite square footages and dwelling uses for each use in each section, the adopted master plan establishes certain uses for each section and then describes in tables the maximum and minimum square footages and dwelling units which would occur under two market scenarios.

The first scenario assumes the residential uses are built out to the maximum extent, whereas the second scenario assumes non-residential uses are built out to the maximum extent. This system is intended to provide flexibility in determining the mix of residential and non-residential uses in each section. The 1997 results for the entire east side of New Town development (Sections 1-10) is summarized below:

EAST SIDE OF NEW TOWN, SECTIONS 1-10		
	<u>Maximum Residential Scenario</u>	<u>Maximum Non- Residential Scenario</u>
Residential	1,972 dwelling units	1,171 dwelling units
	4.5 du/acre overall cap	4.5 du/acre overall cap
Non-residential	1,361,157 square feet	2,008,657 square feet

To achieve the current development proposed in Section 9, the original Master Plan for Section 8 governing approximately 86 acres is being amended in conjunction with this rezoning by transferring 154 dwelling units from Section 8 to Section 9. Additionally, ten acres of Williamsburg Community Hospital property that currently houses the WMBG AM radio tower, which is currently not part of New Town, is being included in the Section 9 rezoning. Commercial and residential densities for the ten acres are consistent with the 1997

Master Plan, at 7,200square feet per acre to 7,640 square feet per acre for commercial density and 1.1 units per acre to 2.2 units per acre for residential density. **It should be noted that the overall limits on total number of residential units and non-residential square footage for New Town is not being changed with this application.** The revised land use tabulations for Section 8 and Section 9 are proposed as follows:

PROPOSED SECTION 8		
	<u>Maximum Residential Scenario</u>	<u>Maximum Non- Residential Scenario</u>
Residential	125 dwelling units	125 dwelling units
Non-residential	33,500 square feet	33,500 square feet

PROPOSED SECTION 9		
	<u>Maximum Residential Scenario</u>	<u>Maximum Non- Residential Scenario</u>
Residential	279 dwelling units	215 dwelling units
Non-residential	401,945 square feet	426,342 square feet

Design Guidelines

Design guidelines were adopted with the original rezoning to ensure the vision of the winning town plan and establish the New Town Design Review Board and a process from which to review and approve proposed developments. The Design Guidelines for Section 9 address street design, streetscape, parking, block design, architecture and landscaping. The New Town Design Review Board has reviewed the proposed Master Plan and revised Design Guidelines for Sections 9 and has approved them for conformance with the adopted Master Plan and original New Town design guidelines. With some significant exceptions to allow for larger retail buildings primarily adjacent to Route 199, the design guidelines are very similar to those for Section 2 & 4. While the master plan was ultimately approved by the New Town Design Review Board, it was the subject of extensive discussion due to these exceptions and its decision was not unanimous. The large retail buildings in this proposal are different from other sections of New Town east of Route 199. The Commission and Board should review the design proposal and make their own findings as to whether it is compatible with the overall vision of New Town.

Master Plan

Staff believes that the proposed Master Plan is compatible with surrounding zoning and development and is consistent with the approved 1997 New Town Master Plan. In general, nonresidential development is located directly to the east of State Route 199, along Monticello Avenue and the southern sections of Settlers Market Boulevard and Casey Boulevard with residential areas located along the northern area of Section 9. The Master Plan and Design Guidelines are designed to work together to ensure that the overall project achieves the design objectives.

PUBLIC IMPACTS

Archaeology

Staff Comments: The applicants have performed a Phase I Study with the appropriate treatment plans for the appropriate areas. A Phase II Study was conducted in the fall of 2000 at site 44JC361. The artifacts found were in contexts largely disturbed by logging activities; therefore no further work is recommended at site 44JC361 because the site would not significantly add to the knowledge of the history of the area. A Phase I Study was performed in January 2005 on the 10 acre site that currently houses the WMBG AM radio tower. The site is included in the current application. The Phase I Study yielded negative results and no further work was recommended at this site.

Environmental

Watershed: Powhatan Creek

Proffers: The binding master plan shows a variable width buffer around environmentally sensitive areas. The applicant has proffered a 15 foot setback from the buffer shown on the master plan.

Environmental Staff Comments:

The property associated with Section 9 is not grandfathered under the Chesapeake Bay Preservation Ordinance Transition resolution however, a variable width buffer on all intermittent and perennial streams was agreed to on March 4, 2004. Therefore, a Water Quality Impact Assessment will be required prior to construction of any impacts proposed within Resource Protection Areas. The “Master Stormwater Management Plan, New Town” with revisions was approved on December 22, 2004. **The plan covers this area of development and all components shall apply. This application is acceptable and further environmental issues will be addressed at the development plan stage.**

Fiscal

Proffers: Cash contributions for various public facilities have been proffered to offset the project’s fiscal impact. In addition, a Fiscal Impact Study has been submitted in accordance with Zoning Ordinance Requirements.

Staff Comments: Overall fiscal impact is positive with the assumption that all homes are assumed to be occupied in Year 2. At buildout (assumed to be in the year 2008), the proposal for Section 9 provides a net positive annual fiscal impact of approximately \$975,000. This figure is based on the maximum number of residential homes (279) and the minimum space for retail and office development (401,945 square feet). Timing of nonresidential and residential buildout is important to actual fiscal performance. Overall, New Town has experienced a more rapid buildout of nonresidential vs. residential. This will result in a more favorable fiscal balance than projected in 1997.

Housing

Proffers: A minimum of three percent (3%) of the residential units (7-9 units) constructed on the Property will be initially offered for sale for a period of nine continuous months after the issuance of a building permit for such residential units at a price at or below \$154,000 subject to the Marshall Swift Index price adjustment.

Staff Comments: Staff has reviewed this proffer and finds it adequate.

Libraries

Proffers: A contribution of \$61 for each residential unit is proffered for library needs.

Library Comments: In the near future, another library facility will need to be considered to adequately service demands. The proffered amount helps offset building construction costs but does not provide sufficient funds for the opening day collection needs.

Public Utilities

Proffers:

- A cash contribution of \$820 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

Staff Comments: This site is served by public water and sewer. The proffered dollar amount is consistent with the need indicated by the JCSA and other recent rezonings with adjustments made for inflation.

Public Facilities

Proffers: Total contributions of \$1,589 per residential unit are proffered to the County for each

residential unit developed on the property (\$528 per residential unit for schools).

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action number four encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and water supply facilities. The applicant has proffered cash contributions to the County for each of the facilities as well as for libraries and fire/EMS. Please note that while significant, the proffers do not address the full range of County facilities and services.

Settler’s Market at New Town is located within the Clara Byrd Baker Elementary School, Berkeley Middle School and Jamestown High School districts. Under the proposed Master Plan, a range of 215 to 279 condominium or townhouse units are proposed. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

Low Range Residential

<i>School</i>	<i>Design Capacity</i>	<i>Effective Capacity</i>	<i>Current 2005 Enrollment</i>	<i>Projected Students Generated by Proposal</i>	<i>Current 2005 Enrollment and Projected Student Total</i>
Clara Byrd Baker	804	660	758	16	774
Berkeley Middle	725	816	869	8	877
Jamestown High	1,250	1,177	1,497	10	1,507
Total	2,779	2,769	3,124	34	3,158

High Range Residential

<i>School</i>	<i>Design Capacity</i>	<i>Effective Capacity</i>	<i>Current 2005 Enrollment</i>	<i>Projected Students Generated by Proposal</i>	<i>Current 2005 Enrollment and Projected Student Total</i>
Clara Byrd Baker	804	660	758	21	779
Berkeley Middle	725	816	869	11	880
Jamestown High	1,250	1,177	1,497	13	1,510
Total	2,779	2,769	3,124	45	3,169

The following information applies to both the low range residential and high range residential scenarios. There is design capacity for this development at Clara Byrd Baker; therefore this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle School and Jamestown High School. Although the design capacity of Jamestown High School is clearly exceeded, the adequate public school facilities policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore, staff believes that this proposal meets the

policy guidelines for the high school level. The proposal does not meet the policy guidelines at the middle school level.

Parks and Recreation

Proffers: The proffers provide for several community spaces referred to as “Village Community Spaces” which are also shown and labeled on the master plan as “Transition Open Space” and “Focal Open Spaces”. Further, the proffers provide for a cash contribution of \$109 for each residential unit developed on the property.

Staff Comments: In addition to the items depicted on master plan, the Design Guidelines call for sidewalks along all roads and bikeways along Casey Boulevard, Settlers Market Boulevard and Monticello Avenue. Given this is an urban development the proffered recreational facilities are different than those provided by suburban developments. Based on previous New Town rezonings, the proffers are acceptable.

Fire and EMS:

Proffers: A cash contribution of \$71 per residential unit is proffered for fire and rescue equipment and facilities.

Staff Comments: This figure is consistent with the need indicated by the Fire Department and consistent with other recent rezonings.

Transportation

2005 Traffic Counts on Monticello Avenue (Ironbound Road to State Route 199): 23,662

2005 Traffic Counts on Monticello Avenue (State Route 199 to News Road): 36,548

2005 Traffic Counts on Ironbound Road (Monticello Avenue to Watford Lane): 10,157

A traffic impact study was submitted to the County in accordance with the requirements of Section 4 of the original New Town proffers.

Proffers:

- A traffic signal at the Settler's Market Boulevard/Monticello Avenue intersection is proffered which will include pedestrian crosswalks, pedestrian signal heads and controls and a pedestrian median refuge.
- A traffic signal at the Casey Boulevard/Monticello Avenue intersection is proffered which will include pedestrian crosswalks, pedestrian signal heads and controls and a pedestrian median refuge.
- For the Casey Boulevard / Monticello Avenue intersection, the following entrance and road improvements shall be completed (or bonded), to the extent such improvements are not already in place, when warranted by VDOT:
 - (i) Dual eastbound left turn lanes on Monticello Avenue.
 - (ii) A westbound right turn/through lane on Monticello Avenue extending to the existing right turn lane at Route 199.
- At least one but no more than two bus pull-off areas and bus shelters are proffered to be constructed on the property.

VDOT Comments: Staff has not received comments from VDOT pertaining to this project although considerable coordination with VDOT has occurred.

Staff Comments: Street design within all of New Town is based on street design cross sections contained in the Design Guidelines. The cross sections include street trees, medians, lighting and pedestrian/bicycle facilities. All streets within Section 9 have the potential to be privately owned and maintained (non-gated); however, the intention is that most all streets will be publicly owned, maintained, and constructed to VDOT standards unless VDOT will not approve the streets as substantially described in the Guidelines. The proffers provide an acceptable mechanism for the maintenance of any private streets.

The 1997 proffers require an updated traffic impact study to be submitted with the rezoning of each

section from R-8 to MU. These proffers also specify operational standards for the Monticello Avenue and the methodology and criteria for the studies. The 1997 proffers require the provision of road improvements to maintain an overall level of service (LOS) C for the design year of 2015 at all New Town intersections. Of note, however, is a relaxed level of service standard in the 1997 proffers that permits lane groups to have LOS D if they are part of a coordinated traffic signal system and the overall intersection maintains LOS C. Although LOS C is the accepted standard for roads in the County by both staff and VDOT, it is a very suburban type standard that produces very wide roads. LOS D is an accepted urban standard and produces narrow more pedestrian-friendly design and traffic movement and is used in most cities. In an effort to reduce the scale of the road network and the related improvements (i.e., dual left-turns) so that the streets would fit the vision of New Town, the relaxed standard was accepted by James City County and VDOT.

The updated traffic impact study is based on existing peak p.m. hour traffic and counts were compiled by VDOT and DRW Consultants, LLC. The nine intersections along Monticello Avenue that were analyzed for this study include; Ironbound Road, Courthouse Street, New Town Avenue, Settler's Market Boulevard (proposed), Old Ironbound Road, State Route 199, WindsorMeade Way, Monticello Marketplace and News Road. It should be noted that the intersections at Monticello Marketplace and News Road were not included in the 1997 proffers, but were analyzed for this traffic impact study at the County's request. While these two intersections were designed by VDOT as part of the Route 199 project, the other seven intersections were designed by New Town's traffic consultant. Three scenarios were analyzed in the traffic impact study: 2015 traffic conditions without Section 9, 2015 traffic conditions with Section 9; and 2015 traffic conditions with Sections 7, 8 and 9.

The results of the traffic impact study indicate that the seven intersections included under the 1997 proffers (Ironbound Road to WindsorMeade Way) will operate in accordance with the original proffers. An overall LOS C is projected as is a LOS D for some lane groups for these seven intersections for all three scenarios.

The proposal meets the standards of the original New Town proffers; however there are several underlying concerns with traffic along the Monticello Avenue corridor. The results of the submitted traffic study assume a coordinated traffic signal system from Ironbound Road to News Road. Outstanding questions regarding the traffic signal coordination include: (1) when will the coordination of all the traffic signals occur, (2) will the coordination be effective to move traffic on Monticello Avenue in a timely manner and (3) which parties will be responsible for the cost of installing the traffic signal coordination equipment, (4) when will the LOS degrade to a LOS D and (5) How do weekend and seasonal peaks correspond with p.m. peaks?

It should be noted that the applicant has proffered two traffic signals on the Monticello Avenue corridor and both signals are equipped with the appropriate equipment necessary for traffic signal coordination. Additionally, the seven intersections included in the original New Town proffers successfully achieve an overall level of service C. Staff has hired a consultant to investigate the year in which the nine intersections from Ironbound Road to News Road fall to a level of service D or below. The results of the consultants work are pending and staff hopes to provide this information to the Planning Commission at the March 6th public hearing.

Finally, it was demonstrated in the submitted traffic study that the Monticello Marketplace intersection does achieve an overall LOS C for all three scenarios and the News Road intersection does not achieve an overall LOS C for all three scenarios. Both the Monticello Marketplace intersection and News Road intersection have individual turning lane movements that do not achieve a LOS D in all three scenarios. Although these intersections were not included in the original New Town proffers, these intersections are vital in regards to the movement of traffic along the Monticello Avenue corridor. These intersections will

require upgrades to achieve the 2015 LOS of the other seven intersections along this corridor. The applicant has met with staff and members of the Planning Commission to discuss the concerns associated with the Monticello Marketplace and News Road intersections. The applicant has agreed to submit conceptual plans to the County for road improvements recommended at these intersections. The concept plans will be reviewed by staff and Kimley-Horn and Associates and will be presented to the Planning Commission in the near future. Staff is also exploring the possibility of cost sharing for these improvements.

COMPREHENSIVE PLAN

Land Use Map Designation

The 2003 Comprehensive Plan shows the entire New Town master planned area, which includes all the property requested for rezoning, as Mixed Use on the Land Use Plan map. The Comprehensive Plan states that mixed use areas:

- are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of use is encouraged;
- are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial uses when located at or near the intersections of major thoroughfares;
- are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area; and
- require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity to large population centers.

The mixed-use land designation further states that moderate to high-density residential uses could be encouraged in the Mixed Use area where such development would compliment and be harmonious with existing and potential development. The timing and intensity of commercial development at a particular site is controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the areas infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

During the 2003 Comprehensive Plan Update, the New Town Mixed Use area description was reviewed to ensure it continues to generally support the implementation of the winning town plan from the design competition and now states: For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg. In summary, staff believes that the current proposal is consistent with the Mixed Use designation of the Comprehensive Plan.

Other Considerations

Community Character: The other primary consideration in the Comprehensive Plan for this master planned area is its location in the New Town Community Character Area (CCA) and along the Monticello Avenue, Ironbound Road, and Route 199 Community Character Corridors (CCC). The CCA generally calls for a superior design which provides a balanced mixture of businesses, shops, and residences in close proximity to one another in an urban environment. It also describes more specific design standards

to which development in that area should adhere. The Ironbound Road CCC and Monticello Avenue CCC are primarily suburban/urban in nature along the New Town borders, and as such, the built environment, formal landscaping, and pedestrian amenities should dominate the streetscapes in these corridors.

Staff believes that Section 9 is consistent with the Comprehensive Plan land use and CCA and CCC designations given the uses and densities proposed in the Master Plan, the proposed proffers and the standards set forth in the design guidelines. Moreover, the design guidelines establish land uses and streetscape standards for the Monticello Avenue corridor which meet the intent of the CCA and CCC language in the Comprehensive Plan.

RECOMMENDATION

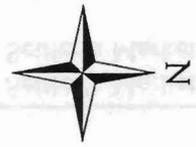
Staff finds this proposal for New Town Section 9 generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. The proposed development is compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. However, there are several underlying concerns with traffic along the Monticello Avenue corridor. Staff has not received comments from VDOT regarding this case and we are waiting for our traffic consultant to provide further analysis of the traffic issues along the Monticello Avenue corridor. Outstanding questions regarding the traffic along this corridor include: (1) when will the coordination of all traffic signals occur, (2) will the coordination be effective to move traffic on Monticello Avenue in a timely manner, (3) which parties will be responsible for the cost of installing the traffic signal coordination equipment, (4) what year will the level of service (LOS) degrade to a LOS D, (5) how do weekend and seasonal peaks correspond with p.m. peaks, (6) what is the approximate cost of upgrades to the west side of the Monticello Avenue corridor to improve LOS and (7) how will the proposed upgrades to this section of the corridor be funded? Based on the aforementioned outstanding issues, staff recommends the Planning Commission defer the rezoning and master plan applications until the pending traffic issues have been resolved.

Matthew J. Smolnik

ATTACHMENTS:

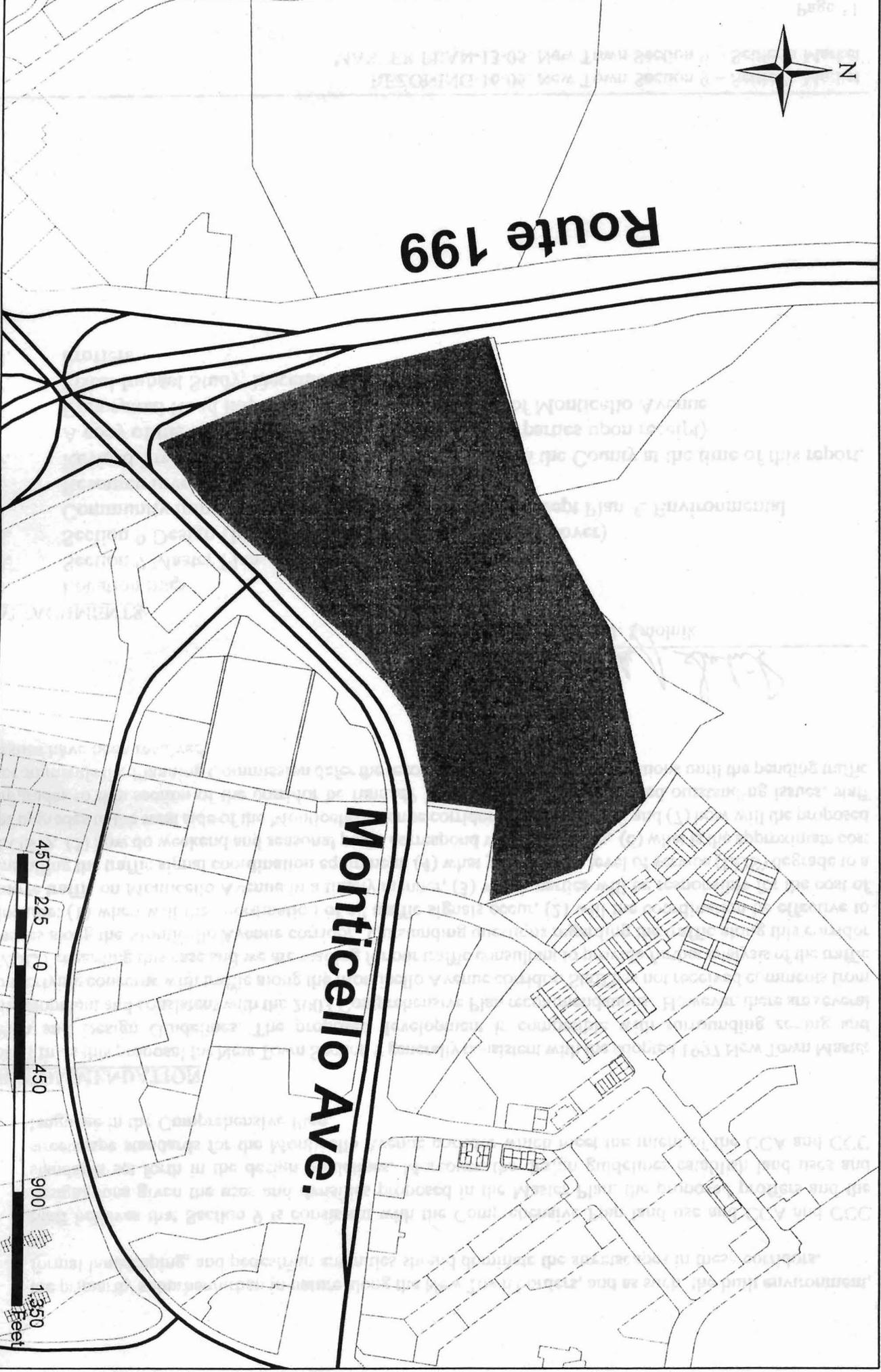
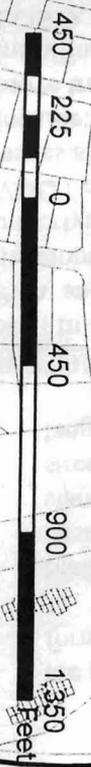
1. Location map
2. Section 9 Master Plan
3. Section 9 Design Guidelines (provided under separate cover)
4. Community Impact Study, including Stormwater Concept Plan & Environmental Resource Inventory Map
5. Revised Traffic Study (this has not been delivered to the County at the time of this report. A copy of the traffic study will be distributed to all parties upon receipt).
6. Conceptual Road Improvements to the West Side of Monticello Avenue
7. Fiscal Impact Study, December 2005
8. Proffers

New Town Section 9: Settler's Market



Route 199

Monticello Ave.





December 12, 2005

Matthew J. Smolnik
James City County Planning Division
101-A Mounts Bay Road
P. O. Box 8784
Williamsburg, Virginia 23187



**Re: Settler's Market at New Town, Section 9
James City County, Virginia
WEG Project #0456B**

Dear Mr. Smolnik:

The following responses were prepared to address comments dated October 19, 2005, received from the James City County (JCC) Environmental Division regarding Section 9 - New Town.

1. After discussion with Mike Woolson at James City County, he clarified comment #1 on the telephone by saying that the comment meant a WQIA would be required if the plan deviated from the approved variable width buffer plan for New Town.
2. The permit application, which includes the proposed impacts for conversion of BMP #53 to a wet extended detention facility, will be submitted to the US Army Corps of Engineers (Corps) and Virginia Department of Environmental Quality (DEQ) within the next week. WEG anticipates receipt of a permit authorizing this work by Spring 2006. AES Consulting Engineers is currently working on the detailed engineering plans for this BMP conversion, so that construction can commence shortly after receipt of an approved permit from the agencies.
3. WEG conducted a small whorled pogonia (*Isotria medeoloides*) habitat survey and submitted the results to the Virginia Department of Conservation and Recreation (VDCR) in March 2001 and July 2004 (Included with Environmental Resource Inventory dated September 2005). According to the 2001 survey, suitable habitat for small whorled pogonia (SWP) was identified along north and east facing slopes in the southeastern portions of the Tract II. In addition, marginal habitat areas were noted; however no individual plants were identified by the 2001 or the 2004 surveys. All other areas, including the entirety of Tract I, were identified as poor habitat for the target species. Since no SWP individuals were identified in Section 9 of New Town this project will not have an effect on this species.

A SWP colony is located north of Section 9 within Section 8 of the New Town Development. This colony with an approximately 8-acre buffer within the SWP drainage area will be preserved through deed restrictions. The SWP preservation area will be monitored according to the conditions of the Corps and DEQ Individual Permits. According to a conversation with Mr. Mike Woolson on October 25, 2005, with the Environmental Division at James City County, site specific coordination of the SWP colony will be coordinated with the owners of New Town Section 8 at the time of rezoning of Section 8.

Section 9 of the overall New Town development in James City County, Virginia now totals approximately 58 acres. The Master Stormwater Management Plan (Revised November 2004) for New Town, which includes Section 9, was approved by James City County by letter dated December 22, 2004. As shown on the attached Stormwater Concept Plan (Revised December 2005), Section 9 will be treated by three proposed stormwater BMPs including BMP A04, a 10-point wet pond, and BMP A06, a 4-point dry detention facility. The proposed re-location of BMP A04 to an area adjacent to the SWP colony and the elimination of BMP A03 from the approved Master Stormwater Management Plan (based on comments from the U.S. Fish and Wildlife Service) necessitate the addition of a third BMP to treat a portion of Section 9, which is shown on the Stormwater Concept Plan as BMP A07. The approximate locations of these three planned BMPs are shown on the Stormwater Concept Plan for Section 9. The proposed BMPs to treat Section 9 will work in conjunction with the remaining proposed BMPs for the overall New Town development to achieve the 10-points required by James City County. Final location and size of these BMPs will be determined at the time of final engineering plans.

The Master Plan for New Town was zoned in 1997, which included the acreage recently added to the Settler's Market at New Town, Section 9. Subsequent re-zoning of all Sections included in this Master Plan have utilized the attached Community Impact Statement for The Casey New Town prepared by AES Consulting Engineering on March 21, 1997 for the Project Description, Analysis of Existing Public Facilities, Environmental and Stormwater Management Analysis. Therefore, the additional acreage recently acquired from New Town that was included in the original Master Plan zoning should also be covered by this study. In addition, the Environmental Resource Inventory Map included in the Environmental Resource Inventory prepared by WEG in September 2005 is attached and has been updated to include the additional Section 9 acreage. The environmental resources located on this additional acreage are the same as the upland areas described on the AIG Backer Tract I and II at New Town. No additional environmental resources have been identified in these areas and no sensitive environmental resources are expected to be affected by the proposed development.

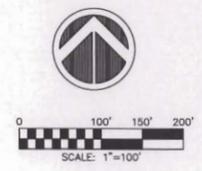
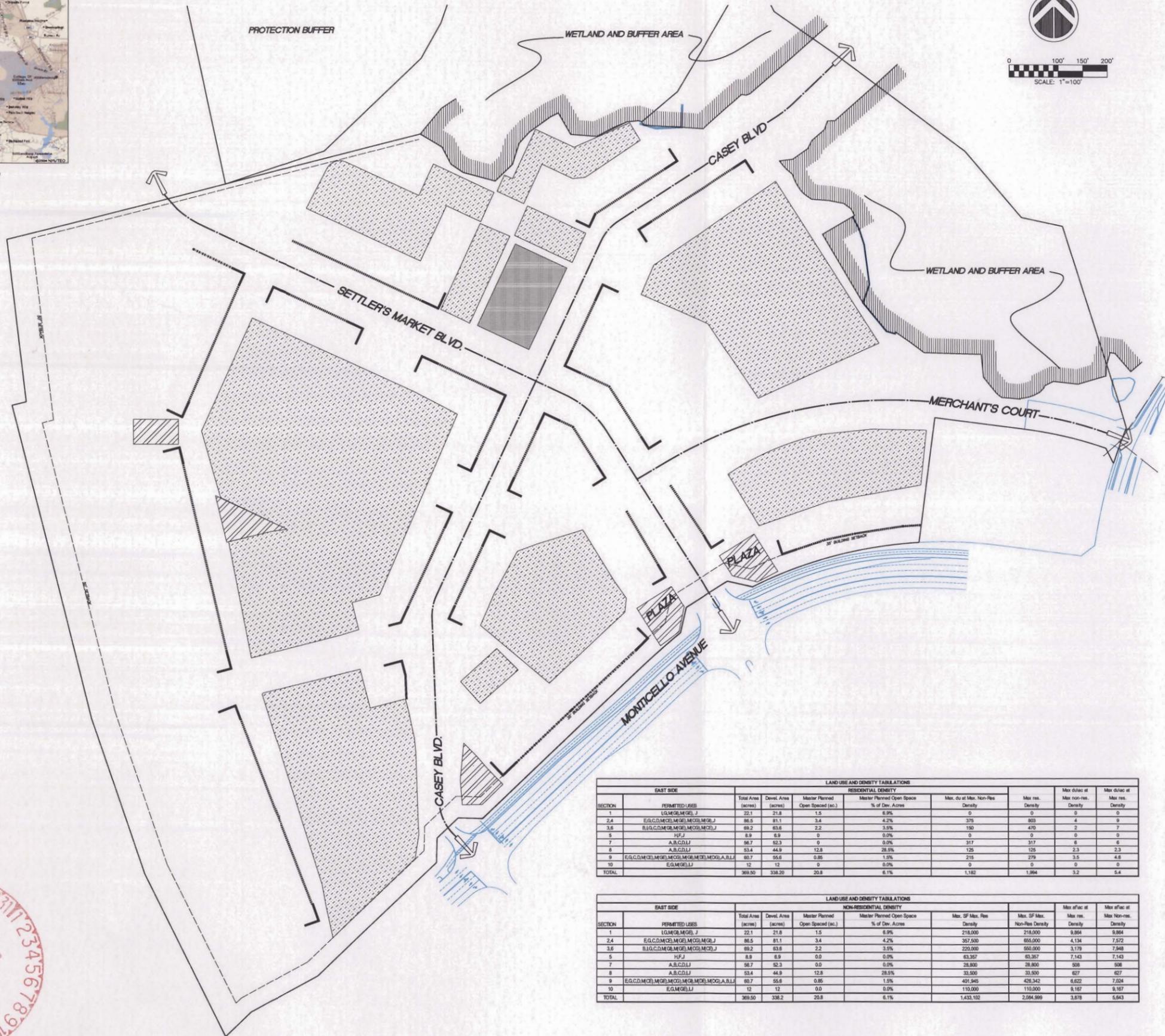
Sincerely,



Toni E. B. Small, P.E.
Senior Engineer



VICINITY MAP



**AIG BAKER DEVELOPMENT, L.L.C.
AND
DEVELOPERS REALTY CORPORATION
JOINT APPLICANTS**

**SETTLER'S MARKET
AT NEW TOWN**

JAMES CITY COUNTY, VIRGINIA

LEGEND

- BUILD TO ZONE (100% FRONTAGE)
- BUILD TO ZONE (80% FRONTAGE)
- BUILD TO ZONE (40% FRONTAGE)
- BUILD TO ZONE (25% FRONTAGE)
- ROAD CENTERLINE
- DRIVEWAY ACCESS
- PROPOSED PARKING PLACEMENT ZONES
- TRANSITION OPEN SPACE
- FOCAL OPEN SPACES (APPROXIMATE)

DEVELOPMENT TYPES

- A. SINGLE-FAMILY
- B. 2/3/4 FAMILY
- C. ATTACHED STRUCTURES OF LESS THAN THREE STORIES CONTAINING MORE THAN 4 UNITS
- D. ATTACHED STRUCTURES OF THREE OR MORE STORIES CONTAINING MORE THAN 4 UNITS
- E. COMMERCIAL
- F. WHOLESALE AND WAREHOUSE
- G. OFFICE
- H. LIGHT INDUSTRIAL
- I. INSTITUTIONAL AND PUBLIC
- J. COMMON OPEN SPACE
- M. MIXED USE STRUCTURES

NOTES

1. EXISTING ZONING IS M1 AND RB
2. PROPOSED ZONING IS MU
3. STREET NAMES INCLUDED ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES ONLY AND IN NO WAY ARE FOR THE PURPOSE OF PERMANENTLY IDENTIFYING THE NAMES OF STREETS
4. EXACT LOCATION OF DRIVEWAYS FOR VEHICULAR ACCESS TO BE DETERMINED AT FINAL ENGINEERING

MP-13-05
Z-16-05



LAND USE AND DENSITY TABULATIONS

SECTION	PERMITTED USES	Total Area (acres)	Devel. Area (acres)	RESIDENTIAL DENSITY		Max. du at Max. Non-Res Density	Max. res. Density	Max. du at Max non-res. Density	Max. res. Density
				Master Planned Open Space (ac.)	% of Dev. Acres				
1	LG,MB,MGB,J	22.1	21.8	1.5	6.9%	0	0	0	0
2,4	E,G,C,D,M,CB,MGB,MCOB,MGB,J	86.5	81.1	3.4	4.2%	375	803	4	9
3,6	B,G,C,D,M,CB,MGB,MCOB,MGB,J	89.2	83.6	2.2	3.5%	190	470	2	7
5	HF,J	8.9	6.9	0	0.0%	0	0	0	0
7	A,B,C,D,I,J	98.7	92.3	0	0.0%	317	317	6	6
8	A,B,C,D,I,J	53.4	44.9	12.8	23.9%	125	125	2.3	2.3
9	E,G,C,D,M,CB,MGB,MCOB,MGB,MCOB,A,B,I,J	80.7	55.6	0.85	1.5%	215	279	3.5	4.8
10	E,G,M,CB,I,J	12	12	0	0.0%	0	0	0	0
TOTAL		369.50	338.20	20.8	6.1%	1,182	1,994	3.2	5.4

LAND USE AND DENSITY TABULATIONS

SECTION	PERMITTED USES	Total Area (acres)	Devel. Area (acres)	NON-RESIDENTIAL DENSITY		Max. SF Max. Non-Res Density	Max. SF Max. Density	Max. res. Density	Max. du at Max Non-res. Density
				Master Planned Open Space (ac.)	% of Dev. Acres				
1	LG,MB,MGB,J	22.1	21.8	1.5	6.9%	218,000	218,000	9,894	9,894
2,4	E,G,C,D,M,CB,MGB,MCOB,MGB,J	86.5	81.1	3.4	4.2%	357,500	665,000	4,134	7,572
3,6	B,G,C,D,M,CB,MGB,MCOB,MGB,J	89.2	83.6	2.2	3.5%	225,000	560,000	3,179	7,948
5	HF,J	8.9	6.9	0	0.0%	63,357	63,357	7,143	7,143
7	A,B,C,D,I,J	98.7	92.3	0	0.0%	28,800	28,800	508	508
8	A,B,C,D,I,J	53.4	44.9	12.8	23.9%	33,500	33,500	627	627
9	E,G,C,D,M,CB,MGB,MCOB,MGB,MCOB,A,B,I,J	80.7	55.6	0.85	1.5%	406,945	426,342	6,022	7,024
10	E,G,M,CB,I,J	12	12	0	0.0%	110,000	110,000	9,167	9,167
TOTAL		369.50	338.2	20.8	6.1%	1,433,152	2,094,999	3,878	5,843

12/22/05



LAJ ENGINEERING
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MARIETTA, GA 30067
PHONE: 770-423-0807
FAX: 770-423-1262
EMAIL: INFO@LAJENGINEERING.COM

Community Impact Statement For The Casey New Town

Prepared for

C. C. Casey Limited Company

Prepared by

AES Consulting Engineering
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188

March 21, 1997
Project No. 6632



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- 5. Wastewater Flow Analysis for the Casey Development – Max Residential
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- 7. Worksheet for BMP Point System

Appendix

- A. Town Plan Competition Program

List of Companion Documents

1. Design Guidelines
 2. Traffic Impact Study
 3. Fiscal Impact Study
 4. Master Plan Drawing Set
- Drawing No.
1. Master Plan
 2. Land Use and Density Tabulation
 3. Master Water Distribution Plan
 4. Master Sewer Plan
 5. Map Showing a Portion of Pump Station 1-5 Service Area
 6. Master Stormwater Management Plan

INTRODUCTION

The property known as the Casey Tract, located in James City County is owned by the C.C. Casey Limited Company. The tract consists of approximately 610 acres, in three parcels, which is bounded by Ford's Colony and Eastern State Hospital to the north, Ironbound Road to the east and south and News Road and Jester's Lane subdivision to the west.

The property is divided into two distinct parcels by State Route 199, which runs north/south through the property and is currently under construction. Monticello Avenue Extended, which is part of the Route 199 project, cuts across the property from east to west near the southern boundary. These two roadways currently encompass approximately 43± acres of right-of-way which VDOT is in the process of acquiring.

The property is currently zoned Limited Business/Industrial District, M-1 and Rural Residential District, R-8. The M-1 area is located on the eastern edge of the property and consists of approximately 65 acres. The remainder of the property, approximately 502 acres (excluding VDOT right-of-way), is zoned R-8.

Ultimately the entire Casey New Town project is proposed to be rezoned to mixed use, MU. This shall be accomplished in phases due to James City County's desire to understand, in more detail than traditionally sought, the individual proposals for development. The only way this can be accomplished is to rezone small portions of the tract as details of the site layout and uses can be determined. The first of these smaller areas which is proposed for rezoning is referred to as the courthouse quadrant. This area consists of approximately 28.4 acres and is located in the southeast corner of the property and is shown as Section One on the project Master Plan (Exhibit 2). The remainder of the tract is proposed to be zoned R-8 with proffers. These proffers shall ensure the integrity of the project as it is developed over the next fifteen to twenty years.

II. PROJECT TEAM

Owner: C.C. Casey Limited Company, Williamsburg, Virginia.

Asset Manager: Virginia Landmark Corporation, Richmond, Virginia.

Legal Counsel: Geddy, Harris and Geddy, Williamsburg, Virginia.

Land Planning: Cooper, Robertson and Partners, New York, N.Y.

Civil Engineer: AES Consulting Engineers, Williamsburg, Virginia.

Traffic Planning: Dexter R. Williams, Midlothian, Virginia.

Environmental: Williamsburg Environmental Group, Williamsburg, Virginia.

Fiscal Impact Analysis: The Wessex Group, Williamsburg, Virginia.

Project Guidance: James City County, Department of Development Management,
James City County, Virginia.

III. PROJECT DESCRIPTION

In 1994, a land planning design competition was suggested as the appropriate method to develop a plan for this integrally important tract of land in James City County. The Caseys, with James City County, sponsored a joint land planning/architectural competition to develop a land plan for the Casey tract and to design the Williamsburg/James City County Courthouse which is to be located on the Casey tract. James City County acted as the coordinator for the joint competition. Design Competition Services of Milwaukee, Wisconsin served as program developer and advisor for the competition. (see Appendix A Town Plan Competition Program). From the Stage 1 competition, three finalists were chosen. Upon receiving further instructions, the finalists revised their land plans and resubmitted. From this second stage the winning land plan was chosen. The winning land plan was prepared by three design professionals of the firm Cooper Robertson and Partners, the land planners on the project team.

The Master Plan which is submitted as part of the rezoning application is a revision to the winning Master Plan. The revisions to the winning Master Plan are driven by several factors, these being: a) revisions to the Courthouse site by the winning courthouse designer, b) possible uses of surrounding properties, c) market realities, and d) engineering realities.

