

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

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
  - A. July 10, 2006 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC) Report
  - B. Policy Committee
  - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
  - A. SUP-18-06 Stuckey's Redevelopment 19
  - B. Z-2-06/MP-3-06/SUP-19-06 Mason Park
  - C. Z-3-06/MP-4-06/SUP-21-06 Pleasant Hill Station
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 TENTH DAY OF JULY, TWO-THOUSAND AND SIX, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Don Hunt  
Mary Jones  
Tony Obadal  
Jack Fraley  
Shereen Hughes  
Jim Kennedy

STAFF PRESENT

Marvin Sowers, Planning Director  
Adam Kinsman, Assistant County Attorney  
Jenny Lyttle, Assistant County Attorney  
Ellen Cook, Senior Planner  
Jason Purse, Planner  
Christy Parrish, Administrative Services Coordinator

ABSENT

George Billups

2. PUBLIC COMMENT

Mr. Fraley invited members of the public to address the Planning Commission.

Mr. John Firth, III, 6777 Golf Club Road, Gloucester Va., stated he was speaking on behalf of his father. He commented on his concern of the tax increase his father has received since 1999. The land is mostly marsh land and used for hunting and recreation. He and his father will be attending the July 11, 2006 Board of Supervisors meeting to air this concern.

3. MINUTES

June 5, 2006 Regular Meeting

Mr. Sowers stated that staff inadvertently left out the meeting adjournment time of 11:00 p.m. from the minutes and asked the Board to note the change in their motion.

Mr. Kennedy motioned to approve the amended minutes.

Mr. Obadal seconded the minutes.

In a unanimous voice vote the amended minutes of the June 5, 2006 meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Kennedy stated the Development Review Committee meet July 5, 2006 and all members were present. The Committee heard two cases:

C-61-06 New Town - Town Center Parking Overview- Committee discussed many issues

such as the County building and the impact because it does not have a designated parking area, offsite issues, parking studies, questions pertaining to evening parking, overflow and other traffic related issues. An agreement was made to meet in February, 2007 and discuss Section 11 parking. Currently, Section 11 has been put aside for future parking needs. With data from the holiday season, discussions will be made at that time concerning whether or not this section can be released for development or not.

S-59-06 Peleg's Point Section 6 -Mr. Eric DuBois of A.D. Potts & Associates requested an indefinite deferral. The Committee granted the request and discussed issues concerning the development.

Mr. Obadal motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the Development Review Committee report was approved. (6-0). AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

#### B. Policy Committee

Ms. Jones reported that all the members were in attendance at the July 6, 2006 meeting with the exception of Mr. Billups. The Policy Committee met to begin discussing possible changes to the residential districts of the Zoning Ordinance. The Policy Committee will study and recommend specific changes to the residential ordinance that make direct reference to the Comprehensive Plan. Supporting documents will also include the Chesapeake Bay Ordinance, Planning Commission suggestions for new residential development, better site design, special storm water criteria and the Powhatan Creek Watershed Management Plan. The main objective of the first meeting was primarily to highlight topics for study and translate those into action items for Policy Committee Members and staff.

Ms. Jones thanked Mr. Fraley, who is not a Policy Committee member, for his attendance and input as well as staff and citizens. The Policy Committee encourages any members of the Planning Commission not serving on the Policy Committee and the public to communicate any questions, concerns, and/or suggestions they may have throughout the process. The next Policy Committee meeting is scheduled July 27, 2006 at 10:00 a.m.

Mr. Obadal suggested that the Yarmouth Creek Watershed Plan be included in the list of supporting documents.

#### 5. PUBLIC HEARINGS

A. Z-2-06/MP-3-06/ SUP-19-06 Mason Park

B. Z-3-06/MP-4-06/SUP-21-06 Pleasant Hill Station

Mr. Fraley stated that the applicants have requested a deferral.

Mr. Sowers stated that staff concurs with the requests.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearings were continued.

C. 2006 Agricultural and Forestal District (AFD) Renewals

1. AFD-2-86 Croaker
2. AFD-3-86 Hill Pleasant Farm
3. AFD-5-86 Barnes Swamp
4. AFD-6-86 Cranston's Pond
5. AFD-7-86 Mill Creek
6. AFD-9-86 Gordon Creek
7. AFD-6-86 Christenson's Corner
8. AFD-11-86 Yarmouth Island
9. AFD-12-86 Gospel Spreading Church

Mr. Jason Purse presented the staff report stating currently 9 of the 14 Agricultural and Forestal Districts are up for renewal. Mandated by State Code, at the end of each District's term length a public hearing must be held to re-establish the districts for an additional term. This renewal period allows landowners to continue participating in the program, or allows them to withdraw all or some of their parcels. Property owners removing their land are subject to 5 years of roll-back taxes however, if the land-use of their parcel is not a qualifying forestal or agricultural use. At all other times, withdrawals must be approved by the Board of Supervisors, which has established withdrawal policies.

Staff is making an effort to synchronize the district's renewal times, and thus have suggested renewal of these 9 districts at a term length of 4 years and 3 months in order to put them on the same time frame as a majority of the other districts.

Staff reviewed all of the districts individually, and presented them both individually and in summary form in the Planning Commission packet. Staff found that overall, before the renewal period the combined size of the districts was approximately 18,080 acres. All of the subsequent additions and withdrawals totaled 755.36 acres, leaving the total acreage in an AFD at 17,354.

Based on the information available to staff at this time, staff recommends that the Planning Commission recommend renewal of all 9 districts at a term length of 4 years and 3 months with their attached conditions.

On June 27, 2006 the AFD Advisory Committee recommended approval by a vote of 8-0.

Mr. Hunt stated that he would like to recuse himself from the vote on AFD-3-86 Hill Pleasant Farm but would participate in the vote for all others.

Mr. Fraley opened the public hearing.

Ms. Vivian Morgan, 156 Bush Spring Road, spoke on behalf of the residents of the Bush Springs Road community in reference to case number AFD-6-86 Cranston's Pond. The residents would like to see 268, 275, 282, 290, 291 and 308 Bush Springs Road and all other properties included in this case remain as in the AFD and undeveloped. The residents believe these properties should not be developed into any type of housing subdivision, project or any other type of huge

development.

Hearing no other requests the public hearing was closed.

Mr. Fraley separated item number two (AFD-3-86 Hill Pleasant Farm) and called for action on the case individually.

Mr. Kennedy motioned to approve item number two (ADF-3-86 Hill Pleasant Farm).

Mr. Obadal seconded the motion.

In a roll call vote the application and attached conditions were recommended for approval (5-0). AYE: Jones, Hughes, Kennedy, Obadal, Fraley (5); NAY (0). (Hunt abstain; Billups absent)

Mr. Fraley called for discussion on the remaining AFD applications.

Ms. Hughes commented that Ms. Morgan spoke against the withdrawal of the six Marston properties within AFD-6-86 Cranston's Pond.

Mr. Purse explained that as part of the renewal process an owner is allowed to withdraw their property and if they were to develop the properties in a non-qualifying agricultural and forestal use they will be subject to a five year roll back tax penalty. Staff was not given a development plan for these parcels at this time.

Mr. Fraley commented that the Planning Commission could not deny someone the right to withdraw their property from the AFD.

Mr. Purse stated that was correct.

Mr. Sowers stated that this was a voluntary program.

Mr. Obadal stated that the withdrawal does not give the owner of the property the right to develop the property other than what is specified in the zoning ordinance covering this land.

Mr. Purse stated that was correct.

Mr. Kennedy motioned to approve items: (1)AFD-2-86 Croaker; (3)AFD-5-86 Barnes Swamp; (4)AFD-6-86 Cranston's Pond; (5)AFD-7-86 Mill Creek; (6)AFD-9-86 Gordon Creek; (7) AFD-6-86 Christenson's Corner; (8) AFD-11-86 Yarmouth Island; (9) AFD-12-86 Gospel Spreading Church.

Ms. Jones seconded the motion.

In a unanimous roll call vote the applications and attached conditions were recommended for approval (6-0). AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

#### D. SUP-20-06 Wythe-Will Commercial Expansion

Ms. Ellen Cook presented the staff report stating that Mr. Bill LaVancher has applied to change the uses in the existing Wythe Will Candy Company structure to office, skateboard park and mini-storage; no new building square footage is proposed. The site is currently split zoned B-1, General Business, and A-1, General Agricultural, with the structure entirely within the B-1 designation. The current special use permit (SUP) is being triggered by the commercial SUP provisions in the Zoning Ordinance. Prior to triggering this commercial SUP, the owner had submitted, and received approval of, several site plans for improvements to the site.

This parcel is located in the Yarmouth Creek Watershed. As part of this SUP, staff has recommended that the existing detention pond be upgraded. Upgrading this detention pond is

consistent with the goals of the Yarmouth Creek Watershed Master Plan.

Staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. The uses proposed fit within those suggested for the Lightfoot Mixed Use area. The skateboard park portion of the structure will offer services to youth within the County as encouraged by the Comprehensive Plan. A condition on the SUP provides for upgrading the detention pond which fits in with the goals of the Yarmouth Creek Watershed Management Plan.

While additional traffic generation on Richmond Road is a concern, as indicated by the “Watch” designation in the Comprehensive Plan, the proposal does not alter the existing exit/entrance situation and provides for the potential for improvement by reserving areas for future connections to adjacent parcels. Finally, staff finds that even though the proposal would not be judged compliant with current standards for landscaping and site design along a Community Character Corridor, various improvements advanced by the applicant (such as the façade) and by the SUP conditions will make the site more compliant than it is currently.

Staff also noted that since the staff report was distributed, the property owner has worked with the County Attorney’s office to sign an agreement to remove the billboard on this property. This action will significantly benefit the Richmond Road Community Character Corridor and is supported by Action 26 of the Community Character Corridor section of the Comprehensive Plan. Note that this action by the property owner is entirely voluntary and is not contingent upon the SUP.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believed the attached conditions would adequately mitigate impacts from this development. Staff recommended that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached conditions.