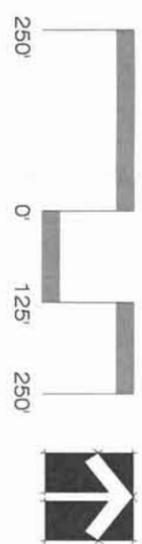
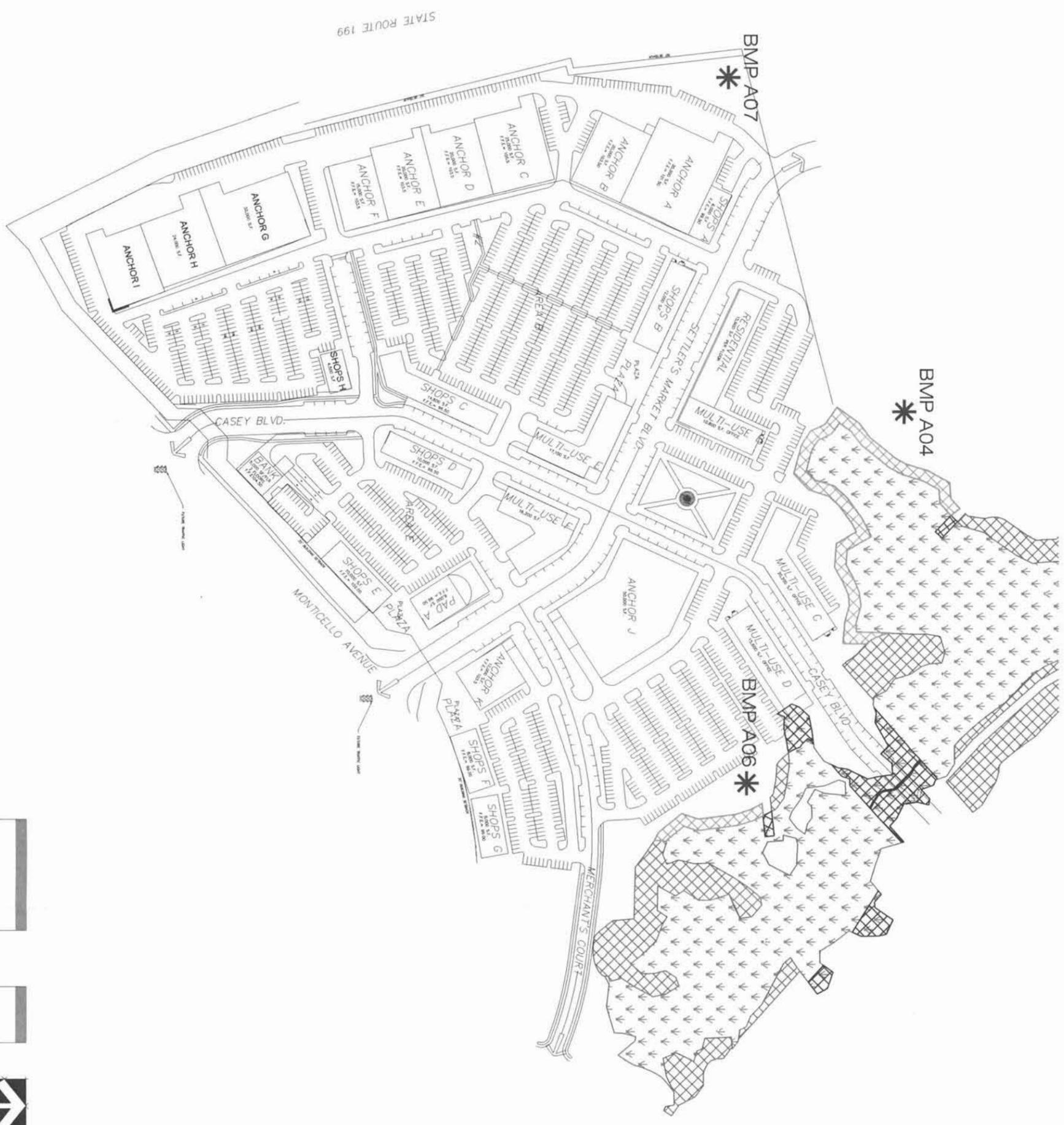
Reference is made to the Design Guidelines as prepared by Cooper Robertson and Partners for a detailed description of the project Master Plan. However, the design challenge as expressed in the Town Plan Competition Program best sums up the concept of this project.

"The design challenge is to develop a Town Plan for the 600 acre parcel known as the Casey Property that creates a high quality, enduring model for growing American communities. The Town Plan must not only achieve design excellence -- aesthetically and functionally -- but also demonstrate economic effectiveness, environmental responsiveness, engineering practicality, and market flexibility. The Town Plan is expected to encompass a more urban and humanistic approach to the design of buildings and public spaces that avoids the conventional suburban patterns which have hurt many communities. The Town Plan should embody design and development concepts that complement and respect surrounding land uses and neighborhoods. Ultimately the Town Plan should be perceived as an urbanized addition to the Williamsburg area."

Please refer to Tables 1 and 2 for the Land Use and Density Tabulation.

LEGEND:

-  SURVEYED WETLAND LIMITS
-  PROJECT LIMITS
-  PROPOSED ROADWAY
-  PROPOSED BMP LOCATION
-  RPA BUFFER
-  ADDITIONAL BUFFER
-  PROPOSED WETLAND IMPACTS



DATE: DECEMBER 12, 2005
 JOB NUMBER: 456B
 SCALE: 1 INCH = 250 FEET
 SOURCE: LANDMARK

STORMWATER CONCEPT PLAN
SECTION 9 - NEW TOWN
 JAMES CITY COUNTY, VIRGINIA



WILLIAMSBURG ENVIRONMENTAL GROUP, INC.

3000 Eastern Circle
 Williamsburg, Virginia 23188
 (757) 220-6889

7501 Boulders View Drive
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 (804) 267-3474

13921 Park Center Road
 Suite 160
 Herndon, Virginia 20171
 (703) 437-3096

4500 Plank Road
 Suite 205
 Fredericksburg, Virginia 22407
 (540) 785-5544

Environmental Consultants

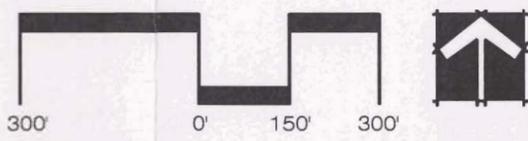
I:\0400s\456-Casey Property\456b AIG Baker\Ecology\Environmental Resource Inventory\ERI MAP 12-12-05.dwg



LEGEND:

- SURVEYED WETLAND LIMITS
- SURVEYED STREAM CHANNEL LIMITS
- PROPERTY LINE BUFFER
- RPA BUFFER
- ADDITIONAL NON-RPA BUFFER (0.23 ACRE±)
- EXISTING SOIL TYPES
- VIRGINIA LEAST TRILI IUM HABITAT
- MARGINAL SMALL WHORLED POGONIA HABITAT
- SUITABLE SMALL WHORLED POGONIA HABITAT

MAP UNIT	HSG	SOIL NAME	DEPTH TO GROUNDWATER (FT)	PERMEABILITY (IN/HR)	
				DEPTH	RATE
11C	C	CRAVEN-UCHEE	3.0-5.0	0-9	0.6-2.0
				9-30	0.06-0.2
				30-72	0.2-6.0
15D	C	EMPORIA	3.0-4.5	0-17	2.0-6.0
				17-56	0.2-2.0
				56-70	2.0-6.0
15E	C	EMPORIA	3.0-4.5	0-9	0.2-0.5
				9-37	0.06-0.8
				37-50	0.06-2.0
17	C	JOHNSTON	+1-1.5	0-9	0.2-0.5
				9-49	0.8-2.0
				49-60	0.8-2.0
18B	B	KEMPSVILLE	>6.0	0-14	0.2-6.0
				14-20	0.2-6.0
				20-55	0.2-2.0
19B	C	KEMPSVILLE-EMPORIA	3.0-4.5	0-14	0.2-6.0
				14-20	0.2-6.0
				20-55	0.2-2.0
25B	B	NORFOLK	4.0-6.0	0-17	2.0-6.0
				17-39	0.2-2.0
				39-72	0.2-2.0
29A	C	SLAGLE	1.5-3.0	0-9	0.2-6.0
				9-25	0.2-2.0
				25-60	0.06-0.8



2-16-05

ENVIRONMENTAL RESOURCE INVENTORY MAP
AIG BAKER TRACTS I & II
JAMES CITY COUNTY, VIRGINIA

DATE: SEPTEMBER 21, 2005
 REVISED: DECEMBER 12, 2005
 JOB NUMBER: 456B
 SCALE: 1 INCH = 300 FEET
 SOURCE: BASE MAP PROVIDED BY AES CONSULTING ENGINEERS.

WILLIAMSBURG ENVIRONMENTAL GROUP, INC.
 Environmental Consultants

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 Fredericksburg, Virginia 22407
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Table 1 Land Use and Density Tabulation: Residential

EAST SIDE

Section	Use	Phasing	Section Area (ac.)	Developable Area (ac.)	Master Planned Open Space (ac. /%)	RESIDENTIAL DENSITY			
						Max. du at Max. Non-Res. Density	Max. du at Max. Res. Density	Max. du/ac at Max. Non-Res. Density	Max. du/ac at Max. Res. Density
1	I, G,J	1	33.2	32.8	3.5 / 10%	-	-	-	-
2	E, I, G,J	2	22.7	22.7	1.0 / 4%	-	-	-	-
3	I, G,J	2	36.3	33.4	1.8 / 5%	-	-	-	-
4	C,D,E,G,M,I,J	2	56.4	53.8	4.2 / 7%	525.0	873.0	9.3	15.5
5	H, F,J	2	15.4	13.2	0	-	-	-	-
6	G,J	2	34.0	30.7	1.3 / 4%	-	-	-	-
7	A,B,C,D,I,J	2	57.6	51.3	0	317.0	317.0	5.5	5.5
8	A,B,C,D,I,J	2	67.0	57.1	12.8 / 19%	279.0	279.0	4.2	4.2
9	E,G,B,C,D,I,J	2	45.8	40.3	.8 / 2%	50.0	103.0	1.1	2.2
10	E,J	2	13.1	13.1	0	-	-	-	-
Sub-total			381.5	348.4	25.4 / 7%	1,171.0	1,572.0	3.1	4.1

WEST SIDE

11	E,G,C,D,I,J	3	19.1	19.1	.7 / 4%	90.0	180.0	4.7	9.4
12	A,B,C,D,I,J	3	103.4	81.9	5.0 / 5%	298.0	298.0	2.9	2.9
13	A,B,C,J	3	125.8	103.5	6.8 / 5%	252.0	252.0	2.0	2.0
Sub-total			248.3	204.5	12.5 / 5%	640.0	730.0	2.6	2.9

Grand Total			629.8	552.9	37.9 / 6%	1,811.0	2,302.0	2.9	3.6
						2,056 Average			

Table 2 Land Use and Density Tabulation: Non-Residential

EAST SIDE

Section	Use	Phasing	Section Area (ac.)	Developable Area (ac.)	Master Planned Open Space (ac. /%)	NON-RESIDENTIAL DENSITY			
						Max. sf at Max. Res. Density	Max. sf at Max. Non-Res. Density	Max. sf/ac at Max. Res. Density	Max. sf/ac at Max. Non-Res. Density
1	I, G,J	1	33.2	32.8	3.5 / 10%	270,000	270,000	8,132.5	8,132.5
2	E, I, G,J	2	22.7	22.7	1.0 / 4%	245,000	245,000	10,800	10,800
3	I, G,J	2	36.3	33.4	1.8 / 5%	120,000	120,000	3,300	3,300
4	C,D,E,G,M,I,J	2	56.4	53.8	4.2 / 7%	227,500	480,000	4,034	8,510
5	H, F,J	2	15.4	13.2	0	110,000	110,000	7,143	7,143
6	G,J	2	34.0	30.7	1.3 / 4%	340,000	340,000	10,000	10,000
7	A,B,C,D,I,J	2	57.6	51.3	0	28,000	28,000	490	490
8	A,B,C,D,I,J	2	67.0	57.1	12.8 / 19%	33,000	33,000	490	490
9	E,G,B,C,D,I,J	2	45.8	40.3	.8 / 2%	330,000	350,000	7,200	7,640
10	E,J	2	13.1	13.1	0	120,000	120,000	9,160	9,160
Sub-total			381.5	348.4	25.4 / 7%	1,823,500	2,096,000	4,780	5,500

WEST SIDE

11	E,G,C,D,I,J	3	19.1	19.1	.7 / 4%	115,000	165,000	6,020	8,640
12	A,B,C,D,I,J	3	103.4	81.9	5.0 / 5%	30,000	30,000	290	290
13	A,B,C,J	3	125.8	103.5	6.8 / 5%	-	-	-	-
Sub-total			248.3	204.5	12.5 / 5%	145,000	195,000	584	954

Grand Total			629.8	552.9	37.9 / 6%	1,968,000	2,291,000	3,125	3,638
						2,129,500	Average		

IV. ANALYSIS OF EXISTING PUBLIC FACILITIES AND SERVICES

A. WATER

The James City Service Authority (JCSA) has an existing 12" diameter water transmission main located along Ironbound Road. In addition, as part of the Monticello Avenue Roadway Extension Project, a 16" and 20" diameter water transmission main shall be constructed parallel to the roadway. The existing and proposed facilities are of adequate size to provide service to the proposed Casey Development.

The Master Water Distribution Plan (the Master Water Distribution Plan is included in the Master Plan Drawing Set) provides for several connections to the existing 12" diameter and proposed 16" and 20" diameter water mains. As indicated on the Master Water Plan 12" and 8" diameter water mains will be extended and looped throughout the proposed development, and interconnected, to provide for the required domestic and fire flows.

B. SEWER

Existing Gravity Sewer Mains

Areas adjacent to the Casey Property are currently served by two gravity sewer mains. One of the sewer mains is located along the eastern property line of Ford's Colony. It consists of a 12" gravity sewer main, which flows to an 18" main, and ultimately to a 24" main before connecting to Pump Station 1-5 (see Master Sewer Plan). This gravity main services the eastside of the project.

The other gravity sewer main is located along the southeastern corner of Ford's Colony. This line consists of a 10" gravity sewer which flows into an 8" gravity sewer and ultimately to the 18" Powhatan Creek Interceptor (Master Sewer Plan). This gravity main services the west side of the project.

Existing and Future Wastewater Flows

The attached Table 3 summarizes the peak wastewater flow to the existing 18" diameter gravity sewer serving the eastside. As indicated, an adjusted peak wastewater flow of 1,193 gallons per minute (gpm) will be produced from the full development of subarea "A" through subarea "J" (this does not include the Casey Development). Please refer to map showing portion of Pump Station 1-5 service area.

The attached Table 3 summarizes the peak wastewater flow which will be produced from the Casey Development. The adjusted peak flow from the eastside of the project is 1,226 gpm. The adjusted peak flow from westside of this project is 403 gpm.

It is the intention of C. C. Casey Limited Co. to connect the eastside of the Casey Development to the existing 18" gravity sewer main (the existing 12" gravity sewer main will be upgraded) and west side of the Casey Development to the existing 10" gravity sewer main.

Adequacy of Existing Mains

Capacities of various diameter gravity sewer mains with a Manning's coefficient of 0.013 and installed at minimum slope are listed in the table below.

Diameter of Gravity Sewer (inches)	Capacity, (gpm)
8	330
10	530
12	750
15	1115

Capacities for various gravity sewers

The peak wastewater flow generated from subareas "A" through "J", plus the flows generated from the eastside of the Casey Development, will be approximately 2,400 gpm.

Thus, the existing 12” and 18” gravity sewers are not adequate to receive wastewater flows from full development of the Casey Development. However, the existing 24” diameter section of the gravity sewer, Pump Station 1-5, and the existing JCSA and HRSD force mains are adequate to serve the eastside of the Casey Development.

The existing 10” gravity sewer is adequate to serve the west side of the Casey Development due to the small service area that flows to the 10” gravity sewer and the lower Manning’s coefficient that can be used for a relatively new 10” sewer main. However, the existing 8” gravity sewer section between the 10” main and 18” Powhatan Creek Interceptor is not adequate to serve full development of the west side of the project.

Recommendations

The Existing Pump Station 1-5 service area, and the proposed Casey Development, consist of a mixed use of businesses and residential uses. This mixed use will likely result in a lower maximum peak wastewater flow rate, due to the varying flow durations. Several conceivable scenarios such as peak “other” flows and average residential flows are also depicted in Tables 4 through 6. Depending on the scenario, and the development rate of the Casey project, it will likely be many years before the existing 18” gravity sewer will need to be upgraded or replaced.

However, the JCSA will require assurances that the existing gravity sewer facilities are adequate, or that adequate capacity will be provided, prior to approval of various phases of the Casey Development. For that reason, the following recommendations are made to insure that the downstream facilities are adequate to serve the proposed Casey Development:

Eastside

It is recommended that the developer construct approximately 1,800 linear feet of new off-site 18" diameter gravity sewer main from the Casey property to the existing 12" diameter sewer main, and increase the equivalent size of the existing 12" diameter sewer main (approximately 1,700 linear feet) to 18" diameter (this may be accomplished by a new parallel main or by pipe-bursting techniques). The existing 18" gravity sewer (which extends to the 24" diameter gravity sewer) would not be upgraded or replaced until such time that flows generated by future development would exceed the available capacity. At that time, future Casey project development could not occur until downstream improvements are made.

If it is not possible to obtain permits and easements for the new gravity sewer construction and replacement, then it is recommended that the developer install a new pump station and force main to serve the project. The new force main would connect to the existing 24" diameter HRSD force main located along Ironbound Road as indicated on the Master Sewer Plan.

Westside

In order to have capacity for peak wastewater flows generated by full development of the west side of the project, it is recommended that approximately 1,050 linear feet of new 10" diameter gravity sewer main be installed parallel to the existing 8" diameter sewer main. Again, if it is not possible to obtain permits and easements for the new sewer construction, and connection to the existing 10" diameter gravity sewer, a second pump station, with a new force main, will be required.

Table 3: Peak Wastewater Flow Analysis for the Study Area (excluding Casey Development)

Area	Acreage, Lots	Flow Factor	Max. Flow (gpm)	Peak other + avg. residential flow (gpm)	Peak residential + avg. other flow (gpm)
A (York County)	NA	Meter Records	60	60	24
B (Williamsburg)	NA	Meter Records	120	120	48
C (James City County)	NA	Meter Records	310	310	124
D (Eastern State)	NA	Meter Records	350	350	140
E	268 du	300 gpd/du	140	56	140
F	99.5 ac, timeshares	600 gpd/ac	310	124	310
G	305 du, 28.87 ac	300 gpd/du, 600 gpd/ac	180	72	180
H	209 du	300 gpd/du	110	44	110
I	153 du	300 gpd/du	80	32	80
J	121 du	300 gpd/du	63	25	63
Flow to Existing 18" gravity sewer			1723	1193	1219

Table 4: Waste Water Flow Analysis for the Casey Development using Average Residential and Average Non-residential Densities

3/21/97

Section	Non-residential (sq. ft)	Non-residential Flow Factor	Average Non-res Daily Flow (gpm) ³	Residential du		Average Res. Daily Flow (gpm)	Total Average Daily Flow (gpm)	Total Peak Flow (gpm) ^{1,2}
				300 gpd ⁴	250 gpd ⁵			
East:								
1	270,000	0.1 gpd/ft ²	37.5		0	0.0	37.5	93.8
2	245,000	0.2 gpd/ft ²	68.1		0	0.0	68.1	170.1
3	120,000	0.1 gpd/ft ²	16.7		0	0.0	16.7	41.7
4	353,750	0.15 gpd/ft ²	73.7		699	121.4	195.1	305.6
5	110,000	0.1 gpd/ft ²	15.3		0	0.0	15.3	38.2
6	340,000	0.1 gpd/ft ²	47.2		0	0.0	47.2	118.1
7	28,000	0.1 gpd/ft ²	3.9	285	32	64.9	68.8	74.7
8	33,000	0.1 gpd/ft ²	4.6	265	14	57.6	62.2	69.1
9	340,000	0.2 gpd/ft ²	94.4	77	0	16.0	110.5	252.2
10	120,000	0.15 gpd/ft ²	25.0		0	0.0	25.0	62.5
Subtotal East	1,959,750		386.3	627	745	260.0	646.3	1225.8
West								
12	141,100	0.2 gpd/ft ²	39.2	135	0	28.1	67.3	109.5
13	51,700	0.1 gpd/ft ²	7.2	298	0	62.1	69.3	162.4
14	0	NA	0.0	252	0	52.5	52.5	131.3
Subtotal West	192,800		46.4	685	0	142.7	189.1	403.1
Total	2,152,550		432.7	1312	745	402.7	835.4	1629.0

Notes:

1. Peak Flow for the East Side was computed using peak non-residential (PF=2.5) and average residential flows (worst case).
2. Peak Flow for the West Side was computed using peak residential (PF=2.5) and average non-residential flows (worst case).
3. Assume 12 hour days for non-residential flows.
4. Assume 300 gpd/du for single family units.
5. Assume 250 gpd/du for apartment units.

Table 5: Wastewater Flow Analysis for the Casey Development using Maximum Residential Density

3/21/97

Section	Non-residential (sq. ft)	Non-residential Flow Factor	Average Non-res Daily Flow (gpm) ³	Residential du		Average Res. Daily Flow (gpm)	Total Average Daily Flow (gpm)	Total Peak Flow (gpm) ^{1,2}
				300 gpd ⁴	250 gpd ⁵			
East:								
1	270,000	0.1 gpd/ft ²	37.5		0	0.0	37.5	93.8
2	245,000	0.2 gpd/ft ²	68.1		0	0.0	68.1	170.1
3	120,000	0.1 gpd/ft ²	16.7		0	0.0	16.7	41.7
4	227,500	0.15 gpd/ft ²	47.4		873	151.6	199.0	270.1
5	110,000	0.1 gpd/ft ²	15.3		0	0.0	15.3	38.2
6	340,000	0.1 gpd/ft ²	47.2		0	0.0	47.2	118.1
7	28,000	0.1 gpd/ft ²	3.9	32	285	56.1	60.0	65.9
8	33,000	0.1 gpd/ft ²	4.6	14	265	48.9	53.5	60.4
9	330,000	0.2 gpd/ft ²	91.7	103	0	21.5	113.1	250.6
10	120,000	0.15 gpd/ft ²	25.0		0	0.0	25.0	62.5
Subtotal East	1,823,500		357.3	149	1423	278.1	635.3	1171.2
West								
12	115,000	0.2 gpd/ft ²	31.9	180	0	37.5	69.4	125.7
13	30,000	0.1 gpd/ft ²	4.2	298	0	62.1	66.3	159.4
14	0	NA	0.0	252	0	52.5	52.5	131.3
Subtotal West	145,000		36.1	(730)	0	152.1	188.2	416.3
Total	1,968,500		393.4	879	1423	430.2	823.5	1587.6

Notes:

1. Peak Flow for the East Side was computed using peak non-residential (PF=2.5) and average residential flows (worst case).
2. Peak Flow for the West Side was computed using peak residential (PF=2.5) and average non-residential flows (worst case).
3. Assume 12 hour days for non-residential flows.
4. Assume 300 gpd/du for single family units.
5. Assume 250 gpd/du for apartment units.

Table 6: Wastewater Flow Analysis for the Casey Development
using Maximum Non-residential Density

3/21/97

Section	Non-residential (sq. ft)	Non-residential Flow Factor	Average Non-res Daily Flow (gpm) ³	Residential du		Average Res. Daily Flow (gpm)	Total Average Daily Flow (gpm)	Total Peak Flow (gpm) ^{1,2}
				300 gpd ⁴	250 gpd ⁵			
East:								
1	270,000	0.1 gpd/ft ²	37.5		0	0.0	37.5	93.8
2	245,000	0.2 gpd/ft ²	68.1		0	0.0	68.1	170.1
3	120,000	0.1 gpd/ft ²	16.7		0	0.0	16.7	41.7
4	480,000	0.15 gpd/ft ²	100.0		525	91.1	191.1	341.1
5	110,000	0.1 gpd/ft ²	15.3		0	0.0	15.3	38.2
6	340,000	0.1 gpd/ft ²	47.2		0	0.0	47.2	118.1
7	28,000	0.1 gpd/ft ²	3.9	32	285	56.1	60.0	65.9
8	33,000	0.1 gpd/ft ²	4.6	14	265	48.9	53.5	60.4
9	350,000	0.2 gpd/ft ²	97.2	50	0	10.4	107.6	253.5
10	120,000	0.15 gpd/ft ²	25.0		0	0.0	25.0	62.5
Subtotal East	2,096,000		415.4	96	1075	206.6	622.0	1245.2
West								
12	165,000	0.2 gpd/ft ²	45.8	90	0	18.8	64.6	92.7
13	30,000	0.1 gpd/ft ²	4.2	298	0	62.1	66.3	159.4
14	0	NA	0.0	252	0	52.5	52.5	131.3
Subtotal West	195,000		50.0	640	0	133.3	183.3	383.3
Total	2,291,000		465.4	736	1075	340.0	805.4	1628.5

Notes:

1. Peak Flow for the East Side was computed using peak non-residential (PF=2.5) and average residential flows (worst case).
2. Peak Flow for the West Side was computed using peak residential (PF=2.5) and average non-residential flows (worst case).
3. Assume 12 hour days for non-residential flows.
4. Assume 300 gpd/du for single family units.
5. Assume 250 gpd/du for apartment units.

C. SCHOOLS

James City County and the City of Williamsburg jointly operate a consolidated school system. The system currently provides educational instruction for kindergarten through grade twelve in six elementary schools, three middle schools, one high school. For an analysis of the impacts on the school system by the project, please refer to the separately bound Fiscal and Economic Impact Study as prepared by the Wessex Group Ltd.

D. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS)

There are currently four fire stations providing fire protection and EMS services to James City County. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The station located closest to the project is Station 4 located on Olde Towne Road. Station 4 is less than three miles from the Casey New Town Project. Additionally, there is a fire station on Route 5 and the City of Williamsburg Fire Station located on Lafayette Street which provide backup to Station 4 for emergencies which may occur at the New Town project. The physical locations of these stations in respect to the project should provide more than adequate response times for fire protection and EMS services.

V. *ENVIRONMENTAL AND STORMWATER MANAGEMENT ANALYSIS*

At the request of AES Consulting Engineers, Williamsburg Environmental Group, Inc. (WEG) has developed a Master Stormwater Management Plan which meets County stormwater requirements for the future development of the Casey Tract in James City County, Virginia. The plan uses a regional approach to meet County stormwater requirements such that BMP coverage is maximized while minimizing environmental impacts and cost. The plan ensures that the development of the Casey property will not impact the environment due to potential increases in non-point source pollutants, downstream flooding, and erosion.

CASEY PROPERTY VICINITY MAP

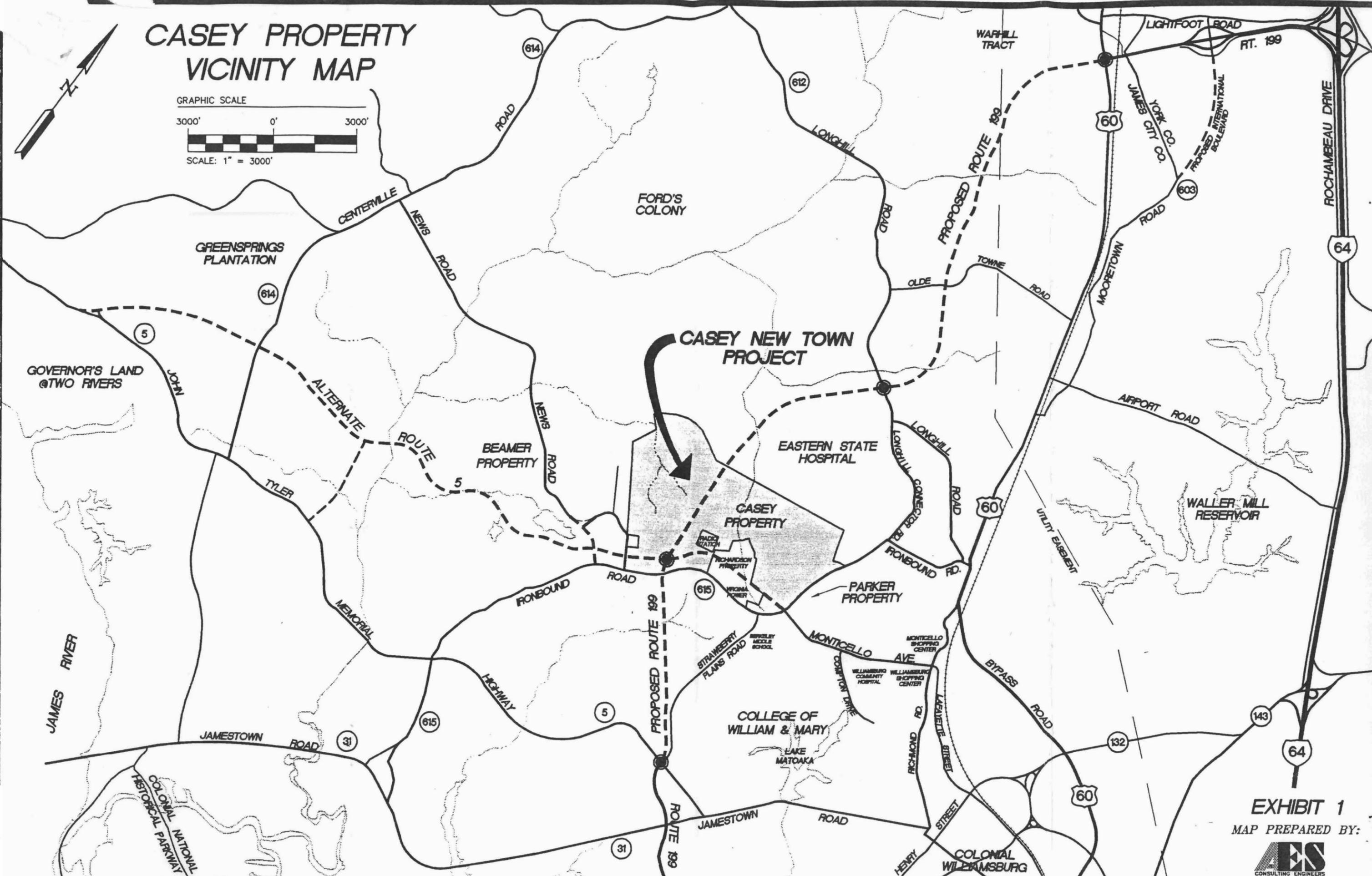
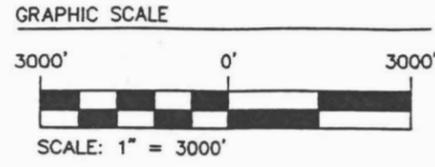
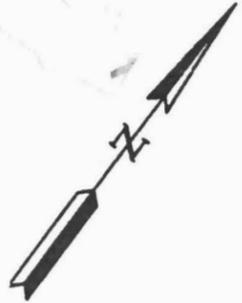


EXHIBIT 1
 MAP PREPARED BY:



Existing Fire Stations and Districts

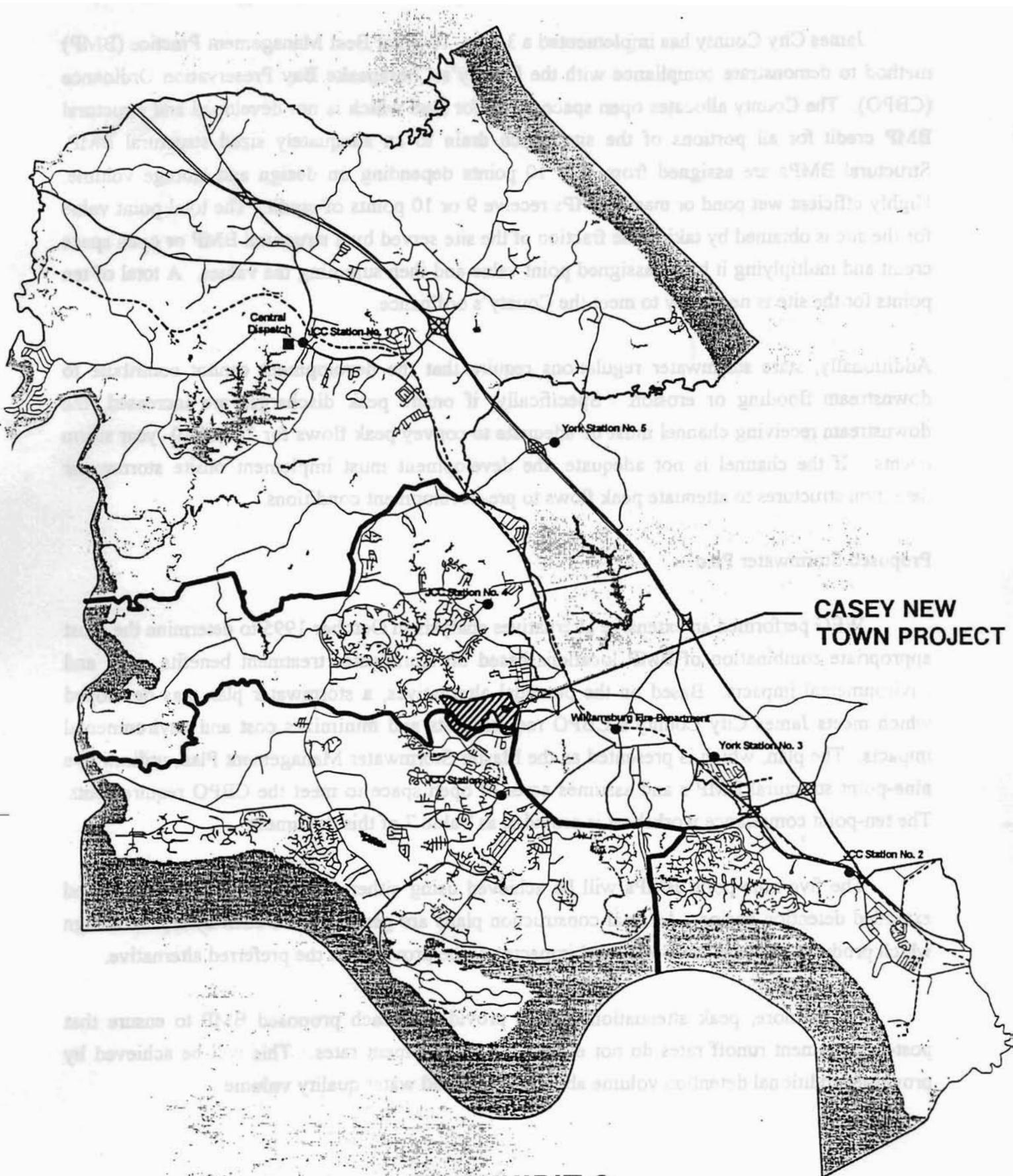


EXHIBIT 3

Stormwater Evaluation Criteria

James City County has implemented a 3-step, 10-point Best Management Practice (BMP) method to demonstrate compliance with the County's Chesapeake Bay Preservation Ordinance (CBPO). The County allocates open space credit for land which is not developed and structural BMP credit for all portions of the site which drain to an adequately sized structural BMP. Structural BMPs are assigned from 4 to 10 points depending on design and storage volume. Highly efficient wet pond or marsh BMPs receive 9 or 10 points of credit. The total point value for the site is obtained by taking the fraction of the site served by a structural BMP or open space credit and multiplying it by its assigned point value and then summing the values. A total of ten points for the site is necessary to meet the County's ordinance.

Additionally, state stormwater regulations require that the development cannot contribute to downstream flooding or erosion. Specifically, if onsite peak discharges are increased, the downstream receiving channel must be adequate to convey peak flows for 2- and 10- year storm events. If the channel is not adequate, the development must implement onsite stormwater detention structures to attenuate peak flows to pre-development conditions.

Proposed Stormwater Plan

WEG performed an extensive alternatives analysis in October 1995 to determine the most appropriate combination of BMP locations based on stormwater treatment benefits, cost, and environmental impacts. Based on the potential alternatives, a stormwater plan was developed which meets James City County's CBPO requirements and minimizes cost and environmental impacts. The plan, which is presented as the Master Stormwater Management Plan, utilizes five nine-point structural BMP's and assumes acres of open space to meet the CBPO requirements. The ten-point compliance worksheet is provided as Table 7 of this document.

The five nine-point BMPs will be achieved using either wet ponds or marsh enhanced extended detention basins. As final construction plans are generated for each BMP, the design which produces the least environmental impacts will be provided as the preferred alternative.

Furthermore, peak attenuation will be provided at each proposed BMP to ensure that post-development runoff rates do not exceed pre-development rates. This will be achieved by providing additional detention volume above the required water quality volume.

Phasing of Plan

Generally, BMPs will be constructed concurrently with the first phase of development planned within each individual BMPs treatment watershed. BMP construction plans will be submitted with site plans for the initial development within each watershed. The BMP's will be designed to accommodate all future development within its watershed.

However, the first phases of development, which include the courthouse and church site, will occur prior to gaining Corps approval for all project-wide wetland impacts. Therefore, temporary BMPs will be provided to treat stormwater for Phase I prior to construction of regional BMP #2. Once regional BMP #2 is built, the temporary BMP may be vacated if desired by the developer. The temporary plan utilizes a nine-point BMP immediately north of the proposed Courthouse site and Monticello Road extension to meet James City County requirements.

Onsite Channel Adequacy

County staff have indicated that protecting the onsite channels from erosion due to increased flow is a concern. Several road crossings will be required within the major drainage ravines. The culverts and road embankments for these road crossings will be designed to provide peak attenuation to ensure that channel erosion will not occur. Furthermore, forebays or rip rap aprons will be provided at the outfalls of all stormsewers discharging into these ravines.

Erosion and Sediment Control

An erosion and sediment control plan will be prepared for each site plan associated with the project which will be developed using the guidelines set forth in the Virginia Erosion & Sediment Control Handbook, Third Edition. Erosion and sediment control structures will be placed to minimize impacts to onsite wetlands and offsite properties. The plans will generally place erosion and sediment control structures upland of wetland systems.

Conclusion

A conceptual stormwater management plan has been developed which minimizes impacts to the environment and meets the criteria specified in the James City County Chesapeake Bay Preservation Ordinance for treatment of non-point source pollutants. Furthermore, peak flows will be attenuated to pre-development levels using onsite detention and onsite ravines will be protected from erosion by attenuating peak flows at all road crossings. Finally, an Erosion and Sediment Control Plan will be prepared for each site plan associated with the project.

Table 7
Worksheet For BMP Point System
Casey Property

Project Area 618 ac

A. Structural BMP Point Allocation

BMP	Area of Project Served (ac)	BMP Points	Fraction of Site Served By BMP	Weighted BMP Points
1 BMP 2	222	9	0.36	3.23
2 BMP3	41	9	0.07	0.60
3 BMP4	61	9	0.10	0.89
4 BMP8	134	9	0.22	1.95
5 BMP9	46	9	0.07	0.67
6 BMP22	8	9	0.01	0.12
Total	512		0.83	7.46

B. Natural Open Space Credit

	Area of Site (ac)	Fraction of Site	Natural Open Space Credit	Points for Natural Open Space
Open Space	157.00	25.40	0.10	2.54

C. Total Weighted Points 10.00

APPENDIX A
TOWN PLAN COMPETITION PROGRAM

The Williamsburg Competitions

TOWN PLAN

COMPETITION PROGRAM

Sponsored by
C. C. Casey Limited Company

prepared by
Design Competition Services
Milwaukee Wisconsin

August 1995

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1. INTRODUCTION

James City County and the C.C. Casey Limited Company extend an invitation to participate in this exciting pair of design Competitions for a Town Plan and Courthouse. The C. C. Casey Limited Company is the Sponsor of the Town Plan Competition.

The development of the Sponsor's property and the surrounding area has been the subject of many plans and speculations over the last decade. Numerous organizations are interested in how this area will grow and what vision should guide development.

Within the context of these discussions several issues emerged such as:

- the desire for high quality design.
- the desire for integration of the Town Plan with the Courthouse.
- the need for an economically feasible project.
- problems and opportunities for development of surrounding areas.

Late in 1994 a design competition was suggested as the appropriate next step in developing the land. It was also decided the same process should be used for the design of the Courthouse and both competitions should be integrated. A primary reason for the decision to conduct a competition was the understanding that a panel of experts — the Competition jury — was the group most likely to select a high quality design solution.

This document is the program for the Town Plan Competition. There is a separate program included in this packet for the Courthouse Competition. As a Competition registrant you are entitled to enter either or both Competitions. Each Competition is an independent effort. Each Competition will be juried independently. Both are two-stage Competitions. Both have independent sets of prizes. There are, however, a few issues that overlap the two Competitions. These issues are elaborated in the programs.

During the planning and programming phase of the Competition there were numerous public meetings and discussions with interested parties including land owners, residents, business people, elected officials, and agency representatives. Every effort has been made to incorporate relevant information from this participatory process.

1.1 DESIGN CHALLENGE

The Stage I design challenge is to develop a Town Plan for the 600 acre parcel known as the Casey Property that creates a high quality, enduring model for growing American communities. The Town Plan must not only achieve design excellence — aesthetically and functionally — but also demonstrate economic effectiveness, environmental responsiveness, engineering practicality, and market flexibility. The Town Plan is expected to encompass a more urban and humanistic approach to the design of buildings and public spaces that avoids the conventional suburban patterns which have hurt many communities. The Town Plan should embody design and development concepts that complement and respect surrounding land uses and neighborhoods. Ultimately the Town Plan should be perceived as an urbanized addition to the Williamsburg area.

In Stage II the design challenge will be expanded. Finalists will be asked to modify their plans in response to the observations of the jury and the Competition Advisers. This will probably include more detailed drawings which portray guidelines, codes, and design and development options. During Stage II, finalists also will show how their solution accommodates the design concepts proposed by finalists in the Courthouse Competition.

2. PROCEDURES AND REGULATIONS

2.1 ELIGIBILITY

Stage I of the Town Plan Competition is open to all architects, landscape architects, engineers, planners, and related design professionals. Persons and groups who have secured registration packages may enter both the Town Plan Competition and/or the Courthouse Competition. The program for the Courthouse Competition is a separate document included in this packet. Only one entry may be submitted for each of the two Competitions. One section of the entry form describes the process for transferring the registration to other parties who would then have the right to enter each of the Competitions. A registrant cannot, however, enter one competition and then transfer the right to enter the other competition.

Entry into Stage II for the Town Plan will be limited to the Finalists as selected by the Competition Jury. Each of the Finalists will be invited to enter Stage II and will be asked to submit a resume and credentials to the Sponsor.

Members of the Jury, the Advisers, all staff and employees (including consultants) of James City County and/or C. C. Casey Limited Company, and the immediate families of any of the aforementioned parties are ineligible to compete in either or both Competitions. Eligibility will be verified prior to any prizes being awarded by the Jury.

2.2 THE JURY

Grady Clay
Journalist, Author
Louisville

Mary Means, Principal
Means Associates
Alexandria

Joseph Berridge, Principal
Berridge, Lewinberg, Greenberg, Dark, Gabor, Ltd.,
Toronto

Steven Hurtt, Architect, Dean
School of Architecture
University of Maryland

2.3 JURY AUTHORITY AND RESPONSIBILITIES

In agreeing to serve as members of the Competition Jury, the jurors have attested they have reviewed the Competition program and agree to be bound by the rules, regulations and guidelines as stated. The Jury has the authority to designate the finalists and honorable mentions in Stage I and the winners in Stage II of the Competition.

2.4 THE ADVISERS

Lawrence P. Witzling, Ph.D., AIA, and Jeffrey E. Ollswang, AIA, of Design Competition Services, Milwaukee, Wisconsin, will serve as the Advisers for the Competition. They will assist the Sponsor in the planning and administration of the Competition. Their responsibility is to ensure that the Competition is organized and conducted in a professional and equitable manner. The Advisers will be present during the Jury deliberations to provide technical assistance and to answer inquiries. They will review the Jury's selections and forward them to the Sponsor.

2.5 AUTHORITY OF THE ADVISERS

In their capacity, the Advisers will serve as the consultant to the Sponsor, and will act as the arbiter for all inquiries and disputes during the course of the Competition. Disputes or questions of interpretation arising from the Competition rules, regulations and program will be considered by the Advisers who will render a final determination. All such decisions will be binding upon all parties and participants in the Competition. Upon the award of prizes, pursuant to 5.2, the competition is concluded and the Advisers' role is terminated.

2.6 EXAMINATION AND DISQUALIFICATION OF SUBMISSIONS

The Advisers will examine submissions to ascertain whether they comply with the Competition requirements. They will report to the Jury instances of failure to comply with the requirements and will present to the Jury any resulting disqualifications. The Jury may review such disqualifications to satisfy itself as to the accuracy of the Advisers' decision. No award shall be made by the Jury to any submission which has not complied with the requirements stated in the program.

2.7 OWNERSHIP OF THE SUBMISSIONS

All submissions shall become the property of the Sponsor. The Sponsor retains the right to reproduce any and all parts of the presentations for the purpose of publication, creating an archive, and/or exhibition of the Competition results. No significant component of any submission shall be reproduced without attribution being given to the author(s) of the design as indicated on the Competition entry form.

The Sponsor retains the right to further develop and/or further implement any design, or component of any design, shown in a scheme designated by the jury as a Finalist subject to the terms and conditions stated in section 5.3 of this Competition program.

In the case the Sponsor selects both a significant and unique component from a Stage I design submission (other than a Finalist), that is not present in the other entries, for further development and/or implementation, then the use of that design component may be obtained by reasonable compensation to the author(s). The amount of said compensation will be determined in negotiations between the author(s) of the design, as designated on the entry form, and the Sponsor.

2.8 ANONYMITY OF THE SUBMISSIONS

No submissions will be juried that bear a name, symbol, or mark which reveals the identity

of the author(s) of the entry, nor shall any competitor directly or indirectly reveal the authorship of any of the designs. Such identification, occurring at any time during the course of the Competition, shall result in the disqualification of the submission.

2.9 COMMUNICATIONS AND QUESTIONS — STAGE I AND II

For Stage I, all questions related to the Competition shall be submitted, in writing, to the Advisers at the address designated below. The letters should be anonymous. Letters which are signed, initialed or on letterhead stationery may not be answered. If a competitor is also submitting questions for the Courthouse Competition, those questions should be sent in a separate letter according to the instructions in the Courthouse Competition Program.

Once the program documents have been distributed, any and all communications, other than in the manner stipulated here, with the Professional Advisers or members of the Sponsor's staff and the Competition Jury are prohibited.

All Stage I Competition inquiries must be postmarked on or before October 16, 1995 and shall be sent to:

Advisers, Williamsburg TOWN PLAN Competition
c/o James City County
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

Answers will be mailed, first class, to all the entrants and Jurors on or about October 23, 1995.

At the beginning of Stage II at least one representative from each set of Finalists must visit James City County. At that time Sponsor will brief the representatives and give them opportunity to further familiarize themselves with the character of the Competition site. Finalists will not be reimbursed for any expenses associated with this visit. The Sponsor will, however, attempt to secure reduced rates from local providers for lodging and travel. All Finalists will be provided with all Jury comments, Sponsor instructions, and other data relevant to Stage II.

2.10 PACKAGING AND DELIVERY OF SUBMISSIONS — STAGE I

All submissions for the Town Plan Competition should be carefully wrapped and must be received as one package. In addition to the proper mailing address, the outside mailing surface must indicate that this is a submission for the Town Plan Competition. In no case, should a submission for the Town Plan Competition include any material for submission to the Courthouse Competition. If a competitor is entering both Competitions, then two entirely independent packages must be submitted and mailed independently. A plain opaque envelope, containing the completed Entry Form (or copy of the Entry Form) must be securely affixed to the reverse side of Board #1 for each entry. All submissions must be addressed to:

Advisers, Williamsburg TOWN PLAN Competition
c/o James City County
101-E Mounts Bay Road
P.O. Box 8784

ALL STAGE I SUBMISSIONS MUST BE POSTMARKED BY NOVEMBER 20TH, 1995. Solutions must arrive with sufficient time to be displayed prior to the beginning of the jury deliberations. Solutions which arrive after 10:00 a.m. on November 27, 1995 will be disqualified. Submissions which arrive late due to mail service delays or any other reason will not be eligible for jurying.

HAND DELIVERED SOLUTIONS ALSO MUST BE RECEIVED PRIOR TO 5:00 P.M. ON NOVEMBER 20TH, 1995 AT THE ABOVE ADDRESS.

NEITHER THE SPONSOR NOR THE PROFESSIONAL ADVISERS BEARS ANY RESPONSIBILITY WHATSOEVER FOR THE SAFE AND TIMELY DELIVERY OF THE SUBMISSIONS TO THE SPONSOR.

2.11 RETURN OF SUBMISSIONS

Submissions which are not selected as Stage I Finalists, Winners, Honorable Mentions or for the purposes of exhibition/reproduction may be made available for retrieval from the Sponsor, in person by the competitors or their agents. The inclusion of some Competition entries in post-Competition publications or exhibitions may delay the time at which selected entries may be retrieved. Procedures for retrieving entries will be distributed to entrants subsequent to the end of the Competition process. These procedures will include a clear deadline after which time the Sponsor may destroy any and all entries that have not been retrieved. No provisions will be made by the Sponsor to mail or ship any entry back to the competitors. For these reasons, it is strongly urged that all competitors maintain a complete record of their submissions.

2.12 STAGE II

All Finalists will receive a set of written instructions for Stage II that will incorporate, and be compatible with the statements regarding Stage II in this document. At the end of Stage I, the Jury will submit comments to the Sponsor regarding the solutions selected as Finalists. In addition, the staff of James City County, the general public, and the C. C. Casey Limited Company will review the solutions selected as Finalists and will offer general comments regarding the Stage II program. These comments will be incorporated into the instructions given to the Finalists for Stage II submissions. During the briefing prior to Stage II all finalists will be able to view the solutions proposed by other Finalists in both competitions.

3. THE DESIGN PROBLEM

3.1 GOALS AND CRITERIA FOR JUDGING

Criterion #1: High quality, Enduring Model of Town Planning

The Town Plan should become a landmark development and a national model of the highest quality of the visual, social and economic aspects of town planning. There is no clear image, however, of the best way to achieve this goal.

While the Sponsor and local community often refer favorably to so-called neo-traditional planning concepts, there is no consensus such concepts are appropriate throughout the site

nor how they might best be employed given the uncertainty of future markets, the range of land uses, and the constraints on roads and infrastructure. There is, for example, high demand for large retail development on the site. It is unclear how it should be planned given needs for vehicular access and parking as well as integration with other aspects of the development.

Criterion #2: Economic Feasibility and Development Flexibility

The Town Plan should accommodate a range of different market scenarios, options, and constraints for long term use of the site. Over the next two decades the Town Plan should sustain high land values for the current owners, future owners, and the surrounding community. Implementation should be economically feasible from a short term and long term perspective. The Town Plan should embody flexibility in the development sequence.

While there is no reliable market study for the site, there is a well-founded assumption — based on growth in the region and the continuous expression of interest from regional and national developers — that the long term economic potential for the land is relatively high. However, given the size of the market, the absorption rates are relatively slow. This optimistic but uncertain future underscores the need to have a plan which can adapt to evolving demands for new development.

Criterion #3: Physical Function and Practicality

The Town Plan should be practical from the standpoint of the physical constraints and needs of new development. It should be a realistic, achievable Town Plan which effectively integrates the infrastructure of roads and utilities, the Courthouse and associated civic space, other public spaces, and a wide range of land uses including a diverse range of residential, commercial, cultural, recreation, institutional, and possibly industrial uses.

The infrastructure of roads and utilities should allow different densities of residential and commercial markets on the same parcels depending upon future market conditions. The same approach — one infrastructure with multiple design/development options — might also apply to some open spaces, civic buildings, or other land uses.

Criterion #4: Compatibility with Local History, Culture, and Environment

The Town Plan should be responsive to, and compatible with local traditions, history, culture, and neighboring land uses. There is an expectation that most residential and diverse commercial buildings will be low-rise. There is also a clear understanding that the unique role of Colonial Williamsburg should be preserved and that new development should not replicate buildings in Colonial Williamsburg.

New development should also be responsive to and compatible with the natural environmental features of the site and the region. The Town Plan should also respond to the increasing concern for creating long-term sustainable development patterns from the viewpoint of minimizing negative environmental impacts, conservation of energy the use of renewable resources, and related environmental issues.

Criterion #5: Humanistic and Urban Approach

The Town Plan should demonstrate a humanistic approach to the integration and mixture of land uses, social and economic activities, and environmental concerns. This should be evidenced in the scale and details of the architecture, landscape, public spaces and amenities. The Town Plan should encourage pedestrian and bike activity, realistic opportunities for mass

transit, and, at the same time, respect the continued reliance on automobile usage as the primary mode of transportation. The Town Plan should create a sense of continuity between the current community fabric, the Courthouse, and the remaining development.

It is unclear how best to do this. For example, a new "main street" could link the Courthouse (and civic space) with other retail activities, cultural facilities, and perhaps some residential uses. There are, however, many types of main streets, different ways to interpret such concepts, and no guarantee such concepts work in new developments. There may also be better alternatives to a new main street.

Additional Criteria

While the Jury may not ignore any of the above criteria, it may use additional appropriate criteria in making its final decisions.

Stage II Criteria

Based upon the Jury's evaluation of Stage I Finalists and the review of the Finalists by the Sponsor's representatives, the above criteria may be further refined and more detailed. For example, Stage II criteria will probably include consideration of:

- inclusion of the full range of Courthouse designs as proposed by the Finalists in the Courthouse Competition.
- additional detail for public places and rights-of-way (such as lighting, landscaping, and amenities).
- guidelines that might regulate architectural design, public improvements, and building locations as well as recommendations for zoning, codes, and similar policies.
- 'ballpark' cost estimates to demonstrate the probability that key features are compatible with available resources.
- recommendations for systematic staging of improvements which consider physical, financial, social, environmental, and governmental perspectives.

3.2 GENERAL CHARACTER OF THE SURROUNDING AREA

The site is located within a rapidly growing regional development pattern spurred on by tourism, the advent of retirement communities, and an appealing environment for new businesses.

Tourism is associated not only with Colonial Williamsburg (just 2.5 miles away) but also with the Busch Gardens theme park, Jamestown, Yorktown, outlet shopping, and a wide variety of other attractions in the region (which includes the communities of Virginia Beach, Hampton, Norfolk, and Newport News).

Major corporations consider this a good business location because their employees can maintain a relatively high-quality life style.

Retirees have flocked to the area because of its mild climate, appealing landscape and central

location on the eastern seaboard as well as attractive public and private amenities. Much of the new development in recent years has, in fact, been upper income homes (typical of Ford's Colony which is adjacent to the site).

New growth has brought a large amount of typical suburban development patterns, especially roadside strip malls and some major national chain stores. Much of this has occurred along Highway 60 as well as in other fringe areas around the City of Williamsburg.

The local road system dates back two centuries and includes an elaborate local network of smaller roads handling large volumes of traffic. Road improvements, however, have not kept up with the new growth. Interstate I-64 has several exits within a few miles of the site. Local roads have not been able to keep pace with traffic increases. This is part of the reason for the extension of Highway 199 — a limited access state highway. This will handle approximately 25,000 cars per day by the year 2010. It will have an interchange providing immediate access to the site. This interchange will become one of the primary entrances into the City of Williamsburg.

As new development evolves, the competition site may eventually be perceived as a new downtown for the City of Williamsburg and James City County. It may also be perceived as part of a larger urbanized area which includes both the current downtown of the City of Williamsburg, the College of William and Mary, and other development which occurs nearby. For example, the College of William and Mary has nationally recognized programs in computer science, applied science and physics which may provide the catalyst for related economic development activities on or near the competition site.

More detailed background information is included in excerpts from local planning documents as part of this program's supplementary materials. Information in these local planning documents will not be relevant to all competitors nor does it take precedence over the other information in this program. The excerpts are provided solely because some competitors may find a few items relevant to some aspect of their individual solutions.

The following subsections describe the lands immediately adjacent to the competition site:

Along the North

To the north (and west of the Highway 199 alignment) is an upper income development known as Ford's Colony with large residential lots, a gated entrance, and new housing. Much of the woodlands has been retained. This type of development is typical of many other new retiree-oriented developments in the region. For purposes of the competition there should be no road connection between Ford's Colony and the site.

Just east of the 199 alignment is a small triangular piece of land owned by Ford's Colony which should be considered as a natural extension of the development of the site. It too is a continuation of the natural woodlands. No critical uses should be located on this site.

The other primary land use along the north edge (east of the 199 alignment) is Eastern State Hospital — a public hospital for mental illness — and its grounds. Land along the south side of the hospital may be developed in the distant future. At this time competitors should assume this land will remain undeveloped woodlands.

Along the East:

At the northeast corner of the site (just west of Ironbound Road) is some older industrial

development. It is relatively unattractive. Compatible adjacent uses might include additional industrial buildings or well buffered transitional uses.

Just south of this area, and east of Ironbound Road, is a small residential neighborhood known as "Ironbound Square." This area is characterized by a mix of lower income and middle income housing. There are no current plans or intentions to expand this area although residential expansion on the competition site nearby is possible.

Most of the remaining woodlands east of Ironbound Road — and all along Monticello Avenue to the east are owned by the College of William and Mary.

Monticello Avenue is significant because it is the primary link to the City of Williamsburg and the College of William and Mary. It is likely to retain its identity as a main entrance/exit between the competition site and the City. Monticello Avenue intersects Highway 60 (also known as Richmond Road) about 1.5 miles east of the competition site. This contains existing retail development which hopefully will remain viable after new development occurs on the competition site. Highway 60 serves as the primary entrance/exit from the north to the current downtown of the City of Williamsburg.

Along the South

Land ownership on the south side of the competition site is more complex with some industrial development and land owned by the Virginia Power Company. There is also a residential area known as Brookhaven along the south side of the current alignment of Ironbound Road. As with the Ironbound Square area, there is some concern Brookhaven residents might not have appropriate access to new retail uses, cultural and recreational facilities, and so forth.

The rest of the south side of the site is primarily woodlands and scattered residential development. Further expansion of the Town Plan concepts to the south is unlikely.

Along the West

Most of the western boundary of the site includes small residential development on large lots and continuous woodlands and a piece of Fords Colony. Some additional commercial development is likely on lands immediately west of News Road (see Competition Area Map #1). Here too, expansion of the Town Plan concept to the area west of the competition site is unlikely.

3.3 SITE BOUNDARIES, SUBAREAS, AND DEVELOPMENT GUIDELINES

The boundary for the competition site is shown on both Competition Area Map #1 (scale 1"=400') and Competition Map #2 (scale 1"=200'). There are several subareas within the site and some external areas adjacent to the site which relate to specific issues and constraints. The boundaries for these subareas are shown on Competition Area Map #1.

Sponsor owned subareas:

- *Subarea 1: Courthouse*

The Courthouse will be located on a ten acre site within this subarea. This land currently lies outside the boundary of the City of Williamsburg. The Courthouse site will be added to the City of Williamsburg after it is constructed. The competitors may propose the ten acre site anywhere within this subarea. However, the ten acre site should have at least one significant

edge along the border of the City of Williamsburg to allow for reasonable annexation.

The Town Plan must include a significant civic space and associated development in an area adjacent to the Courthouse. While the official ten acre Courthouse site must stay within the boundaries designated for the Courthouse subarea, this civic space and the accompanying development can extend beyond the Courthouse subarea. For example, the civic space could start in the Courthouse subarea and then extend westward further into the Competition site.

Most land around the civic space is intended to be private development for uses related to Courthouse activities such as legal offices, related business, additional government functions, supporting retail, or possibly some residential. This is elaborated in section 3.7.

The Courthouse Program provides a detailed description of what is anticipated inside the facility. Town Plan competitors should assume finalists in the Courthouse competition will meet all of the criteria stated in the Courthouse Program.

In the Town Plan Competition, competitors need only propose a Courthouse footprint of approximately 40,000 square feet and site plan. Competitors may, if they wish, provide a diagram indicating alternative Courthouse footprints, site locations, and other concepts that would foster integration of the Courthouse. Integration of the Courthouse design with the Town Plan will be resolved in more detail in Stage II of the competition.

- *Subarea 2: West Sector*

During Stage I competitors should concentrate their efforts in this subarea on illustration of access options, infrastructure, and the general character of development (rather than detailed architectural aspects of the development). Design of Route 199 will allow for an overpass, to be built separately, bridging the highway at the approximate location shown on Competition Map #2. A road connection, with a crossover, is also possible on Monticello Avenue, just west of the interchange. During Stage II some additional design detail of the west sector may be requested.

Non-sponsor Owned Subareas:

These subareas are not currently controlled by the Sponsor. However, the location of these subareas relative to the Sponsor's property suggest that expansion of the Town Plan into these subareas is in the mutual interest of all parties.

While the Sponsor and James City County cannot guarantee each of these subareas will be developed in a compatible manner, there is reasonable probability this will occur. Consequently, competitors should indicate how the Town Plan would extend into each of these subareas. It may also be advisable, in some cases, to indicate how these subareas could be excluded from the Town Plan should a cooperative and compatible development process become unlikely.

- *Subarea 3: Ford's Colony Triangle*

This land may be available for full integration into the Town Plan in the near future, but no essential infrastructure uses should be located on it.

- *Subarea 4: Radio Station*

This land may be available for full integration into the Town Plan in the future, but no essential infrastructure uses should be located on it.

- *Subarea 5: Richardson property north of Monticello Extended*

This land is not currently available for full integration into the Town Plan. Major roadways may be shown in the subarea, but no other essential infrastructure uses should be placed on it. However, it may be advisable to illustrate a contingency plan whereby this subarea could be included in the Town Plan at some future date.

- *Subarea 6: Richardson property south of Monticello Extended*

This land is not currently available for full integration into the Town Plan. However, it may be advisable to illustrate a contingency plan whereby this subarea could be included in the Town Plan at some future date.

External Areas (Areas Outside the Competition Site Boundary)

In addition to the fact that external areas are not controlled by the Sponsor, they are also likely to be developed independently. However, these independently developed areas could be planned in a manner that corresponds to and derives some direction from the Town Plan. At the very least, in the long term the development of these areas will be significantly influenced by the Town Plan. The general locations of these external areas are labeled on Competition Area Map #1.

In Stage I competitors need not show actual development options for the external subareas. Examples of design elements to foster that integration may be requested during Stage II.

- *College of William and Mary*

This area is divided by Monticello Avenue. The land south of Monticello Avenue will remain an undeveloped natural area, as designated by Virginia General Assembly. Environmental protection of its resources is the top priority. The land north of Monticello is designated by the City of Williamsburg's Comprehensive Plan as "economic development." There are no current plans for development of this parcel by the College. If the area is developed in the future, the College anticipates that it would be suitable for campus style development of research and employment uses which are related and complementary to teaching and research activities at the College. Both sides of the road drain to Lake Matoaka on the campus and great emphasis will be placed on watershed protection. Monticello Avenue will carry significant traffic volumes in the future. If it needs expansion, a high quality parkway type design which is compatible with adjoining land uses is anticipated. The road links the competition site to existing commercial areas in the City. It is the Sponsor's intent to be supportive of the continued vitality of the existing commercial areas in the City. Competitors may wish to show design techniques to provide a sense of linkage between the two areas.

- *Eastern State Hospital*

For purposes of this competition, no major development should be assumed.

- *Ironbound Square*

It is important for new development to be compatible with the Ironbound Square neighborhood. As indicated earlier this might imply good pedestrian access to new neighborhoods, non-residential amenities, places of work, cultural facilities and other desirable features of the new development.

- *Brookhaven*

Here too, the Town Plan should be developed in a way that facilitates access from the Brookhaven area to the desirable features of new development and protects the existing neighborhood.

3.4 TRANSPORTATION AND CIRCULATION ISSUES AND GUIDELINES

An understanding of characteristics of roads, traffic patterns, and proposed changes is fundamental to the development of an effective Town Plan.

Traffic Counts and Road Widths

These data provide some image of the circulation patterns in and around the site. Predictions of future traffic counts may not be reliable given planned road improvements, the general difficulty of making such predictions and the assumption that new development of the site will become a major traffic generator as well as a primary destination point.

ROAD	FROM	TO	Daily Counts			Lanes	
			1992	1994	2010	1995	2010
Interstate I-64	Proposed 199	Route 43	34,930	NA	64,500	4	6
Proposed 199	Ironbound Rd.	Longhill	0	0	25,000	0	4
Ironbound Rd.	Strawberry Plains Rd.	Proposed 199	10,025	10,737	NA	2	2
	Proposed 199	John Tyler Hwy.	NA	9,844	15,000	2	4
	Strawberry Plains Rd.	Longhill Connector	NA	16,983	16,000	2	4
Monticello Ave.	Ironbound	Compton Drive	11,234	NA	15,000	2	4
Monticello Ext.	Monticello Ave.	Proposed 199	0	0	16,000	0	4
Hwy. 60 (Richmond)	Monticello Hwy.	60 Bypass	22,486	NA	18,000	2	4
	Monticello Ave.	Bacon St.	13,476	14,217	27,000	2	4
Alternate Route 5	Route 614	Monticello Ext.	0	0	13,000	0	2
Strawberry Plains Rd.	John Tyler Hwy.	Ironbound Rd.	N/A	14,309	N/A	2	2

Highway 199

The alignment of Highway 199 should be considered fixed and unchangeable. It will be a limited access highway with no direct access from the site. It has been established by the Virginia Department of Transportation. The process of issuing construction contracts has begun, and local authorities are anticipating that there will be no ability to change this alignment.

Monticello Extended and Ironbound Road

Alignment and Access

Both the Monticello Avenue Extended and Ironbound Road corridors will carry significant traffic volumes in the future. Competitors should design a roadway system on and through the site that encourages an equal distribution of traffic between Ironbound Road towards the north and Monticello Avenue towards the east. There must be:

- (a) a connection to that roadway system at Highway 199,
- (b) a connection to existing Monticello Avenue and
- (c) a connection to existing Ironbound Road.

All three of these required connection points are indicated with double arrows on Competition Area Map #1 and Competition Map #2. Within these constraints, the alignments of both Ironbound Road and Monticello Avenue can vary. Median crossovers, and thus major road connections to both roadways, should probably not exceed an average of one per 600 linear feet. If Ironbound Road is proposed to be relocated through the site, access must continue to be provided to properties currently served by the road, possibly by the current road alignment.

Width and Character

Monticello Extended and Ironbound Road will contain a significant amount of traffic going through the site — including tourists as well as residents of the region who use these roads as access to/from Highway 199, and by persons who have origin/destination points on the site (such as workers, new residents, and shoppers). Ironbound Road (currently two lanes) and Monticello Extended should, for purposes of the competition, be drawn as four lane roads. The inclusion of additional parking lanes is at the option of the competitors. Current proposed cross-sections of these roads are included in the supplementary materials solely for reference purposes.

Alternate Route 5

Beyond the Monticello Avenue/Highway 199 interchange, the roadway becomes a new arterial highway (known as Alternate Route 5) which extends about five miles. It will serve as a major arterial highway from western James City County connecting with Highway 199, the competition site, and this section of the Williamsburg urban area. A short section will be built by 1997 as part of the connection of Highway 199 to the existing road network. The full length should be open by 2003.

Other Currently Proposed Roads

Other proposed road alignments as drawn on Competition Map #2 should be considered as changeable only if there is a sufficiently compelling reason.

New Roads in Town Plan

The alignment, location, and cross section of all other new roads and streets within the Town Plan is at the discretion of the competitors. Considerable discussion has been given to the creation of a main street through the site. While this concept has been favorably received by all parties, no one is clear as to how it might be interpreted and manifested relative to the wide variety of commercial, institutional, and residential land uses.

Highway 199 Overpass

To connect the eastern and western portions of the site, the Virginia Department of Transportation will allow construction of one overpass at some future date. The approximate

location is shown with a wide double arrow on Competition Map #2.

Bikeways

The following components of the Williamsburg, James City and York 2010 Regional Bikeway System Plan should be incorporated into both the town plan and the courthouse site plan:

- (a) Alternate Route 5 is a designated Class I Bikeway (paved path separate from road).
- (b) Monticello Avenue is a designated Class II Bikeway (paved shoulder along road).
- (c) Monticello Avenue Extension is a designated Class II Bikeway.
- (d) Ironbound Road is a designated Class II Bikeway from the Longhill Connector Road to Strawberry Plains Road.

Mass Transit

At this time it is considered unlikely that the site will be served by light rail systems. At the same time, however, public bus lines as well as local jitney-style vehicles should be considered as services to link this area with the city. It is reasonable to assume that at some future date bus service will link this area with the City's existing downtown business district and the bus system serving Colonial Williamsburg.

3.5 ENVIRONMENTAL ISSUES AND GUIDELINES

The site has been farmed and forested for decades. There is no doubt that new development will radically alter the character of the landscape and the ecology of the site. Sensitivity to this issue is important and wherever feasible indigenous vegetation should be preserved.

Wetlands should be protected. While it is permissible in some cases to build on the wetlands and steep slopes, this may not be feasible unless it is essential to the nature of the Town Plan being proposed. For example, permission to build on federally regulated wetlands (as designated on Competition Map #2) requires Federal permits. Recent experience suggests that roads crossing these areas are likely to be granted if such roads are properly designed and are clearly essential to the pattern of development. Other forms of development are less likely to receive permits. The sponsor has expressed strong interest in using these areas as amenities to the development wherever appropriate.

Typical trees and vegetation include mixed hardwood forest and planted loblolly pines. Some areas are relatively flat, others have gentle slopes, and the wetlands and stream beds have clearly perceived ravines (topography is shown on Competition Map #2). Areas immediately adjacent to the site have similar landscape characteristics. The climate is a moderate temperate zone with average winter temperatures of 37.3°F, summer temperatures of 77.5°F, and annual rainfall of 47.08 inches.

General Constraints

The following are general constraints that should be followed in developing the Town Plan:

- there should be no more than 60% impervious cover.
- plans should preserve indigenous vegetation wherever possible.
- public policy prohibits land disturbing activities on slopes of 25% or greater (these points are marked on Competition Map #2) without specific approval by exception only.

The site also includes one endangered species of plant life — small whorled pogonias — as indicated on Competition Map #2. It is assumed that this area can be incorporated into a park or other open space area.

Parks

Parks are anticipated to range from formal civic spaces (such as the one associated with the Courthouse) to more informal natural environments associated with a wildlife preserve, wetland, or protected area for endangered vegetation (small whorled pogonia). It is also assumed that many open space areas will be linked together with bike trails, nature trails, and general patterns of pedestrian movement.

Play fields for organized recreation (such as soccer or softball) are currently provided by James City County on nearby sites. While this should not preclude competitors from proposing such facilities if they think they are advisable (such as tennis courts), it does indicate that large open areas for organized play fields are not envisioned.

Storm Water

Storm water management requirements will involve a combination of natural open space easements and storm water ponds. For purposes of the competition, it should be assumed that all new development will be served by a system of sanitary sewers and storm sewers connected to on-site retention ponds. Key aspects of local storm water management systems are:

- No more than 60% impervious cover.
- Minimum of 10% in undisturbed natural open space.
- Wet or dry storm water ponds (most likely located in existing ravines)

These provisions can be met by an overall storm water management plan for the entire site. The sponsor expects to construct 2-3 large storm water management ponds to serve the great majority of the site.

Archaeological Features

At this stage there are no known significant archaeological features on the site.

3.6 NEW RESIDENTIAL DEVELOPMENT AND GUIDELINES

There are no prescribed densities, housing types, or lot sizes. There are, however, some general guidelines and observations which should be considered.

It is anticipated competitors will organize lots and residential patterns in direct response to the infrastructure of roads, pedestrian movement, open space, and other factors which allow an effective functional and visual integration of the overall Town Plan. While this may allow for some distinctions between types of residential structures, the overall design should strive to integrate the types and price ranges throughout the community rather than segregate them as typical suburban patterns generally do.

It must be reemphasized that the Town Plan has to accommodate multiple futures. For example, the plan might demonstrate an area initially designated for townhouses could also be developed as small-lot single family uses. An area used for apartments might also be used,

in part, for commercial space.

The site could accommodate as few as 1000 and as many as 3000 housing units. A wide range of unit types including single-family detached, townhouse, apartments, and apartments above commercial uses should be illustrated. A wide range of densities and lot sizes should also be illustrated for a variety of income ranges.

3.7 NEW COMMERCIAL DEVELOPMENT AND GUIDELINES

While it is difficult to predict the long term economic market for commercial activities, there have been strong expressions of interest in short term retail development. Based on these factors the Town Plan should include the following commercial uses (these do NOT have to be distinct, independent precincts, but may be combined or integrated at the discretion of the competitors):

Retail

The Town Plan should include options for approximately 50 to 60 acres for large *regional retail uses* (a total of about 500,000 square feet) with major anchors of 40,000 to 150,000 square feet. These regional retail uses need clear, easy access from Monticello Extended, Ironbound, or to the Route 199/Monticello Interchange. The uses will derive their market primarily from persons living near the site, tourists, and others in the region who are conveniently located relative to the proposed Highway 199 intersection with Monticello Extended.

The Town Plan should include *community retail* uses with approximately 100,000 square feet including a supermarket, drugstore and small shops. These uses will serve people on the site as well as those within a few minutes of the site. Convenient access for both of these markets is necessary. They might be combined with the regional retail uses. Out parcel concepts will be required to be shown in Phase II.

If the competition proposes locations for retail commercial sites which are *free standing* and not part of a retail "center," the buildings shall have a consistent architectural style and all sides should appear to be front facades.

Courthouse Complex

A Courthouse commercial area (described as part of subarea 1) should provide additional office space. Some of these office areas may be occupied by government functions, including approximately 17,000 gross square feet of activities described in the Court Facility Program as offices "not to be located in the new Courthouse". These public offices might be located in additional public office buildings or in space leased from private landlords. Another 20,000 to 30,000 square feet for related office uses is likely in the short term for lawyers and other professionals who would find it advantageous to be located near the Courthouse. Most users of these office areas will occupy 1,000 to 3,000 square feet. Other types of supportive uses are also likely such as restaurants, cafes, and convenience retail serving office workers. The specific size of this area has not been estimated.

General Office Uses

The overall, long term expectation for general office uses is approximately 200,000 to

400,000 square feet. In the short term, interest has already been expressed in several smaller office buildings (in the range of 10,000 to 20,000 square feet) including a medical office building for physicians affiliated with Williamsburg Community Hospital.

Hotel or Motel

Another clear option for commercial activity — given new development as well as the heavy tourist uses in the area — would be a hotel or motel.

Parking

An obvious problem in these commercial developments will be the provision of adequate parking to ensure the economic feasibility of each use. For purposes of this competition it should be assumed retail uses have a minimum of 5.5 spaces per 1,000 square feet and 75% to 80% of these parking spaces be readily accessible from entries to major retail stores (it should be assumed most of these spaces will be in surface lots, but limited use of structures is possible). Parking ratios for office buildings are relatively similar. This ratio already assumes there will be considerable pedestrian traffic to/from retail areas by local residents and office employees as well as some trade to mass transit.

Competitors may propose multiple purpose parking areas that serve other uses in addition to retail activities without increasing the parking ratios. For example, parking lots can simultaneously serve many of the institutional uses and cultural facilities described subsequently since there is relatively little overlap of peak demand times for parking.

In addition, the sponsor has expressed strong interest in options for avoiding conventional problems with roadside views of massive parking lots but recognizes the need to address peak needs of the users. While the primary access to parking lots for regional and community retail must be clearly visible to drivers, it is not necessary that the majority of parking spaces be immediately visible from the road. Once drivers are off the main road, movement through the parking areas should be simple and easily understood by infrequent users. Pedestrian friendly and humanistic design of parking areas is a significant challenge of the Town Plan.

3.8 NEW INSTITUTIONS AND CULTURAL FACILITIES AND GUIDELINES

The Town Plan should include between six and ten sites for civic or institutional structures in addition to the Courthouse. It is not possible to predict with great accuracy how these sites will be used over the next two decades. Nevertheless it seems prudent to insure sites for significant civic structures as part of the Town Plan. For the purposes of the competition, therefore, sites for the following types of buildings are recommended:

- Civic auditorium or performing arts center that can accommodate 1,000 seats
- Three churches with different denominations and seating sizes of congregations (estimated at 500, 1,000 and 1,500 persons)
- Day care center (possibly run by a local hospital) with an outdoor play for 150 children at 25 sq. ft./child.
- Post Office — a new site for the Williamsburg area main post office should be shown.
- Library, museum or exhibit area

Specific building sizes or footprints have not been determined. Consequently, it is important for the Town Plan to include a relatively flexible approach so that alternative sites and

building sizes can be accommodated. A modest amount of additional public facilities may be proposed.

In addition to flexibility in size and siting, these buildings should be located so that they encourage more efficient and effective use of land (especially parking and open space). For example, churches could share some parking with commercial activities because of the low probability that both types of uses will have simultaneous peak parking demands.

These uses should also be located so that their proximity to other uses creates positive benefits. For example, a day care center might be located in a church or other building near stores where parents might do convenience shopping. A performing arts center might be located near a retail area that has some restaurants. Two churches might share a banquet hall or community room.

3.9 NEW INDUSTRIAL DEVELOPMENT AND GUIDELINES

New industrial development has been discussed with reference to two types of markets. Adjacent to the northeast corner of the site is an existing industrial area of small distribution and industrial service type businesses. Extension of these types of uses, on small sites, on the competition site is possible. These uses would serve a local market. Measures to protect the Ironbound Square area will be necessary.

The other context in which industrial development has been discussed has been in relation to activities at the College of William and Mary. The College maintains strong undergraduate and graduate programs, many of which are complemented by collaboration with the private sector. Natural linkages between the College and the private sector exist for several of the undergraduate and graduate programs, including business, applied science (which includes materials and surface physics), biology, computer science, chemistry, physics, law, education and marine science, among others. Industrial and research activities in these or similar disciplines might be located on the site. It is anticipated any industrial uses on site will either serve a local market or will not need to distribute significant amounts of product beyond the local area.

3.10 CURRENT POLICIES AND LAND DEVELOPMENT REGULATIONS

The goals and criteria whereby solutions will be judged have been described in section 3.1. The supplementary materials provide additional information about local policies and regulations some competitors may find relevant. It should be assumed failure to meet any of these policies or other regulations governing local development can be resolved subsequent to the Competition by:

- negotiated compromises between the parties involved in development and construction.
- other forms of changes in local regulations or policies.
- modifications made during design development and implementation

4. SUBMISSION REQUIREMENTS

The purpose of the presentation requirements and format is to facilitate and ensure fair and equitable treatment of all the competitors' design solutions.

4.1 PRESENTATION GUIDELINES

The presentation rules have been developed to insure that the Jury will have sufficient information to effectively evaluate and compare individual solutions. This is particularly important because the Jury will have to review and evaluate a large number of solutions in a relatively brief period. Experience has clearly shown that to disregard presentation guidelines and recommendations may place the competitors at a disadvantage. It must be emphasized that the presentation guidelines are developed for the benefit of the competitors as well as the jurors.

4.2 FORMAT AND ORGANIZATION

Competitors must submit two boards, each 30" by 40". The boards will be displayed horizontally (30" high by 40" wide) to the jury. The boards will be mounted flush to create one large surface 30" high by 80" long. When facing the presentation, Board #1 will be on the left.

The presentation should be on rigid, lightweight boards, preferably foam core. No physical projections from the surface of the boards are permitted. Drawings should NOT be framed nor should they be covered in plastic or glass. The individual boards should be clearly numbered on the back.

4.3 DRAWING REQUIREMENTS AND RECOMMENDATIONS

In general the purpose of these guidelines is to allow for the presentation of information in a manner which facilitates comparison of the different entries by the jurors and allows the competitors to present information relevant to meeting the criteria stated in section 3.1.

Required Site Plan

All solutions must include a site plan (scale 1"=200'). It is recommended that the site plan emphasize the public infrastructure of roads, parking, open space, and major buildings (including the Courthouse, key commercial structures, and major public buildings). All buildings need not be shown, but general patterns of lots should be indicated.

Basic data

Solutions should also include a table or similar graphic which lists the number, size, and type of different buildings including residential, commercial, industrial, institutional, and recreational uses. These data should also portray different phasing and sequential development patterns. Given the difficulties often associated with providing sufficient parking, it is important to indicate the number of parking spaces associated with different commercial and institutional uses.

Flexibility and Phasing

There must be some set of site plans, or partial site plans, that show how one infrastructure of roads and utilities might accommodate different land use patterns on the same parcels.

The site plans should also show how different land use patterns could be phased over time.

While development in the next few years may be relatively easy to predict, it is more difficult to predict patterns for the next twenty years. Consequently the phasing pattern should show multiple options for the later stages of growth. These plans (or partial plans) may be at the scale of 1"=400', 1"=100', or 1"=200'.

Critical Subareas

There should be more elaborate plans or axonometrics that illustrate each of the following: the Courthouse complex and civic space, at least one major retail shopping area; at least one major residential area; and at least one area that includes cultural or institutional buildings. Use of a larger scale (such as 1"=100') for these drawings is at the discretion of the competitors.

The depiction of the Courthouse complex must include a site plan that shows property line boundary for the ten acre site for the Courthouse, parking, and other accessory uses necessary for the specific operation of the Courthouse.

Experience and Character

There should be drawings that portray quality of the experience in different types of places. Small sketches (and perhaps explanatory diagrams or axonometrics) should be presented for the different types of residential and commercial areas as well as key public spaces.