Mr. Hunt asked about the location of the retention pond and then stated that he was aware that there is a high volume of water that runs through that area.

Mr. Obadal asked what types of additional controls would be installed to control water runoff from this site.

Ms. Cook stated that an additional evaluation of the pond in back is needed. The Noland property, which is currently being developed, is putting in various controls on their site which will likely reduce drainage to their property. It is possible that the current pond will meet current standards. However, if the evaluation shows that the pond is not handling to current standards, there possibly will be a change in the orifice or enlarging the BMP to some extent.

Mr. Obadal asked what was meant by the project being generally in compliance with the Comprehensive Plan.

Ms. Cook stated that because this project is an existing site it does not meet some of the current standards (i.e. buffer) normally seen on a new plan of development. However, there are many areas where this project is in compliance with the Comprehensive Plan.

Mr. Obadal asked what was currently under construction around the site.

Ms. Cook pointed out Colonial Heritage and the Noland property.

Mr. Obadal asked whether there were any conditions requiring the applicant to screen the site from the adjacent property.

Ms. Cook stated the owners have already striped the parking lot and planted some landscaping in the rear of the property as part of a site plan prior to SUP application. She also noted that the Noland property has a required buffer as part of their master plan.

Mr. Obadal asked if they were going to place additional plantings between the two properties.

Ms. Cook stated there was currently no SUP condition concerning additional plantings between the two properties; however, she would defer the question to the applicant.

Mr. Obadal asked where the skateboard park area was located.

Ms. Cook stated the skateboard park would be entirely within the structure with the mini-storage further to the rear.

Mr. Obadal asked if the mini-storage entrance would also be located in the rear of the building.

Ms. Cook replied yes.

Mr. Obadal asked how staff determined the necessary parking on this site and if there was a provision in the Zoning Ordinance that states one parking space is needed for every so many square feet for a skateboard park.

Ms. Cook stated there was not a specific provision in the Zoning Ordinance and it falls under the Planning Director's determination. The determination was based on two skateboarders per car and the maximum occupancy for the skateboard park which is 50 skateboarders.

Mr. Obadal asked if staff drew any parallels to other types of uses in the parking section of the Ordinance.

Ms. Cook stated staff questioned whether there were any other similar facilities that the applicant could do a comparison with; however, there were not many facilities available within the County other than an outdoor skateboard park. She added that staff felt that the parking determination was a reasonable measure which fell under the Planning Direction's determination.

Mr. Sowers stated that staff generally looks and tries to find comparable uses in the area with assistance from the applicant. Not being able to find a similar facility, staff would refer to similar uses as well as the maximum occupancy and national standards.

Ms. Cook added that the site appears to have more than 30 additional parking spaces than what is required.

Mr. Obadal asked for clarity concerning parking determinations as it pertains to the other uses on the site.

Ms. Cook stated the site has 190 parking spaces and staff determined that 158 parking spaces are needed with all uses fully occupied.

Ms. Hughes asked if there was also going to be an outdoor skateboard park adjacent to the front parking lot.

Ms. Cook stated no and that area was a BMP in conjunction with the front parking area which will be landscaped.

Mr. Fraley asked if it would be accurate to state that this project is non-compliant with the current standards for Community Character.

Ms. Cook stated yes in terms of the buffer requirement recommended by the Comprehensive Plan.

Mr. Fraley asked Ms. Cook to comment on the beautification of this project that was expected.

Ms. Cook stated there were several items: (1) removal of the existing billboard which is not part of the SUP; (2) a condition of the SUP stated that this site will be landscaped in accordance with the Ordinance; and (3) ornamental bushes or shade trees are required to be planted in the middle landscape island.

Mr. Fraley commented that the applicant for the Prime Outlets case requested relief from landscape requirements which was not granted and wants to insure staff is consistent in how these items are approached and that the same kind of landscaping anticipated is similar to what Prime Outlets was required to install.

Mr. Sowers stated that the condition before the Commission allows staff to go beyond the Zoning Ordinance with the Planning Director's approval.

Mr. Hunt commented that the original Massie property and Pottery property are open fields and the transition to an intensely landscaped frontage is not typical in that area.

Mr. Fraley asked staff to point out where the mini-storage units were to be located and confirmed that the amount of storage units was unknown at this time.

Mr. Sowers stated that this building was over the square footage threshold and the DRC would review the site plan. He also noted that the parking ordinance would also limit the amount of units created.

Mr. Fraley asked if it was common for a plan to be reviewed without the number of the mini-storage units specified.

Mr. Sowers stated that the number of units is necessary during the site plan stage so that the parking requirements can be established.

Mr. Fraley noted that B-1 was the only zoning district which did not include a screening requirement from adjacent properties.

Mr. Sowers stated it could be an oversight when the Ordinance was written.

Mr. Fraley stated his concern about screening and neglected uses within the warehouse.

Mr. Obadal discussed his safety concerns with the skateboard park sharing the same parking lot with the mini-storage. His concerns included the amount of traffic and children standing and playing in the same parking lot.

Ms. Hughes commented that one of the conditions was to remove the entrance on the eastern portion of the property which looks like the most convenient entrance for any moving vehicles to get back to the mini-storage space.

Ms. Cook stated that the entrance was on an adjacent property and it is not likely to be closed. Staff suggested the closure because it could be a potential area to put landscaping if it were filled in.

Ms. Jones asked if the parking of the mini-storage was separate for the parking of the skateboard park.

Ms. Cook stated a good portion of the skateboard park parking will be in the rear adjacent to the mini-storage and there might be an entrance to the retail portion of the skateboard park from the front of the property.

Mr. Fraley opened the public hearing.

Mr. Bill LaVancher, 3091 North Riverside Drive, stated that he was the lessee of the facility and could answer some of the concerns of the skateboard park. He stated he has an approved site plan and has already done some landscaping that relates to the parking area and believes LandTech has calculated and incorporated parking spaces for the actual storage unit based on the criteria given by the owner. Included in the plan, there is an extensive landscaping plan and façade renovations which will show improvements to the front of the building. The rear entrance will serve as the entrance to the skateboard park and the front entrance will serve the retail portion of the business. He added that parking that will actually occur is quite minimal with the relationship to the actual number of kids that will be skating due to parents dropping their kids off at the skateboard park. Future plans include expanding the area to include various sports activities.

Mr. Obadal stated that he thought it was very worthwhile to have the type of facility that is being described, but is concerned not only with adequate parking but about the safety of the children from the traffic coming to and from the mini-storage area.

Mr. LaVancher stated that most skateboard parks are exterior and children do skate all over the parking lot and various other places; however, their operation plan includes session times so that a child can come and skate for a designated period of time. There will be staff monitoring the parking lot and the inside skateboard park. He added that total control is nearly impossible but the intent is to place as much restriction on the issue as possible with constant monitoring and good education.

Mr. LaVancher also stated that customers will be encouraged to use Noland Avenue to access the facility once the link between the properties develops.

Mr. Obadal asked if speed bumps could be installed to slow traffic down.

Mr. Kennedy stated that speed bumps would be a bigger draw to skateboarders and they will utilize anything with a bump, speed bumps, stairwells, etc. He questioned how much the County can enforce when it comes to combined uses. We have to start hoping that our children will have common sense not to play in the street.

Mr. Obadal stated he would rather see a speed bump used as a ramp than to see a fast pick-up truck speed through the parking lot.

Mr. Kennedy stated that he thought it was too much and we need to put faith in people to know between right and wrong.

Mr. Hunt stated that his experience with mini-storage is that there is hardly anyone there at any given time and they do not generate much traffic.

Ms. Jones asked if the mini-storage was a definite part of the plan.

Mr. Vernon Geddy III, representing the owner, stated that this is a vacant building with no productive use. This plan will bring it back into productive use with a number of improvements described in the staff report. He added that the mini-storage units will be

entirely within the existing warehouse building and the mini-storage use is a very low traffic generator. The owner is very excited about the skateboard park and if it is successful, it may expand into that area. The plan is to partition the warehouse into storage units, but it would be easy to remove the partitions should the skateboard park expand.

Mr. Fraley stated that he thought that the two uses were not compatible and would be more enthused if the project had a youth based usage theme.

Mr. Geddy stated that this is not a new development but someone is trying to take an existing building and make it economically productive.

Mr. Obadal asked if there were any architectural plans for the left side of the building where the existing bay doors are located.

Mr. LaVancher stated that he understood that the bay doors would remain for people accessing the storage units.

Hearing no other requests, the public hearing was closed.

Ms. Jones motioned to approve the application.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote the applications and attached conditions were recommended for approval (6-0). AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report highlighting a few items:

- The Board of Supervisors will be holding a work session on New Town and the Commission is invited at 4:00 p.m. July 25, 2006.
- The Planning Division recently got notification that we will receive significant funding for the Monticello Avenue and Five Forks intersection corridors. The money will available in 2009.
- Recent staff position changes.

Mr. Fraley asked for an update concerning crosswalks and other amenities for walking and biking at the Monticello Avenue and Ironbound Road intersection.

Mr. Sowers stated that VDOT had a public hearing last week and presented their plans for Phase II of the intersection. Both phases had a significant amount of pedestrian improvements including sidewalks, handicap ramps, etc. The plans do not include painted crosswalks or push button pedestrian signals. Discussions are being held with VDOT concerning the need for pedestrian crosswalks.

7. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 8:18 p.m.