Competitors should draw proposed street cross-sections for Monticello Avenue, Monticello Extended, Ironbound Road, and all types of internal streets. In addition to lanes and widths, competitors are expected to define the visual and experiential character of these streets.

Other Explanatory Text and Information

Competitors should also indicate primary Concepts for development policies, design guidelines, and other regulatory devices that are proposed for the Town Plan.

4.4 PRESENTATION TECHNIQUES

The competition site plan, when drawn at 1"=200", is wider than 40" (it is approximately 44"). Competitors may either (1) overlap the site plan over the two boards, or (2) eliminate the northwest corner of the site plan so that it fits within 40". The site should be drawn with north "up."

The presentation techniques employed for the submissions are entirely at the discretion of the competitors. For example, color is acceptable but not necessary. The drawings may be photographic reproductions or originals. Model photography is acceptable, and may appear as part of the presentation. Drawings may overlap from one board to another. Narratives, and any other supplemental diagrams or information not presented directly on the boards will not be presented to the jury.

The only reminder is that the purpose of the presentation is to clearly and directly communicate the competitor's intentions and designs to the Jury.

5. AWARDS AND PRIZES

5.1 PRIZES AND AWARDS

The Jury will be instructed to select three or four Finalists from among the Stage I submissions. The Finalists will be invited to submit entries in Stage II of the Competition. The Jury has the authority to designate Honorable Mention Awards at its discretion.

5.2 Disbursement of the Cash Prizes — Stage I and Stage II

The distribution of cash prizes is as follows:

A total of \$60,000 will be split equally among the Finalists for the Stage I Town Plan Competition:

\$15,000 each, if there are 4 Finalists

\$20,000 each, if there are 3 Finalists

The first installment of 50% will be distributed after public announcement of the names of the first- stage Finalists. The second installment of the remaining 50% will be received upon the successful completion of a design submission for the Stage II Jury.

In addition, \$3,000 will be shared equally among all Stage I solutions designated by the Jury as Honorable Mentions.

Stage II:

The following prizes will be awarded to the Finalists after Stage II is complete. These prizes are in addition to Stage I prize money:

First Prize (overall)	\$8,000
Second Prize (overall)	\$4,000
Third Prize (overall)	\$2,000

The award of these prizes shall be based upon the jury's recommendation. It must be emphasized, however, that the award of commissions, as described in section 5.3, is subject to the review and approval process of the Sponsor.

5.3 DESIGN COMMISSIONS — STAGE II WINNER(S)

From among the Stage II entries the Jury will be instructed to select and designate First, Second, and Third place Winners. The cash prize money distributed to the Winners described in Section 5.2 shall be considered, by Sponsor and Winner(s), as payment for Sponsor's right to further develop and/or further implement the First place winning design and for Sponsor's right to further develop and/or further implement significant and unique component(s) of the other winning designs [collectively designated as "Sponsor's Design"] and partial payment for any subsequent commissions which may be awarded as described in this section. If, for any reason, the First, Second or Third place Winners do not receive a commission, they shall receive full payment of their cash prizes.

While the Sponsor is under no obligation to enter into any commission, it is the intent of the Sponsor to gain governmental approval for, and the recordation of, a Master Plan for zoning purposes. To gain such approval, additional design plans may be required by local county authority and it is Sponsor's intention to award a commission for such additional design work

on Sponsor's Design. After the Master Plan for zoning has been approved by local government and such plan has been recorded, it is expected that commissions may be awarded on segmented portions of the master planned development. Given the unique nature of this project and the variety of contractual arrangements, it is not possible to state, at this time, the precise nature of the commissions which may be awarded. This will depend upon the expertise of the winning firm, the degree to which the Sponsor wishes to use its own staff, or other staff for some of the tasks, the stages of development which will occur, schedules for implementation and phasing, and other factors typical of major projects of this magnitude.

If, in the opinion of the Sponsor, a winner is lacking in the expertise, or the organizational or legal capacity necessary to design, administer, and execute the required work, the Sponsor reserves the right to require the Winner to associate with an architectural and/or engineering firm selected by both the Winner and the Sponsor.

In the event that the Sponsor and the First place Winner, after good faith negotiations, are unable to reach a mutually acceptable agreement on the additional work required on Sponsor's Design, then Sponsor is obligated to continue the negotiation process with the other prize Winners. The negotiations will continue in the order designated by the Jury, that is: Second Place Winner, then Third Place Winner. In the absence of an agreement with any Winner, the Sponsor shall have the right to negotiate an agreement for additional work on Sponsor's Design with other professionals.

In awarding a commission(s), it is expected that all Winners will conform to all of the customary and necessary procedures and provisions of contracts for comparable projects. Elaboration of the rules regarding the negotiation and/or awarding of a commission(s) may be included with Stage II instructions.

6. SCHEDULE

Close of Registration	(postmarked) October 2 , 1995
Question Period Closes	(postmarked) October 16, 1995
Answers Mailed	October 23, 1995
Submissions due (see prior text for details)	November 20, 1995
Stage I Jury Deliberations	November 27 — November 29, 1995
Finalists Announced	December 4, 1995
Finalist/Sponsor Briefing	January 5, 1996
Stage II Submissions and Jury Deliberations	January 27—28, 1996
Announcement of the Winner	January 29, 1996

ENTRY FORM

PLEASE SECURE A COMPLETED COPY OF THIS FORM TO THE BACK OF BOARD ONE, SEALED IN A PLAIN, OPAQUE ENVELOPE.

Name(s) of competitors, State of License and Number (optional). Use additional sheets if needed.

OPTIONAL INFORMATION: other team members, advisers, and related information that competitors would like included in the attribution of work. Use additional sheets if needed.

Complete mailing address, telephone numbers (for both work and home) and social security numbers for the individual or team representative (use additional sheets if needed):

REQUIRED AGREEMENT SIGNATURE AND DATE: In submitting an entry for the Williamsburg Town Plan Competition, all competitors attest they (1) have read the Competition program, including all items referring to the use of designs and components of designs; (2) agree to be bound by the rules and requirements as stated; (3) authorize the Sponsor to exhibit, create an archive, publish (through reproduction or other means) any or all parts of the submitted entries; and (4) understand the conduct of the Competition and the use of its results, including any subsequent contracts and commissions, are subject to local laws and the laws of the Commonwealth of Virginia:

Signature of Competitors:

Date:

In the event that original registrants wish to transfer their registration and right to submit a solution then please attach a note to this form indicating the names and signatures of both the original registrant(s) and the new registrant(s). Registrant cannot, however, retain the right to enter one competition and transfer the right to enter the other competition.

COMPETITION PACKAGE CHECKLIST

This list includes all the items in the program package and serves as checklist for competitors to make sure they have received all the materials. If any of these items are not included it is the responsibility of the competitor to contact:

The Williamsburg Competition
c/o James City County
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8794

1. **TOWN PLAN COMPETITION PROGRAM**
2. **COURTHOUSE COMPETITION PROGRAM**
3. **COURT FACILITY PROGRAM**
4. **AERIAL PHOTOGRAPH**
5. **COMPETITION AREA MAP 1 (SCALE 1"=400')**
6. **COMPETITION MAP 2 (SCALE 1"=200')**
7. **ORIENTATION PHOTOGRAPHS (with 11"x17" map key and description)**
8. **SUPPLEMENTARY ITEMS**
 - James City County Fact Sheet, January 1995
 - James City County Land Use Plan Map and Descriptions, 1992
 - City of Williamsburg Comprehensive Plan Summary, 1989
 - James City County Regional Map
 - 11"x17" reduced size color copies of items 6 and 7



Memo

To: Matt Smolnik – JCC
Marvin Sowers – JCC
Vernon Geddy – Geddy, Harris, Franck & Hickman, LLP
Dexter Williams – DRW Consultants, LLC

From: John Abernathy – AIG Baker

Date: February 27, 2006

Subject: Monticello Avenue – West of Route 199

During meetings with the Planning Commission members on the New Town Section 9 rezoning, there was discussion on the Monticello Avenue corridor west of Route 199. Though it was acknowledged that the existing traffic operation west of Route 199 was outside the scope of the rezoning, there was a request for AIG Baker to provide any information we had assembled during our traffic studies. As such, enclosed are four scenarios for recommended improvements from AIG Baker's traffic consultant, DRW Consultants. While we are providing these at your request, it should be noted the actual scope of improvements, if any, should be determined by the County and VDOT.

In addition, for perspective, Jack Fraley requested that DRW Consultants determine the percentage of increase traffic on the westbound corridor of WindsorMeade Way, Old News Road, Monticello Marketplace and News Road once Section 9 of New Town is fully built. DRW has determined that the traffic generated by Section 9 will be 4.7% of the total traffic in the PM peak hour.

Please contact me with any further questions.



MEMORANDUM

TO: Marvin Sowers
FROM: Dexter R. Williams
SUBJECT: West Monticello Concept Plan
DATE: February 25, 2006

There are four elements of the West Monticello Concept Plan for improving road capacity as follows:

1. Three through lanes on westbound Monticello Avenue. See enclosed Exhibits 1A and 1B. This option enhances capacity for westbound through traffic on Monticello Avenue from Rt. 199 west. It does not appear to require any right of way and adds pavement only to westbound Monticello Avenue at WindsorMeade Way and Old News Road for right turn traffic.
2. 2nd westbound left turn at News Road/Ironbound Connector & four lanes on Ironbound Connector approach to Monticello Avenue. See enclosed Exhibit 2. This left turn from westbound Monticello Avenue warrants a second left turn lane. This requires paving the median to provide two eleven foot left turn lanes as was done at WindsorMeade Way. It also requires modifications to the Ironbound Connector to accommodate the two lanes of traffic to Ironbound Road. The Ironbound Connector also needs to be widened by one lane (provide two through lanes versus existing one through lane) to improve LOS problems at the Monticello Avenue intersection. Both improvements are included on Exhibit 2, which will require right of way from the JCC park.
3. 2nd left turn lane on News Road approach to Monticello Avenue. The News Road approach needs to be widened by one lane (provide two left turn lanes versus existing one left turn lane) to improve LOS at the Monticello Avenue intersection. This road improvement requires right of way.
4. 2nd left turn lane on Monticello Marketplace approach to Monticello Avenue. The Monticello Marketplace approach needs to be widened by one lane (provide two left turn lanes versus existing one left turn lane) to improve LOS at the Monticello Avenue intersection. This road improvement pavement widening in existing landscaped area on the shopping center property.

WEST MONTICELLO CONCEPT PLAN
EXHIBIT 2

FEBRUARY 24, 2006
DRW Consultants, LLC

NEWS ROAD

Add One Lane To Connector
Realign Connector Median
Provide Two Lane Right Turn
To Ironbound Road

IRONBOUND ROAD

Pave 10 Feet
Of 12 Foot Median
For Second
Left Turn Lane

MONTICELLO SHOPPES

P.C. STA. 97+43.14 & NEWS ROAD RELOC.

50 L.F. TEMP. FILTER BARRIER RED'D. LT. STA. 108+30

FUTURE & NEWS RD. RELOC.

BEGIN CONSTRUCTION

STA. 99+13.09 & NEWS ROAD RELOC.

P.T. STA. 100+55.65 & NEWS ROAD RELOC.

STD. CC-6 RED'D.

P.O.T. STA. 109+60.08 & NEWS RD. RELOC.

P.O.T. STA. 100+60.08 & POWHATAN PARKWAY RELOC.

P.O.C. STA. 107+73.16 & MONTICELLO AVE. EXT.

TRANSITION CC-6 TO CC-7 (TYP.)

PROP. 20' TEMPORARY CONST. EASEMENT (TO BE ACQUIRED BY JAMES CITY COUNTY)

OFF. REV. & MONTICELLO AVE. EXT. EX. SHALE

UPR. MONTICELLO HVE.

$\Delta=35^{\circ}01'45''$

$D=6,00000'$

$T=301.76'$

$L=583.82'$

$R=954.93'$

P.C.=105+83.49

P.I.=108+84.85

P.T.=111+67.31

LS=200'

E=.0400

V=50 MPH

1000 L.F. TOP. FILTER BARRIER

RED'D. TO STA. 115+75

TO STA. 113+25

1000 L.F. TOP. FILTER BARRIER

RED'D. TO STA. 111+67.31

TO STA. 108+84.85

P.T. STA. 113+25

P.T. STA. 111+67.31

P.T. STA. 108+84.85

P.T. STA. 105+83.49

P.T. STA. 102+82.00

P.T. STA. 100+00.00

P.T. STA. 97+43.14

P.T. STA. 94+86.28

P.T. STA. 92+29.42

P.T. STA. 89+72.56

P.T. STA. 87+15.70

P.T. STA. 84+58.84

P.T. STA. 82+01.98

P.T. STA. 79+45.12

P.T. STA. 76+88.26

P.T. STA. 74+31.40

P.T. STA. 71+74.54

P.T. STA. 69+17.68

P.T. STA. 66+60.82

P.T. STA. 64+03.96

P.T. STA. 61+47.10

P.T. STA. 58+90.24

P.T. STA. 56+33.38

P.T. STA. 53+76.52

P.T. STA. 51+19.66

P.T. STA. 48+62.80

P.T. STA. 46+05.94

P.T. STA. 43+49.08

P.T. STA. 40+92.22

P.T. STA. 38+35.36

P.T. STA. 35+78.50

P.T. STA. 33+21.64

P.T. STA. 30+64.78

P.T. STA. 28+07.92

P.T. STA. 25+51.06

P.T. STA. 22+94.20

P.T. STA. 20+37.34

P.T. STA. 17+80.48

P.T. STA. 15+23.62

P.T. STA. 12+66.76

P.T. STA. 10+09.90

P.T. STA. 7+53.04

P.T. STA. 4+96.18

P.T. STA. 2+39.32

P.T. STA. 0+00.00

DAVID WEST TOBL
H.B. 37, PG. 89
O.B. 40, PG. 435
20.0 AC.

501

NEWS ROAD

P.C. STA. 97+43.14 & NEWS ROAD RELOC.

50 L.F. TEMP. FILTER
BARRIER REQ'D. LT.
STA. 108+30

110

UPPER MONTICELLO AVE.
D=35°01'45"
D=6+00000
T=301.36
L=593.82
R=954.93
P.C.=105+83.49
P.I.=108+84.85
P.T.=111+67.31
LS=200'
E=.0400
V=50 MPH

**Add Lane To
Provide Double
Left Turn**

BEGIN CONSTRUCTION
STA. 99+13.09 & NEWS ROAD RELOC.
P.T. STA. 100+55.67 & NEWS ROAD RELOC.

STD. CC-6 RED'D.
P.O.T. STA. 100+60.08 & NEWS RD. RELOC.
P.O.T. STA. 100+60.08 & POWHATAN PARKWAY RELOC.
TRANSITION CC-6
TO CC-7 (TYP.)

PROP. 20' TEMPORARY
CONST. EASEMENT
(TO BE ACQUIRED BY
JAMES CITY COUNTY)

OFF. REV. &
MONTICELLO AVE. EXT.
EX. SHALE

1000 L.F. TEMP. FILTER BARRIER
REQ'D. LT. STA. 108+80
TO STA. 115+75
1000 L.F. TEMP. FILTER BARRIER
REQ'D. STA. 112+00
TO STA. 115+75
P.T. STA. 111+67.31

WATER FACILITY 'D'
EET BP111

MONTICELLO AVE.

CONN.

REMOVE

**WEST MONTICELLO CONCEPT PLAN
EXHIBIT 3
2ND LEFT TURN LANE ON NEWS ROAD
FEBRUARY 24, 2006**

DRW Consultants, LLC

IRONBOUND ROAD

IRONBOUND CONNECTOR

CULTIVATE!
END CONSTRUCTION

STA. 107+17.0
P.I. 107+17

STA. 109+17

UTIL. POLE
C/W GUY
SIGN & LIGHTS
SIGN EASEMENT

BB-27

PRIVATE ENTRANCE
TYPE III (TYP.)
STD.

16' TY BARRIC

PROP. 30' TEMPORARY CONST.
(TO BE ACQUIRED BY JAMES CI)

REV. & POWHATAN PKWY. REI

STD. CC-6 CURB &
GUTTER REQ'D.

PROP. R/W

DAYID WEST TOBL
M.B. 37. PC. 89
D.B. 40. PC. 435
20.0 AC.

Memo

To: Matt Smolnik, James City County
From: Stephanie Harper, *The Wessex Group, Ltd.*
CC: John Abernathy, AIG Baker Development
Date: December 14, 2005
Re: Settler's Market at New Town: Revised Fiscal Impact Study December 2005



The purpose of this memorandum is to present the results of *The Wessex Group's* net fiscal impact analysis of proposed changes to the development schedule for **Settler's Market at New Town** development. The original analysis was submitted to the county in September of 2005 titled *Settler's Market at New Town, Fiscal Impact in James City County, Virginia*. All expenditure and revenue data presented in this memo are based on the James City County 2005-06 Adopted Budget.

As described by the developer, Table 1 below shows the development schedule changes for this development. To be conservative, this analysis assumes the maximum number of residential units and the minimum non-residential square footage. The number of condominium units has increased from 118 units to 279 increasing residential construction investment to about \$69 million. In both scenarios, all homes are assumed to be occupied in Year 2. Off-site improvements increased from \$400,000 to \$700,000. The office square footage remains at 30,000 square feet, but the retail development increases from 330,000 square feet to nearly 372,000. Using these changes, cumulative construction investment for this development is estimated at more than \$115 million versus approximately \$71 million in the 2005 development plan.

Table 1
Development Schedule Settler's Market at New Town*

Development Component	2005 Plan			2006 Proposal		
	Yr 1	Yr 2	B-out	Yr 1	Yr 2	B-out
Total Residential Units	86	32	0	209	70	0
Cumulative Residential Population	0	243	243	0	575	575
School-Aged Children	0	19	19	0	45	45
Cumulative Retail Sq. Ft.	247,500	330,000	330,000	278,959	371,945	371,945
Cumulative Office Sq. Ft.	22,500	30,000	30,000	22,500	30,000	30,000
Construction Investment (\$Millions)						
Non-residential Infrastructure & Off-site Improvements	\$7.4	\$0.8	\$0.0	\$7.2	\$2.2	0.0
Retail Development	22.7	7.6	0.0	25.2	8.4	0.0
Office Development	2.3	0.8	0.0	2.3	0.8	0.0
Residential Development	21.4	8.0	0.0	52.0	17.4	0.0
Total Construction Investment	\$53.8	\$17.0	\$0.0	\$86.6	\$28.7	\$0.0
Cumulative Construction Investment	\$53.8	\$70.8	\$70.8	\$86.6	\$115.3	\$115.3

*Rounding may affect totals

Provided below in Table 2 are the estimated revenues generated by this development using the 2005 development plan and the current proposal. It is important to note that for the purpose of both analyses, TWG used a population per household estimate of 2.06 persons (1.9 adults plus 0.16 children; source: U.S. Census Bureau and James City County). Using this household size, a total of 575 residents are estimated to reside in Settler's Market under the new proposal.

The real estate tax rate used in both analyses is \$0.785/\$100 of assessed value. To estimate real estate taxes in both studies, the developer provided market values for the condominium units. The number of each type of home and the estimated market values used in 2006 analysis are as follows: 56 one-bedroom units (\$250,000), 167 two-bedroom units (\$325,000), and 56 three-bedroom units (\$400,000). In both development scenarios, 1.6% annual real appreciation has been applied to the condominium units. For the non-residential development, real estate taxes have been estimated based only on the construction investment and land value.

In the 2005 analysis, proffers had not been finalized before the fiscal impact study was submitted to the county. As can be seen below in Table 2, proffers were not included in the previous analysis. However, proffers have been included in the current analysis and include the following amounts: (1) \$811.92 for water, (2) \$109.14 for recreational facilities, (3) \$528.36 for public education, (4) \$61.20 for library needs, and (5) \$71.40 for Fire/EMS. In total, the developer will pay \$441,383.58 in proffers for the 279 homes in this development.

Table 2
Local Government Revenues Settler's Market at New Town (\$000s)*

Revenue Component	2005 Plan			2006 Proposal		
	Yr 1	Yr 2	B-out	Yr 1	Yr 2	B-out
Real Property Taxes	\$498	\$660	\$660	\$807	\$1,076	\$1,076
Personal Property Taxes	0	186	186	0	261	261
Proffers	0	0	0	331	111	0
Meals Taxes	0	157	157	0	166	166
Retail Sales Taxes	0	228	228	0	280	280
BPOL Taxes	86	105	78	139	134	88
Building Permits	197	64	0	286	92	0
Recordation Taxes	0	128	0	0	302	0
Miscellaneous Revenues	23	58	50	35	118	107
Total Annual Revenues	\$804	\$1,585	\$1,358	\$1,597	\$2,539	\$1,977

*Rounding may affect totals

To estimate the incremental expenditures that this development will generate for James City County's government, the current per capita costs, as reported in the county's budget, have been applied to the estimated population for the households. Using the county's estimated population projection of 58,800, the per capita costs of government collected from the county's budget are presented in Table 3 and have been applied to the 2006 analysis.

Table 3
Per Capita Expenditures

Expenditure Category	Per Capita Budget
General & Administrative	\$124.67
Health & Welfare	66.62
Statutory, Unclassified	95.29
Recreation & Culture	152.52
Debt Service (excluding debt service related to public education)	76.23
Public Safety	327.83
Public Works	182.08

To calculate education costs for this development, the capital improvement costs for education (\$11,670,000) and education operating costs (\$60,212,437) as stated in the current budget have been divided by the 9,153 children in the public school system to arrive at a per pupil cost. Using these estimates, the per pupil cost is estimated at \$7,853.43. As previously stated, an estimate of 0.16 children per household has been assumed in this analysis (source: James City County). Using these expenditure estimates, the county's estimated annual costs for providing public services to this development are shown in Table 4. As can be seen at buildout and beyond, the largest expenditure is for education operating costs (\$294,000) followed by public safety (\$198,000).

Table 4
Local Government Expenditures Settler's Market at New Town (\$000s)*

Expenditure Component	2005 Plan			2006 Proposal		
	Yr 1	Yr 2	B-out	Yr 1	Yr 2	B-out
General Government & Administration	\$2	\$33	\$33	\$3	\$75	\$74
Health & Welfare	0	16	16	0	38	38
Statutory, Unclassified	14	38	34	23	74	66
Recreation & Culture	5	63	61	7	116	113
Public Safety	46	104	89	74	223	198
Public Works	4	51	49	7	112	110
Capital Improvements (Non-School)	12	29	26	19	58	52
Capital Improvements-Schools	0	24	24	0	57	57
Education-Operating Costs	0	124	124	0	294	294
Total Government Expenditures	\$83	\$482	\$456	\$133	\$1,046	\$1,002

*Rounding may affect totals

The net fiscal impact of a development on the local government is calculated by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout for both analyses are illustrated in Table 5. As shown, the 2006 proposal is quite positive for the county. At buildout, the current proposal provides a net fiscal impact of about \$975,000 versus \$903,000 estimated in the 2005 analysis. In order to be conservative in this analysis, the development plan includes the maximum number of residential homes (279), and the minimum space for the retail and office development (401,945 square feet). Using this approach, the analysis presents the greatest impact to the county's school system and other county services.

Table 5
Fiscal Impact – Settler's Market at New Town (\$000s)*

Fiscal Impact	2005 Plan			2006 Plan		
	Yr 1	Yr 2	B-out	Yr 1	Yr 2	B-out
Government Revenues	\$804	\$1,585	\$1,358	\$1,597	\$2,539	\$1,977
Government Expenditures	83	482	456	133	1,046	1,002
Net Fiscal Impact	\$722	\$1,103	\$903	\$1,464	\$1,493	\$975

*Rounding may affect totals

To illustrate the cumulative net fiscal benefit or cost of this development, the net present value has been estimated based only on the ongoing revenues and expenditures starting at buildout. Using this approach, the net present value of the 2006 development plan calculated over a twenty-year period and discounted at 5% is estimated at nearly \$12.2 million.

**NEW TOWN - SECTION 9 - SETTLER'S MARKET AT NEW TOWN -
PROFFERS**

THESE PROFFERS are made as of this 23rd day of February, 2006 by **WHS LAND HOLDINGS, LLC**, a Virginia limited liability company ("WHS"), **NEW TOWN ASSOCIATES**, a Virginia limited liability company ("Associates") (together with their respective successors and assigns, "Owner") (index each as a "grantor"); and the **COUNTY OF JAMES CITY, VIRGINIA** (the "County") (index as the "grantee").

RECITALS

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

R-2. WHS has contracted to sell the WHS Property to AIG Baker Development, LLC ("Baker").

R-3. Associates is the owner of certain real property in James City County, Virginia, being more particularly described on Exhibit B attached hereto and made a part hereof (the "Associates Property").

R-4. Associates has contracted to sell a portion of the Associates Property to Baker and a portion of the Associates Property to Developers Realty Corporation ("DRC").

R-5. Baker and DRC intend to construct a mixed use commercial/residential development on their respective properties pursuant to an agreed upon Master Plan. The

WHS Property and the Associates Property is hereinafter collectively called the

"Property".

R-6. The Property is located within and in the vicinity of a development commonly known as "New Town." The New Town development is subject to and governed by (i) certain proffers entitled the "New Town Proffers" dated December 9, 1997 of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument No. 980001284, (ii) a conceptual master land use plan entitled "New Town Plan" prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997 and revised December 8, 1997 (the "New Town Master Plan"), (iii) design guidelines entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA," prepared by Cooper, Robertson & Partners dated September 3, 1997 and (iii) the New Town - Sections 2 and 4 - Proffers dated November 1, 2001 of record in the Clerk's Office as Instrument No. 010023715 (the "New Town Design Guidelines"), (iv) New Town - Sections 3 and 6 - Proffers dated October 25, 2005, Instrument No. 040027471, (v) Supplemental Proffers - New Town - Sections 2 and 4, dated October 3, 2003, Instrument No. 030032005, and (vi) New Town - Section 5 - Proffers, April 23, 2004, Instrument No. 040020235.

R-7. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Baker and DRC, with the consent of Owner, have applied for a rezoning of the Property from M-1, Limited Industrial, and R-8, Rural Residential to MU, Mixed-Use, with proffers. The rezoning of the Property to MU, with proffers, is in fact consistent both with the land use designation for the Property on the County's

Comprehensive Plan and the statement of intent for the MU zoning district set forth in Section 24-514 of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance").

R-8. Owner has submitted a Community Impact Statement to the County's Director of Planning which satisfies the requirements of Section 24-515(c) of the Zoning Ordinance and the New Town Proffers, which Community Impact Statement includes, without limitation, a Fiscal Impact Study which has been reviewed and accepted by the County in connection with the rezoning request referenced above. The Community Impact Statement and Fiscal Impact Statement are on file with the County's Director of Planning.

R-9. Pursuant to subsection 2(b) of the New Town Proffers, there has been established a Design Review Board ("DRB") for development of the property subject to the New Town Proffers.

R-10. Pursuant to the New Town Proffers, the DRB is charged with the responsibility of rendering a written advisory recommendation to the County's Planning Commission and to the County's Board of Supervisors as to the general consistency with the New Town Master Plan and the New Town Design Guidelines of any proposed master plans and guidelines in future rezonings of the property subject to the New Town Proffers.

R-11. Owner has previously submitted to the DRB, and the DRB has previously approved in writing as consistent with both the New Town Master Plan and the New Town Design Guidelines, a master plan entitled "SETTLER'S MARKET AT NEW TOWN, MASTER PLAN", dated December 22, 2005 (the "Section 9 Master Plan"), and

design guidelines entitled "SETTLER'S MARKET AT NEW TOWN, SECTION 9 DESIGN GUIDELINES", dated December 5, 2005 (the "Section 9 Guidelines") for the Property, copies of which Section 9 Master Plan and Section 9 Guidelines are on file with the County's Director of Planning.

R-12. In accordance with paragraph 4 of the New Town Proffers, Owner has submitted to the County a traffic study entitled "Traffic Study for Settler's Market at New Town" dated December 9, 2005 prepared by DRW Consultants, Inc. (the "Traffic Study"), a copy of which is on file with the Director of Planning.

R-13. A small whorled pogonia survey was conducted on the Associates Property revealing that no small whorled pogonia plants exist on the Associates Property. The report generated from that survey is entitled "SEARCHED FOR THE SMALL WHORLED POGONIA, ISOTRIS MEDEOLOIDES, ON THE CASEY TRACT, CHISEL RUN WATERSHED, WILLIAMSBURG/JAMES CITY COUNTY, VIRGINIA SPRING/SUMMER 1996" (the "1996 report"), prepared by Dr. Donna M. E. Ware of the College of William & Mary for Williamsburg Environmental Group, Inc. The results of the 1996 report are illustrated on sheet 6, entitled "Master Stormwater Plan", of the New Town Master Plan. A copy of the 1996 report is on file with the County Planning Director. A small whorled pogonia survey was conducted on the WHS Property revealing that no small whorled pogonia plants exist on the WHS Property. The report generated from that survey is set forth in the document entitled "ENVIRONMENTAL RESOURCE INVENTORY OF THE AIG BAKER TRACTS I & II AT NEW TOWN", prepared by Williamsburg Environmental Group, Inc. and dated September 2005, a copy of which is on file with the Director of Planning.

R-14. A Phase I Archeological Study (the "Casey Study") was conducted on the Associates Property as detailed in that certain report entitled "A Phase I Archeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o Virginia Landmark Corporation by the William and Mary Archeological Project Center, which report has been submitted to, reviewed and approved by the County Planning Director. The Casey Study identified only one (1) area of archeological significance on the Property, Site 44JC617, and recommended such site for Phase II evaluation. Subsequent to the Casey Study, Associates commissioned a second Phase I Archeological Study (the "Associates Study") of, *inter alia*, Site 44JC617 as detailed in that certain report entitled "Phase I Archeological Investigations of Sites 44JC617, 44JC618, 44JC619, and 44JC620 on the New Town Tract James City County, Virginia", dated January, 2004, prepared by Alain C. Outlaw, Principal Investigator, Timothy Morgan, Ph.D., and Mary Clemons, which report has been submitted to, reviewed and approved by the County Planning Director. The Associates Study determined that Site 44JC617 is an isolated finds area and recommended no further treatment of the site. An archaeological study entitled "Phase I and Phase II Archaeological Investigations in Select Areas of the Casey Tract, James City County, Virginia" dated May, 2005, prepared by Alain C. Outlaw, Principal Investigator, Timothy Morgan, Ph.D., and Mary Clemons (the "2005 Study") of the WHS Property has been submitted to, reviewed and approved by the County Planning Director. The 2005 Study recommended no further archaeological on the WHS Property.

R-15. The provisions of the Zoning Ordinance, Section 24-1, et seq., may be deemed inadequate for protecting and enhancing orderly development of the Property.

Accordingly Owner, in furtherance of its application for rezoning, desires to proffer certain conditions which are specifically limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the “Virginia Code”) and Section 24-16 of the Zoning Ordinance.

R-15. The County constitutes a high-growth locality as defined by Section 15.2 - 2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Section 9 Master Plan, the Section 9 Guidelines and all related documents described herein, and pursuant to Section 15.2-2296 et seq., of the Virginia Code, Section 24-16 of the Zoning Ordinance and the New Town Proffers, Owner agree that all of the following conditions shall be met and satisfied.

PROFFERS:

1. Application of New Town Proffers, Master Plan and Guidelines. Unless otherwise specifically noted herein, these Proffers shall supersede and amend and restate in their entirety the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines, to the extent they now apply to the Property.

2. Owner’s Association. Either (i) a supplemental declaration (the Supplemental Declaration”) shall be executed and recorded in the Clerk’s Office to submit the Property to the New Town Master Association, a Virginia non-stock corporation (the “Commercial Association”), and to the Master Declaration of Covenants,

Easements and restrictions for New Town, dated June 22, 1998, recorded in the Clerk's Office as documents no. 980013868, the Articles of Incorporation and the Bylaws governing the Commercial Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof, with it being specifically intended that the Property shall be maintained as a stand alone development by the owner thereof and the Property shall not be subject to all of the covenants, restrictions, terms and conditions set forth in the declarations governing New Town, or, (ii) in the alternative, for any of the Property not submitted to the Supplemental Declaration, a separate owners association (the "Settler's Market Association") shall be formed by Owner. If a Settler's Market Association is formed, the Settler's Market Association and the Commercial Association shall develop and enter into shared facility agreements with respect to shared facilities, if any, benefiting both associations to fairly and reasonably apportion fiscal responsibility for the operation and maintenance of shared facilities. In addition, one or more separate owners or condominium associations may be organized for the Property (each individually "Separate Association") and supplemental restrictive covenants may be imposed on the Property. The Supplemental Declaration and any articles of incorporation, bylaws and declaration associated with a Settler's Market Association, any separate owner's association for the Property (collectively, the "Governing Documents"), if any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer. The Governing Documents shall (i) require that the applicable association adopt an annual maintenance budget and assess all members for the maintenance of the properties owned or maintained by such association (ii) grant such association the power to, and require that such association, file

liens on member's properties for non-payment of such assessments and for the cost to remedy violations of, or otherwise enforcing, the Governing Documents, and (iii) provide that the DRB is to serve as a design review board for each association formed with respect to the Property.

3. Development Process and Land Use. (a) DRB Authority, Duties and Powers. All revised master plans, revised design guidelines, subdivision, site plans, landscaping plans, architectural plans and elevations and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled "NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY", as the same may be amended by the DRB from time to time, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Section 9 Master Plan and Section 9 Guidelines. Evidence of DRB approval of plans required to be submitted to the County for approval shall be provided with any submission to the County Department of Development Management of such plans. The County shall not be required to review any subsequent development plans not receiving the prior approval of the DRB. In reviewing applications, development plans and specifications, the DRB shall consider the factors set forth in the Section 9 Master Plan and/or the Section 9 Guidelines. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the Section 9 Master Plan and/or the Section 9 Guidelines and the reasons for such findings and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Section 9 Master Plan and/or Section 9 Guidelines, if the circumstances,

including, but not limited to, topography, natural obstructions, hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

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

4. Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment. (a) In accordance with the requirements of Section 4 of the New Town Proffers, Owner has submitted to the County the Traffic Study.

(b) A traffic signal at the Settler's Market Boulevard/Monticello Avenue intersection shall be designed and installed, which traffic signal shall include, subject to Virginia Department of Transportation ("VDOT") approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the James City County Fire Department.

(c) For the Casey Boulevard (as designated on the Master Plan) connection to

Monticello Avenue, the following entrance and road improvements shall be installed:

- (i) Dual eastbound left turn lanes on Monticello Avenue.
- (ii) A westbound right turn/through lane on Monticello Avenue

extending to the existing right turn lane from westbound Monticello Avenue onto northbound Route 199.

A traffic signal at the Casey Boulevard/Monticello Avenue intersection shall be designated and installed, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the County Fire Department.

(d) The traffic signal improvements proffered in paragraphs (b) and (c) shall include pedestrian crosswalks, pedestrian signal heads and controls on the Settler's Market side of Monticello Avenue, and, if safe and feasible in light of turn lane configurations, pedestrian median refuges.

(e) The road improvements identified in items (b) and (c) above shall be installed to VDOT standards and specifications. The traffic improvements and signals proffered above shall be bonded in accordance with the provisions of the County Code prior to final development plan approval for development on the Property and shall be installed when warranted as determined by VDOT.

5. Mix of Housing Types. A minimum of three percent (3%) of the residential units constructed on the Property shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building permit for such residential units at a price at or below One

Hundred Fifty-Four Thousand Dollars (\$154,000.00) subject to adjustment as set forth herein. The County Planning Director and Department of Housing and Community Development shall be provided with a copy of the listing agreement and sales literature for each residential unit offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such residential units, consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Department of Housing and Community Development.

6. Community Spaces. There shall be village community spaces generally as shown on the Section 9 Master Plan as the DRB may approve as consistent with the Section 9 Guidelines (the "Village Community Spaces"). The construction of the Village Community Spaces shall be bonded in form satisfactory to the County Attorney prior to final development plan approval for development on the Property. The Village Community Spaces shall be maintained by the applicable owners association for the Property, and shall be subject to rules and regulations as may be promulgated, from time to time, by the responsible association; provided, however, no permanent barriers shall be erected or maintained to prohibit pedestrian access to such Village Community Spaces and such Village Community Spaces shall be open to the owners of the Property, their respective mortgagees, and tenants and occupants of buildings constructed on the Property and the respective subtenants, licensees, concessionaires, business invitees, employees and customers of all such persons.

7. Streetscapes. All site development and subdivision plans for development within the Property shall include (i) pedestrian connections on the Property, or the portion thereof so developed, along main roads adjoining the Property, (ii)

streetscape plans for adjacent streets within the Property, and (iii) streetscape plans for those portions of the Property adjacent to Monticello Avenue, all of which pedestrian connections and streetscapes shall be consistent with the applicable Section 9 Guidelines. The approved streetscape plans, including, where required by the DRB pursuant to the Section 9 Design Guidelines, street trees, the town wall or fence, sidewalks, crosswalks, street lighting, street furniture, and bike lanes, and any other miscellaneous improvements required by the Section 9 Design Guidelines and approved by the DRB, shall be implemented when the adjacent portion of the Property is developed but in any event within one (1) year after the issuance of the first certificate of occupancy for a building on the Property.

8. Bus/Transit Facilities. At least one (1) but no more than two (2) bus pull-off area and bus stop shelter shall be constructed on the Property in locations approved by the County Transit Administrator. Design of the pull-off and shelter shall be approved in advance by the DRB. The pull-off and shelter shall be shown on development plans for the Property, shall be bonded in accordance with the County Code at the time of final development plan approval and installed when the adjacent roadways are constructed.

9. Contribution for Public Facilities. (a) Water. A contribution shall be made to the County in the amount of Eight Hundred Twelve Dollars (\$812.00), for each individual residential dwelling unit (individually, a “Residential Unit”, and collectively, the “Residential Units”) developed on the Property (the “Per Unit Water Contribution”). The County shall make these monies available for development of water supply alternatives, the need for which is deemed by the County to be generated by the development of the Property.

(b) Recreation. A recreation contribution shall be made to the County in the amount of One Hundred and Nine Dollars (\$109.00) for each Residential Unit developed on the Property (the "Per Unit Recreation Contribution"). The County shall make these monies available for development of recreational facilities, the need for which is deemed by the County to be generated by the development of the Property.

(c) School Facilities. A contribution shall be made to the County in the amount of Five Hundred Twenty-Eight Dollars (\$528.00) per Residential Unit for each Residential Unit developed on the Property (the "Per Unit School Contribution"). The County shall make these monies available for acquisition of school sites and/or construction of school facilities, the need for which is deemed by the County to be generated by the development of the Property.

(d) Library Facilities. A contribution shall be made to the County in the amount of Sixty-One Dollars (\$61.00) for each Residential Unit developed on the Property (the "Per Unit Library Contribution"). The County shall make these monies available for the development of library space, the need for which is deemed by the County to be generated by the development of the Property.

(e) Fire/EMS Facilities. A contribution shall be made to the County in the amount of Seventy-One Dollars (\$71.00) for each Residential Unit developed on the Property (the "Per Unit Fire/EMS Contribution"). The County shall make these monies available for the acquisition of fire and rescue facilities and equipment, the need for which is deemed by the County to be generated by the development of the Property.

(f) The Per Unit Water Contribution, Per Unit Recreation Contribution, Per Unit School Contribution, Per Unit Library Contribution, and Per Unit Fire/EMS

Contribution (collectively, the "Per Unit Contributions") shall be payable for each of the Residential Units to be developed within the Property at the time of final, non-appealable site plan or subdivision plat approval for the Residential Unit.

10. Private Streets. It is intended that Settler's Market Boulevard, Casey Boulevard and Merchants Court shall be dedicated as public streets, however, as stated on the Section 9 Master Plan, all streets within Section 9 of the Property may be private. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the applicable association responsible for maintenance of such private street an amount equal to one hundred 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 shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan of subdivision plat approval by the County for the particular phase or section which includes the street to be designated as private.

11. Construction Setback. No building shall be constructed within 15 feet of any Resource Protection Area buffer on the Property.