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Jack Fraley, Chairman

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O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 7/1/2006 THROUGH: 7/31/2006**

**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-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-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-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-147-05	Warhill - TNCC Site Improvements
SP-001-06	5525 Olde Towne Rd
SP-012-06	New Dawn Assisted Living
SP-023-06	Eighth E.S.
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-032-06	9320 Merrimac Nextel Co-location
SP-033-06	Chickahominy Riverfront Park
SP-035-06	Ironbound Center Site Layout Amend.
SP-036-06	Zion Baptist Church Expansion
SP-039-06	Prime Outlets Ph 7 Temporary Parking
SP-040-06	New Town Sec. 3 & 6, Ph. 6 Infrastructure
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-044-06	James River Baptist Church
SP-054-06	Prime Retail Phase 8 Expansion
SP-056-06	Williamsburg-Jamestown Airport SP Amend.
SP-057-06	Two Rivers Country Club Addition
SP-060-06	Wythe-Will Fire Suppression Lines SP Amend
SP-062-06	Jeanne Reed's Parcel 4A, James River Commerce Cntr
SP-065-06	Williamsburg Landing Amendment
SP-066-06	Braemar Creek Entrance Turn Lanes
SP-067-06	AES Office Building
SP-068-06	New Town Section 3 & 6 Block 17, Oxford Apartments
SP-069-06	Settlement at Powhatan Creek, Phase 2
SP-070-06	Williamsburg Airport, Marclay Access Rd

Thursday, July 27, 2006

Page 1 of 6

SP-071-06 T-Hanger Site Prep, Williamsburg Airport  
 SP-072-06 New Zion Baptist Church SP Amend.  
 SP-073-06 Settlers Market Off Site Rd Improvements  
 SP-074-06 Settlers Market at New Town Sec 9  
 SP-076-06 New Town, Sec 3 & 6, Block 14, Parcel C & D  
 SP-077-06 Williamsburg Landing Woodhaven Expansion  
 SP-079-06 Water Tower Multiuse Trail  
 SP-080-06 7839 & 7845 Richmond Rd  
 SP-081-06 HRSD Williamsburg Intercept Force Mn Contr "A" Rep  
 SP-083-06 New Town, Sec. 6, Block 15, Parcel B (Amendment)  
 SP-084-06 AM Tower Relocation on Centerville Rd  
 SP-085-06 Settler's Market at New Town Sec. 9, Phase 2  
 SP-086-06 County Tower  
 SP-087-06 Romack Expansion  
 SP-088-06 Busch Gardens Wicked Wood Halloween Maze  
 SP-089-06 Powhatan Plantation Phase VIII A, Bldg 84  
 SP-090-06 Lorikeet Winter Housing

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-094-05	Homestead Garden Center	10/13/2006
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-116-05	Cookes Garden Center	10/5 /2006
SP-123-05	Michelle Point	10/3 /2006
SP-133-05	Prime Outlets Ph. 6	5 /11/2007
SP-137-05	Williamsburg Place Expansion	7 /18/2007
SP-145-05	New Town, Langley Federal Credit Union	4 /13/2007
SP-148-05	Noland Commercial Site	4 /6 /2007
SP-149-05	Liberty Crossing	4 /3 /2007
SP-156-05	Chickahominy Baptist Building Expansion	6 /2 /2007
SP-004-06	Villas at Five Forks	4 /3 /2007
SP-005-06	Governor's Grove at Five Forks	5 /1 /2007
SP-007-06	GreenMount Road Extension Ph. 2	3 /20/2007
SP-029-06	New Town, Block 10, Parcel E & F	6 /5 /2007
SP-031-06	Shell Building - James River Commerce Center	4 /26/2007
SP-034-06	Chambrel Guardhouse Relocation	4 /28/2007
SP-055-06	New Town Sec. 3 & 6, Block 15, Parcel D	6 /8 /2007
SP-082-06	GreenMount Road Extension Ph.2 II	3 /20/2007

**C. FINAL APPROVAL**

**DATE**

SP-076-05	Warhill Multiuse Trail	7 /21/2006
SP-104-05	Powhatan Plantation Maintenance Building	7 /19/2006
SP-022-06	Volvo Rents	7 /11/2006
SP-045-06	Busch Gardens 2007 Expansion	7 /10/2006
SP-046-06	New Town, Sec. 6, Block 15, Parcel C	7 /7 /2006

SP-061-06 Freedom Park Ph. 2C- 19th Century Domiciles  
SP-064-06 Five Forks Mountain Mudd Coffee Kiosk

7 /10/2006

7 /17/2006

**D. EXPIRED**

**EXPIRE DATE**

## II. SUBDIVISION PLANS

### A. PENDING PRELIMINARY APPROVAL

S-104-98 Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4  
S-013-99 JCSA Mission Bank ROW Acquisition  
S-074-99 Longhill Station, Sec. 2B  
S-110-99 George White & City of Newport News BLA  
S-091-00 Greensprings West, Plat of Subdv Parcel A&B  
S-086-02 The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA  
S-062-03 Hicks Island - Hazelwood Subdivision  
S-034-04 Warhill Tract BLE / Subdivision  
S-066-04 Hickory Landing Ph. 1  
S-067-04 Hickory Landing Ph. 2  
S-121-04 Wellington Public Use Site  
S-039-05 Hofmeyer Limited Partnership  
S-042-05 Toano Business Center, 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-097-05 ROW Conveyance- 6436 Centerville Road  
S-100-05 Gosden & Teuton BLA  
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-117-05 Liberty Ridge  
S-012-06 Huss Subdivision  
S-015-06 Indigo Park- Block A, Lot 1  
S-021-06 Romack BLA & BLE  
S-026-06 Colonial Heritage, Ph. 5, Sec. 2  
S-027-06 Realtec Properties BLA & BLE  
S-028-06 133 & 135 Powhatan Springs BLE  
S-030-06 Braxton Family Subdivision  
S-034-06 9727 Old Stage Rd.  
S-036-06 Vineyards at Jockeys Neck Ph 3  
S-037-06 Bertrand E. Geddy, Jr. Living Trust  
S-038-06 3215 & 3221 N Riverside Drive BLE  
S-039-06 Settlement at Powhatan Creek, Phase 2  
S-043-06 6601 Richmond Rd Parcel A  
S-044-06 Holt Subdivision  
S-045-06 Toano Business Centre Lots 5-9  
S-047-06 Lake Powell Rd, BLA  
S-049-06 Village Housing - The Vineyards Jockeys Neck PH IV

S-050-06       Governors Grove at Five Forks  
 S-051-06       West Subdivision BLE  
 S-052-06       Block 17, Parcel A, B & remainder of Blk 14 & 18  
 S-053-06       Blackthorn Subdivision  
 S-055-06       Burlington Woods  
 S-056-06       Toano Business Centre-Plat Corr Lots1-5  
 S-057-06       220 Peach Street BLA  
 S-058-06       McDonald  
 S-059-06       2889, 2851 Ironbound Road  
 S-060-06       Villas at Five Forks  
 S-061-06       Colonial Heritage Ph 2, Sec 3, Lots 26 & 27

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

S-101-03	Ford's Colony - Sec. 35	2 /2 /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-012-05	Greensprings Trail ROW-Waltrip Property Conveyance	3 /20/2007
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv	3 /20/2007
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance	3 /20/2007
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2008
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-090-05	Powhatan Secondary Ph. 7C	4 /13/2007
S-091-05	Windmill Meadows	10/3 /2006
S-095-05	Landfall Village	3 /10/2007
S-009-06	Garrett BLA & BLE	3 /3 /2007
S-018-06	3448 Chickahominy Road	6 /19/2007
S-020-06	Williamsburg Place BLA	5 /8 /2007
S-040-06	Colonial Heritage 18 Hole Golf Course	7 /7 /2007
S-041-06	Mowry Subdivision	6 /21/2007

**C. FINAL APPROVAL**

**DATE**

S-104-05	1121 Stewarts Rd.	7 /12/2006
S-004-06	New Town Block 6 & 7 Parcel A & C BLA & BLE	7 /24/2006
S-031-06	Cowles Subdivision Lots 1C & 1D	7 /3 /2006
S-042-06	5021 John Tyler Highway, BLE	7 /14/2006
S-046-06	Rivers Edge Phase IV	7 /3 /2006
S-048-06	Graylin Woods, Lots 24 & 25, Sec. 2	7 /11/2006
S-054-06	Andrews/Findlay BLA	7 /7 /2006

**D. EXPIRED**

**EXPIRE DATE**



**REZONING -02-06**  
**MASTER PLAN-03-06**  
**SPECIAL USE PERMIT-19-06, Mason Park**  
**Staff Report for the August 07, 2006, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:	June 05, 2006	7:00 p.m. (applicant deferral)
Planning Commission:	July 10, 2006	7:00 p.m. (applicant deferral)
Planning Commission:	August 07, 2006	7:00 p.m.
Board of Supervisors:	September 12, 2006	7:00 p.m. (tentative)

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

**SUMMARY FACTS**

Applicant: Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, L.L.P

Land Owner: Mr. Griffin W. Fernandez

Proposal: To rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development to construct 15 single family detached dwellings units with an overall density of 1.65 dwelling units per acre.

Location: 1916 Jamestown Road

Tax Map/Parcel Nos.: (46-4) (1-17)

Parcel Size: 9.11 acres

Existing Zoning: R-8, Rural Residential District

Proposed Zoning: R-2, General Residential District with proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff recommends the Planning Commission recommends approval of this rezoning, special use permit, and master plan application to the James City County Board of Supervisors.

Staff Contact: José-Ricardo L. Ribeiro Phone: 253-6685

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

<b>Cash Proffer Summary-Mason Park (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
<b>Water</b>	<b>\$ 1,093.00 per unit</b>
<b>CIP projects-Schools</b>	<b>\$ 4,011.00 per unit</b>
<b>CIP projects- All other uses</b>	<b>\$ 1,500.00 per unit</b>
<b>Total Amount (2006 dollars)</b>	<b>\$99,060.00</b>
<b>Total Per Lot</b>	<b>\$6,604.00 per unit, 15 units</b>

### **PROJECT DESCRIPTION**

Mr. Vernon Geddy has submitted an application on behalf of Steven Miller of HHHunt Homes-Hampton Roads, LLC, to rezone approximately 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers. Additionally, the applicant has applied for a special use permit to allow an open space cluster development with a gross density of 1.65 dwelling units per acre.

Mason Park, as the proposed subdivision will be called, consists of fifteen single family detached units with detached garages. The property is located on the south side of Jamestown Road bounded by a private residence (zoned R-8) and a segment of the Landfall at Jamestown subdivision (zoned R-2) to the south and east, a large parcel of vacant land (zoned R-8) to the west and by two multi-family subdivision, Foxfield (zoned R-5) and Jamestown 1607(zoned R-2) to the north and across Jamestown Road. The property, including adjacent properties to the south, east, and west fall within an area designated as Low Density Residential according to the 2003 Comprehensive Plan. The properties across Jamestown Road from the site are designated Moderate Density Residential and Low Density Residential.

The property fronts and is accessed by 4H Club Road, State Route 680, a frontage road that runs adjacent and parallel to Jamestown Road. Because Jamestown Road right-of-way coincides with the 4H Club Road right-of-way, the property is considered to front a Community Character Corridor (Jamestown Road) and therefore subject to special considerations such as additional frontage buffers and enhanced landscaping fronting the property. The property also lies within the Jamestown Island-Greensprings Road Community Character Area. The property is also located within the Powhatan Creek Watershed area and therefore is, subject to the special stormwater criteria outlined in the Powhatan Creek Watershed Management Plan.

#### **Residential Cluster Development:**

##### *Density*

The Residential Cluster Overlay District is intended to “achieve innovative and quality designs of residential developments above one dwelling unit per acre that provide avenues for affordable housing, minimize environmental impacts, provide for usable and meaningful open space, and provide recreation amenities within a more practical and efficient development.” Further, in order to achieve densities higher than one unit per acre, it is expected that the development provides community benefits such as “mixed-cost housing, affordable housing, unusual environmental protection or development that adheres to the principles of open space development design.” Mason Park, with its proposed gross density of 1.65 dwellings units per acre, intends to provide community benefits by offering development strategies that ensure unusual environmental protection and adherence to the principles of open space design.

#### **Rezoning**

According to Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a special use permit (SUP) for residential cluster developments of more than one unit per acre but less than two units per acre provided that the developer make assurances for the following *with staff comments in bold italics*:

1. Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy; *proffered by the developer.*
2. Implementation of the County's Archaeological Policy; *proffered by the developer.*
3. Provision of sidewalks on at least one side of all internal streets in the development; *proffered by the developer.*
4. Provision of recreation facilities in accordance with the County's Parks and Recreation Guidelines; *proffered by the developer.*
5. Implementation of the County's Natural Resources Policy; *Staff has determined that the property is not located in any B1, B2, or B3 areas, therefore adherence to this policy is not required.*

#### *Open Space*

According to Section 24-552(a) of the Zoning Ordinance, the minimum amount of open space in residential clusters "shall include not less than forty percent of the net developable area of the site in low-density residential areas." Mason Park achieves this requirement by calculating open space as demonstrated below:

- Approximately 1.68 acres of land not included in rights-of-way or perimeter buffers count toward the forty percent of required net developable open space.
- Approximately 1.69 acres, out of 3.13 acres of land within perimeter buffers (Section 24-552 of the Zoning Ordinance states that developable area of right-of-way buffers and perimeter buffers may be counted as open space to a maximum of fifty percent of the required open space.) count toward the forty percent of required open space within the net developable area of the site.

### **PUBLIC IMPACTS**

#### **Archaeology**

##### **Proffers:**

- The County archaeological policy is proffered.

**Staff Comments:** 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.

#### **Environmental**

**Watershed:** Powhatan Creek

##### **Proffers:**

- Owner shall submit to the County a master stormwater management plan as part of the site plan submittal for the property.
- Owner shall grant a natural open space easement to the County over the area within the limits of Priority Conservation Areas C-42/C-43.
- The Owner has proffered a Turf Management Program to be implemented in the proposed development. The HOA will be authorized to develop, implement and enforce the turf management plan. The plan shall be submitted to the County's Environmental Director for review and approval.
- Owner shall submit a tree survey with the site plan for the development of the property with the intent of preserving trees located within the 150 foot Jamestown Road buffer.
- A cash contribution of \$500.00 for each lot on the property shall be made to the County for off-site stream restoration elsewhere in the Powhatan Creek watershed.

#### **Rezoning**

- Owner shall incorporate green building practices as recommended in the National Association of Home Builders Model Green Building Guidelines.

**Staff Comments:** The Environmental Division has reviewed the revised rezoning application including: the concept master plan drawings, revised Community Impact Statements, revised proffers and the response letter by the applicant/ plan preparer. The Environmental Division can support approval of the rezoning application as currently presented upon satisfactory response and/or revision to application as required addressing comments concerning the Stormwater Management documentation to clarify achievement of “unusual environmental protection” and the Powhatan Watershed Plan compliance.

**Fiscal:** The applicant has provided a fiscal impact statement that was reviewed by the Department of Financial Management Services.

**Proffers:**

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

**Staff Comments:** The Department of Financial Management Services concluded annual deficits at built out for this proposal, rather than net annual revenue of \$6,200 projected by the fiscal impact statement prepared by the applicant.

**Public Utilities**

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

**Proffers:**

- Cash Contribution: For each unit, a cash contribution of \$ 1,093.00 is proffered.
- Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval as part of the site plan or subdivision plat.

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

**Public Facilities:**

**Proffers:**

- A cash contribution of \$ 4,011.00 per unit will be made to the County to mitigate the impacts from physical development. The County may use these funds for any project in the County’s capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.

**Staff Comments:** According to the Public Facilities section of the Comprehensive Plan, Action No. 4 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 policies for schools, recreation and water supply facilities.

Mason Park is located within the Clara Byrd Baker Elementary, Berkeley Middle, and Jamestown High School districts. Under the proposed Master Plan, 15 units are proposed. 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 Program Capacity	Current 2006 Enrollment	Projected Students Generated	Enrollment plus Projected Students
Clara Byrd Baker Elementary School	804	691	822	4	826
Berkeley Middle	725	828	908	2	910
Jamestown High School	1250	1250	1534	2	1536
<b>Total</b>	<b>2779</b>	<b>2769</b>	<b>3264</b>	<b>8</b>	<b>3272</b>

The student generation rate for single-family houses is 0.5 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools and is an average rate based on historical attendance data gathered from existing single-family neighborhoods in James City County.

**Staff Comments:** The adequate public schools facility policy is based on design capacity. Both design and effective capacities are exceeded at Clara Byrd Baker Elementary School, 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. This proposal does not meet the policy guidelines at the elementary and middle school level. However, as the new elementary school has been scheduled to open in 2007, staff believes that this proposal meets the policy guidelines for the elementary level.

**Parks and Recreation**

**Proffers:**

- This project proposes approximately 0.84 acres of parkland, which includes a 50'x35' tot lot and a 60'x90' grassed open play field. Additionally, Mason Park offers approximately 0.51 miles of multipurpose trail with exercise stations and a gazebo. The exact locations of the facilities and the equipment provided are subject to the approval of the Director of Planning.
- A one-time cash contribution of \$ 1, 425. 00 shall be made to the County in lieu of the provision of courts and ball fields. This contribution meets the standard proffers as recommended by the James City County Comprehensive Parks and Recreation Master Plan.

**Staff Comments:** Recreational facilities such as the area dedicated to parkland and multipurpose trail with exercise exceeds the recreational standards set forth by the James City County Comprehensive Parks and Recreational Master Plan. Voluntary cash contributions proffered to the County in lieu of courts and ball fields meets the standard proffers set forth by the Parks and Recreational Master Plan.

**Transportation**

**Proposed Traffic:** This site does not meet the threshold for a full traffic study (less than 100 peak hour trips), as this development generates 182 vehicles per day and 20 vehicles in either of the peak hours.

**2005 Traffic Counts:** From Cardinal Acres Drive to 4-H Club Road-7,072 average daily trips.

**2026 Volume Projected:** From James River to Neck-O-Land-10,000 average daily trips.

**Road Improvements:** There are no road improvements proposed by this development.

**Proffers:** There are no proffers pertaining to transportation issues for this property.

**VDOT Comments:** VDOT has reviewed and concurs with the master plan as proposed.

Rezoning

**Staff Comments:** Staff concurs with VDOT findings.

**COMPREHENSIVE PLAN**

**Land Use Map**

<p>Designation</p>	<p><i>Low Density Residential (Page 120):</i> The key features of the Comprehensive Plan description are the principle suggested uses, which include cluster housing and the allowance for higher densities, up to four units per acre, in exchange for public benefits to the community.</p> <p><b>Staff Comment:</b> Mason Park proposes a gross density of 1.65 units per acre. To offset densities up to one unit per acre but less than four units per acre, residential development must demonstrate public benefits to the community such as “mixed-cost housing; affordable housing; unusual environmental protection, or development that adheres to the principles of open space development design (Page 120.)” Staff finds that the proposed residential project achieves public benefits requirements by demonstrating open space development design and unusual environmental protection. Further explanation can be found in the Environmental Section on page 7.</p>
<p>Development Standards</p>	<p><i>General Land Use Standards No.01 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.</p> <p><i>General Land Use Standards No.04 (Page 134):</i> To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening.</p> <p><i>Residential Land Use Standards No.06 (Page 137):</i> Residential developments are encouraged to be located on internal roads. Garages are encouraged to be located at the rear or side of dwellings, in order to de-emphasize the prominence of the garage and associated driveway.</p> <p><b>Staff Comment:</b> The proposed residential cluster development has comparable densities with surrounding residential developments. Special treatment of its frontage buffer area (enhanced landscaping and rural style fencing) will ensure compatibility with the quaint and rural character of surrounding neighborhoods. Since the property is located within the Powhatan Creek Watershed, a 100-foot wide RPA buffer area will protect the sensitive nature of the wetland area located at the southern part of the property. To increase design quality of the proposed development, residences will be located on closed section roads with detached garages placed at the rear of residential units.</p>
<p>Goals, strategies and actions</p>	<p><i>Strategy No. 05 (Page138):</i> To promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action No. 15 ( Page 140):</i> To encourage conservation easements and the use of land trust to facilitate open space preservation.</p> <p><b>Staff Comment:</b> An eight-foot wide paved multi-use path fronting State Route 680 will ensure pedestrian connectivity with adjacent parcels located to the east and west of the property. To promote the preservation of open spaces, a natural open space over the area within the limits of Conservation Areas (C-42/C-43) located adjacent to the southwestern boundary of the property has been proffered as a conservation easement to the County.</p>