12. Water Conservation. The Settler's Market Association and/or the Commercial Association shall be responsible for developing water conservation standards for the Property to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the

use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

13. Turf Management Plan. The Settler's Market Association and/or the Commercial Association shall be responsible for developing and implementing a turf management plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Powhatan Creek and its tributaries. The Turf Management Plan shall include measures necessary to manage and limit yearly nutrient application rates to turf. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia or submitted for review to the County Environmental Division for conformity with this proffer. The Turf Management Plan shall include terms permitting enforcement by either the Settler's Market Association and/or the Commercial Association or the County. The Turf Management Plan shall be approved by the Environmental Division prior to final subdivision or site plan approval.

14. Consumer Price Index Adjustment. All cash contributions and pricing contained in these Proffers (collectively, the "Proffered Amounts"), to include but not be limited to housing sales prices and Per Unit Contributions, shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index"). In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. The adjustment shall be made by multiplying the Proffered Amounts for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall

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

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

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

17. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the applicable 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.

18. Conflicts. In the event there is a conflict between: (1) these Proffers, the Section 9 Guidelines, and/or the Section 9 Master Plan; and (2) the New Town Proffers, the New Town Master Plan and/or the New Town Guidelines, then these Proffers, the Section 9 Guidelines and the Section 9 Master Plan shall govern.

19. Signature by the County. The County's Director of Planning has executed these Proffers solely for purpose of confirming the filings and submissions described herein and confirming approval by the Board of Supervisors of the rezoning of the Property with these Proffers by resolution dated _____, 2006.

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

21. Conditions Applicable Only To The Property. Notwithstanding anything in these Proffers to the contrary, the failure to comply with one or more of the conditions herein in developing the Property shall not affect the rights of Owner and its

successors in interest to develop its other property in accordance with other applicable provisions of the County Zoning Ordinances.

WITNESS the following signatures, thereunto duly authorized:

WHS LAND HOLDINGS, LLC

By: Williamsburg Health Services, Inc., its
sole member

By: Mar B. Sharp
Title: CHAIRMAN

NEW TOWN ASSOCIATES, LLC

By: [Signature]
Title: EXECUTIVE DIRECTOR

THE COUNTY OF JAMES CITY,
VIRGINIA

By: _____
Its: _____

APPROVED AS TO FORM:

County Attorney

STATE OF VIRGINIA
CITY/COUNTY OF JAMES CITY

The foregoing instrument was acknowledged before me this 23rd day of February, 2006, by Marc B. Sharp as Chairman of Williamsburg Health Services on behalf of the company, an LLC member of WHS Land Holdings, LLC.

John M. Geddy Jr.
Notary Public

My commission expires: 12/31/09

STATE OF VIRGINIA
CITY/COUNTY OF JAMES CITY

The foregoing instrument was acknowledged before me this 24 day of February, 2005, by JOHN P. McCANN EX. DIR of NEW TOWN ASSOCIATES, LLC on behalf of the company.

John P. McCann
Notary Public I was commissioned by Heather Randy

My commission expires:

STATE OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2005, by _____ as _____ of _____ on behalf of the company.

Notary Public

My commission expires:

Prepared by and return to:
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

Description of WHS Property

Exhibit B

Description of Associates Property

**SPECIAL USE PERMIT-1-06: Centerville Road Tower Relocation
Staff Report for the March 6, 2006 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: March 6, 2006 7:00 p.m.
Board of Supervisors: April 11, 2006 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. John Abernathy
Land Owner: Gene Burleson & Blair Burleson Estate
Proposal: The applicant has proposed to relocate the existing 405 foot tall WMBG radio tower from New Town to Centerville Road.
Location: 4338 and 4400 Centerville Road
Tax Map/Parcel Nos. (36-2) (1-32) and (36-2) (1-31)
Parcel Size 39.1 combined acres for both parcels
Existing Zoning: A-1, General Agriculture
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal generally inconsistent the County's Performance Standards for Wireless Communications Facilities and generally inconsistent with the 2003 Comprehensive Plan. Staff recommends that the Planning Commission recommend denial of this application to the James City County Board of Supervisors. Should the Planning Commission recommend approval of this case to the Board of Supervisors, staff recommends the acceptance of the attached special use permit conditions.

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

PROJECT DESCRIPTION

Mr. John Abernathy has applied for a special use permit to relocate the existing WMBG radio tower from its current location near the intersection of State Route 199 and Monticello Avenue to 4338 and 4400 Centerville Road. The relocation of the tower is proposed in order to develop Section 9 of New Town. The proposed tower is expected to be 405 feet above ground level (including lighting) and will be a guy wire tower. There will be approximately 120 copper wires that extend out from the base of the tower up to 330 feet (some wires will be terminated sooner at the edge of environmentally sensitive areas). The copper wires will be buried 2 to 6 inches in the ground as part of the antenna for reflection. The land above them should remain pasture or meadow land as tree roots will damage the wires and interfere with the reflecting. The proposed tower will be sized so that it can support several side mounted communication antennas and there will be a small unattended equipment building at the base of the tower. The tower design has not been finalized by the

applicant, but is expected to be 3 to 4 feet in width. The immediate area of the tower will be fenced. As part of the FAA approval process the applicant will request that white lights be used to illuminate the tower during the daytime and red lights be used at nighttime. In accordance with FAA regulations, a tower must be painted red and white if it is not illuminated with a white light during the daytime (however, in both instances the tower must be illuminated with red lights during the nighttime). If a tower is illuminated with a white light during the daytime, the tower is not required to be painted red and white and may be painted a shade of blue or grey. A special use permit condition has been included to require the tower color to be approved by the Planning Director.

PUBLIC IMPACTS

Visual Impacts

Staff Comments: A balloon test was conducted on February 15, 2006 to simulate the height of the proposed tower. Photographs from the balloon test are attached. Based on the photographs, the proposed tower will be visible from Ford's Colony and Springhill as well as from points along Centerville Road and News Road. Unlike the existing tower's location, these viewsheds currently do not contain any towers.

Environmental

Staff Comments: This project is situated within Mainstem 101 of the Powhatan Creek watershed. Per the Powhatan Creek Watershed Management Plan, adopted Feb. 26, 2002, the area designated Mainstem 101 is part of a larger Non-Tidal Mainstem. Mainstem 101 contains a high quality stream north of News Road which is labeled conservation area C-34 and is ranked 9 out of 21 conservation areas and 7 of 17 acquisition areas. Mainstem 101 is considered a priority Stream Protection Area and if further development takes place special stormwater criteria will apply. Staff believes that there may be minimal encroachment into the RPA during the installation of the guy wires based on the current tower design. The RPA line has not yet been confirmed in the field and may change from what is shown on the SUP submittal, necessitating a change in the location of the guy wires so they do not impact the RPA. A waiver will need to be approved by the Environmental Division prior to any encroachment into the RPA.

Tower Policy

On May 26, 1998 the James City County Board of Supervisors adopted several performance criteria for Wireless Communications Facilities (a copy of these standards are attached). Although this application is for an AM tower, it has been the County's practice to evaluate all towers against the wireless communications facilities standards. Given the nature of this type of tower, the Planning Commission and Board of Supervisors should determine which portions of the policy are reasonably applicable in this case. The standards seek to minimize the appearance of towers by encouraging co-location on other towers, minimizing new areas where towers are located, and reducing their height or visual impact. It is recommended that all such facilities substantially meet the provisions of the performance standards.

A. Co-location and Alternatives Analysis

Standards A1 and A2 call for the applicant to investigate and provide verifiable evidence of having investigated all possible alternatives for locating prior to making a request to construct new facilities.

Staff Comments: The applicant initially identified several locations within the County, but due to parcel size constraints and distance needs from the existing WMBG radio tower, no additional locations were determined suitable by the applicant. It should also be noted that the proposed tower will replace the existing tower in New Town, which will be dismantled and rendered inoperable if the new facility on Centerville Road is approved. However, several other towers will continue to be visible in New Town and the surrounding area. Because the applicant has not provided staff with a broadcast footprint for the radio station staff is unable to verify the territory of tentative sites, and therefore staff believes that this standard has not been met by the applicant.

Standards A3 and A4 call for a new tower to be sited to allow for the construction of a second tower and that all towers be designed to accommodate as many co-locations as possible.

Staff Comments: There are no plans for a second tower on this site. An AM antenna cannot be co-located on another tower because, with an AM tower, the tower itself is hot and is used to transmit frequencies unlike cell towers which rely on antennas to transmit their signal. Staff believes this standard has been met because wireless communication providers will be able to locate their antenna on the AM tower. The applicant has been in contact with wireless communication providers regarding the placement of their antenna on the proposed tower.

B. Location and Design

Standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. Towers should be compatible with the use, scale, height, size design and character of surrounding existing and future uses while protecting the character of the County's scenic resource corridors and their view sheds.

Staff Comments: Staff believes the site for the proposed tower is inconsistent with this standard due to the height of the tower and existing and planned surrounding uses. Staff believes the proposal is inconsistent with several strategies and actions of the Community Character section of the Comprehensive Plan along with the development standards referenced in the Comprehensive Plan. A further explanation of these inconsistencies is provided later on the staff report.

Standard B2 states that new towers on this type of site should have minimal intrusion on surrounding residential areas and on scenic resource corridors (i.e. the tower should only be visible off-site when viewed through surrounding trees that have shed their leaves). For surrounding areas designated rural lands in the Comprehensive Plan within 1,500 feet of the tower these same standards apply. For areas more than 1,500 feet from the towers no more than the upper 25% of the tower should be visible.

Staff Comments: The balloon test conducted on February 15, 2006 indicates that the tower will be visible from surrounding residential areas, two Community Character Corridors (Centerville Road and News Road) and from adjacent property designated rural lands on the Comprehensive Plan. The tower is visible from surrounding residential areas well above the tree line. However, staff believes that no more than the upper 25% of the tower will be visible from areas designated rural lands in Comprehensive Plan. Staff believes that the tower does not meet this standard.

Standard B3 states that the tower should be less than 200 feet to avoid lighting. Taller heights may be acceptable where views of the towers from residential areas and public roads are very limited.

Staff Comments: The proposed tower height is well in excess of that recommended by the County policy. The tower is visible from several residential areas, News Road and Centerville Road. The proposed tower must be lighted in accordance with FAA regulations; white strobes during the day and red beacon lights at night. Staff believes that the tower does not meet this standard. Staff would note, however, that AM towers will generally not be able to meet this standard due to the required height for this type of signal.

Standard B4 states that towers should be freestanding and not supported with guy wires.

Staff Comments: The proposed tower does not meet this requirement. However, in this case staff believes that a guy wire tower is acceptable. The tower policy was written to encourage towers of less than 200 feet. Given that this tower will be 405 feet tall the guy wire tower provides a more slender appearance critical to minimizing its visual impact.

C. Buffering

Standard C1 and C2 state that towers should be placed in a manner that maximizes buffering from existing trees, including maintaining a recommended 100 foot wide buffer around the site, and that access roads should be designed in a manner that provides no off-site view of the tower base and facilities.

Staff Comments: The proposed tower will be located approximately 2000 feet from Centerville Road. The area immediately surrounding the tower will be cleared for the installation on the underground copper wires. This cleared area will be approximately 560 feet across and will encompass the area inside the circle as depicted on the master plan. It should be noted that this area should re-vegetate following the installation of the copper wires, but the ground cover will differ from the current ground cover in this area as the large trees will not remain within the guy wire circle as depicted on the master plan. A special use permit condition is included to provide a forested buffer along the property line to the immediate north of the tower site. However, due to the proximity of the tower to the northern most property line a 100 foot wide buffer is not attainable. Instead the proposed forested buffer will be approximately 30 feet wide around the tower site. Staff believes that the tower does not meet this standard.

COMPREHENSIVE PLAN

Land Use Map Designation

The James City County Comprehensive Plan Land Use Map designates these properties for Low Density Residential development. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Both the Comprehensive Plan and tower policy seek to minimize the presence of towers and other structures in areas where they would depart from existing and future development in terms of height and use.

Other Considerations

The Comprehensive Plan designates Centerville Road and News Road as Community Character Corridors, which are roads that promote the rural, natural or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and believes these roads warrant a high level of protection. The sections of Centerville Road and News Road which are impacted by the proposed tower are considered to be a wooded Community Character Corridor. A wooded Community Character Corridor is characterized as an area that has natural wooded areas and vegetation along the road, low to moderate traffic volumes, and suburban or rural development patterns with minimal existing or planned commercial development. The intent of buffering along a wooded Community Character Corridor would be to protect development from traffic, to preserve open space and animal habitats and to maintain the wooded and natural character of the County.

Staff Comments: Staff believes the proposed use is generally inconsistent with the Land Use designation and Wireless Communication Facilities section of the Comprehensive Plan. The proposed tower will not preserve the aesthetic quality of the community and its landscape and will not minimize the presence of structures that depart from existing and future patterns of development, especially in terms of use, scale, height, site design, character and lighting. The Comprehensive Plan references specific goals, strategies and actions for the Community Character section. Staff believes that the intent of the following strategies and actions are not met by the proposed tower:

- Strategy #2: Ensure that development is compatible in scale, size and location to surrounding existing and planned development (page 95).
- Strategy #3: Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks and establishes entrance corridors that enhance the experience of residents and visitors (page 95).
- Strategy #6: Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery and scenic views (page 95).

- Action # 24 (b): Maintain the small town, rural and natural character of the County by encouraging new developments to employ site and building design techniques that reduces their visual presence and scale. Design techniques include berms, buffers, landscaping, building designs that appear as collections of smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape and low visibility parking locations (page 97).

Additionally, the Comprehensive Plan references development standards which are intended to provide a guide to accommodating land uses in a manner harmonious with the natural and built environment. These standards are further intended to provide a basic framework for evaluating proposals for rezoning, special use permits, site plans, subdivisions and other reviews in conjunctions with applicable ordinance provisions. The general land use standard place an emphasis on permitting new developments only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light and traffic.

STAFF RECOMMENDATION

Staff finds the proposal generally inconsistent the County’s Performance Standards for Wireless Communications Facilities and generally inconsistent with the 2003 Comprehensive Plan. Staff recommends that the Planning Commission recommend denial of this application to the James City County Board of Supervisors. Should the Planning Commission recommend approval of this case to the Board of Supervisors, staff recommends the acceptance of the special use permit conditions listed below.

1. This Special Use Permit shall be valid for a total of one (1) guy wire tower. The maximum height of the tower shall not be greater than 405 feet. The property shall be developed generally in accordance with the site layout titled “Master Plan Centerville Road Tower Relocation” dated January 27, 2006. Minor changes may be approved by the Director of Planning.
2. Final building design, location, orientation and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. Prior to final site plan approval, the applicant shall prepare a tree preservation and landscape plan (the “Landscape Plan”) encompassing, at a minimum, all areas on the Property within 100 feet of the guy wire circle as depicted on the Master Plan. The Landscape Plan shall be approved by the Planning Director and shall provide for an evergreen buffer that effectively screens the tower base and related facilities from adjacent properties. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower.
4. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
5. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
6. Lighting: Any new exterior building lighting or lighting used to directly illuminate the building(s) at the base of the tower shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as

0.1 foot-candle or higher shall extend outside the property lines. There shall be no upward directed lighting on the property.

7. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.

8. The tower shall have a finish that is similar to a light grey or light blue in color as approved by the Director of Planning.

9. No advertising material or signs shall be placed on the tower.

10. No subdivision of either parcel shall be permitted while the tower remains in operation.

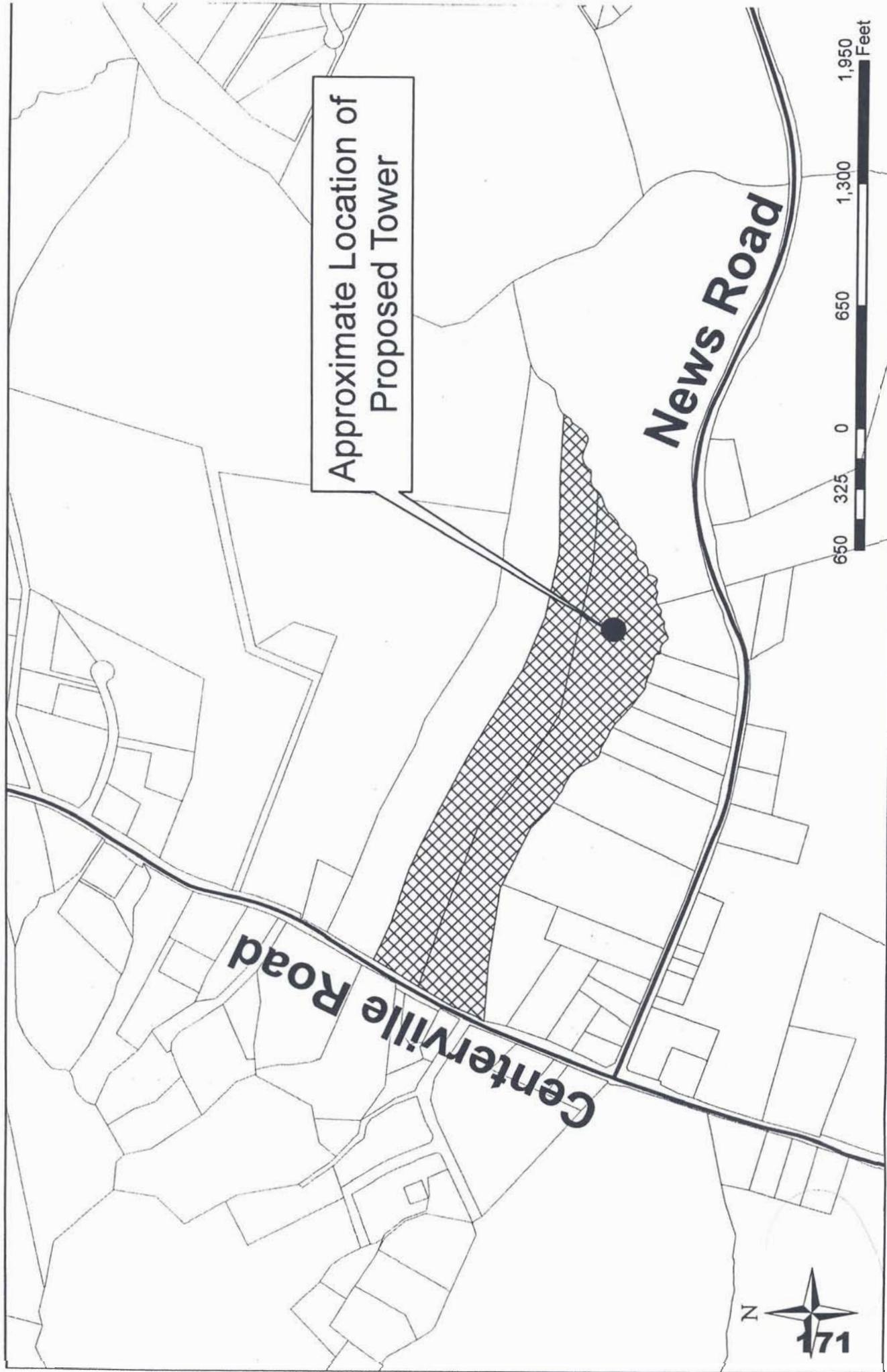
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Matthew J. Smolnik

ATTACHMENTS:

1. Location Map
2. Master Plan (provided under separate cover)
3. Balloon Test Photographs (February 15, 2006)
4. County Performance Standards for Wireless Communications Facilities

Centerville Road Tower Relocation



Approximate Location of
Proposed Tower

News Road

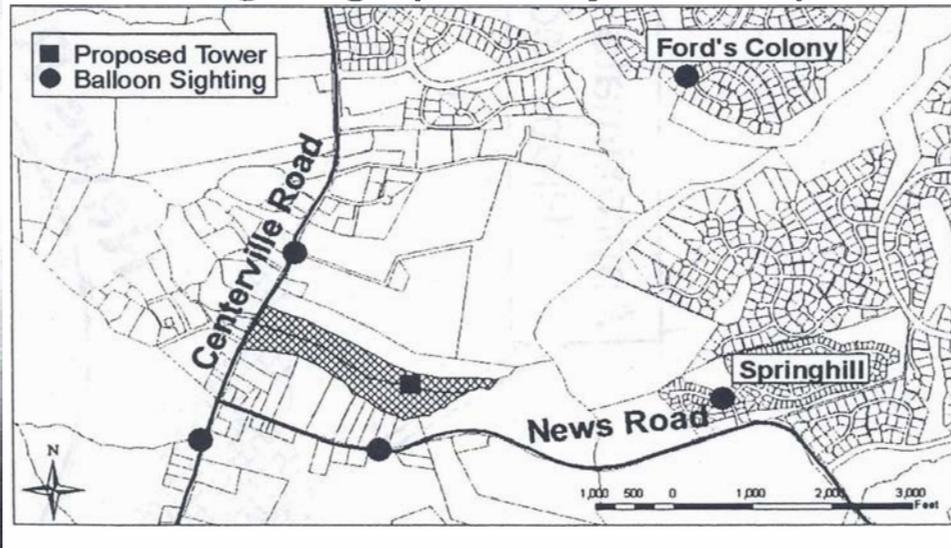
Centerville Road

650 325 0 650 1,300 1,950
Feet

N
171

JCC-SUP-01-06

Centerville Road Tower Relocation:
Balloon Sightings (February 15, 2006)



View from 102 Montrose in Ford's Colony



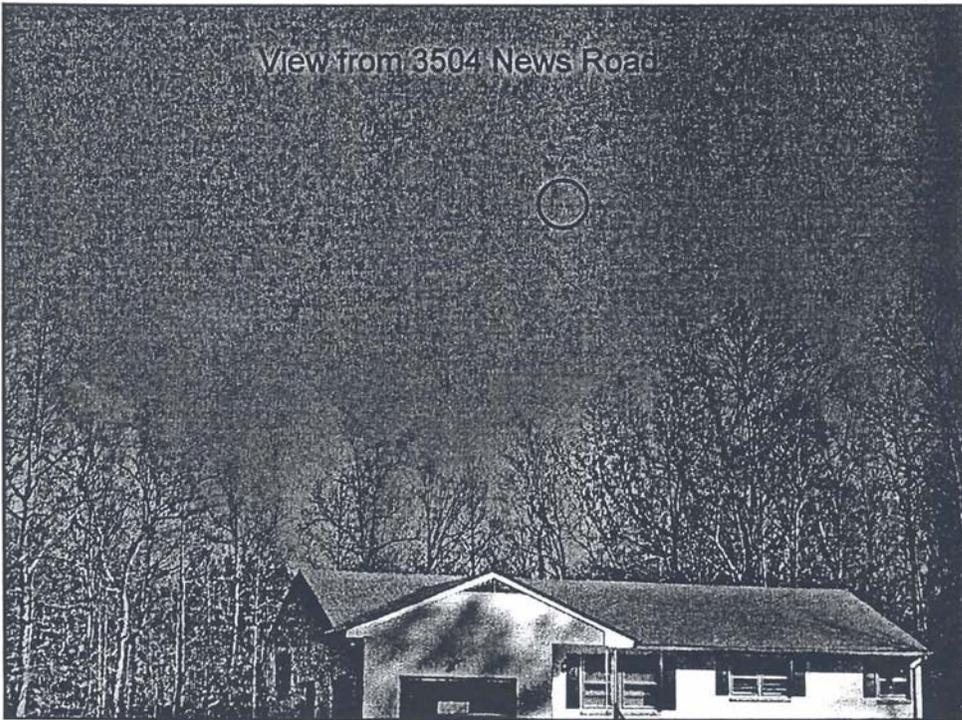
View from Greenswamp Farm on Centerville Road



View from BP Gas Station on Centerville Road



View from 3504 News Road



View from Driftwood Way in Springhill



**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26,1998**

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, or a building mounted WCF, or a system that uses lower antenna heights than proposed.
 - c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. Towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be

consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the tower would be located; and (2) towers should be located and designed in a manner that protects the character of the County's scenic resource corridors and historic and scenic resource areas and their view sheds.

2. Towers should be located and designed consistent with the following criteria:

Proposed Location of Tower	Impact Criteria
a. Within a residential zone or residential designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
b. Within a historic or scenic resource area or within a scenic resource corridor	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
c. Within a rural lands designation in the Comprehensive Plan	For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.
d. Within a commercial or in an industrial designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.

Notes for the above table:

1. *Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses; (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.*
2. *A tower will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.*
3. *Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.*

3. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above.

4. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the tower base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. The following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or scenic resource corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the WCF.
 - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

REZONING-07-05. Jamestown Retreat
MASTER PLAN-05-05. Jamestown Retreat
HEIGHT WAIVER-03-05. Jamestown Retreat
Staff Report for the March 6, 2006 Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission:	May 2, 2005	7:00 p.m. (Applicant deferral)
	June 6, 2005	7:00 p.m. (Applicant deferral)
	July 11, 2005	7:00 p.m. (Applicant deferral)
	August 1, 2005	7:00 p.m. (Applicant deferral)
	September 12, 2005	7:00 p.m. (Applicant deferral)
	October 3, 2005	7:00 p.m. (Applicant deferral)
	November 7, 2005	7:00 p.m. (Denied 7-0)
	January 9, 2006	7:00 p.m. (Applicant deferral)
	February 6, 2006	7:00 p.m. (Applicant deferral)
	March 6, 2006	7:00 p.m.
Board of Supervisors:	December 13, 2005	7:00 p.m. (Remanded to Planning Commission)
	April 11, 2006	7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant:	Mr. Vernon Geddy, III on behalf of Michael C. Brown Ltd.
Land Owner:	Edward T. and Mamie Nixon, and Hazel Richardson
Proposal:	The applicant has proposed to rezone three parcels of land to R-5, Multi-Family Residential and to construct two 3-story buildings and three 2-story buildings containing a total of 48 condominium units at a density of 2.9 dwelling units per acre.
Location:	1676 & 1678 Jamestown Road and 180 Red Oak Landing
Tax Map/Parcel Nos.:	(47-3) (1-36), (47-3) (1-37) and (47-3) (1-39)
Parcel Size:	16.5 acres
Existing Zoning:	LB, Limited Business (4.7 acres) and R-2, General Residential (11.8 acres)
Proposed Zoning:	R-5, Multi-Family Residential
Comprehensive Plan:	Low Density Residential and Conservation Area
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff believes this proposal will not negatively impact the surrounding properties based on the material submitted by the applicant. Staff believes the proposed densities meet the intention of the Comprehensive Plan with respect to offering particular public benefits to achieve a density of 2.9 dwelling units per acre. The public benefits include; lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archeology Policy, and implementation of the County's Streetscape Guidelines. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the acceptance of the voluntary proffers.

PREVIOUS PLANNING COMMISSION RECOMMENDATION

On November 7, 2005 the Planning Commission voted 7-0 to deny this application.

PREVIOUS BOARD OF SUPERVISORS RECOMMENDATION

On December 13, 2005 the Board of Supervisors voted 5-0 to remand this case back to the Planning Commission due to changes made to the Master Plan and proffers after the November 7, 2005 Planning Commission public hearing. Most of the changes to the proposal were made in response to Planning Commission and staff concerns.

Proposed Changes Made After November 7, 2005 Planning Commission Public Hearing

1. The total number of units currently proposed is 48, compared to 60 proposed units with the previous master plan. The current master plan has a gross density of 2.9 dwelling units per acre and the previous master plan had a gross density of 4.0 dwelling units per acre.
2. The proffered buffer along Jamestown Road has been increased from 100 feet to 150 feet.
3. The two buildings on the northern end of the property have been relocated closer to the entrance road to increase the distance between the buildings and the wetlands on the west side of the property. The distance between the wetlands and the closest building is now 25 feet compared to 21 feet under the previous master plan.
4. One additional potential Low Impact Development (LID) location has been identified on the Master Plan.
5. The 3-story building on the western end of the property directly adjacent to the wetlands has been removed. With the previous master plan this building was located approximately 17 feet from the wetlands. The current master plan now includes 5 buildings while the previous master plan included 6 buildings.
6. The parking lot has been reconfigured to increase the distance between the wetlands along the west side of the property and the parking lot. The current distance between the parking lot and the wetlands is 23 feet compared to 10 feet with the previous master plan providing less likelihood that construction will impact the wetlands.
7. The 3-story building on the eastern end of the property has been changed to a 2-story building, which now places the nearest 3-story building approximately 480 feet from Jamestown Road providing a building scale along Jamestown Road more consistent with existing development. The previous master plan indicated that the distance from Jamestown Road to the nearest 3-story building was approximately 330 feet.

8. The proposal is no longer age-restricted.

9. The current master plan includes 2.3 acres of recreational area while the previous master plan had 2.0 acres of recreational area.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$820.00 per residential unit
County CIP	\$1000.00 per residential unit
Total Amount (2006 dollars)	\$87,360

PROJECT DESCRIPTION

Mr. Vernon Geddy, III has applied on behalf of Mr. Michael C. Brown Ltd. to rezone approximately 16.5 acres located at 1676 & 1678 Jamestown Road and 180 Red Oak Landing from LB, Limited Business, and R-2, General Residential to R-5, Multifamily Residential with proffers. If approved, the developer will redevelop the property with two 3-story buildings and three 2-story buildings containing a total of 48 condominium units for sale. There are three properties being consolidated for the proposed rezoning. The two parcels nearest Jamestown Road are currently zoned LB, Limited Business and on these parcels there are currently several occupied mobile homes, a vacant retail store, and a frame house (circa 1933) with several outbuildings. The parcel furthest from Jamestown Road is currently zoned R-2, General Residential and is currently undeveloped. If approved the developer would remove all structures from the property and construct the above mentioned multi-family dwelling units. The Comprehensive Plan defines gross density as the number of units divided by the total number of acres, which equates to 2.9 units per acre. This figure of 2.9 is used to compare the density of this development against the low density residential standards of the Comprehensive Plan. If the five buildings associated with this proposal contain a floor area that exceeds 30,000 square feet, the site plan will require development review committee review.

In the Community Impact Statement there is also a brief comparative analysis between the current plans and the Cluster Overlay standards to illustrate how the applicant believes the proposed density has been earned. The applicant is proposing to rezone to R-5, Multifamily Residential without the Cluster Overlay, so the comparison to the Cluster Overlay District is for informational purposes only. A comparison of this proposal to the Cluster Overlay district is provided later in the staff report.

PUBLIC IMPACTS

Archaeology

The County archeological policy is proffered.

Environmental

Watershed: Powhatan Creek

Proffers:

- The applicant has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association (HOA) will be authorized to develop, implement, and

enforce the program, which will apply to both any private lawns and common areas under HOA control and may be enforced by either the County or the HOA.

- Development of a master stormwater management plan is proffered with the use of low-impact development techniques utilized where feasible, in accordance with the Powhatan Creek Watershed Management (PCWM) Plan.
- The applicant has proffered to remove the existing underground storage tanks on the property in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

Environmental Staff Comments: Since the initial submittal, the applicant and plan preparer have coordinated with Environmental Division staff to attempt to address, resolve and provide clarification on many of the major issues, such as the Community Impact Statement, demonstration of commitment to goals and priorities of the approved Powhatan Creek Watershed Management Plan and the preliminary environmental inventory as initially presented for the concept plan. Proposed revisions as indicated in the current Community Impact Statement (dated February 9, 2006), the revised proffers and revised master plan/concept drawings collectively have resulted in the Environmental Division having no further comment on the rezoning application in it's current format. Staff believes that the applicant has met the intention of the Powhatan Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property. To the satisfaction of Environmental staff, the building on the west side of the property adjacent to the intermittent stream has been removed and the distance between the parking lot and wetlands on the west side of the property has been increased from 10 feet to 23 feet reducing the likelihood of construction impacts. Staff has noted minor changes that can be addressed during the site plan development stage. The project will need to demonstrate compliance with the County's 10-point system for stormwater compliance (through use of a master stormwater plan in advance or concurrently with submittal of the plan of development for the project), show proper evidence of wetland permits through the Virginia DEQ and US Army Corp of Engineers and submit a Water Quality Impact Assessment (WQIA).

Fiscal

The developer anticipates that the 48 condominiums will be built over a two year period and fully occupied in year 3. The applicant states that once fully developed and occupied, the development will incur costs for County services of approximately \$161,600 per year. The total annual County revenues at buildout will be approximately \$179,600 leading to an annual net positive fiscal impact at buildout of approximately \$18,000.

Proffers:

- A cash contribution of \$820.00 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- A cash contribution of \$1000.00 for each dwelling unit on the property shall be made to James City County to be used for non-school CIP projects.

Staff Comments: Financial and Management Services has reviewed the Fiscal Impact Statement and agrees with the results. It should be noted that this proposal is no longer age-restricted, so the actual fiscal impact may vary.

Public Facilities

Proffers: Total contributions of \$1,820 per residential unit are proffered to the County for each residential unit developed on the property (\$0 per residential unit for schools). The adopted school proffer policy does not call for proffers for the type of units proposed.

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action number four encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and water supply facilities. The applicant has proffered cash contributions to the County to be used for non-school CIP projects and water supply facilities. Please note that while significant, the proffers do not address the full range of County facilities and services.

Jamestown Retreat is located within the Clara Byrd Baker Elementary School, Berkeley Middle School and Lafayette High School districts. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

<i>School</i>	<i>Design Capacity</i>	<i>Effective Capacity</i>	<i>Current 2005 Enrollment</i>	<i>Projected Students Generated by Proposal</i>	<i>Current 2005 Enrollment and Projected Student Total</i>
Clara Byrd Baker	804	660	752	4.4	756.4
Berkeley Middle	725	816	876	2.4	878.4
Lafayette High	1,250	1,230	1,624	3.2	1,627.2
Total	2,779	2,706	3,252	10	3,262

There is design capacity for this development at Clara Byrd Baker; therefore this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle School and Lafayette High School. Although the design capacity of Lafayette High School is clearly exceeded, the policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore, staff believes that this proposal meets the policy guidelines for the high school level. The proposal does not meet the policy guidelines at the middle school level.

Housing

Staff Comments: The applicant has indicated the following market values for the condominium units: 2-bedroom condos at \$218,000; 3-bedroom condos at \$235,500; and 4-bedroom condos at \$258,500. Affordable housing has not been proffered with the proposal. No provisions are offered to mitigate the impacts of the occupants of the mobile homes on the site.

Public Utilities

Proffers:

- A cash contribution of \$820.00 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

Staff Comments: This site is served by public water and sewer. A preliminary water model will be

completed and submitted to JCSA prior to or with the site plan for their approval. This proposal will impact existing wetlands on the northwest corner of the property for utility connections. If any encroachment required for the construction of the utility connections requires a Chesapeake Bay Ordinance waiver, such waiver will be identified and included in the proffered Stormwater Management Plan and considered at the development plan stage.

Parks and Recreation

Proffers:

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

Staff Comments: The master plan indicates a recreational area totaling 2.3 acres. The applicant has not proffered specific recreational facilities at this time. The County's Recreational Master Plan will determine what facilities shall be constructed on a prorata basis if the developer chooses to do so in lieu of a cash contribution to the County. The recreational facilities included in the County's Recreational Master Plan are a neighborhood park, a trail system, playgrounds, courts and fields. The actual facilities will be determined at the development plan stage.

Transportation

A traffic impact study was not required because the proposed project would not generate more than 100 peak hour trips. However a trip comparison was prepared by DRW Consultants. According to the trip generation rates, the proposed condominiums will generate approximately 21 AM peak hour vehicle trips, approximately 25 PM peak hour vehicle trips and approximately 281 daily trips. Projected peak hour and daily vehicle trips for by right and special use permit developments are provided as an attachment for traffic comparisons for this property. Comparison to other possible development scenarios is purely speculative as no such developments have been proposed. If they are, they may be subject to special use permit or rezoning review. The proposed use would create less daily traffic than the alternative developments for this property including by-right developments.

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

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

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

Proffers:

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

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

Staff Comments: Jamestown Road currently has sufficient capacity to accommodate the development west of Neck O'Land Road, with volumes ranging from 7,072 to 10,100 vehicles per day. However the section east of Neck O'Land Road is in the "watch" category due to projected volumes above the road's capacity. The Comprehensive Plan states that "Residential or commercial developments that add

significant traffic along this corridor beyond that currently planned is strongly discouraged” in recognition that more intensive development will negatively impact all of Jamestown Road. Despite the site’s LB and R-2 zoning, it was deliberately designated for low density residential use in the Comprehensive Plan due to traffic concerns on Jamestown Road. Staff believes that the intent of the Comprehensive Plan is to encourage developments that have less of a traffic impact than those uses permitted by existing zoning and more akin to the uses supported by the Low Density Residential land use description. Staff believes that one of the public benefits of this proposal will be the lessened volume of traffic created on Jamestown Road compared to the volume of traffic that may be generated by other potential uses on the property. Jamestown Retreat is predicted to produce 281 daily trips on Jamestown Road. By comparison, a by-right development consisting of 20,000 square feet of office space and 7 single family dwelling units is predicted to produce up to 476 daily trips on Jamestown Road. If the property was designed to accommodate the maximum Comprehensive Plan density of 4 dwelling units per acre, the site could generate up to 640 trips per day.

When this proposal was first presented to the Planning Commission in November 2005, the applicant included a proffer for all residential units to be age-restricted. Under the age-restricted scenario there were 60 units proposed which would generate approximately 230 daily trips according to the previous traffic information submitted by the applicant. The current proposal will generate approximately 50 additional daily trips when compared to the age-restricted proposal. This increase of 50 daily trips takes into account the decreased density of the project from November 2005 and the fact that the units are no longer age-restricted. In summary, the current proposal will likely produce less traffic than a by-right development. Staff believes the current proposal generally meets the intent of the Comprehensive Plan.

COMPREHENSIVE PLAN

Land Use Map Designation

The James City County Comprehensive Plan Land Use Map designates these properties for Low Density Residential development and Conservation Area. Examples of acceptable land uses within the Low Density Residential designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Examples of preferred land uses within the Conservation Area designation include fish and game preserves, parks and other open space that complement the natural environment.

The Comprehensive Plan identifies the land across from the Grace Covenant Baptist Church as an area which has inconsistencies between their Zoning and Land Use Map designations. These parcels include the site (partially zoned LB, Limited Business) and TK Oriental (zoned LB, Limited Business). The zoning was determined prior to or without recognition of the County’s Land Use Map. Unlike the zoning for these parcels, the Comprehensive Plan designation for these parcels was deliberate. It recognizes adjacent land uses, traffic conditions, zoning and a variety of other considerations. Given the traffic concerns and the fact that this area is predominantly residential in character, the low density residential designation is appropriate for this area and should remain unchanged.

Other Considerations

Community Character: The Comprehensive Plan designates Jamestown Road as a Community Character Corridor, which are roads that promote the rural, natural or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and believes these roads warrant a high level of protection. This section of Jamestown Road is considered a Suburban Community Character Corridor. The objective of this type of Community Character Corridor is to ensure that the County retains a unique character and does not become simply another example of standard development. The predominant visual character of the Suburban Community Character Corridor should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development

in Suburban Community Character Corridors should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other, the street and parking areas should be compatible. In these areas the Community Character Corridor designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and other desirable design elements which complement and enhance the visual quality of the corridor.

Staff Comments: According to the 2003 Comprehensive Plan, low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development and the degree to which the development is consistent with the Comprehensive Plan. The Comprehensive Plan states, “In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community... Depending on the extent of the benefits, developments up to four units per acre will be considered for a special use permit”. The R-1, Limited Residential, R-2, General Residential and the Residential Cluster Development Overlay districts of the Zoning Ordinance specially permit developments with densities greater than one dwelling unit per acre. They are also the only zoning districts that specifically mention the benefits that must be provided in order to achieve densities up to four units per acre. Staff believes that the proposed master plan with an overall 2.9 dwelling units per acre offers sufficient public benefits, such as lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County’s Archeology Policy, and implementation of the County’s Streetscape Guidelines to warrant a density greater than one unit per acre. The project will also address some of the current appearance issues and potential environmental issues with the site such as, billboards, vacant structures and underground storage tanks.