**Rezoning**

**Parks and Recreation**

Goals, Strategies and Actions	<p><i>Action No.04 (Page 39):</i>                  New development should dedicate right-of-way and provide sidewalks, bikeways, and greenway trails for both transportation and recreational purposes.</p>
	<p><b>Staff Comment:</b> Sidewalks five feet in width installed along one side of all internal streets within the property have been proffered (proffer #15.) Additionally, approximately 0.51 miles of soft surface multipurpose walking trail with exercise stations are proposed for this residential development, part of which parallels Jamestown Road.</p>

**Environment**

General	<p><i>Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) and Action No.18 (Page 67):</i>                  To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors in 2002.</p> <p><b>Staff Comment:</b> A combination of water quality protection strategies such as, turf management plan ( proffer # 14), Low Impact Development techniques (bioretention facilities and grass swales) and the use of pervious surfaces features have been designed to minimize impact to the wetlands and perennial stream located at the southern area of the property. Additionally, a Voluntary cash contribution to be used toward off-site stream restoration elsewhere in the Powhatan Creek Watershed has been proffered (proffer # 4-d.)</p>
Goals, strategies and actions	<p><i>Strategy No. 02 (Page 65):</i>                  To assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action No. 05 ( Page 66, item g):</i>                  To encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.</p> <p><i>Action No. 22 ( Page 67):</i>                  To promote the use of LEED (Leadership in Energy and Environmental Design) “green building” technique as means of developing energy and water efficient buildings and landscapes</p> <p><i>Action No.23 (Page 67):</i>                  To encourage residential and commercial water conservation.</p> <p><b>Staff Comment:</b> The compacted nature of the proposed residential development (only 2.78 acres out of a total of 9.11 acres will be developed) will ensure minimal degradation of the natural environment. The proposed residential development will utilize Low Impact Development strategies to reduce impervious cover by adopting features such as porous pavers and center grass strips for residential driveways, parking pads, and sidewalks located along one side of internal streets. A 100-foot wide buffer area from the edge of the Powhatan Creek watershed will be provided. The owner has also proffered (proffer #11) “green building” practices. Further, water conservation standards that address water conservation measure such as limitations on the installation and use of irrigation systems and irrigation wells have been proffered. Additionally, rain barrels to support residential watering needs fro residents is provided for each dwelling unit.</p>

**Rezoning**

## Transportation

<p>General</p>	<p><i>Roadway Components of County Transportation Planning, Jamestown Road (Page 76):</i> Although traffic volume projections warrant the widening portions of Jamestown Road to a divided four-lane, the Comprehensive Plan recommends that this road be maintained as a two-lane facility. Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.</p> <p><b>Staff Comment:</b> Traffic generated by the proposed development would result in 180 vehicle trips per day and 20 vehicle trips per hour at peak times. The proposed density of 1.65 dwelling units per acre is significantly below the maximum 4 dwelling units per acre recommended by the Comprehensive Plan.</p>
<p>Goals, strategies and actions</p>	<p><i>Action #7 (Page 81):</i> Encourage efficient use of existing and future road by limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p><b>Staff Comment:</b> The proposed residential development fronts on a service road, perpendicular to Jamestown Road. Only one access driveway is proposed for this development to this road (special use permit condition # 1.)</p>

## Community Character

<p>General</p>	<p><i>Community Character Corridors (Page 83):</i> The proposed development fronts Jamestown Road, a Community Character Corridor.</p> <p><b>Staff Comment:</b> The proposed residential project provides and honors the recommended Community Character Corridor buffer by providing a minimum setback of 150 foot from its frontage on State Route 680 ( a fifteen-foot construction setback zone from the Community Character Corridor buffer will also be provided.) The Community Character Corridor buffer includes enhanced landscaping which incorporates open spaces and rural style fencing compatible with surrounding neighborhoods.</p>
	<p><i>Community Character Areas (Page 87):</i> The proposed development is located within the Jamestown Island-Greensprings Road Community Character Area. The following development standards would assist in the preservation of the integrity of the area:</p> <ul style="list-style-type: none"> <li>• The architecture, scale, materials, and color of buildings should be complementary and reflect the historic character of James City County.</li> <li>• All development should be well-screened from Jamestown Road.</li> <li>• Existing specimen trees and shrubs should be preserved to the extent possible</li> <li>• Signage should be of scale, size, color, and materials to complement the architecture and scale of buildings.</li> </ul> <p><b>Staff Comment:</b> Design Review Guidelines setting forth design and architectural standards for the development of the property will be submitted to the Planning Director for review and approval (proffer # 11.) The proffered enhanced landscaped buffers (proffers #5 and 6) when reached maturity, will provide a vegetative screening from adjacent properties and from Jamestown Road. A tree survey of the frontage and perimeter buffer identifying specimen trees to be preserved (proffer # 12) and elevations of the entrance sign will be submitted to the Director of Planning for review and approval (proffer #17.)</p>
<p>Goals, Strategies</p>	<p><i>Action No. 8 (Page 96):</i> To continue to require or encourage the planting of street/curb side streets.</p>

## Rezoning

And actions	<b>Staff Comment:</b> The proposed residential development will adhere to the principles set forth by James City County’s Streetscape Guidelines Policy (proffer #13.)
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**Comprehensive Plan Staff Comments**

Staff finds that this application, as proposed, is generally in compliance with the Comprehensive Plan. The Low Density Residential designation encourages residential development with proposed gross densities greater than one unit per acre and up to four units per acre to demonstrate higher quality design and to offer features that demonstrate particular benefits to the community.

Staff finds that the proposed residential development achieves higher quality design by adopting strategies that minimizes land disturbances (reduced building setbacks and lot sizes); preserves indigenous vegetation (a natural open space easement to protect portions of contiguous forested area adjacent to the 100-foot RPA buffer area has been proffered); minimizing impervious surfaces (driveways featuring grass center strips, pervious parking pads, and sidewalks along one side of the proposed internal streets.)

Additionally, Staff finds that the proposed residential development offers benefits to the community by providing unusual environmental protection (dedication of open space area to the County, cash contribution to be used for off-site stream restoration elsewhere in the Powhatabn Creek, and the use of Low Impact Development features in the property.) Staff also finds that, in addition to unusual environmental protection, the proposed residential development adheres to some of the principles of open space design by providing adequate recreational areas, pedestrian circulation that includes trail systems, and by retaining natural vegetative buffers around water bodies or wetlands.

**Request for Placement of Bioretention Basins in Buffers**

The proposed residential development has proposed two bioretention basins located inside the 150 foot wide Community Character Corridor and one bioretention basin located within the northeastern perimeter buffer. Section 24-544(f) of the Zoning Ordinance states that “ wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in buffers, except that the Planning Commission may approve them under the following circumstances with *staff comments follow in bold italics*:

- (1) The need is necessitated by site conditions rather than economic factors; and

***Staff Comment: The low end of the site abuts a perennial stream and is located within the tidal mainstream subwatershed of Powhatan Creek. In order to preserve the environmental integrity of this area, the stormwater management pond has been located away from its original outfall, at the low end of the site, and a system of four bioretention basins have been placed to enhance the overall efficiency of the stormwater management system.***

- (2) The screening/buffering effect of the buffer has been retained by design of the BMP and any degradation has been mitigated with additional planting or berms as necessary.

***Staff Comment: The proposed bioretention basins will not impact existing mature trees located within the buffer areas and should blend harmoniously with the proposed enhanced landscaping for the buffer areas.***

Attached to this staff report is a letter from the applicant requesting a waiver from the requirement set forth by Section 24-544(f) of the Zoning Ordinance.

## **Reduced Street Width Request**

The applicant has also requested from the Board of Supervisors support for reducing the street widths within the proposed Mason Park subdivision from the normal twenty-eight feet to twenty-two feet (curb to curb), and with an associated reduction in the right-of-way from fifty feet to forty feet. The applicant claims that reducing the street width of its internal roads will reduce impervious cover. In order to meet this policy, the applicant is responsible for meeting eight conditions which include: providing street tree, roll top curbs, sidewalks, no on-street parking signs, larger front setbacks, additional off-street parking, and fire hydrant placement as needed. Following is a staff summary (in bold italics) of the eight items required by the Reduced Street Width Policy. A letter from the applicant addressing the eight requirements of the Reduced Street Width Policy is attached to this report together with a copy of the James City County's Reduced Street Width Policy Resolution.

1. At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths.

**Staff Comment:** *There are no road segments which exceed 400 feet in length proposed for this project. A fire hydrant is proposed for the internal intersection. The James City County Fire Department raised no objection to this finding.*

2. For each lot which fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and recorded plat for the subdivision.

**Staff Comment:** *The proposed project provides off-street parking pads and driveway spaces sufficient to accommodate at least three vehicles.*

3. Front setbacks for all lots which front on a road subject to reduced widths shall increase to a minimum of forty feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No.2 above will be met are recorded prior to, or concurrent with the final subdivision plat. However in no case shall the front setback be less than that required by the zoning ordinance.

**Staff Comment:** *The applicant will provide design covenants that guarantees off-street parking.*

4. The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to reduced widths.

**Staff Comment:** *The applicant will comply with this requirement.*

5. Roll top curbs shall be used on all roads subject to reduced widths.

**Staff Comment:** *The applicant will comply with this requirement.*

6. A minimum three-foot sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths.

**Staff Comment:** *A five-foot sidewalk is proposed for one side of the internal streets.*

7. For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guideline Policy, as adopted by the Board of Supervisors.

**Staff Comment:** *The applicant proposes to plan trees that shall either meet or exceed the requirements set forth by the Streetscape Guideline Policy.*

## **Rezoning**

8. No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with the reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the recorded plat.