Although this is not a cluster development the following information is provided for comparative analysis. For Jamestown Retreat, the developer proposes a gross density of 2.9 dwelling units per acre. In accordance with Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a SUP for residential cluster developments of more than two units per acre, but no more than three units per acre if the developer provides the following *with staff comments in bold italics*:

1. Implementation of the County’s Streetscape Guidelines, *which has been proffered for Jamestown Retreat.*
2. Implementation of the County’s Archaeological Policy, *which has been proffered for Jamestown Retreat.*
3. Provision of sidewalks along one side of all internal streets, *which has been proffered for Jamestown Retreat.*
4. Provision of recreation facilities in accordance with the County’s Parks and Recreation Guidelines, *which has been proffered for Jamestown Retreat.*
5. Provision of pedestrian and/or bicycle trails; *which have been proffered for Jamestown Retreat.*
6. Construction of curb and gutter design on all streets within the development; *which has been proffered for Jamestown Retreat.*

In summary, staff believes Jamestown Retreat meets the criteria of the Cluster Overlay District to achieve the requested densities.

A portion of this property is also designated as Conservation Area by the Comprehensive Plan because

the property is directly adjacent to the main tidal segment of Powhatan Creek. Conservation areas are critical environmental areas where ordinary development practices would likely cause significant environmental damage. Lands surrounding or adjacent to conservation areas can also be sensitive, and development of these lands should consider negative impacts and methods to mitigate or eliminate these impacts. The master plan for the Jamestown Retreat proposal provides a natural vegetative buffer around the Conservation Area as required by ordinance. In summary, staff believes Jamestown Retreat meets the intent of the Comprehensive Plan to protect areas designated as Conservation Areas.

HEIGHT WAIVER

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

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

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

Staff believes this proposal will not negatively impact the surrounding properties based on the material submitted by the applicant. Staff believes the proposed densities meet the intention of the Comprehensive Plan with respect to offering particular public benefits to achieve a density of 2.9 dwelling units per acre. The public benefits include; lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archeology Policy, and implementation of the County's Streetscape Guidelines. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the acceptance of the voluntary proffers.

Matthew J. Smolnik

ATTACHMENTS:

1. Planning Commission Meeting minutes from November 7, 2005
2. Location map
3. Master Plan (provided under separate cover by the applicant)
4. Jamestown Retreat Portfolio of Photographs
5. Community Impact Study
6. Addendum to Fiscal Impact Study (dated February 24, 2006)
7. Trip Generation Comparison from DRW Consultants
8. Conceptual Landscape Plan
9. Conceptual Utility Plan
10. Open Space Exhibit
11. Proffers
12. Letter from Settlers Mill Homeowners Association (May 3, 2005)
13. Letter from Sue Welch from Raleigh Square Townhouses (Received June 17, 2005)
14. Letter from John and Kathleen Hornung (June 18, 2005)
15. Postcard from Joel and Marilyn Kirschbaum (Received June 24, 2005)
16. Letter from Raleigh Square Homeowners Association (Received June 29, 2005)
17. Letter from Kensett and Michael Teller of TK Arts, Inc. and TK Oriental Antiques, Inc. (July 7, 2005)
18. Letter from Lakewood Homeowners Association (July 28, 2005)
19. Letter from The Friends of Powhatan Creek Watershed (September 19, 2005)
20. Email from Reed Weir (September 27, 2005)
21. Letter from Settlers Mill Homeowners Association (November 1, 2005)
22. Letter from Ann Hewitt (Received November 4, 2005)
23. Email from Kathy Hornung (December 20, 2005)
24. Email from Sarah Kadec (February 24, 2006)
25. Letter from The Friends of Powhatan Creek Watershed (February 22, 2006)
26. Letter from Kensett and Michael Teller of TK Arts, Inc. and TK Oriental Antiques, Inc. (February 27, 2006)
27. Letter from Settlers Mill Homeowners Association (February 27, 2006)

**APPROVED MINUTES OF THE NOVEMBER 7, 2005
MEETING OF THE PLANNING COMMISSION**

I. Z-7-05/MP-5-05/HW-3-05 JAMESTOWN RETREAT

Mr. Matthew Smolnik presented the staff report. Mr. Vernon M. Geddy, III has applied to rezone 16.5 acres at 1676 & 1678 Jamestown Road and 180 Red Oak Landing Road currently zoned LB, Limited Business, LB, Limited Business and R-2 General Residential respectively to R-5 Multi-Family Residential. The property is also known as parcels (1-36), (1-37), and (1-39) on the James City County Real Estate Tax Map (47-3). The applicant is proposing to consolidate three properties into one and proposes to redevelop the single property with four - three story buildings containing a total of 66 age-restricted condominium units at a density of 4.0 dwelling units per acre. The site is designated for Low Density Residential and Conservation Area by the James City County Comprehensive Plan. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre with up to four units per acre with certain benefits. Conservation Areas are land suitable for fish and game preserves, parks and other open space that compliment the natural environment.

Staff believes that the proposal will negatively impact the surrounding properties. Staff found the proposal inconsistent with the Comprehensive Plan Land Use Map designation and recommended the Planning Commission recommend denial of this application to the Board of Supervisors.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. Mr. Geddy showed photos of the property and the abandoned retail store currently on the property. He said the proposal will enhance the Jamestown Corridor before Jamestown 2007 and meet a need for active adult housing in the community. Mr. Geddy also showed proposed elevation plans.

Mr. Kale said the building shown on the elevation plans appeared to be four stories. He asked for a guarantee that the attic space would not be occupied.

Mr. Geddy said yes.

Mr. Kale asked why the applicant and staff had not reached an agreement that would have allowed staff to support the application.

Mr. Geddy said the applicant was not aware of the remaining small issues until Friday.

Mr. Kale asked if the applicant would consider a one month deferral to resolve those issues. He also expressed his concern with encroachment into the wetlands.

Mr. James Peters, AES Consulting Engineers, said they have had discussions with the Environmental Division about the possibility of being close to the wetlands during construction but that they will try to avoid that.

Mr. Kale asked staff if the proposal will require DRC consideration.

Mr. Sowers confirmed that it would.

Mr. Peters talked about the proffer for rare and endangered species and the applicant's efforts to minimize impacts to wetlands.

Ms. Kathleen Hornung, 108 Wood Pond Circle, represented the Settlers Mill Homeowners' Association. Ms. Hornung referenced a letter from the Association Board of Directors included in the Commissioners' packets. She said the group felt the 150' foot buffer along Jamestown Road should be maintained. Ms. Hornung said they were also concerned about the environmental issues.

Mr. Dan Caprio, 132 Exmoor Court, represented Grace Covenant Presbyterian Church. Mr. Caprio stated their support because of its benefit to the blighted area.

Mr. Reed Weir, 29179 The Hall Road, Branchville, VA., said his property is adjacent to the East of the parcel. Mr. Weir recommended denial of the proposal. He also requested similar density for his property should the proposal receive approval.

Mr. Kale asked to see Mr. Weir's property on the location map.

Mr. John Schmerfeld, 128 Jordan's Journey, represented The Friends of Powhatan Creek Watershed. Mr. Schmerfeld stated that the organization was concerned with wetlands and steep slopes. He also referenced a letter from the group included in the Commissioner's packets. Mr. Schmerfeld outlined the potential changes in hydrology on the site.

Mr. Kale asked Mr. Schmerfeld his opinion on how the church has denigrated wetlands on the site and how this proposal would further impact them.

Mr. Schmerfeld said that he did not know but felt that it should be reviewed by a hydrologist.

Mr. Kale asked Mr. Schmerfeld if he was concerned whether a typical BMP would function at the site.

Mr. Schmerfeld said alternatives might have to be considered.

Ms. Ann Hewitt, 147 Raleigh, said that the four buildings being considered for a height waiver could be seen from the Parkway Bridge at Jamestown Settlement. Ms.

Hewitt read page 134 of the Comprehensive Plan site and asked Commissioners to abide by those guidelines.

Ms. Kensett Teller, TK Oriental Antiques, said that the proposal was not consistent with the surrounding uses and was out of scale and balance. She also stated concerns about wetlands, traffic, height, and large amounts of hard surfaces.

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

Ms. Jones commended the applicant for meeting with neighbors. Ms. Jones said she did not think the proposal was a good fit for the parcel. She also stated that the project was not an overall enhancement to Jamestown Road and expressed concerns about buffer width, traffic and Powhatan Creek.

Mr. Fraley thanked the applicant for addressing input from neighbors and creating a better design. Mr. Fraley said the area was in dire need of redevelopment but stated that the current zoning was more consistent with the surround area. He said he preferred neighborhood commercial on the front and low density residential on the rear.

Ms. Hughes concurred with Ms. Jones and Mr. Fraley. She said that A-type hydrologic soils exist on the site where the LID basins will be placed. Ms. Hughes stated concerns with any disturbance of wetlands.

Mr. Kennedy praised the quality of the applicant's work and his attention of detail. Mr. Kennedy also stated his contentment with the current zoning and hoped the applicant had other options.

Mr. Kale asked how many units could be constructed by-right on the residential portion of the site.

Mr. Geddy answered approximately 18.

Mr. Kale noted several letters from citizens referencing a report from the Wessex Group indicating a negative impact to the County of \$110,000 annually. Mr. Kale said he had not seen the report.

Mr. Geddy said the letters were based on an earlier version of the proposal that included rental units with greater density. Mr. Geddy said the current proposal at build out would provide an annual positive for the County.

Mr. Kale stated his concern that staff did not support the proposal. He also said he agreed that something should be done with the site but he was not sure this was the right project.

Mr. Billups stated that he felt the 150 foot setback could be maintained with commercial on the front and residential on the rear. He said he did not think rezoning was necessary.

Mr. Geddy pointed out that with a commercial development only a 50 foot buffer would be required.

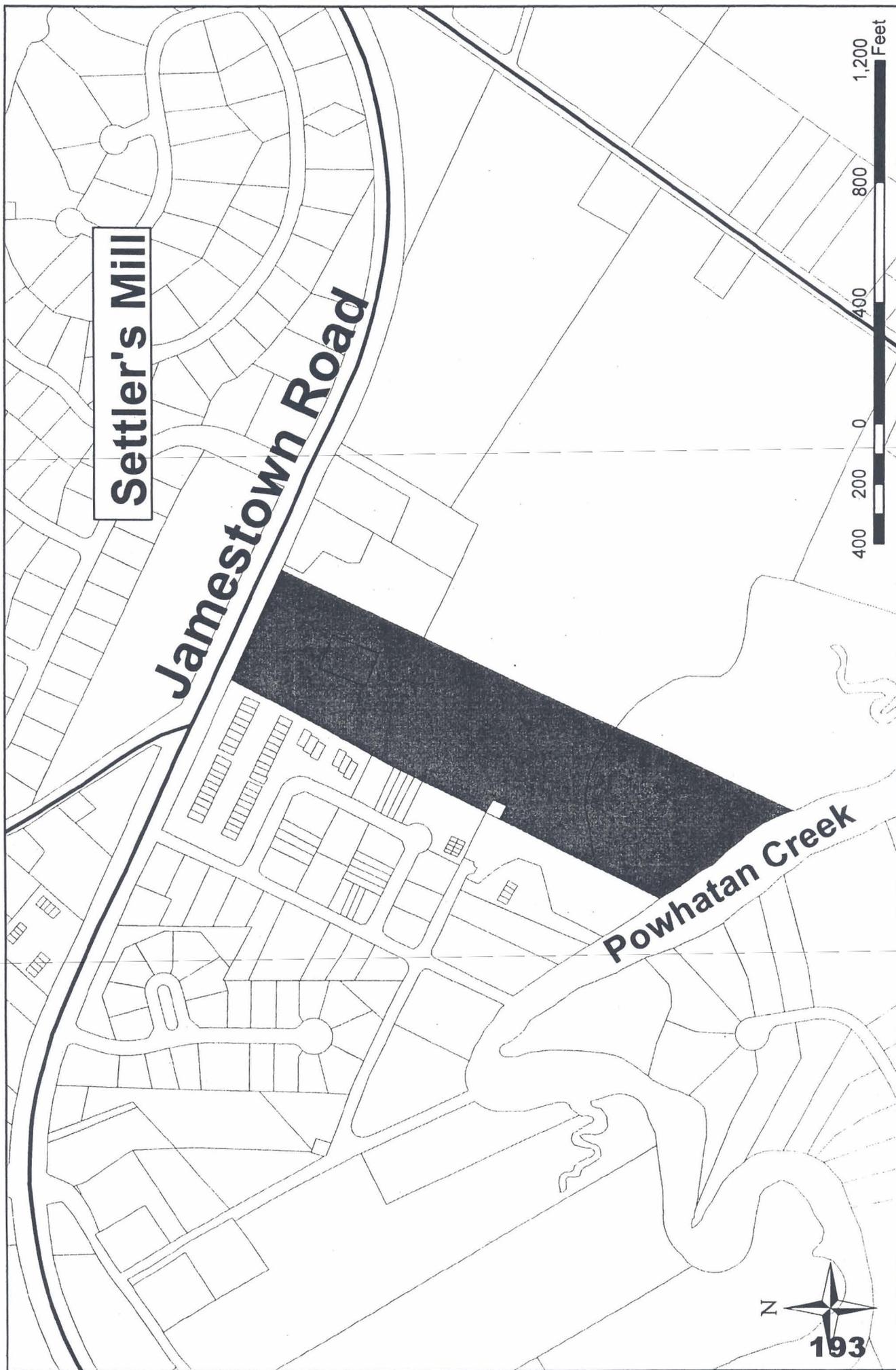
Mr. Fraley motioned to deny the application.

Mr. Kale seconded the motion.

In a unanimous roll call vote the application was recommended for denial (7-0). AYE: Kennedy, Jones, Fraley, Hughes, Kale, Billups, Hunt (7). NAY: (0).

JCC-Z-07-05 / MP-05-05 / HW-03-05

Jamestown Retreat





JAMESTOWN RETREAT
PORTFOLIO OF PHOTOGRAPHS
ARCHITECTURAL STYLES

January 28, 2006

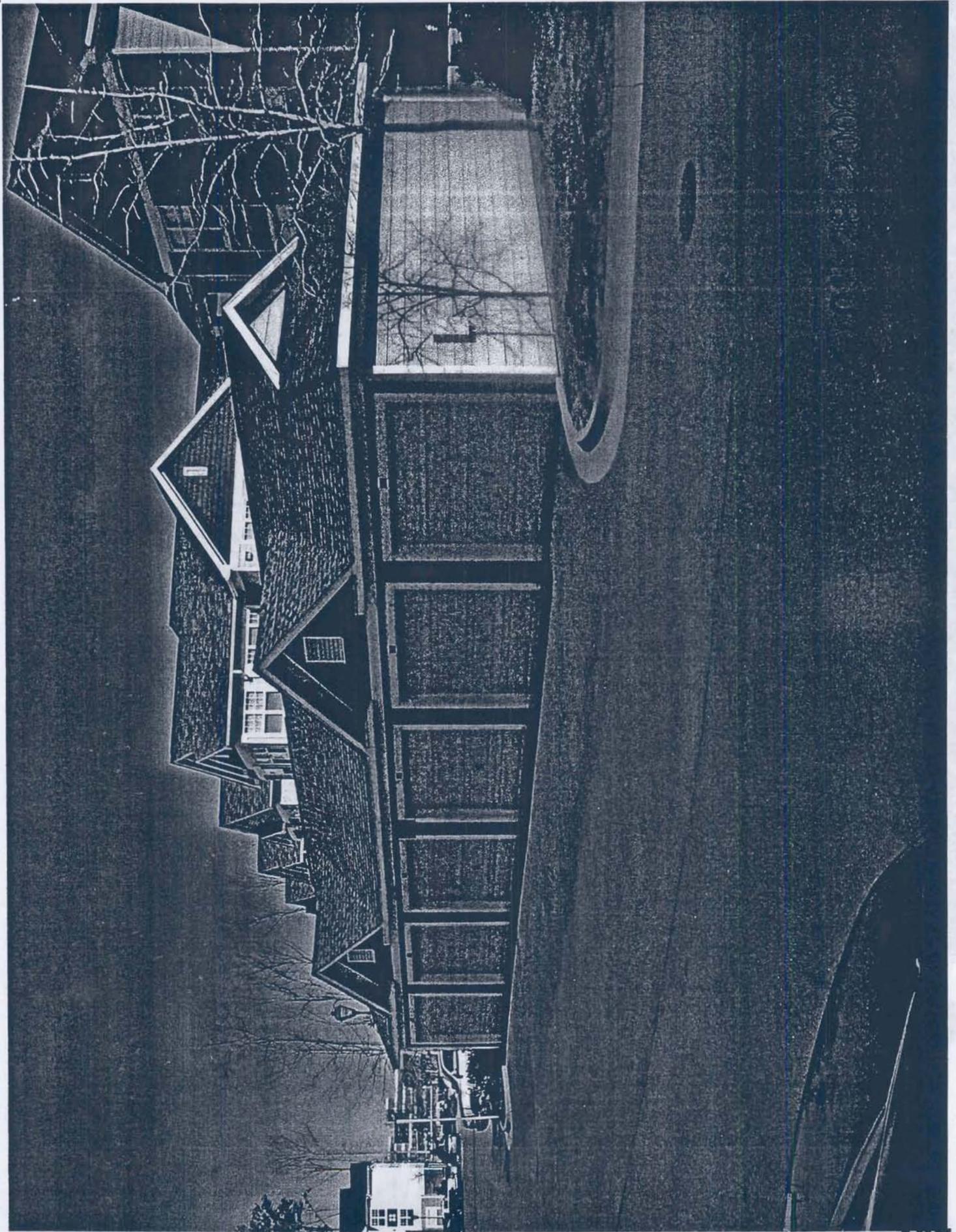




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04-28-2006



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01.28.2006



Community Impact Statement

For the

Master Plan

Prepared For

Michael C. Brown Ltd.

Jamestown Retreat

Michael C. Brown Ltd.

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

February 22, 2005
Revised: February 9, 2006

AES Project Number: 9462-00

Prepared by:



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 II. Wessex Group Williamsburg – Fiscal Impact Study

 III. DRW Consultants, LLC - Traffic Memorandum

 IV. DRW Consultants, LLC – Trip Generation Comparison

 V. Conceptual Utility Plan

I. INTRODUCTION

Michael C. Brown, Ltd is proposing to rezone approximately 16.5 acres in James City County from LB & R-2 zoning to R-5 zoning. The property is located on Jamestown Road just west of Ironbound Road. The current Comprehensive Plan designates this area as Low Density Residential. The TK Oriental and Battery Store area was identified during the Comprehensive Plan update as having zoning and Comprehensive Plan inconsistencies. A careful reading of this section of the Comprehensive Plan underscores concerns with maintaining the primarily residential character of the area and controlling the levels of traffic that unrestricted commercial development would generate. The Comprehensive Plan elected to show the Low Density designation as best vehicle to "steer future uses towards the most appropriate land uses." This rezoning application seeks to accomplish the same goals as the Comprehensive Plan Update – those of maintaining the predominantly residential character of the area and limiting commercial development and its accompanying traffic concerns while at the same time proposing a Low Density land use that suits its location and provides a transition between Raleigh Square and TK Oriental Arts and the church on the south-side of Jamestown Road. The R-5 zoning allows for the multi-family building type that is proposed for this site. The proposed project will eliminate all commercial uses on the site, replacing them with 48 condominiums at a density of 2.9 units per acre, per the Comprehensive Plan and gross site acreage.

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

There are three properties being consolidated for this development. The site currently has several trailer homes, is anchored by a battery retail store, a frame house (circa 1933), and outbuildings. There are also existing underground fuel tanks that will require removal and remediation. Jamestown Retreat is proposing to remove all existing structures and redevelop this property with two, three story buildings and three, two story buildings for a total of 48 condominium units. The remainder of this report will summarize and organize the planning efforts of the project team into a cohesive package for Staff review addressing all pertinent planning issues, the requirements of the R-5 zoning district, and elements of the Powhatan Creek Management Plan that pertain to this site.

THE PROJECT TEAM

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

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

Key components of this Community Impact Study are:

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

III. SITE DESCRIPTION

Jamestown Retreat is proposing to develop a residential community of up to 48 condominium units. The on-site structures will include five multi-family residential buildings, fourteen, three car garages and open space managed by a community association.

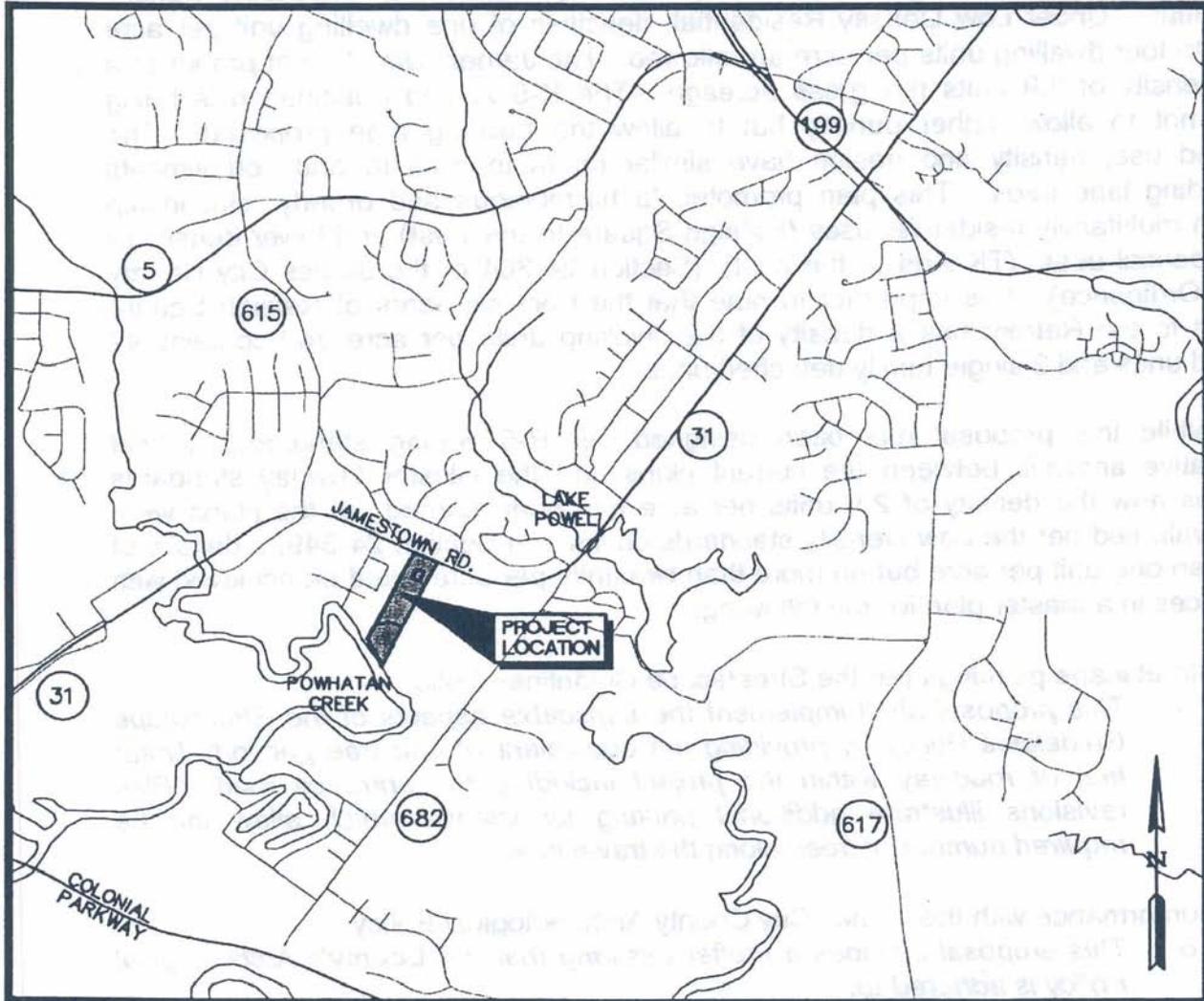
The site is comprised of the following elements:

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

The non-developable 7.4 acres is approximately 44.8% of the total parcel acreage. See the Environmental Inventory drawing identifying areas of non-developable and net developable acreages.

The project location is shown on the following exhibit:

Exhibit 1



(Not to Scale)

A. Planning Considerations

A review of the Comprehensive Plan of James City County shows this area designated as “Low Density Residential” and directly adjacent to “Moderate Density Residential.” Under Low Density Residential, densities of one dwelling unit per acre and up to four dwelling units per acre are allowed. The Jamestown Retreat proposes a gross density of 2.9 units per gross acreage. The R-5 zoning designation is being sought not to allow higher density but to allow the building type proposed. The proposed use, density and design have similar characteristics to and compliments surrounding land uses. This plan promotes “a harmonious and orderly relationship between multifamily residential uses (Raleigh Square to the west) and lower density or nonresidential uses” (TK Arts to the east), (Section 24-304 of the James City County Zoning Ordinance). It is important to note that the front six acres of Raleigh Square adjacent to the Retreat has a density of 8.2 dwelling units per acre and contains 47 attached units and 2 single family detached units.

While this proposal has been designed per R-5 zoning standards, a brief comparative analysis between the current plans and the Cluster Overlay standards illustrates how the density of 2.9 units per acre has been earned. If the plans were being evaluated per the Low Density standards outlined in Section 24-549, a density of more than one unit per acre but no more than two units per acre could be achieved with assurances in a master plan for the following:

- Streetscape plantings per the Streetscape Guidelines Policy.
 - *This proposal shall implement the applicable aspects of the Streetscape Guidelines Policy by providing the equivalent of one tree per forty linear feet of roadway within the project including the entrance road. Plan revisions illustrate additional parking lot islands which allow for the required number of trees along the travel lane.*
- Conformance with the James City County Archaeological Policy.
 - *This proposal includes a proffer assuring that the County’s Archeological Policy is adhered to.*
- Sidewalks on one side of all internal streets and drive aisles, including the entrance road and Jamestown Road.
 - *Sidewalks shall be provided along any parking area fronting a residential structure.*
- Recreation facilities as recommended in James City County’s Comprehensive Parks and Recreation Master Recreation Plan.
 - *This proposal proffers that either through provision of facilities or cash proffers or a combination of the two, the recommendations of the County’s Comprehensive Parks and Recreation Master Recreation Plan will be met or exceeded.*

- Conformance with the James City County Natural Resource Policy.
 - *The design of the Retreat has made every effort to limit encroachment into wetland areas and RPA buffers. Because this project could conceivably be built without triggering a state or federal permitting process that would in turn trigger the County's Natural Resources Policy, a proffer has been provided which requires implementation of that Natural Resource Policy with regard to rare threatened and endangered species.*

Clearly, this application earns a density of two units per acre by the above referenced standards. A development proposal may earn densities greater than two units per acre but no greater than three units per acre with provision of the following:

- Pedestrian Circulation
 - *The design of the Retreat will include sidewalks along drive isles and parking areas where feasible, as well as mulch trails connecting recreation areas to the proposed sidewalks, residential units, and parking areas.*

Curb and Gutter construction.

- *This project will provide curb and gutter construction throughout while still providing opportunities for infiltration with the introduction of Low Impact Design features.*

In addition to the above mentioned, the design of the Retreat will provide enhanced landscaping, landscape berms, and specimen tree preservation along the proffered 150 ft. Jamestown Road Community Character Corridor buffer as well as preserving existing trees within perimeter buffer areas where ever feasible. The open space being provided with this project is approximately 14.1 acres (86% of total site area). This includes 6.7 acres located within developable areas (74% of the developable area). Much of this open space is located in large areas of undisturbed open space, right-of-way and perimeter buffers, as well as large areas open space designated for recreational purposes. If the plans were being evaluated per the Low Density standards outlined in Section 24-552, an open space design would be required to contain a minimum of 40% open space in developable areas (this development contains open space within developable areas totaling 5.9 acres or 65% of the net developable acres, per Section 42-552). Open space areas adjacent to the upland wetlands have been increased in width up to approximately 80 ft. wide in some locations, which will provide additional environmental protection to these sensitive areas.

All of these design elements and measures provided by the proposed project certainly would warrant the proposed density of 2.9 units per gross acreage, per the Comprehensive Plan.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

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

A. Public Water Facilities

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

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

B. Public Sewer Facilities

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

Table 1

Development	Units	(GPD/Unit)	Flow (GPD)	(hrs)	(GPM)	Peak Flow
RESIDENTIAL						
Multi-family condo	48	250	12,000	24	8.3	20.8

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

C. Public Schools

This project is located within the Clara Byrd Baker Elementary School, Berkeley Middle School, and Lafayette High School districts. Under the current proposed Master Plan, a total of 48 residential units are proposed. This project generates a total of 10 school aged children. Table 2 below shows the projected students generated from the proposed development. Table 3 shows the current school capacities and enrollments for 2005.

Table 2

Student Generation	Residences	Generator	Total Students
Multi-Family Housing Units	48	0.2	10

Table 3

Existing Public School Facility	Design Capacity	Effective Capacity*	Current 2005 Enrollment	Capacity	% of Student Breakdown	Additional Students
Clara Byrd Baker	804	660	752	-92	44%	4.4
Berkeley Middle School	725	816	876	-60	24%	2.4
Lafayette High School	1250	1230	1624	-394	32%	3.2
Subtotal	2779	2706	3252	-546	100%	10

* The Effective Capacity represents the "realistic and practical" number of students that the school facility can house as calculated by Moseley Architects in December, 2004. This information was provided by the *Williamsburg-James City County Public Schools Five Year Enrollment Projections* dated November 11, 2005.

The adopted Adequate Public Schools Facilities Test is based on design capacity. The proposal passes the test currently at the elementary and will pass at the high school levels as soon as the new high school is built. At the request of Planning Staff, information is provided as to the "Effective Capacity" of the schools. The chart shows that presently Lafayette High, Berkeley Middle, and Clara Byrd Baker Elementary are currently over the effective capacity. On May 13, 2003 the James City County Board of Supervisors voted to purchase land for a third high school to solve current enrollment capacity issues and prepare for future growth in the county. This new high school site is at the intersection of Centerville Road and Richmond Road. The new High School facility is scheduled to open August 2007 and will solve the current overcrowding of Lafayette and Jamestown High Schools.

The James City County Board of Supervisors, just recently, voted to acquire a tract of land on Brick Bat Road on December 13, 2005. An eighth elementary school is proposed for this site, which is scheduled to be finished in the fall of 2007. This school is designed to hold 700 students, which will alleviate the strain on current elementary school enrollment capacities. Berkeley Middle School, currently, will remain over enrollment capacity however, with the addition of the new High School and Elementary School; these new schools will solve any impacts to these grade levels and, overall, the proposed development will not add a large number of school children to James City County.

D. Fire Protection and Emergency Services

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

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

E. Solid Waste

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

F. Utility Service Providers

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

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Preliminary Wetland Determination

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

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

B. Resource Protection Areas

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

C. Powhatan Creek Watershed

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

Watershed Education

- Fecal coliform problem and source education—septics, pets, natural sources.

The importance of natural buffers for wetlands and other aquatic resources.

Aquatic Buffers

- Establishment of a program to assist landowners in the creation of buffer zones
- Preservation of a larger existing natural buffer to protect important marsh transition zones
- Increased forest buffer on the Paleochannel wetlands on the south side of Mainland Farm.

Better Site Design

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

Stormwater Management

Stormwater management with an added focus on fecal coliform removal.

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

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

along the tidal mainstem. In recognition of this fact, a proffer is provided which shall require that a study be conducted to verify the presence or not of rare, threatened or endangered species on site even if no state or federal permitting process is triggered which would require such a study.

5. Clustering allows a wide range of densities with the provision of larger areas of open space. In the case of the Retreat, condominium units are contained within buildings and do not occupy private lots thereby increasing the plan's ability to preserve open space. This results in the increased preservation of the mainstem contiguous forest without further reducing the number of units currently proposed by the developer.
6. The development will provide approximately 14.1 acres of open space including 6.7 acres located in developable areas (74% of the developable area). These developable areas include perimeter buffers, setbacks, streetscape areas, recreation and other open space. Much of this open space is located adjacent to the 100' RPA buffer, 25% slopes, and upland wetlands, providing additional protection to these important features. According to section 24-552(a), low density developments are required to provide 40% open space within net developable areas. Within this development, 3.6 acres would be required per that Section. The Retreat will provide approximately 5.9 acres (65%) of developable open space or 2.3 acres of additional open space. 1.0 acre of additional open space is located within the site's perimeter buffers, but is not included in the 5.9 acres per paragraph (a) regarding the amount of perimeter buffer used to satisfy the open space requirement.
7. Although not specifically referenced in the recommendations of the Powhatan Creek Watershed Study this proposed development will provide for the removal of the existing underground fuel tanks located on-site which will significantly improve this particular sites' contribution to a cleaner watershed.

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

D. Soils and Vegetation

Soils

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

Vegetation and Perennial Stream Determination (See Appendix I).

WATERWAY
NO. 211
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100.0

1. 500.1

VI. ANALYSIS OF STORMWATER MANAGEMENT/BMP

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

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

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

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

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

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

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

VII. ANALYSIS OF IMPACTS TO TRAFFIC

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

VIII. ANALYSIS OF FISCAL IMPACTS

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

IX. CONCLUSION

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

- Adequate public facilities (water and sewer, fire), and utility services (gas, electric cable TV, telephone), are available for development.
An R-5 development is proposed with this rezoning, which is similar in land use to the adjacent Moderate Density Residential property at Raleigh Square, while still adhering to the Low Density Residential designation on the Comprehensive Plan.
- Storm water runoff from this site will be addressed through a proffered Master Stormwater Management Plan.
- With the reduction of proposed units to 48, the traffic generated by this project is even less. This proposed use generates even fewer trips per day than the by-right uses examined in the Trip Generation Comparison Exhibit.
- A proper balance is achieved with this rezoning to support the goals of the *Powhatan Creek Watershed Management Plan*, insure orderly development, and Preserve the primarily residential character of the area per the Comprehensive Plan of *James City County*.
- The property will serve as a transition between an existing moderate density community and an existing commercial retail establishment.
Rezoning the site to R-5 represents a significant opportunity for improvement to existing site conditions and represents the highest and best use for this property.

APPENDICES

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



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Web site: www.wessexgroup.com

Memo

To: Matt Smolnik, Planner
From: Stephanie Harper, *The Wessex Group, Ltd.*
CC: Michael Brown, Michael Brown, Ltd.; James Peters, AES Consulting Engineers
Date: February 24, 2006
Re: Correction to Jamestown Retreat, REVISION: Fiscal Impact in James City County, Virginia February 2006

The Wessex Group, Ltd. (TWG) submitted a memo that presented the fiscal results of the development **Jamestown Retreat** on James City County on February 1, 2006 titled *Jamestown Retreat, REVISION; Fiscal Impact in James City County, Virginia February 2006*. The proposed development plans consisted of 48 condominium units to be sold at market value.

In the analysis, a cash proffer in the amount of \$4,275 per unit for construction costs for new schools in the county was included totaling \$205,200. This proffer was not required by the county since these units are single-family attached, not single-family detached or multi-family as stated in the *Resolution: Cash Proffer Policy for Schools*. However, the developer is currently proffering two proffers including \$820 per unit for water system improvements and \$1,000 for other capital improvement plans other than for new schools in the county. Using these estimates, total cash proffers received by the county will total \$87,360.

Table A presents the revised annual revenues, the expenditures and the net fiscal impact to the county for Jamestown Retreat. Cumulative revenues decreased from \$624,400 to \$506,600 after applying the revised proffer amounts to the fiscal impact model. At buildout, the net fiscal impact of \$18,000 remained the same since cash proffers would be given during the first two years of development.

Table 2
Net Fiscal Impact

Cash Inflow and Outflow	Year 1	Year 2	Buildout
Annual Revenues	\$115,900	\$211,100	\$179,600
Annual Expenditures	7,400	88,300	161,600
Net Fiscal Impact	\$108,500	\$122,800	\$18,000
Net Present Value			\$224,300

To illustrate the cumulative net fiscal benefit of this development, *The Wessex Group* has calculated the net present value (NPV) based only on the ongoing revenues and expenditures starting at buildout. Beginning this calculation at buildout excludes the short term revenues and expenditures incurred by the construction activity of Jamestown Retreat such as building permit fees and BPOL taxes collected from developers based on the value of the construction. Using this approach, the NPV of Jamestown Retreat carried over a twenty-year period is approximately \$224,000 when discounted at 5%.



MEMORANDUM

TO: James Peters
FROM: Dexter R. Williams
SUBJECT: Jamestown Retreat—Existing Zoning Alternative Trip Generation
DATE: February 5, 2006

Enclosed Exhibit 1 shows the trip generation comparison that you requested.

For the two existing zoning (LB, R-2) alternatives that you defined, I have provided low side and high side trip generation values. Low side values are typically produced by average rates for small scale development such as these two alternatives.

Trip generation for existing zoning Alternative 1 (20,000 sq. ft. office and 7 single family detached housing units) is shown on Table 1A (low side values) on Exhibit 1 and on Table 1B (high side values).

Trip generation for existing zoning Alternative 2 (4,499 sq. ft. office, 5,000 sq. ft. retail and 30 single family attached housing units) is shown on Table 2A (low side values) on Exhibit 1 and on Table 2B (high side values).

Trip generation for the proposed use for Jamestown Retreat (48 condominium units, no age restriction) is shown in Table 3 on Exhibit 1.

Various trip generation categories can apply to a non-specific retail use. Table 4 on Exhibit 1 shows equation and average rate values for shopping centers and specialty retail centers. Specialty retail centers have the lower values (there is no AM value listed) and specialty retail center trip generation is used for Alternative 2 trip generation.

In summary, low side trip generation for Alternative 1 or 2 is higher than trip generation for the proposed use for PM peak hour traffic as well as daily traffic. In the AM peak hour Alternative 2 low side trip generation is one trip per hour higher than the proposed use.

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

TABLE 1A - Existing Zoning (LB, R-2) Alternative 1 - LOW Side Trip Generation

avg. rate	Gen. Office Building	710	20,000 sq. ft.	27	4	31	5	25	30	220
avg. rate	Single-Family	210	7 units	1	4	5	4	3	7	67
	TOTAL:			28	8	36	9	28	37	287

TABLE 1B - Existing Zoning (LB, R-2) Alternative 1 - HIGH Side Trip Generation

equation	Gen. Office Building	710	20,000 sq. ft.	46	6	52	17	84	101	386
equation	Single-Family	210	7 units	4	10	14	6	4	10	90
	TOTAL:			50	16	66	23	88	111	476

TABLE 2A - Existing Zoning (LB, R-2) Alternative 2 - LOW Side Trip Generation

avg. rate	Gen. Office Building	710	4,499 sq. ft.	6	1	7	1	6	7	50
avg. rate	Spec. Retail Center	814	5,500 sq. ft.				7	8	15	244
avg. rate	Condo/Townhouse	230	30 units	2	11	13	11	5	16	176
	TOTAL:			8	12	20	19	19	38	470

TABLE 2B - Existing Zoning (LB, R-2) Alternative 2 - HIGH Side Trip Generation

equation	Gen. Office Building	710	4,499 sq. ft.	14	2	16	14	70	84	122
equation	Spec. Retail Center	814	5,500 sq. ft.				15	20	35	273
equation	Condo/Townhouse	230	30 units	3	17	20	15	7	22	231
	TOTAL:			17	19	36	44	97	141	626

TABLE 3 - Proposed Use

avg. rate-adj. st.	Condo/Townhouse	230	48 units	4	17	21	17	8	25	281
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TABLE 4 - Trip Generation Various Values

equation	Spec. Retail Center	814	5,500 sq. ft.				15	20	35	273
avg. rate	Spec. Retail Center	814	5,500 sq. ft.				7	8	15	244
equation	Shopping Center	820	5,500 sq. ft.	16	11	27	44	48	92	1031
avg. rate	Shopping Center	820	5,500 sq. ft.	4	2	6	10	11	21	236

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

JAMESTOWN RETREAT PROPERTY
TRIP GENERATION COMPARISON
FEBRUARY 5, 2006

DRW Consultants, LLC
804-794-7312

Exhibit 1



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

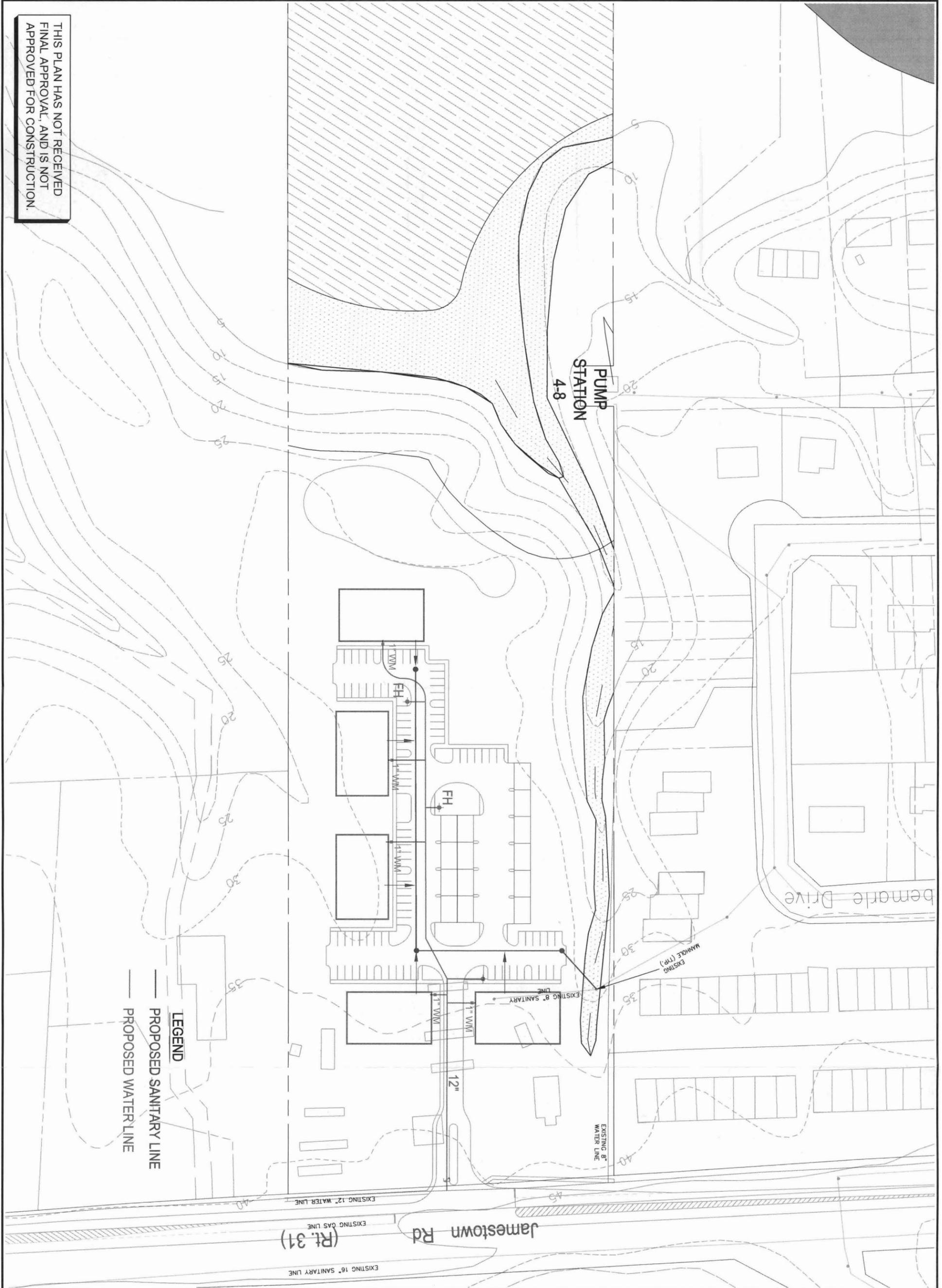
CONCEPTUAL LANDSCAPE PLAN
JAMESTOWN RETREAT
 NIXON PROPERTY
 for
 MIKE BROWN
 JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

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



No.	DATE	REVISION / COMMENT / NOTE	BY	BT
03	2/9/06	PER CLIENT REVISIONS	GRR	SSP
02	11/15/05	PER JAMES CITY COUNTY COMMENTS	GRR	SSP
01	10/24/05	PER JAMES CITY COUNTY COMMENTS	GRR	SSP

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



CONCEPTUAL UTILITY PLAN
NIXON PROPERTY
JAMESTOWN RETREAT

JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

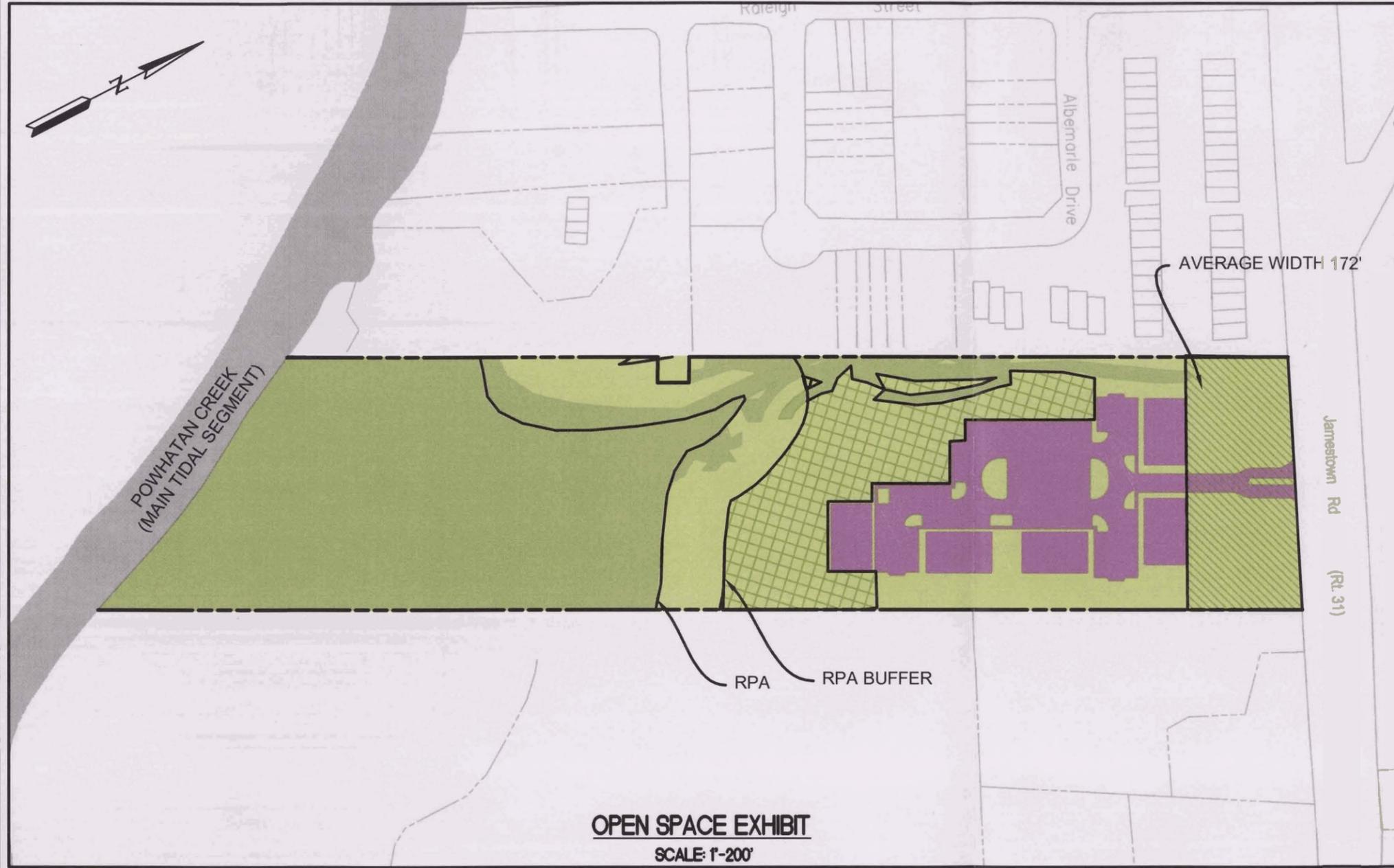


5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994

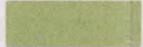
Designed AGS	Drawn GRR
Scale 1"=100'	Date 5/11/05
Project No. 9462-00	Drawing No.

No.	DATE	REVISION / COMMENT / NOTE	BY
3	2/9, 06	REVISED PER CLIENT REVISIONS	JSP
2	11, 16/05	REVISED PER CLIENT REVISIONS	JSP
1	10, 31/05	REVISED PER CLIENT COMMENTS	KSJ

S:\Jobs\9462\00-Jamestown Rd Condos\dwg\Planning\9462-00 - OS EXHIBIT.dwg, 2/8/2006 12:30:58 PM, GRR



LEGEND

-  IMPERVIOUS AREA (2.4± AC)
-  PERVIOUS AREA DEVELOPABLE (6.7± AC)
-  NON-DEVELOPABLE (7.4± AC)

-  O.S. ADJACENT TO 100' BUFFER AND RESOURCE PROTECTION AREA (2.1± AC)
-  R.O.W. BUFFER (1.6± AC)

TOTAL SITE AREA 16.5 AC.

NO.	DATE	REVISION / COMMENT / NOTE	DESIGNED BY	DRAWN BY
01	2/9/06		GRR	JSP

5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 263-0040
(757) 220-8994



OPEN SPACE EXHIBIT
NIXON PROPERTY
JAMESTOWN RETREAT
JAMESTOWN DISTRICT JAMES CITY COUNTY

Designed JSP	Drawn GRR
Scale 1"=200'	Date 2/3/06
Project No. 9462-00	
Drawing No. 1	

PROFFERS

THESE PROFFERS are made this ___ day of February, 2006 by HAZEL RICHARDSON, EDWARD T. NIXON AND MAMIE NIXON (together with their successors and assigns, the "Owner") and MICHAEL C. BROWN, LTD., a Virginia corporation ("Buyer").

RECITALS

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

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

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

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

prepared by AES Consulting Engineers dated February 9, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

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

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

CONDITION

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 48 residential dwelling units on the Property. All residential dwelling units on the Property shall be offered for sale by the developer thereof.

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

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

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

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

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

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

(a) A contribution of \$820.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

(b) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for emergency services equipment replacement and supply, off-site road improvements, library uses, and public use sites.

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

(c) The per unit contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2007 to

reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index"). In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the Index, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing 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 Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. Jamestown Road Buffer. There shall be a minimum 150 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be

exclusive of any lots or units. The entrance as shown generally on the Master Plan, landscaping and berms, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, lighting, entrance features and signs shall be permitted in the buffer. Dead, diseased and dying trees or shrubbery, and invasive or poisonous plants may be removed from the buffer area. A combination of preservation of existing trees, enhanced landscaping (defined as 125% of ordinance requirements) and berms shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning which shall, when the landscaping has reached maturity, screen the adjacent units from the direct view of vehicles traveling on Jamestown Road. The perimeter buffers between the sides/back of buildings and the adjacent properties shall contain enhanced landscaping (defined as 125% of ordinance requirements) in accordance with a landscaping plan approved by the Director of Planning. The buffers shall be planted or the planting bonded prior to the County being obligated to issue building permits for dwelling units located on the Property.

6. **Entrances/Turn Lanes.** There shall be one entrance into the Property to and from Jamestown Road as generally shown on the Master Plan. A westbound left turn lane with a taper and .

transition and an eastbound right turn taper on Jamestown Road shall be constructed at the entrance to the Property. The turn lanes proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be completed prior to the issuance of the first certificate of occupancy.

7. **Recreation**. Owner shall provide the recreational area shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 30 dwelling units on the Property. There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(d)) or some combination thereof. All cash contributions proffered by this Proffer 7 shall be used by the County for recreation capital improvements. Owner shall install mulch trails

connecting the recreation area to the sidewalks in the project with the design and exact location of the mulch trails subject to the approval of the Director of Planning. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

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

9. **Environmental Protections**. (a) Owner shall submit to the County a master stormwater management plan as a part of the site plan submittal for the Property, including the

stormwater management facility generally as shown on the Master Plan and low impact design measures generally as shown on the Master Plan if feasible and appropriate, in accordance with the Powhatan Creek Watershed Management Plan, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior written approval of the Environmental Director. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

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

conservation plan and said conservation plan shall be submitted for information purposes to the Director of Planning.

10. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for

Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of ~~development for the site and shall be adhered to during the~~ clearing, grading and construction activities thereon.

11. **Architectural Review**. Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the architectural styles depicted in the portfolio of photographs dated January 28, 2006 submitted with the rezoning application. ~~The Director of Planning shall review and either approve or~~ provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Final plans and completed buildings shall be consistent with the approved conceptual plans.

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

13. **Removal of Existing Structures.** Within 90 days of the approval of the rezoning, Owner shall remove all existing structures from the Property, including billboards, trailers, houses and other buildings. Owner shall be entitled to reasonable extensions of the 90 day deadline from the Director of Planning if any existing tenant on the Property fails and refuses to vacate the Property in a timely and orderly manner so long as Owner is diligently pursuing its remedies for such refusal.

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

the issuance of a certificate of occupancy for any residential units in adjacent structures.

15. **Turf Management Plan.** The Association shall be responsible for developing and implementing a turf management plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Powhatan Creek and its tributaries. The Turf Management Plan shall include measures necessary to manage yearly nutrient application rates to turf such that the application of nitrogen does not exceed 75 pounds per year per acre. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia and submitted for review to the County Environmental Division for conformity with this proffer. The Nutrient Management Plan shall include terms permitting enforcement by either the Owners Association or the County. The Turf Management Plan shall be approved by the Environmental Division prior to final subdivision or site plan approval.

9. **Sidewalks.** There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall either (i) install a sidewalk along the Jamestown Road frontage of the Property or (ii) in lieu thereof, make a payment to the County

for sidewalk improvements included in the County's capital improvements plan in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalk.

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

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

WITNESS the following signature.

Edward T Nixon
Edward T. Nixon

Mamie Nixon
Mamie Nixon

Hazel Richardson

Michael C. Brown, Ltd.

By: _____
Title: _____

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

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

Pat Freeman
NOTARY PUBLIC

My commission expires: January 12, 2010

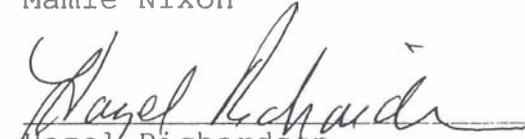
STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

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

WITNESS the following signature.

Edward T. Nixon

Mamie Nixon



Hazel Richardson

Michael C. Brown, Ltd.

By: _____
Title: _____

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF WILLIAMSBURG, to-wit:

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



NOTARY PUBLIC

My commission expires: Feb. 29, 2008.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, to-wit:

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

Exhibit A
Property Description



May 3, 2005

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

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

Dear Mr. Smolnik,

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

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

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

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

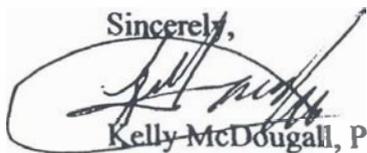
Additionally, the classification of rental units in the proposed development is inconsistent with the character of property ownership of adjacent properties.

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

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

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

Sincerely,

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

Kelly McDougall, President Settlers Mill Association

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



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

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

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

Density concerns:

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

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

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

Jamestown Retreat comments, p. 2

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

Traffic concerns:

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

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

Environmental concerns:

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

Jamestown Retreat, comments, p. 3

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

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

Trash pickup:

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

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

Sue Welch
19 Bromley Dr.
229-0083

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



June 18, 2005

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

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

Dear Mr. Smolnik:

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

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

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

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

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

Sincerely,

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



Mr. Andrew J. Smolnik
Development Management
68-A Mounts Bay Road
Williamsburg, VA 23187



Dear Mr. Smolnik

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

Please oppose downgrading going along
James town Road.

Thank you for your help.

Yours truly
Joel & Marilyn Kirschbaum

258-8529

2 Bromley Drive
Williamsburg, VA 23185
June 27, 2005

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



Dear Mr. Smolnik:

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

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

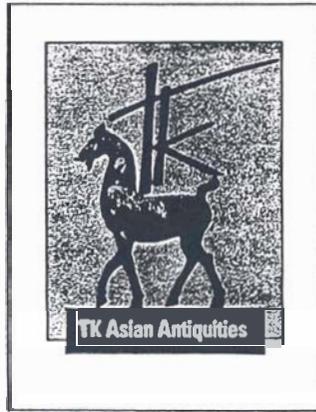
This property is presently zoned for a light business and should remain that way. The remaining land could be developed as townhouses, protecting the wetlands. The county should consider a waterside park for part of this area for the benefit of the people living along Jamestown Road.

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

Sincerely yours,

Merle Kimball

Merle Kimball, President
Raleigh Square Homeowners Association



July 7, 2005

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

Dear Mr. Smolnik,

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

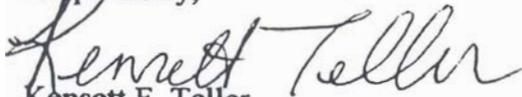
- 1.) **TRAFFIC:** (a)The number of residences in this proposed development would create an intense amount of traffic on our already burdened Jamestown Road. We are already experiencing traffic flow problems because of traffic from disembarking ferries, tourist buses and turning traffic trying to enter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

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

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

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

Respectfully,



Kensett F. Teller
President
TK Arts, Inc.

and



Michael C. Teller
President
TK Oriental Antiques, In

**122 Ware Road
Williamsburg, VA 23185**

July 28, 2005



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

Dear Mr. Smolnik,

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

The following are reasons for opposing the rezoning:

1. Failure to comply with the 2003 Comprehensive Plan

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

2. Increased traffic on Jamestown Road

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

3. Environmental impact

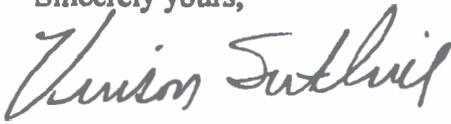
Of great concern also is the impact of the proposed development on the Powhatan Creek Watershed. The proposal does not proffer a maintenance agreement for the proposed storm water management or best management facilities. The project does not require the protection of the Chesapeake Bay Act. The Powhatan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

4. Cost to James City County

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

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

Sincerely yours,



Vinson Sutlive, President
Lakewood Homeowners Association



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

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

Dear Chairman Hunt and Members of the Planning Commission:

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

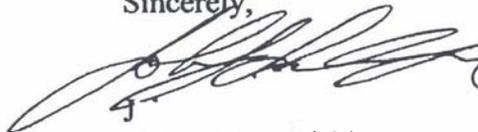
That said, the FOPCW respectfully request that the rezoning proposal, Case # z07-05/MP-05-05, Jamestown Retreat, be denied on the grounds that the project is grossly inconsistent with the current, accepted policies in the Comprehensive Plan which says: *"There is to be full adherence to the County's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

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

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

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

Sincerely,



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

Matthew J. Smolnik

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



Dear Mr. Smolnik:

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

Thanks,

Reed Weir

Dear Members of the James City County Planning Commission:

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

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

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

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

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

Sincerely,

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

Settlers Mill Association

P.O. Box 1295

Williamsburg, VA 23187

www.settlersmill.com

November 1, 2005

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

Re: Jamestown Retreat



Dear Mr. Smolnik:

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

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

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

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

Very truly yours,

Settlers Mill Association



JAMESTOWN RETREAT

147 Raleigh Street
Williamsburg, VA 23185
November 4, 2005

Planning Commission
Mounts Bay Road
Williamsburg, VA

Dear Chairman Hunt and Members of the Planning Commission:

As a citizen who has lived on Powhatan Creek for 16 years just three blocks from the land in question, I am writing to respectfully request that you deny the re-zoning request Case Z-7-05/MP-5-05 Jamestown Retreat. Although developers have met with citizens twice and submitted three different plans, they still have failed to meet the minimum standards set in the 2003 Comprehensive Plan, the Powhatan Creek Watershed Management Plan, and the Chesapeake Bay Ordinance. Following is a list of the most serious concerns for all of us.

➤ Questionable Wetlands and Stream Delineation

The entire south boundary of this site borders the main tidal segment of Powhatan Creek for hundreds of feet. The applicant has steadfastly ignored citizen pleas and County suggestions to ascertain current and accurate data of environmental impacts on this very sensitive parcel. Instead of seeking independent verification of current wetland delineations and stream designation, the applicant has based the entire application on one field visit by his own consultant. Although the JCC Watershed Planner, Michael Woolson, did submit a stream designation confirmation letter in the early months of this process, he realized after citizens expressed doubt that he may have been mistaken. (See attached photos and attached letter.) You can see from the photos that on September 27 the stream in question had water in it. The National Weather Service recorded September as the driest in 100 years. By all accounts this is a perennial stream and must have a 100 feet of Resource Protection Area along its entire length. Instead, the applicant plans to trench and fill it for water and sewer lines and dredge the ravine at its mouth for a huge drainage pond which incidentally, is acknowledged Resource Protection Area. Secondly, these wetlands fall under the jurisdiction of Section 404 of the Clean Water Act, and any detailed wetland delineation and stream evaluation must be completed using the US Corps of Engineers Wetland Delineation Manual and not the North Carolina stream evaluation method which the applicant used. This noncompliance cannot be ignored. The applicant has just "blown off" citizen and Staff requests at every turn. Instead the applicant says: "The proposed disturbance for utility connections may require a wetland permitting through the Virginia Department of Environmental Quality." This application should not be before you. I respectfully request an independent review for wetlands, streams, resource protection area, and flood plain delineations before considering any application.

➤ Destruction of View on a National Scenic Byway

This month the Colonial Parkway has been designated a National Scenic Byway by the Federal Highway Administration. In addition Powhatan Creek has been designated a National Blue-way by the NPS. This parcel sits on a hill that can be clearly seen from the Parkway Bridge at the Jamestown Settlement entrance. The applicant's drawings show what appears to be green space on the shore of Powhatan Creek. It is green, but it is

marsh with no trees. Since the applicant is seeking a height waiver to build the rear four buildings 45 feet high (8 feet higher than ordinance allows) on an existing hill and since the plan calls for cutting down trees adjacent to the marsh for a large, drainage pond, these structures will not have the current old forest buffer to protect this historic viewshed. These buildings will be the first thing visitors see when they drive across or canoe down the creek. They will loom skywards and at night their lights will reflect down creek. Even with all the current development along the creek, there is no destruction of shoreline vista save the Jamestown Yacht Basin. Is this the view we want our guests and citizens to see for 2007 and always? Surely, citizens deserve better.

➤ **No demonstrated need for a Special Use Permit**

The Villas and Governors Grove are approved for close to 300 town homes just a mile down the road. Why do we need more at the expense of our neighborhood?

➤ **Only lip service to implementation of Low Impact Design methods.**

In November 2004 as a member of JCC Local Site Planning Roundtable Mr. Michael Brown, the applicant was one of forty committee members who endorsed the 24 Model Development Principles published in Recommended Model Development Principles for James City County, Virginia. How many of these 24 principles are included in this plan? We have worked since August and have three if my count is correct. If a developer on the Roundtable won't even offer a reasonable site plan, are we to believe that he will even implement the ones on this conceptual plan?

In summary, let me say that rarely have I seen so much disregard for policy and for the impact that this plan could have on the quality of so many neighborhoods. It should be noted, however, that we are in favor of any development that adheres to the current Land Use designations and Community Character Corridor designations in the 2003 Comprehensive Plan. We are in favor of keeping Jamestown Road at its current width. We are in favor of keeping traffic off a road that will soon carry tens of thousands of vehicles. We are in favor of Neighborhood Commercial development on the front parcel that will increase county revenues while providing convenient services for neighbors and 2007 guests. We are in favor of homes built to site on the rear Low Density Residential section that "maintain natural views" and "promote the unique character of the area". Let's stick with the Comp Plan.

Thank you.

Sincerely,
Ann J. Hewitt

Matthew J. Smolnik

From: John and Kathy H [jjkamestown@verizon.net]
Sent: Tuesday, December 20, 2005 4:01 PM
To: Matthew J. Smolnik
Subject: Re: Jamestown Retreat - reasons for recommendation of denial

Matt, I have read the complete Staff Report for the December 13, 2005 Board of Supervisor's meeting. It raised some concerns in my mind. I almost get the impression that a proffer to add Affordable Housing to the mix and something to add to open space will allow this request to get approval. I really have a problem with this. I think we all recognize that the cost of real estate in JCC is very high and that more affordable housing is needed. But as I sit here in Settlers Mill, I see a high density of affordable housing in the area from the communities along Jamestown Rd (Albemarle Condominiums, Gordon Berryman Subdivision Duplexes, Raleigh Square, and Cardinal Acres to name but a few); Ironbound Rd between Jamestown Road and John Tyler Highway, Hickory Signpost Rd, etc. The assessments for these areas, listed on the JCC Property Information Site support this. A significant percentage of these properties have become rentals, are poorly maintained and an eye sore for the community. In my work as a member of the Jamestown Road Committee as part of the Historic Triangle Corridor Enhancement, I was in contact with residents of a number of the Jamestown Rd communities. Our efforts were focused on working with these areas to enhance their exposures on Jamestown Road in preparation for 2007 and beyond. What we found were a large percentage of properties used as investment rentals with little concern for maintenance, landscaping, etc. I think the County has a serious responsibility to take special care with any new development along this Character Corridor. If the developer of Jamestown Retreat has requirements to "force fit" his development into the area, he will be forced to move further away from a "quality development" in order to maintain his return on investment. The lower the quality and the lower the cost, the more likely Jamestown Retreat will become just another investment Mecca, poorly maintained and destined to deteriorate over time. If the development is wrong for the site from density, environmental impact, traffic volume, Character Corridor beautification and maintenance perspectives, then it is **WRONG** for the site and should be denied. The consistent addition of proffers to make it acceptable to the county does not make it acceptable to the communities who live around it, who protect Powhatan Creek, and who try to enhance Jamestown Road. Since portions of Jamestown Road are already in a "watch" state for any increase in traffic volumes and because of the significant environmental concerns and high percentage of undevelopable land in this acreage, it would seem that this property would be a candidate for the County to stand firm on its zoning and to perhaps consider for permanent green space.

Please share this letter with the Planning Commission.

Thank you.

Kathy Hornung



P.O Box 5112
Williamsburg, VA 23188

Re: JAMESTOWN RETREAT (Case Z-7-05 & MP-5-05)

February 22, 2006

Dear Chairman Fraley and Members of the Planning Commission:

The Board of Directors of the Friends of Powhatan Creek Watershed is requesting that you again deny the application for Jamestown Retreat. We posit that aside from the reduction in units to 48 and partially expanded buffers nothing else in this application has changed. A close examination of the latest proposal will show that this application remains significantly non-compliant with JCC Code and Ordinance, the 2003 Comprehensive Plan the Chesapeake Bay Ordinance and the Powhatan Creek Watershed Management Plan (PCWMP). We maintain that this site is inappropriate for any multi-family, cluster development regardless of density. It remains fraught with design flaws that will, if implemented, destroy a designated Conservation Area. Below are our main concerns.

- **Degradation of Wetlands, Water Quality and Forested Conservation Area-** Even though the applicant has proffered a conservation easement, he is not leaving the current conservation area untouched. Lawns, recreation area, and a huge BMP pond (between 1500 and 2500 square feet) will replace natural topography and forested non-tidal wetlands. The Comprehensive Plan states: ***The relevant constraint is to avoid significant change in the natural pattern of water flow by controlling structures and excavations within the water basin.*** Why then is a huge BMP drainage pond still going to be excavated in wetlands designated as Resource Management Area (RMA)? Why are slopes over 25% being destroyed to create this pond? Even with the proffered expanded buffers around the pond, bull-dozer and other heavy equipment will destroy an additional 10 to 20 feet of forested wetlands to maneuver, excavate, and back fill. These forested wetlands will be permanently destroyed. Lawns and swales don't count as wetland replacements regardless of the applicant's contention.

The baseline study of the PCWMP notes over 20 incursions into shoreline along the tidal mainstem of Powhatan Creek which provide little filtering of runoff. Why would we add one more incursion at the expense of conservation land and wetlands?

As you know, we have been water testing monthly along the creek at five sites for over five years. One site is at the shoreline of this parcel. These last months we have seen significant increases in Ammonia, Nitrates, Nitrites, and Phosphorus. We are losing water quality for the first time since we started testing. With a three-year

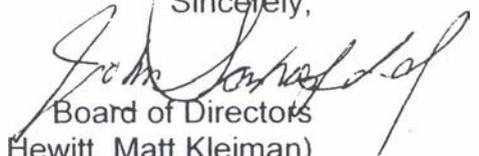
build-out plan (2008) the construction run-off from this project will be significant. To protect water quality, we must insist on NO EXCAVATIONS IN WETLANDS and NO NET LOSS OF TIDAL OR NON-TIDAL WETLANDS. We must protect the few remaining "biogems" along the creek.

Non-compliance with Powhatan Creek Watershed Management Plan (PCWMP)

– In the baseline study of the PCWMP, this site falls within a Resource Protection Sub-Watershed. Priority #3 states: ***Prohibit rezoning which increases impervious cover in sensitive sub-watersheds.*** We recognize that the applicant has reduced the percentage of impervious cover. However, too much impervious cover remains to prevent damage. With 48 units, garages, roads, and sidewalks, impervious cover will still reach far beyond the 15% which designates a site as severely impacted. We have serious concerns about flow of water from Grace Church and Jamestown Road which when added in could increase flow two to five times what is current. With so much impervious cover, destruction of slopes, leveling in one place and excavating in another, this project cannot adequately protect the hydrology and water quality of Powhatan Creek. In addition to destroying wetlands, this design offers no plan to protect flood plains and increase their functionality. Indeed, the loss of forest will eliminate the current buffering capacity and significantly endanger the health of the floodplains and creek. To quote page 51 of the Comprehensive Plan... ***even low intensity development along shoreline areas, which results in disruption of flushing characteristics may interfere with assimilation of non-point source pollutants.***

Prohibiting re-zoning in sensitive areas is the only enforceable tool we have to protect Powhatan Creek. It is time to stop the in-filling and destruction of the few remaining pockets of environmentally sensitive land along the creek. It is irreplaceable. We respectfully request that you deny this re-zoning application. Thank you.

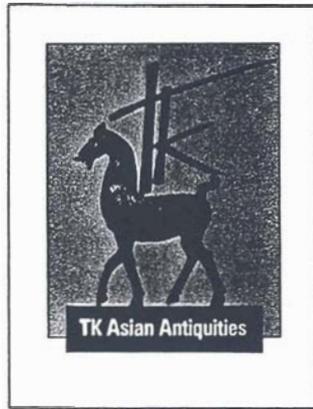
Sincerely,



Board of Directors

(John Schmerfeld, Boots Johnson, Kensett Teller, Ann Hewitt, Matt Kleiman)

FOPCW



February 27, 2006

Dear Matt, Planning Commission Staff and Members of the JCC Planning Commission,

We appreciate the changes that the developer has made to his plan "Jamestown Retreat". We also appreciate the abilities of Mr. Michael Brown as one of the finest builders in our community. However, we still have many major concerns regarding this development and any inappropriate use of this very sensitive piece of land.

TRAFFIC: This development is no longer age restricted and we are once again facing the possibility of up to 3 school buses stopping twice a day and adding to our already dense and increasing traffic problems. This slowing and stopping of traffic six times a day will not only effect our immediate problem area on Jamestown Road but will add to the lines of backed up traffic at the peak hours at the Jamestown Rd. and 199 intersection.

ENVIRONMENT:

(a) **DESTRUCTION OF WETLANDS and THE CONTAMINATION OF THE WATER IN THE POWHATAN CREEK WATERSHED** – please refer to your numerous information from the Friends of Powhatan Creek and other individuals.

(b) At TK (next door) we are already having drainage problems from too much hard surface from across the street. Extensive hard surface next door will only add to already existing problems.

(c) **Corridor Enhancement:** Several of the proposed buildings are still too high and out of proportion to our community of buildings and surroundings. If you feel the removal of the trailers and old buildings will enhance the corridor for 2007, please think again! In exchange we will have construction traffic, heavy delivery trucks, stacks of building materials and half constructed buildings for visitors to view. If we are really concerned for 2007, couldn't the Corridor Committee take the 50 foot easement (owned by the county) and put in more greenery and perhaps fencing?

Regarding legal changes to the land:

HEIGHT WAIVER, REZONING and CHANGING THE COMPREHENSIVE PLAN:

- (a) **HEIGHT WAIVER:** Approving a height change to several of the buildings from 35 feet to 45 feet high would make them overpowering and out of balance with the character of the neighborhood buildings and surroundings.
- (b) **REZONING:** Takes away much needed business space and tax dollars.
- (c) **CHANGING THE COMPREHENSIVE PLAN:** Where is the need to change the Comprehensive Plan???

If there is such a need, I would appreciate the county staff and planning commission to explain it to me in writing. I would like to feel confident that such a need is concrete and not based on aesthetics or eyesores.

The above are all issues regarding this individual development. But what is the real issue and need confronting Jamestown Road and our entire community?? There was a time when James City County and Williamsburg really NEEDED development. We NEEDED the buildings, services and tax dollars. TODAY WHAT ARE THE NEEDS OF OUR COMMUNITY? Everywhere you go people are talking about the increase in traffic and the decrease in green space. People in the community are asking for (and some are screaming for) LESS TRAFFIC and LESS DEVELOPMENT. If we say "No" to height waivers, "No" to rezoning and "No" to changing our Comprehensive Plan, we have taken the first small steps in preserving what we have left of the community we love.

Please say "no" to these requests which will in turn say "no" to this development (and other developments) which will hurt our community and quality of life.

Best regards,



Kensett F. Teller
TK Arts, Inc.



Michael C. Teller, IV
TK Asian Antiquities

Settlers Mill Association

P.O. Box 1295

Williamsburg, VA 23187

www.settlersmill.com

February 27, 2006

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

Re: Jamestown Retreat

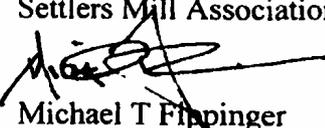
Dear Mr. Smolnik:

On behalf of the residents (192 households) of Settlers Mill, the Board of Directors of Settlers Mill Association is submitting this third letter regarding the proposed Jamestown Retreat. Our previous two letters concerning the proposed development, Jamestown Retreat, expressed our concerns and stated our reasons for opposing the development. The purpose of this letter is to advise you and the Planning Commission that we are withdrawing our previously stated opposition to the project in light of the February 2006 plan submission which:

- Lowers the density to 48 units,
- Maintains the 150 foot buffer for the Jamestown Road Character Corridor, and
- Addresses the previously cited environmental issues.

We appreciate your efforts in getting to this point. We also appreciate the willingness of Mr. Michael C. Brown to work with the neighboring communities in finding a reasonable solution. We look forward to being good neighbors to Jamestown Retreat.

Very truly yours,
Settlers Mill Association


Michael T. Flippinger
President

c: Vernon Geddy, III, Esquire

**REZONING Z-19-05/SUP-32-05/MP-16-05. Jennings Way
Staff Report for the March 6, 2006, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: March 6, 2006 7:00 p.m.
Board of Supervisors: April 11, 2006 7:00 p.m.

SUMMARY FACTS

Applicant: Jay Epstein

Land Owner: Myrtle Jennings & Sandra Kelley

Proposal: 75 single-family detached units, 10 townhouse units, 1 commercial building

Location: 7345 & 7375 Richmond Road

Tax Map/Parcel Nos.: (23-2) (1-30) & (23-2) (1-30A)

Parcel Size: 29.81

Existing Zoning: R-2, General Residential (28.61 acres) & B-1, General Business (1.20 acres)

Proposed Zoning: R-2, General Residential with Cluster Overlay and Proffers;
B-1, General Business with Proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds that the Master Plan and proffers are consistent with surrounding development and zoning, and the 2003 Comprehensive Plan. The proposal will have certain public benefits such as affordable and mixed-cost housing, unusual environmental protections, and provisions for maintaining the character of the Norge community along Richmond Road. Staff finds that the Zoning Ordinance criteria for granting of a special use permit with regard to additional density has been satisfactorily met, and that the requirements for a buffer reduction waiver have been sufficiently supported by proffers. Therefore, staff recommends approval of the Rezoning, Special Use Permit and buffer reduction waiver request.

Staff Contact: Joel Almquist, Planner

Phone: 253-6685

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water (CIP contribution)	\$1,093.00 per unit
CIP projects (including schools)	\$1,275.00/restricted unit (schools) \$4,011.00/unit (schools) \$425.00/restricted unit (CIP) \$1,000.00/unit (CIP)
Sewer Improvements	\$34,425.00
Stream Restoration	\$100,000.00
Total Amount	\$566,300.00
Total Per Lot	\$6,104.00/unit \$1,700.00/restricted unit

PROJECT DESCRIPTION

Jay Epstein of Health-E Community Enterprises has submitted an application to rezone 29.81 acres located on Richmond Road (Rt.60) adjacent to Norge Elementary School from R-2, General Residential and B-1, General Business to R-2 and B-1 with proffers and a Cluster Overlay. If approved the applicant would use the parcel to create 75 mixed-cost single-family homes, 5 affordable townhouse units, and 5 income restricted units (to be referred to as “restricted”) with an overall density of 2.85 units per acre. The applicant will also relocate and renovate the Anderson-Hughes House on the B-1 parcel to create a building unit for commercial use that will be restored and located to reflect the existing character of the Norge community.

According to the Cluster provisions of the Zoning Ordinance, residential cluster developments of one unit per acre or less may be permitted in areas designated low density residential on the comprehensive land use map. However, the Ordinance permits additional density up to four units per acre upon the issuance of a special use permit, and implementation of various policies or other measures. In accordance with Section 24-549 of the Zoning Ordinance, the applicant has provided for the following:

For Density greater than 1 DU/Acre up to 2 DU/Acre:

- Implementation of the County’s Streetscape Guidelines.
- Implementation of the County’s Archaeological Policy.
- Provision of sidewalks on one side of all internal streets.
- Provision of Recreation Facilities as recommended in the County’s Comprehensive Parks and Recreation Master Recreation Plan.
- Implementation of the County’s Natural Resources Policy.

For Density from 2 DU/Acre up to 3 DU/Acre:

- Provision of pedestrian trails connecting cul-de-sacs and recreation facilities.
- Construction of curb and gutter streets.

For Density from 3 DU/Acre up to 4 DU/Acre:

- Dedicated affordable housing.
- Superior layout and design which incorporates environmentally sensitive design features.

In addition to the requirements of the Zoning Ordinance to allow for increased density above one unit per acre but not to exceed four units per acre, the 2003 Comprehensive Plan has suggested public benefits that would need to be provided in areas designated Low Density Residential to go above 1 dwelling unit per acre. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. Staff believes that this development proposal meets these criteria as outlined in the Comprehensive Plan and as further described below.

PUBLIC IMPACTS

Archaeology

Proffers:

- Archaeology. A Phase I Archeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance.

Staff Comments: This is a requirement in the Cluster Overlay District as a condition to increase density within a development from one acre per unit up to two units per acre.

Environmental

Watershed: This parcel lies within the Yarmouth Creek watershed and is subject to the Yarmouth Creek Watershed Management Plan.

Proffers:

- Turf Management. The Home Owner's Association shall be responsible for developing and implementing a turf management plan for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff.
- Stream Restoration. Prior to issuance of any land disturbance permit on the Property, the Owner shall have a stream restoration plan prepared to meet the guidelines established to perform stream restoration and channel stabilization for the entire length of the degraded perennial and intermittent stream that passes across the Property.

Staff Comments: Environmental concerns with this proposal include an impaired stream that flows into the Yarmouth Creek Watershed, stormwater runoff that currently channels offsite onto adjacent property owners, and Resource Protection Areas/Buffers along the rear of the parcel. To mitigate the impact of this development the applicant has proffered to repair the impaired portion of the stream along his parcel and will use a stormwater retention area (BMP) to prevent offsite stormwater runoff. In addition to these measures, the applicant is proposing to use Low Impact Design, LID, and sustainable building practices to help mitigate the impact of the development; these design features exceed the minimum ordinance requirement.