**Staff Comment:** *The applicant has requested a waiver from this requirement arguing that the minimum sight distance at the anticipated 20 mph speed limit is only 200' and could be achieved without the 15 foot clear zone required as by this requirement. However, the James City County Fire Department strongly suggested adherence to this requirement, arguing that the issue at hand is not "line of sight" but rather appropriate access for the Fire Department apparatus. Staff is currently working together with the applicant and the Fire Department to reach for a solution to this issue prior to the next Board of Supervisors meeting on September 12, 2006*

### RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff recommends that the Planning Commission approve the location of the bioretention basins within the Community Character Corridor buffer. Staff also recommends that the Planning Commission recommend approval of this rezoning, special use permit, and master plan application for Mason Park, with the acceptance of the voluntary proffers and approval of the special use permit conditions listed below to the Board of Supervisors

1. Only one entrance shall be allowed onto 4H Club Road, State route 680.
2. If construction has not commenced on this project within thirty-six (36) months from January 1, 2008, 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. This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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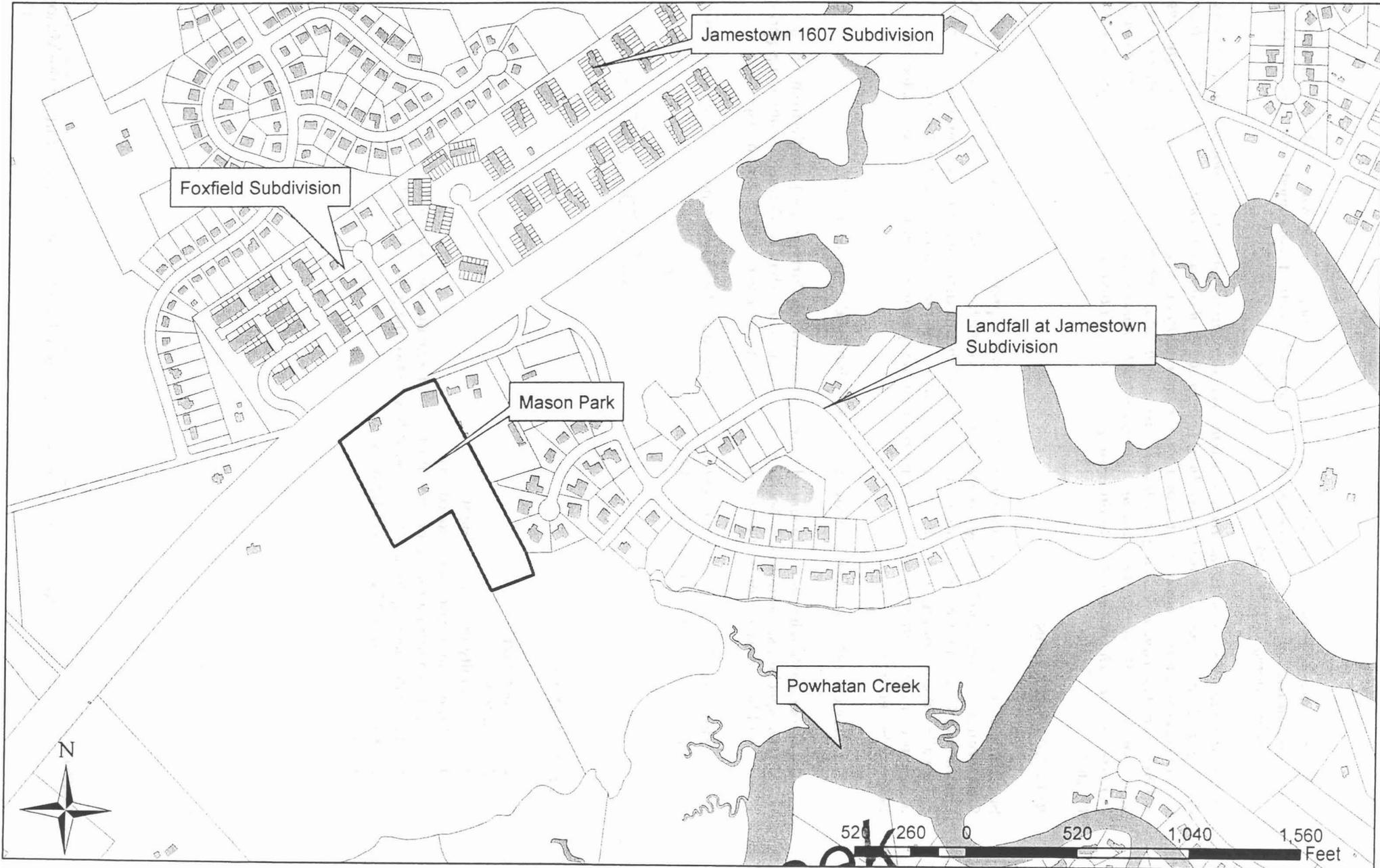
José-Ricardo Linhares Ribeiro

### ATTACHMENTS:

1. Location Map
2. Proffers
3. Community Impact Statement
4. Master Plan (under separate cover)
5. Letter Requesting Bioretention in Buffers with one diagram attached
6. Letter Requesting Reduced Street Width with two diagrams attached
7. Copy of Reduced Street Width Policy
8. Elevations



## Mason Park



PROFFERS

THESE PROFFERS are made this 28th day of July, 2006 by FLF, LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner") and HHHUNT HOMES OF HAMPTON ROADS, LLC, a Virginia limited liability company ("Buyer").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 1916 Jamestown Road, Williamsburg, Virginia and being Tax Parcel (46-4)(1- 7), being more particularly described on Exhibit A attached hereto (together, the "Property"). The Property is now zoned R-8.

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 R-8 to R-2, General Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan Rezoning and Special use Permit for Mason Park for HHHunt - Hampton Roads, LLC." prepared by AES Consulting Engineers dated April 24, 2006, last revised July 20, 2006 (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-2.

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 15 single-family detached dwelling units within detached garages on the Property.

2. **Owners Association**. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all lot 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 and recreation areas, and shall require that each initial purchaser of a lot make a capital contribution to the Association for reserves in an amount at least equal to one-sixth of the annual general assessment and 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 plat approval.

(b) The Governing Documents shall provide that no more than 30% of the area of any residential lot on Property may be irrigated. Common areas shall not be irrigated from public water resources. Any irrigation well for the development shall be approved by the JCSA General Manager and will only be permitted to withdraw from the Aquia or Potomac aquifers.

**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 \$1,093.00 for each lot 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 lot 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) A contribution of \$4,011.00 for each lot 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, school uses.

(d) A contribution of \$500.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development 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 off-site stream restoration elsewhere in the Powhatan Creek watershed.

(e) 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 lot.

(f) The per lot 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 lot contribution be adjusted to a sum less than the amounts set forth in paragraphs (a), (b), (c), and (d) of this Section. The adjustment shall be made by multiplying the per lot 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 lot 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. The entrance and entrance road designed as shown generally on the Master Plan, landscaping and berms, the soft surface trails and 8' multi-use paved trail as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, fences, bioretention facilities, lighting, entrance features and signs shall be permitted in the buffer. A combination of preservation of existing trees, and landscaping (meeting or exceeding ordinance requirements as to quantity but utilizing plant materials with a size of at least 125% of ordinance requirements) shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning which, when the landscaping has reached maturity, shall screen the adjacent homes and garages from the direct view of vehicles traveling on Jamestown Road. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

6. **Side Perimeter Buffers.** The perimeter buffer on the north side of the Property between the Jamestown Road buffer and the natural open space easement area proffered by paragraph 9 (b) shall contain "enhanced landscaping" (defined as plant materials with a size of at least 125% of ordinance requirements) in accordance with a landscaping plan approved by the Director of Planning. The perimeter buffer on the south side of the Property between the Jamestown Road buffer and the natural open space easement area proffered by paragraph 9 (b) shall be landscaped in accordance with a landscaping plan approved by the Director of Planning. At the request of the Director of Planning after review of the landscape plan submitted by Owner, Owner shall install "enhanced landscaping" (defined as plant materials with a size of at least 125% of ordinance requirements) in this buffer. The buffers shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

7. **Entrance.** There shall be one entrance into the Property to and from State Route 680 as generally shown on the Master Plan. There shall not be a median in the entrance road.

8. **Recreation.** Owner shall provide a tot lot and open play field with approximate dimensions of 60 feet by 90 feet,

approximately .84 acres of parkland, approximately .51 miles of trail with exercise stations, and a gazebo. All recreation facilities shall be constructed in accordance with County standards and shall be conveyed to the Association. In lieu of a court and ball field, Owner shall make a cash contribution in an amount equal to \$1,425.00 escalated from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(f) to the County at the time set forth in section 4(e). All cash contributions proffered by this Proffer 8 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 Director of Planning.

**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, bioretention facilities and other special stormwater criteria features generally as shown on the Master Plan which may include, without limitation, dry swales, stilling basin outfall, porous pavement in driveway parking areas and rain barrels, and other low impact design features such as use of grass strips in driveways to reduce impervious cover consistent with the goals of 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) Prior to the issuance of any land disturbing permits for development pursuant to the Master Plan, Owner shall grant a natural open space easement to the County over the area within the limits shown as "Existing Tree Line, Also Limits of Priority Conservation Areas C-42/C-43" on Exhibit B hereto. The easement area shall remain undisturbed except the easement shall permit the installation of a sewer line crossing the easement area and an outfall for the storm water management pond and the installation of a soft surface walking trail to be designed and field located to avoid the necessity of clearing any mature trees.

**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. Owner shall prepare and submit design review guidelines to the Development Review Committee setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning, requiring that all garages on the Property be detached and located to the rear of the house and incorporating appropriate and suitable green building practices as recommended in the NAHB Model Green Building Guidelines, 2006 edition, for the approval of the Director of Planning prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the Guidelines may not be amended without the approval of the Director of Planning. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans. Prior to the issuance of a building permit for each house and garage on the

Property, architectural plans for such house and garage shall be submitted to the Director of Planning for his review for consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All houses and garages shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one lot, Director of Planning approval need only be obtained for the initial building permit. All exterior colors on homes and garages shall be from the Martin Senour "Williamsburg" exterior paint color palette or the Sherwin Williams "Preservation Palette" excluding the "Postwar Romanticism" colors from the latter.

**12. Preservation of Specimen Trees.** Owner shall submit a tree survey of the buffers on Property with the site plan for development of the Property and shall use its best efforts to preserve trees located within the 150 foot Jamestown Road buffer identified on the survey as specimen trees to be preserved.

**13. 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 the Property and submitted to the Director of Planning for approval during the subdivision approval process. Streetscape improvements shall be either (i) installed within six months of the or (ii) bonded in form satisfactory to the County Attorney prior to the approval of the final subdivision plat of the Property.

**14. Turf Management Plan.** The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office (VCEO) or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia (Soil Scientist) to conduct a soil test and to develop a customized turf management plan (the "Plan") for all common areas within the Property based upon the results of the soil test. The Plan shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of the 6<sup>th</sup> certificate of occupancy for houses on the Property. Upon approval, the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Plan. The Association shall also provide a copy of the Plan to all homeowners and shall encourage homeowners to restrict nutrient applications on their property to an amount equal to or less than that specified in the Plan. The Association shall also

encourage homeowners to contact an agent of the VCEO or a Soil Scientist to conduct a soil test and develop a Plan for individual lots as well.

15. **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, in lieu of installing a sidewalk along the Route 680 frontage of the Property, install an 8' wide paved trail across the Route 680 frontage of the Property connecting to the adjacent parcels to the north and south and to Route 680 in the general location shown on the Master Plan.

16. **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.

17. **Entrance Sign**. Any entrance sign shall be a monument style sign no more than four feet in height. Owner shall submit an elevation of the entrance sign to the Director Of Planning for his reviewed and approval prior to installation of the sign.

18. **Construction Start**. No construction activity other than the demolition of existing structures and installation of landscaping shall take place before January 1, 2008.

WITNESS the following signatures.

FLP, LLC

By: Griffin W. Fernandez  
Title: MEMBER

HHHunt Homes of Hampton  
Roads, LLC

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

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

The foregoing instrument was acknowledged this  
16 day of JUNE, 2006, by GRIFFIN W. FERNANDEZ,  
as MEMBER of FLP, LLC, a Virginia limited liability  
company, of behalf of the company

Mayora A. Nelson  
NOTARY PUBLIC

My commission expires: FEB 28, 2009.

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

The foregoing instrument was acknowledged this  
\_\_\_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_,  
as \_\_\_\_\_ of HHHunt, Homes of Hampton Roads, LLC  
on behalf of the company.

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

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

WITNESS the following signatures.

FLF, LLC

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

HHHunt Homes of Hampton  
Roads, LLC

By: Vernon M. Geddy III  
Title: Authorized Representative

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

The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2006, by \_\_\_\_\_, as  
\_\_\_\_\_ of FLF, LLC, a Virginia limited liability company,  
of behalf of the company

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

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

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

The foregoing instrument was acknowledged this July  
day of 28, 2006, by Vernon M. Geddy III, as Authorized Representative  
of HHHunt, Homes of Hampton Roads, LLC on behalf of the company.

Vernon M. Geddy III  
NOTARY PUBLIC  
June 30<sup>th</sup>, 2010

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

# Community Impact Statement Rezoning & Special Use Permit

for

## Mason Park



Prepared For

Mr. Steven N. Miller

with

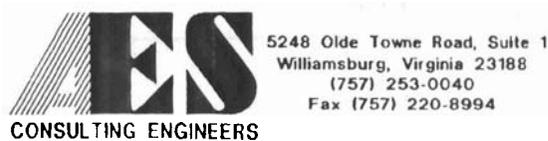
HHHunt Homes – Hampton Roads, LLC

740 Thimble Shoals Blvd., Suite B  
Newport News, VA 23606

April 24, 2006  
(Revised July 31, 2006)

AES Project Number: 9676-01

Prepared by:



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

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 3

II. THE PROJECT TEAM ..... 5

III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION..... 6

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES..... 11

    A. Public Water Facilities ..... 11

    B. Public Sewer Facilities ..... 11

    C. Public Schools..... 12

    D. Fire Protection and Emergency Services..... 13

    E. Solid Waste..... 13

    F. Utility Service Providers ..... 14

V. ANALYSIS OF ENVIRONMENTAL IMPACTS..... 14

VI. ANALYSIS OF STORMWATER MANAGEMENT  
    (SWM) / BEST MANAGEMENT PRACTICES (BMP) ..... 14

VII. ANALYSIS OF IMPACTS TO TRAFFIC ..... 16

VIII. ANALYSIS OF FISCAL IMPACTS ..... 16

IX. ANALYSIS OF CULTURAL RESOURCES IMPACTS ..... 16

X. CONCLUSION ..... 16

XI APPENDIX 1- Planning Commission Memorandum—How Mason Park Complies..... 18

XII APPENDIX 2 - Cluster Development, Community Benefits, and the Powhatan Creek  
    Watershed—How Mason Park Complies, Contributes and Protects..... 22

LIST OF TABLES

    Table 1-Projected Wastewater Flows ..... 12

LIST OF EXHIBITS

    Exhibit 1-Location Map ..... 4

## I. INTRODUCTION

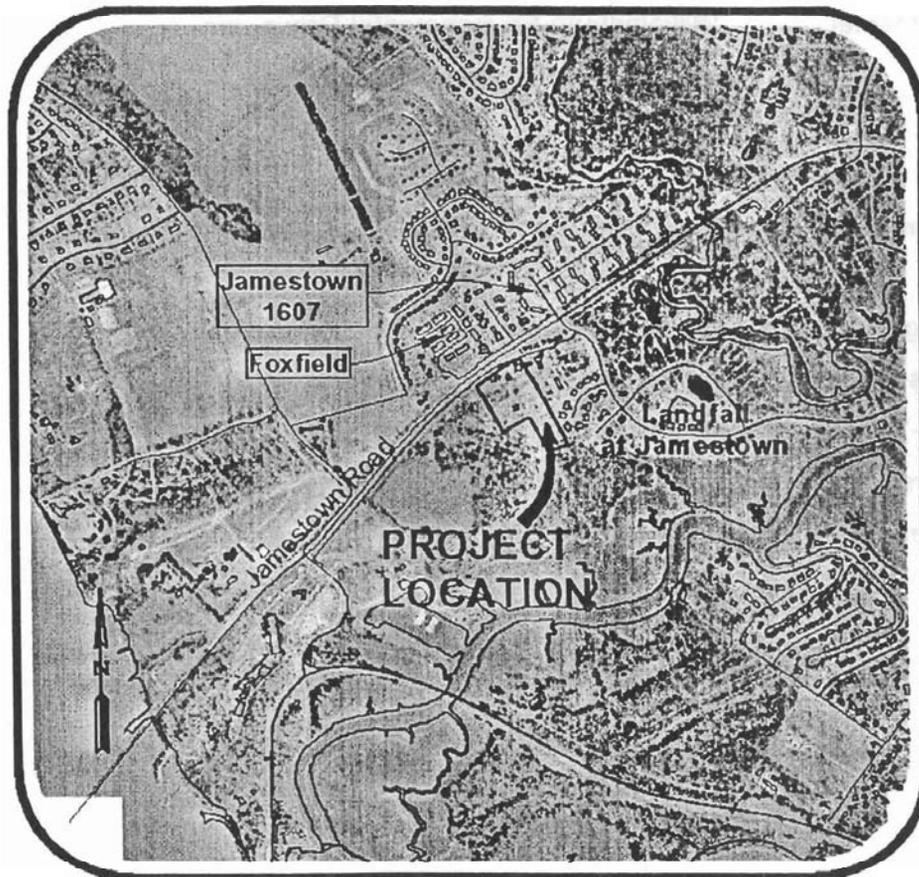
HHHunt Homes - Hampton Roads, LLC, Virginia, proposes to develop a residential cluster subdivision in James City County on approximately 9.11 acres located in the R-8 (Rural Residential) zoning district. The subdivision will be called Mason Park. HHHunt is seeking to rezone the property to the R-2 (General Residential) zoning district with a request for a Special Use Permit to allow an open space cluster development with a density of 1.65 units per acre.

The property is located on the south side of Jamestown Road across from Foxfield and Jamestown 1607, two, multi-family subdivisions. It is adjacent to a private residence and a portion of the Landfall at Jamestown subdivision to the south and a large parcel of vacant land to the west. Access to the property is from 4H Club Road, a collector road which feeds into Jamestown Road, the adjacent and parallel main thoroughfare. The property is bounded by lands zoned R-8 to the east and west and by R-2 properties to the south and southeast. The two developments to the north and across Jamestown road from the site are zoned R-5 and R-2.

The site contains a one story brick house, a dilapidated wood frame home and a wood frame barn. The existing homes are located near the road in open area containing several specimen oak trees. The barn is to the south in an open field and a small wooded slope leads to wetlands and a small stream running generally west to east along the rear property line. The property falls within an area designated as Low Density Residential on the current James City County Comprehensive Plan. The site contains some wetlands and a perennial stream and falls within the Powhatan Creek Watershed Tidal Mainstem. Although no lands designated as Conservation areas on the Comprehensive Plan are on the subject property, it abuts and includes a small portion of forested land listed as a priority conservation area (C-42/C-43) in the Powhatan Creek Watershed Management Plan. The properties across Jamestown Road from the site are designated Moderate Density Residential. Mason Park while accessed from 4H Club Road is located along Jamestown Road, a Community Character Corridor. The proposed community will also lie within the Jamestown Island – Greensprings Road Community Character Area.