Staff views the stream restoration cash proffer of \$100,000 as seed money in the event that the County would need to perform the restoration project in place of the developer. The Environmental Division approximates the length of the impacted area to be 1,500 linear feet with an expected cost of \$150 per linear foot to remediate. This would come in at a total cost to the County of \$225,000 if the developer chose not to do the remediation as outlined in the proffer.

Fiscal

Based on the fiscal impact analysis submitted by the applicant, the proposed development would result in a negative net fiscal impact. The analysis indicated that the County would be required to spend an

additional \$103,800 per year once this development is built out and occupied.

Proffers: Cash Contributions for Community Impacts. The applicant is proffering \$6,104 per single-family unit and \$1,700 per restricted unit for use in the County's capital improvement plan to mitigate impacts on County emergency, school, library, and other services.

Staff Comments: James City County Financial Management Services has reviewed the Fiscal Impact Statement submitted with these applications and concurs that this development would result in a negative fiscal impact. This impact would be partially off-set by the proffered contributions.

Housing

Proffers:

- Affordable Housing. A minimum of 5 of the lots with townhouse dwelling units shall be reserved and offered for sale at a net sales price to the buyer at or below \$135,000. A minimum of 5 of the lots with townhouse dwelling ("restricted") units shall be reserved and offered for sale at a price at or below \$160,000.
- Energy Efficient Homes. All the town homes and single-family homes will be certified by a HERS rater to meet or exceed the Energy Star Certification. A HERS rating is an evaluation of the energy efficiency of a home.

Staff Comments: The applicant has volunteered to provide affordable, income restricted, and mixed-cost housing as a condition of his development proposal. The affordable and income restricted units will be sold and given priority to citizens in conjunction with James City County Housing and Community Development.

Public Utilities

All units will have public water and sewer connections.

Proffers:

- Sewer Improvements. A contribution shall be made to JCSA to offset the direct costs associated with the construction of the Colonial Heritage Pump Station and Sewer System Improvements in the amount of \$34,425.
- Water Conservation. Water conservation standards such as the prohibiting of irrigation systems, using energy efficient fixtures and appliances, and the use of water conserving landscaping shall be submitted to and approved by JCSA prior to final subdivision plat approval.
- Water and Sewer Master Plan. A water and sewer master plan shall be submitted to and approved by JCSA prior to final subdivision plat approval.
- Water Improvements. A contribution of \$1,093 for each single-family unit shall be made to the County for the use by JCSA for water system improvements.

Staff Comments: This development proposal will be served by public water and sewer with no anticipated negative impacts resulting from the increased demand generated by these units. Staff had requested of the applicant that water conservation measures, including the prohibiting of irrigation systems, be considered for this proposal. The applicant has complied in a satisfactory manner with the Water Conservation proffer, and has provided additional proffered cash amount for the Colonial Heritage Pump Station and \$1,093 per single-family unit for water system improvements.

Public Facilities

Proffers: Total contributions of \$6,104 per single-family unit and \$1,700 per restricted unit are proffered to the County for the residential units on the property (\$4,011 per single-family & \$1,275 per restricted for schools).

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action number four encourages through the rezoning, special use permit or other development process (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public schools facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and

water supply facilities. The applicant has proffered cash contributions to the County for each of the facilities as well as for sewer improvements and Capital Improvement Projects.

Jennings Way is located within the Norge Elementary School, Toano Middle School and Lafayette High School districts. Under the proposed Master Plan, 75 single-family and 10 townhouse units are proposed. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	Current Enrollment (09/30/2005)	Projected Students Generated by Proposal	Enrollment + Projected Students
Norge Elementary	760	701	657	19	676
Toano Middle	775	822	831	10	841
Lafayette High	1,250	1,230	1,624	12	1,636
Total	2,785	2,753	3,112	41	3,153

There is design capacity for this development at Norge Elementary; therefore this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Toano Middle School and Lafayette High School. Although the design capacity of Lafayette High School is clearly exceeded, the adequate public facilities policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore, staff believes that this proposal meets the policy guidelines for the high school level. The proposal does not meet the policy guidelines at the middle school level.

Parks and Recreation

Proffers:

- Recreation (a). The following facilities shall be provided: 1.64 acres of parkland; one playground (tot lot) with playground equipment for four to six activities; one paved tether ball court; approximately .55 miles of trails.
- Recreation (b&c). There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County’s Recreational Master Plan; in lieu of such additional facilities Owner shall make cash contributions to the County as determined as needed with final installation occurring prior to the issuance of the 21st Certificate of Occupancy.

Staff Comments: The applicant has met the minimum criteria in the County’s Parks and Recreation guidelines. The trail system will provide fitness equipment located along its circuit and connect with the internal sidewalks which will connect to both Route 60 and Norge Elementary School.

Transportation

2005 Traffic Counts: Traffic counts for the development include the 75 single-family and 10 town house units and the proposed general office building combine to generate 64 AM Peak Hour trips, 84 total PM Peak Hour trips at an average of 797 total daily vehicle trips. Current volume along this portion of Richmond Road is 18,770 average vehicle trips per day.

2026 Projected Volume: This portion of Richmond Road is projected to have a volume of 33,500 vehicles with a “watch” congestion rating given by the 2003 Comprehensive Plan.

Road Improvements: No off-site road improvements are warranted by this proposal.

Proffers:

- **Entrance Configuration.** The entrance to the property shall be configured with one ingress lane and two egress lanes and the entrance shall have an increased radius of approximately 50 feet.

VDOT Comments: VDOT concurs with the applicant’s traffic study findings that the proposed development will not have an adverse impact on the surrounding roadway network. The traffic impact study notes that a right-turn taper from eastbound Route 60 is marginally warranted in the PM peak hour. Due to right of way constrains, VDOT concurs that an increased entrance radius of approximately 50 feet will be an acceptable entrance treatment in lieu of a right-turn taper.

Staff Comments: Staff concurs with VDOT concerning the applicant’s traffic generation rates and regarding no improvements being warranted for Route 60. Route 60 currently has a continuous left turn lane which should adequately serve this development with out causing vehicles to queue back to the Norge Elementary signal or affect turning movements to commercial interests located across from the Jennings Way access. The 2003 Comprehensive Plan recommends not widening Route 60 due to impacts on the Norge community despite its “watch” designation. Instead it recommends concentrating development in planned areas in order to maintain good mobility along Route 60 and careful evaluation of new entrances in order to maintain acceptable levels of service. Upon staff’s request, the applicant examined alternative access routes. After reviewing the analysis staff concurred with the proposed access arrangement based upon its location being situated in an area sufficiently separated from the school and other community entrances so as not to cause impairments along that portion of Route 60.

This proposal is not projected to have a negative impact on the near-by traffic light for Norge Elementary. Level of Service for this intersection will be maintained at LOS C for all AM and PM turning movements with an overall LOS A for the entire stop light in 2011.

COMPREHENSIVE PLAN

Land Use Map Designation

This parcel is designated Low Density Residential on the 2003 Comprehensive Land Use Map. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding communities and the degree to which the development is consistent with the Comprehensive Plan. A residential development with a gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design.

Other Considerations

- **Housing-** This project provides 5 affordable town house units plus 5 additional below market value town house units all to be sold to applicants with the approval of the Director of Housing and Community Development.
- **Development Standards-** The applicant is proposing to use sustainable building practices including Low Impact Design areas, energy efficient buildings, and green building practices such as recycled materials, enhanced insulation, and reduced construction waste.
- **Community Character-** This proposed development is within the Richmond Community Character area and is subject to the design standards within the 2003 Comprehensive Plan and the Zoning Ordinance. To help meet these, the applicant has volunteered to proffer for the town home units to face Route 60 and to renovate the Anderson-Hughes House located on the B-1 parcel in a manner that preserves the existing residential appearance of the building.

Proffers

The applicant has provided a voluntary proffer proposal in an effort to show that his development will provide the necessary public benefits to allow for the increased density from 1 unit per acre to 2.85 units per acre. Many of these proffers, such as the design of the Anderson-Hughes House, the orientation of the town house units, stream restoration guarantees, provisions for energy efficient homes, and the provision of affordable housing have been offered by the applicant in response to staff's recommendations for preserving the character of Norge community and reducing the environmental impacts of the development.

Staff Comments: This proposal meets the intent of the Cluster Overlay District. The applicant has provided meaningful and useable open space, mixed-cost and affordable housing, and is seeking to provide a superior environmental design. Examples of enhanced environmental design associated with this development include the use of low impact development (LID) areas, stream restoration measures for the impaired stream on-site, sustainable building practices, energy efficient homes, and stringent water conservation measures. The provided open space will include parks and recreational activities that allow for usable open space in areas that would have been available for development. Much of this open space is created by using a design layout that features the use of alleys and rear garages.

As suggested in the 2003 Comprehensive Plan, additional densities can be granted to proposals that exceed the minimums required by the Zoning Ordinance and that provide particular public benefits to the County and surrounding communities. Examples from the Comprehensive Plan that are reflected in this proposal are mixed-cost and affordable housing, unusual environmental protections, and open space development design. This developer also proposes to develop the entrance and commercial property on the parcel in a manner that reflects the character of the Norge community.

Buffer Reduction- the applicant is requesting a 5 foot perimeter buffer reduction along two areas as shown on the Master Plan titled "Jennings Way". These reductions from 35 to 30 feet are to accommodate the required right-of-way that is necessary for the access road. To offset the reduction in width the applicant will provide enhanced landscaping that equals at least 133 percent of the County's landscaping Ordinance as required in the Special Use Permit Condition labeled "Buffer Enhancement."

Recommended Special Use Permit Conditions:

1. **Master Plan and Use:** This Special Use Permit shall be valid for the "Jennings Way" Master Plan, and accessory uses thereto. Development of the site shall be generally in accordance with the above referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. **Commencement of Construction:** If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
3. **Buffer Enhancement.** Prior to final site plan approval for any section or phase of this project the applicant shall include enhanced landscaping in the perimeter buffer areas so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen.
4. **Entrance Landscaping.** A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road (Route 60 East) so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen.
5. **Lighting:** Any new exterior site, building, or parking lot lighting for the town home units and the proposed commercial building and parking lot in the B-1 parcel shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely

surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.

6. RPA Buffer. The location of any Resource Protection Area (RPA), RPA buffer, steep slope (i.e., slopes greater than 25 percent in grade) and/or wetland shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. The identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
7. RPA Setback. A 15-foot Principle building setback shall be provided from the limits of all dedicated natural open space and Resource Protection Areas in order limit the potential affects from construction on the existing vegetation due to the installation of foundations and grading operations.
8. Park Land. All trash and debris within the proposed “park land” area and the RPA shall be removed within five (5) working days to provide permanent stabilization. Small scale mechanical equipment (such as a skid steer or small backhoe) may be utilized in this process.
9. Stormwater Attenuation. Due to the condition of the downstream channel and its inability to handle the current drainage volume associated with the runoff of the parcel, it is required that all stormwater runoff from the development parcel shall be routed through the onsite stormwater attenuation facility.
10. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

RECOMMENDATION

Staff finds the Master Plan and proffers are consistent with surrounding development and zoning, and consistent with the Comprehensive Plan. Staff finds that the Zoning Ordinance criteria for the granting of a special use permit with regard to additional density has been satisfactorily met, and that the request for the reduced perimeter buffer has been sufficiently supported by proffers. Therefore, staff recommends approval of the Rezoning, Special Use Permit and buffer reduction request.

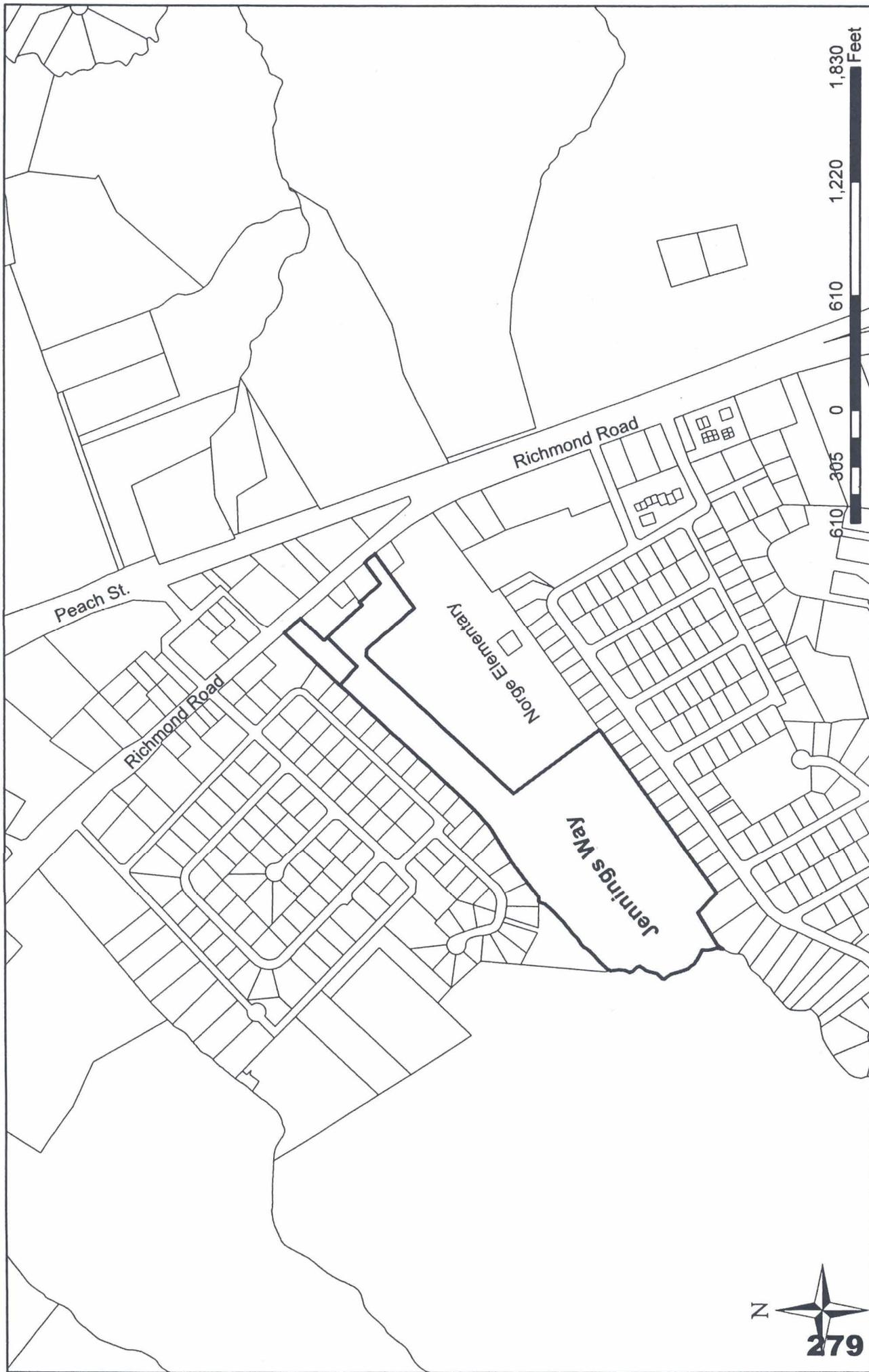
Joel Almqvist
Planner

ATTACHMENTS:

1. Location Map
2. Proffers
3. Perimeter Buffer Reduction Request Letter
4. Traffic Impact Summary
5. Master Plan (under separate cover)

00-219-001-001-02-03/MF-10-03

Jennings Way



PROPOSED PROFFERS

FOR

JENNINGS WAY

FEBRUARY 23, 2006

PROFFERS

THIS PROFFERS are made this _____ day of February, 2006, by Myrtle H. Jennings and Sandra Kay H. Kelley (together with their successors and assigns, the "Owner") and Jay Epstein (Developer).

RECITALS

WHEREAS, Owner is the record title owner of two contiguous tracts or parcels of land located in James City County, Virginia; one with an address of 7375 Richmond Road, Williamsburg, Virginia, and being Tax Parcel 2320100030, the second with an address of 7345 Richmond Road, Williamsburg, Virginia, and being Tax Parcel 2320100030A (together, the "Property").

WHEREAS, Jay Epstein, and/or assigns (Developer), has contracted to purchase the property conditioned upon a rezoning and special use permit in accordance with developer plans and specifications.

WHEREAS, the property is designated Low Density Residential on the County's Comprehensive Land Use Plan and is now zoned B-1 and R-2. Owner and Developer have applied to rezone the Property to B-1 and R-2, with proffers and for a special use permit for a residential cluster development.

WHEREAS, the Owner and Developer desire to offer to the County certain conditions on the development of the Property upon rezoning not generally applicable to land rezoned B-1 and R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested development plans and conditional approval, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees

that it shall meet and comply with all of the following conditions in developing the Property. If the requested application and conditions are not granted by the County, these proposals shall be null and void.

PROFFERED CONDITIONS

1. Master Plan. The Property shall be subdivided and developed generally as shown on the Master Plan dated December 27, 2005, with only minor changes thereto that the Development Review Committee determines, which do not change the basic concept or character of the development.

2. Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with the conditions and application. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management, BMPs, recreation areas, private road and parking areas ("Reserve"), and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. Owner shall maintain all common areas on the Property until 90% of the lots/units on the Property have been sold to minimize Association dues during that period so as to not adversely affect purchaser's ability to

qualify for a home mortgage. At the time Owner's maintenance obligation under this Section ends, there shall be at least \$11,205.00 in the Reserve and Owner shall supply evidence of the mechanism to secure the same to the Planning Director prior to final subdivision approval.

3. Water Conservation. Water conservation standards shall be submitted to and approved by the James City Service Authority and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as prohibitions on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final site plan or subdivision approval.

4. Affordable Housing. A minimum of 5 of the lots with townhouse dwelling units shall be reserved and offered for sale at a net sales price to buyer at or below \$135,000 subject to adjustment as set forth herein (hereinafter referred to as "submarket affordable housing units"). James City County Housing may be assigned a second deed of trust for the difference of the appraised value of the townhouse, which shall be prepared for review prior to closing and assigned at the time of closing, utilizing appropriate approved procedures and identifying the net sales price paid by the purchaser of the Townhouse for the 5 townhouses sold through James City County for \$135,000 or less. The second deed of trust will be prepared by the Owner as a 15 year forgivable loan in a form approved by Housing and Community Development, the County Attorney, and Virginia Housing Development Authority. A minimum of 5 of the lots with townhouse dwelling units shall be reserved and offered for sale at a price at or below \$160,000

subject to adjustment as set forth herein (hereinafter referred to as “Restricted Units”). The maximum prices set forth herein shall be adjusted annually, or January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index – Urban, U.S. City Average annual average change for the period from January 1, 2007 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis.

5. Sidewalk Connections. There shall be two sidewalk connections from the internal sidewalks in the development to the sidewalk adjacent to Route 60 generally as shown on the Master Plan. Sidewalks may be installed in phases as residential units are constructed. Sidewalks shall be installed or bonded in form satisfactory to the County Attorney prior to final subdivision plat approval.

6. Pedestrian Trail. There shall be a soft surface walking trail at least six feet in width installed on the Property generally in the locations shown on the Master Plan. The final design and location of the trail shall be subject to approval by the Director of Planning. The trail shall either be installed or bonded in form satisfactory to the County Attorney prior to final subdivision plat approval.

7. Architectural Elevations. The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the revised Proposed Typical Elevations for Jennings Way dated December 24, 2005, as determined by the Director of Planning.

8. Cash Contributions for Community Impacts.

(a) A contribution of \$1,275 for each Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the property, including, without limitation, for school use.

(b) A contribution of \$425 for each Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including without limitation, for emergency services, school uses, off-site road improvements, library uses, and public use sites.

(c) A contribution of \$4,011 for each dwelling unit other than an Affordable Unit or Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the property, including, without limitation, for school use.

(d) A contribution of \$1,000 for each dwelling unit other than an Affordable Unit or Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital

improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, school uses, off-site road improvements, future water needs, library uses, and public use sites. No contributions shall be required for the submarket affordable housing units.

(e) A contribution of \$1,093 for each dwelling unit other than an Affordable Unit or Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County or the James City Service Authority may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development of the Property, including without limitation for water system improvements.

(f) The contributions described above, unless otherwise specified, shall be payable at the time of recordation of the subdivision plat for such unit.

(g) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Marshall and Swift Build Costs Index (the "Index") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (e) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the year preceding the calendar year most

currently expired. In the event a substantial change is made in the method of establishing the Index, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing 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 Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

9. **Sewer Improvements.** A contribution shall be made to James City Service Authority to offset James City Service Authority's direct costs associated with the construction of the Colonial Heritage Pump Station and Sewer System Improvements in the amount of \$34,425.00 to be paid at the time of final subdivision plat approval.

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

11. **Energy Efficient Homes.** All the town homes and single-family homes shall be certified by a HERS rater to meet or exceed the Energy Star Certification. A

HERS rating is an evaluation of the energy efficiency of a home, compared to a computer-simulated reference house of identical size and shape as the rated home that meets minimum requirements of the Model Energy Code (MEC). The HERS rating results in a score between 0 and 100; with the reference house assigned a score of 80. From this point, each 5% reduction in energy usage (compared to the reference house) results in a one point increase in the HERS score. Thus, an ENERGY STAR qualified new home, required to be significantly more energy-efficient than the reference house, must achieve a HERS score of at least 86.

12. Recreation. (a) The following recreational facilities shall be provided: (i) approximately 1.64 acres of parkland shown on the Master Plan; (ii) one playground (tot lot) with playground equipment for four to six activities; (iii) one paved tether ball court; and (iv) approximately 0.55 miles of trails/paths. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

(b) There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 8(f) or some combination thereof. All cash contributions proffered by this Proffer 12 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby

and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

(c) The recreational facilities proffered under this Section shall be installed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue more than 20 certificates of occupancy for dwelling units on the Property.

13. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase 1, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All

approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

14. Streetscape Improvements. The owner shall provide and install streetscape improvements along both sides of all streets in accordance with the applicable provisions of the County's Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and submitted for approval to the Director of Planning.

15. Anderson – Hughes House. The Anderson – Hughes House located on the portion of the Property zoned B-1 shall be retained in a manner that preserves the existing residential appearance of the building.

16. Townhouses. The townhouses shown on the Master Plan shall be oriented to present the front façade to Richmond Road and an internal sidewalk shall be located in front of the buildings generally as shown on the Master Plan.

17. Water and Sewer Master Plan. A water and sewer master plan for the Property shall be submitted to and approved by the James City Service Authority prior to the County being obligated to grant final subdivision plat approval.

18. Entrance Configuration. The entrance into the Property shall be configured with one ingress lane and two egress lanes (a shared through/left turn lane and a dedicated right turn lane) and the entrance shall have an increased radius of approximately 50 feet.

19. Stream Restoration Prior to issuance of any land disturbance permit on the property, the Owner shall have a stream restoration plan prepared to meet the guidelines established to perform stream restoration and channel stabilization based on the "Yarmouth Final Watershed Plan" for the entire length of the degraded perennial and

intermittent stream that passes across the Property. The Stream Restoration Plan shall be submitted to the Environmental Director for his review and approval. Prior to issuance of a final subdivision plat, the owner shall : (1) implement and complete all actions contemplated in the Stream Restoration Plan, or (2) submit a letter of credit to the county in an amount determined by the Environmental Director necessary to complete all actions contemplated in the Stream Restoration Plan, or (3) shall pay to the county a cash contribution in the amount of \$100,000 in order to mitigate impacts on the County from the physical development and operation of the Property.

WITNESS the following signatures:

OWNER:

By: Myrtle H. Jennings
Myrtle H. Jennings

OWNER:

By: Sandra Kay H. Kelley
Sandra Kay H. Kelley

DEVELOPER:

By: Jay Epstein
Jay Epstein

Commonwealth of Virginia
CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged this 3rd day of Feb., 2006, by Myrtle H. Jennings.

Julia B. Davis
NOTARY PUBLIC

My commission expires: 2/28/06

Commonwealth of Virginia
CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged thi day of Feb, 2006, by Sandra Kay H. Kelley.

Julia B Davis
NOTARY PUBLIC

My commission expires: 2/28/06

Commonwealth of Virginia
CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged this 23rd day of Feb, 2006, by Jay Epstein.

Julia B Davis
NOTARY PUBLIC

My commission expires: 2/28/06

(367733)



5248 Olde Towne Road, Suite 1, Williamsburg, VA 23188
614 Moorefield Park Drive, Richmond, VA 23236
P.O. Box 1596, Gloucester, VA 23061

(757) 253-0040
(804) 330-8040
(804) 693-4450
www.aesva.com

January 4, 2006

Mr. Marvin Sowers
Director of Planning
James City County Planning
101-A Mounts Bay Road
Williamsburg, VA 23185

**RE: Buffer Reduction Waiver Request for Jennings Way
AES Job # 9609**

Dear Mr. Sowers,

A Special Use Permit and Master Plan Application were filed with the County on December 27, 2005 for Jennings Way, a residential cluster community which will include a small commercial component on land currently zoned B-1. AES Consulting Engineers respectfully requests a waiver to Sec. 24-544 (a),(b) for Perimeter and Right of Way Buffers at Jennings Way.

The Master Plan identifies four areas where this waiver is requested and an exhibit is provided with this letter. The first two locations are at the entrance location currently shown on the Master Plan. AES is requesting a modification to the 50' building setback along the B-1 frontage with Richmond Road. This portion of the site is being retained as B-1 and the existing house is being relocated to the front of the property with parking tucked behind it in keeping with criteria outlined in the Norge Community Character section of the Comprehensive Plan.

The second waiver request is along the side lines of the B-1 parcel. We are requesting to establish perimeter setbacks per the B-1 section of the ordinance. The 35' perimeter buffer required within residential clusters would negate any ability to develop the B-1 portion in a way that would contribute to Community Character. A 35' buffer will be maintained between the B-1 parcel and the residential area and is illustrated on the master plan.

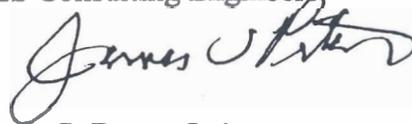
Two additional buffer reductions are requested along the access road adjacent to the Norge Elementary School. These reductions are illustrated on the Master and Illustrative plans and the accompanying exhibit. A 5' buffer reduction along with VDOT approved reductions in right-of-way width will allow this access to occur along with the 13 lots shown on the plans. The road has purposefully been adjusted to make room for lots on both sides of the right-of-way to reduce the negative impact of one, long, straight road into the development. The two areas account for a reduction in buffer area of 4,637 S.F. The master plan also shows that weaving the road through this narrow section of the property creates one larger open space adjacent to the school totaling 13,500 S.F. The areas along the school property line adjacent to Jennings Way are generally higher in elevation than the elevations proposed in Jennings Way. These elevation

January 4, 2006
Mr. Marvin Sowers
Page 2 of 2

differences are accentuated in several areas by berms on the school property. The two properties are further divided and buffered by existing fencing and landscaping along the shared property lines. With enhanced landscaping to achieve 125% of County requirements, Section 24-544(b) (3) can be satisfied, if not exceeded. Supplementary photographs have been supplied with the Special Use and Master Plan applications which illustrate the existing conditions along Jennings Way's shared property line with Norge Elementary School.

AES believes that each of the buffer modifications requested will not only enhance the project but will serve to further enhance the Norge Community Character. We ask that you consider in favor of these waiver requests and pass along your recommendation for approval to the Planning Commission.

Sincerely,
AES Consulting Engineers



James S. Peters, L.A.
Project Manager
jpeters@aesva.com

Enclosure

S:\Jobs\9609\Planning\Document\960900.L01.BufferReductionWaiver-naj1.doc

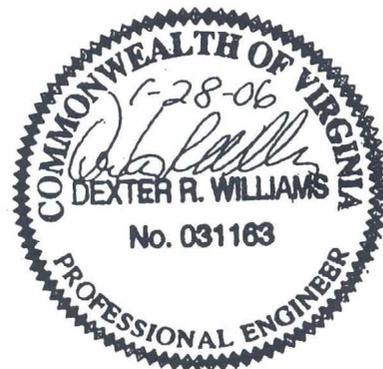
Traffic Analysis For Jennings Way

JAMES CITY COUNTY, VIRGINIA

For:
Health E Community Enterprises of Virginia

By:
DRW Consultants, LLC
Midlothian, VA

January 28, 2006



INTRODUCTION

Health E Community Enterprises of Virginia plans to develop Jennings Way in the Norge community of James City County. The Jennings Way location in the Williamsburg area is shown on Exhibit 1.

The Jennings Way site location is shown on Exhibit 2 (preliminary site plan prepared by AES). Jennings Way is located on the south side of Rt. 60, Richmond Road between Norge Elementary School and Kristriansand subdivision on the east and Farmville Estates subdivision on the west. There is a traffic signal on Rt. 60 at the Norge Elementary School intersection.

This traffic study has been prepared to address the relative effects of Jennings Way on traffic in the area as well the operation of the proposed site access on Rt. 60. The signalized intersection at Rt. 60/Norge Elementary School is addressed in this study as the measurement of off-site traffic impact of Jennings Way.

EXISTING PEAK HOUR TRAFFIC

Turning movement counts were conducted on Rt. 60 Richmond Road at Norge Elementary School. The counts were conducted from 7 to 9 AM on Wednesday, January 11, 2006 and from 4 to 6 PM on Tuesday, January 10, 2006. The tabulated count results are shown on the Appendix Exhibit A series.

Turning movement counts also were conducted on Rt. 60 Richmond Road at Riverside Dialysis, which is located on the north side of Rt. 60 across from Jennings Way. The tabulated count results for January 10 and 11 are shown on the Appendix Exhibit B series.

Peak hour turning movement counts for the two intersections are shown on Appendix Exhibit C (without balance). Peak hour counts between the two intersections with balance are shown on Exhibit 3.

Queuing of eastbound Richmond Road traffic at the traffic signal at Norge Elementary School was also recorded on January 10 and 11. Recorded queues (relative to physical features at 100, 250 and 386 feet from the eastbound stop bar) are shown Appendix E1 through E3. Eastbound red time and percentile queues are presented on Appendix Exhibit E4.

Rt. 60 Richmond Road in this area is a four lane road with a continuous center turn lane. There are no right turn lanes or tapers between Farmville Estates on the west and Norge Elementary School on the east.

At the Rt.60/Norge Elementary School traffic signal, there are no signal heads for the Shell station driveway at the signal. Therefore, traffic level of service (LOS) calculations at the Rt. 60 Richmond Road/Norge Elementary School intersection are for the eastbound, westbound and northbound approaches that have signal control. LOS calculations using Highway Capacity Software + (HCS+) are shown in the Appendix Exhibit G series.

The average cycle length for the existing AM peak hour is 75 seconds with an average eastbound phase of 57 seconds. The average cycle length for the PM peak hour is 90 seconds with an average eastbound phase of 73 seconds. Because the minimum phase length for the westbound left is 10 seconds and the northbound approach is 12 seconds, the eastbound phase length for LOS calculations is 53 seconds for the AM peak hour and 68 seconds for the PM peak hour.

At the Rt.60/Norge Elementary School traffic signal in the 2006 AM peak hour, there is LOS C or better for all turning movements and LOS A for the overall intersection (see Appendix Exhibit G1 for LOS calculations). The calculated 95th percentile eastbound queue is 7.5 cars (187.5 feet) which is approximately the same as the observed 175, foot 95th percentile queue in the AM peak hour.

At the Rt.60/Norge Elementary School traffic signal in the 2006 PM peak hour, there is LOS D or better for all turning movements and LOS A for the overall intersection (see Appendix

Exhibit G2 for LOS calculations). The calculated 95th percentile eastbound queue is 7 cars (175 feet) which is approximately the same as the observed 162 foot, 97th percentile queue in the PM peak hour.

FORECAST BACKGROUND TRAFFIC

Exhibit 4 shows daily traffic counts on Rt. 60 Richmond Road published by JCC for 2000 to 2005 and the resulting trend forecasts to 2011 using linear regression analysis. There is a 1.04 growth factor from 2006 to 2011 for this section of Richmond Road (from Croaker Road to Lightfoot Road) based on the daily counts. There is a 1.13 growth factor from 2006 to 2011 for the section of Richmond Road east of based on the daily counts.

Exhibit 6 shows 2011 background traffic using a growth factor of 1.15 (an average annual increase of 3%).

At the Rt.60/Norge Elementary School traffic signal for the 2011 AM peak hour background traffic, there is LOS C or better for all turning movements and LOS A for the overall intersection (see Appendix Exhibit G3 for LOS calculations). The calculated 95th percentile eastbound queue is 9 cars (225 feet).

At the Rt.60/Norge Elementary School traffic signal for the 2011 PM peak hour background traffic, there is LOS D or better for all turning movements and LOS A for the overall intersection (see Appendix Exhibit G4 for LOS calculations). The calculated 95th percentile eastbound queue is 8.3 cars (208 feet).

JENNINGS WAY TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

Trip generation for Jennings Way is developed using Trip Generation, 7th Edition (TG7) published by the Institute of Transportation Engineers (ITE). Table 1 on Exhibit 6 shows peak hour site trip generation for the 75 single family detached units, 8 condo/townhouse units and 2,880 square feet of office space planned for the Jennings Way. Trip generation in Table 1 is in accordance with previous comments from VDOT.

Trip distribution in Table 2 on Exhibit 6 is based on existing trip distribution for traffic on Farmville Lane at Rt. 60 (see Appendix Exhibit D for PM peak hour counts).

Trip assignment for Jennings Way is shown on Exhibit 7.

2011 TOTAL PEAK HOUR TRAFFIC AND ANALYSIS

Exhibit 8 shows the 2011 AM and PM total traffic forecast with the Jennings Way development.

At the Rt.60/Norge Elementary School traffic signal for 2011 AM peak hour total traffic, there is LOS C or better for all turning movements and LOS A for the overall intersection (see Appendix Exhibit G6 for LOS calculations). The calculated 95th percentile eastbound queue is 9.4 cars (235 feet).

At the Rt.60/Norge Elementary School traffic signal for 2011 PM peak hour background traffic, there is LOS D or better for all turning movements and LOS A for the overall intersection (see Appendix Exhibit G4 for LOS calculations). The calculated 95th percentile eastbound queue is 8.6 cars (215 feet).

The proposed Jennings Way access to Rt. 60 is approximately 700 feet from the Rt.60/Norge Elementary School traffic signal. This location is well outside of the eastbound queue on Rt. 60 at the Rt.60/Norge Elementary School traffic signal for existing and forecast traffic.

There is a two way left turn lane on Rt. 60 that accommodates westbound left turns into Jennings Way. Appendix Exhibit F shows right lane warrants for eastbound Rt. 60 at Jennings Way. A right turn taper is warranted for 2011 total PM peak hour traffic.

The Riverside Dialysis driveway across from Jennings Way had very little traffic at the time of the counts. For purposes of unsignalized LOS calculation at the Rt. 60/Jennings Way

access, the left and right turning movements for the Riverside Dialysis driveway have been increased to 10 vehicles for the 2011 AM and PM peak hours.

Appendix Exhibit H1 shows unsignalized LOS at the Rt. 60/Jennings Way/Riverside Dialysis driveway in the 2011 AM peak hour. There is LOS C or better for all turning movements. Appendix Exhibit H2 shows unsignalized LOS at the Rt. 60/Jennings Way/Riverside Dialysis driveway in the 2011 PM peak hour. There is LOS C or better for all turning movements.

SUMMARY AND CONCLUSIONS

The following table shows LOS results at the Rt.60/Norge Elementary School traffic signal:

TABLE ONE
SIGNALIZED INTERSECTION LOS AT
RT. 60 RICHMOND ROAD/NORGE ELEMENTARY SCHOOL

CONDITION	AM PEAK HOUR LOS					
	Overall	EB Thru/Right	WB Left	WB Thru	NB Left	NB Right
2006 Existing	A - 5.8	A - 5.4	C - 33.0	A - 1.8	C - 29.5	C - 21.3
2011 Background	A - 6.0	A - 5.6	C - 33.4	A - 1.8	C - 29.5	C - 21.3
Total 2011	A - 6.0	A - 5.7	C - 33.4	A - 1.8	C - 29.5	C - 21.3
CONDITION	PM PEAK HOUR LOS					
	Overall	EB Thru	WB Left	WB Thru	NB Left	NB Right
2006 Existing	A - 4.6	A - 4.4	D - 39.7	A - 1.7	D - 36.8	C - 29.1
2011 Background	A - 4.7	A - 4.6	D - 40.0	A - 1.8	D - 36.9	C - 29.3
Total 2011	A - 4.7	A - 4.6	D - 40.0	A - 1.9	D - 36.9	C - 29.3

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

Jennings Way traffic does not change LOS at the Rt.60/Norge Elementary School traffic signal within the nearest one-tenth of a second delay for the overall intersection. Traffic at the Jennings Way access will have LOS C or better for turning movements at a location outside of the eastbound queue on Rt. 60 at the Norge Elementary School traffic signal.

PLANNING DIRECTOR'S REPORT
March 2006

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

- Rural Lands Study. Throughout the month of February, the Rural Lands Committee continued its efforts to review the policies and ordinances for residential development in the rural lands. In particular, the committee worked on two homework assignments and held one committee meeting, all designed to help the committee draw conclusions on the various options and techniques. The committee will reconvene on **March 8 at 4:30 p.m.** at the library on Croaker Road to discuss their draft recommendations. Another meeting is scheduled for **March 22 at 4:30 p.m.** at the library on Croaker Road to vote on the draft report. Citizens are invited to attend the meetings and to follow the progress of the committee at www.jccgov.com.
- Toano Community Character Area Study— The design guidelines were presented to the Board of Supervisors at the February 14, 2006 meeting. Fred Boelt made a presentation on behalf of the steering committee, and Eric Wright gave a presentation for the Renaissance Planning Group. The Board of Supervisors unanimously approved the plan, after their suggested changes were adopted as a part of an errata sheet they were incorporated to the design guidelines. Staff received the final version of the adopted guidelines and has recently posted them on the James City County website. Plans for publishing final documents are under way.
- Election of Officers. Under its bylaws, the annual election of officers was held at the Planning Commission's February 6 meeting. Jack Fraley was elected Chairman and Jim Kennedy was elected Vice Chairman. Chairman Fraley tapped Mr. Kennedy to lead the DRC and Mr. Billups to continue leading the Policy Committee.
- Settlers Market Work Session. The Planning Commission held a work session on February 9 on the proposed master plan and rezoning for the Settlers Market/Section 9 mixed use area in New Town. Commissioners raised a number of issues for consideration by the developer and staff.
- Capital Improvements Program. The Policy Committee held its second, third and fourth meetings to discuss the 2007 CIP requests in early and mid-February. At the second and third meetings, the Policy Committee heard presentations from, and asked questions of, representatives of the Fire Department, JCSA, Schools, Police Department and Parks and Recreation regarding the CIP requests that these Departments had submitted. At the fourth meeting, the Policy Committee considered the project priority rankings presented by staff and, after thorough discussion of the projects and their relationship to the Comprehensive Plan, made several adjustments to the rankings sheet. The Committee's CIP rankings will be presented at the March 6 Planning Commission and to the Board of Supervisors on April 25.
- New Town Design Review Board. The Board reviewed six projects at its February meeting. New projects included a restaurant and an apartment development.
- Builder's Roundtable. At the Peninsula Home Builder's Association's February 24 Roundtable meeting, staff introduced Development Management's upcoming project to implement the recommendations of the Site Planning Roundtable. Future meetings will be scheduled in the future with other stakeholders.
- Planning Commissioner Training. Three Commissioners will be attending the Virginia Certified Planning Commissioner's Program in March including Jack Fraley, Shereen Hughes and Tony Obadal. During February, staff and its traffic consultant conducted

transportation training for Commissioners. An environmental training program will be scheduled in early spring.

- Staff Training. At end of March, all planners on staff will be attending at least two days of the Virginia Planning Association's Annual Conference which will be held in Portsmouth. Staff has embarked on a special ongoing monthly internal training program. Thus far we have received short training sessions with Joe Basilone of Codes Compliance in November; by Sandra Barner of Economic Development in December; by Melinda Sikora and Richard Sebastain in January; and, by John Black of the JCC Fire Department in February.

O. Marvin Sowers, Jr.