**Exhibit 1 – Location Map**

(Scale Approx. 1"=2000')



## II. THE PROJECT TEAM

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

- Developer -HHHunt Homes of Hampton Roads
- Land Planning -AES Consulting Engineers
- Civil Engineering -AES Consulting Engineers
- Legal -Geddy, Harris, Franck & Hickman, LLP
- Environmental -Williamsburg Environmental Group, Inc.
- Traffic -Kubilins Transportation Group, Inc.
- Fiscal -The Wessex Group, Ltd.

Key components of this Community Impact Study are:

- Planning Considerations, Project Description, and Density Analysis
- Analysis of Impacts to Public Facilities and Services
- Traffic –Technical Memorandum
- Fiscal Impact Study
- Environmental Inventory

### III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION

#### Planning Considerations

Mason Park lies within the Primary Service Area of the county. The Primary Service Area defines areas presently served by public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Plans for Mason Park are being pursued with the knowledge that water and sewer services can be brought to the site and that there is ample capacity in these systems to support this project. The PSA is an important planning tool in James City County and it encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time and minimizes well and septic failures.

The 9.11 acre site being planned fronts on State Route 680, 4H Road. The right-of-way for this road coincides with the Jamestown Road Right-of-Way. Jamestown Road is designated as a Community Character Corridor. Any new residential development requiring rezoning must provide a 150' buffer along frontage of roads designated as Community Character Corridors. The County "acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area." Planning for Mason Park has taken into consideration the views to and from the site through the corridor buffer, the location of existing vegetation, including specimen trees, and the need for additional landscaping to compliment the development and the corridor as well as this particular buffer's ability to also function as an important infiltration element in the overall site stormwater management plan. The Ordinance provides a mechanism to allow activities such as bioretention within the buffer when the purpose of the buffer is not compromised and with the approval of the Planning Commission.

The site also lies within the Jamestown Island-Greensprings Road Community Character Area. Planning for Mason Park recognizes that this area serves as a gateway to many significant historical and archeological sites in the County; and, thus, will reflect in its' design sensitivity to architectural scale and character, screening from Jamestown Road, preservation of specimen trees and natural woodlands, complimentary landscaping, and the promotion of pedestrian and bicycle access.

The site is designated as Low Density Residential on the Comprehensive Plan. Low Density Residential Areas are suitable for residential developments of up to one unit per acre within the PSA depending on the character and density of surrounding properties, the physical attributes and density of the property being planned, and the degree of the project's consistency

with the Comprehensive Plan. In order to encourage higher quality design, residential developments with densities greater than 1 unit per acre and up to 4 units per acre may be considered if they offer 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." Mason Park will be shown to provide specific benefits to the County through adherence to and expansion of the County's guidelines for open space design. (Also See Appendices 1 & 2)

Other important planning considerations involve the environmental concerns associated with the site's location within the Tidal Mainstem of the Powhatan Creek Watershed. Mason Park illustrates the public benefit of unusual environmental protection by meeting and exceeding the County's expectations for stormwater management, Special Stormwater Criteria (SSC), ground water recharge and by providing additional protections to conservation and Resource Protection Areas and associated buffers. The Master Plan illustrates this additional protection. (Also See Appendices 1 & 2)

The existing zoning of the Mason Park property is R-8. This designation is "intended for application to rural areas of the county which remain inside the Primary Service Area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the future". The district is intended to maintain a rural environment "until such time as an orderly expansion of urban development is appropriate". With the availability of public utilities and the character of adjacent development, HHHunt believes that a quality and orderly and modest urban expansion in this area is appropriate.

The proposed zoning of Mason Park is R-2. R-2 is a Low Density Residential district. Low Density Residential areas call for a maximum density of one unit per acre: "The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to prohibit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas." Within certain Low Density Residential areas, single family developments with a density greater than one unit per acre but no greater than four units per acre may be allowed with a Special Use Permit utilizing Cluster techniques as outlined in Article VI. The Residential Land use Standards in the Comprehensive Plan recommend land use goals, strategies, and actions. A specific action recommended by the Comprehensive Plan is to "Continue using policy and ordinance tools to ensure the provision of open space. In particular, maintain or increase incentives for cluster development within the PSA by permitting higher residential densities in exchange for the additional open space that

provides significant benefits to the community.”

Cluster techniques, as outlined in Article VI, are intended to “maximize shared and purposeful” open space. Mason Park exceeds the requirements for open space outlined in Article VI. The neighborhood is being planned for 15 homes representing a gross density of 1.65 units per acre. The zoning ordinance outlines the methodology and requirements for increasing density above one unit per acre. A detailed density analysis is included with the project description.

### **Project Description**

HHHunt Homes - Hampton Roads, LLC is proposing to develop a residential community called Mason Park on approximately 9.11 acres in the Community Character Area of Jamestown in James City County. The site is within the Primary Service Area and will be served by public water and sewer. The illustrative plan shows 15 single family lots 50'-60' wide to 105' in depth accessed from a 50' public right of way. The site will be served by a single access point along 4H Club Road. Home prices will start at \$450,000. These prices insure minimal, if any fiscal impact for the County and guarantee a high quality product in this important location along Jamestown Road. The supplementary plans and drawings with this submittal illustrate the quality and character of the proposed homes and the pleasant and clean character of the neighborhood. The plan is compact for a reason. The amenities at Mason Park are the homes and the setting. Reducing lot size without sacrificing the quality of the architecture leaves generous open spaces and buffers surrounding the neighborhood.

Mason Park will be designed as a Residential Cluster and, as currently planned, provides in excess of the 40% required “net developable” open space. The cluster plan meets the criteria for developable open space with a variety of common open spaces including buffers, planned recreation areas, trails, and a well designed streetscape. Most of the nearly 1 acre neighborhood park lies between the developed area of the neighborhood and the natural area along the perennial stream. The neighborhood contains approximately 2.78 acres of developed area with the remaining 6.33 acres in open space. Total impervious surfaces comprise just over 18% of the property. With thoughtful design of such impervious areas as walkways on lots, driveways, and garage pads, the total impervious area may be further reduced with the introduction of pervious pavement systems.

Because 4H Club Road (State Route 680) falls within the Jamestown Road Right-of-Way, a well groomed and landscaped 150' Community Character Corridor buffer is provided. This buffer contains two specimen trees visible from Jamestown Road. Buffers surrounding the

property have been increased in width to insure adequate screening and to provide more opportunities for Low Impact Design features as part of the overall stormwater management plan. These buffers and LID's will be landscaped to enhance their function as buffers and as infiltration areas.

The recreation package at Mason Park will exceed the requirements of the County's Master Recreation Plan. A trails system with fitness stations is planned to surround the neighborhood, connect to the sidewalk system and to Route 680 and the bike lanes at Jamestown Road. A gazebo will be located along the trail and will terminate the vista from the entrance road. Open green areas will contain landscaping and seating areas; and, a tot lot is also proposed. A large park area lies at the rear of the site and is connected to the neighborhood by the trail system.

The density proposed for Mason Park is 1.65 units per acre. This density falls within the range (one to four units per acre) called for in Low Density Residential areas and is earned as prescribed by the zoning ordinance. The following analysis compares the current plans for Mason Park with the Density Standards outlined in Section 24-549 of the Cluster Overlay District.

In paragraph (a) (2), a density of more than one unit per acre but no more than two units per acre can be achieved with master plan assurances for:

- Implementation of Streetscape Guidelines
- Implementation of Archeological Policy
- **Provision of sidewalks on at least one side of all internal streets and entrance roads**
- Provision of recreation facilities per the County's Comprehensive Parks and Recreation Master Plan
- Implementation of County's Natural Resources Policy

All of the above shall be implemented at Mason Park. Streets in Mason Park will include the applicable streetscape guidelines and, at a minimum, will include street trees (1 tree per 40 linear feet of frontage).

Per the James City county Archeological Policy, a report of the Phase I Archeological Study presently underway will be prepared and submitted to the Director of Planning for review and approval prior to any land disturbance.

Sidewalks shall be provided on one side of all internal streets including the entrance road as shown on the illustrative plan.

Mason Park will provide recreation facilities meeting or exceeding the criteria outlined in the County's Comprehensive Parks and Recreation Master Plan (see plans and Recreation Requirements chart on sheet 2).

In paragraph (a) (3), a density of more than two units per acre but no more than three

units per acre may be allowed with assurances for the following:

- a. Provision of pedestrian and/or bicycle trails, where topographically feasible, which connect cul-de-sacs throughout the development to each other and to the recreation area; or provision of sidewalks on both sides of all internal streets in the development, including the entrance road; or a combination of trails and sidewalks as stated above, as well as entrance roads.
- b. Construction of curb and gutter design on all streets within the development.

The above items shall be provided at Mason Park. All streets will be designed with roll top curb and gutter and pedestrian trails and sidewalks (on one side of the street) have been provided to connect the reduced area turnarounds (a more environmentally friendly alternative to traditional cul-de-sacs) and open space throughout the community. As noted on the Recreation requirements chart on Sheet 2, these connections are over and above the trails required by the Parks and Recreation Master Plan.

(b) An additional .5 units per acre may be awarded for superior design which incorporates environmentally sensitive natural features, and vistas as suggested by the Natural Areas Inventory, protection of wildlife corridors, the creation of buffers around RMA wetlands and sustainable building practices as referenced in the Sustainable Building Sourcebook of the City of Austin or the Sustainable Building Technical Manual by the U.S. Department of Energy.

While the additional .5 units per acre is not being requested, HHHunt has made every effort to increase and retain open space adjacent to RMA and RPA areas as currently identified on this property. While not required for the density requested the additional buffering of Resource Protection areas does represent a significant benefit to the community.

By the criteria outlined above, the plans for Mason Park qualify for the density bonuses outlined in the Zoning Ordinance up to and in excess of the 1.65 units per acre requested with this rezoning and Special Use Permit application. (Also See Appendices 1 & 2)

A detailed Environmental Inventory has been conducted on this property. Work performed by the Williamsburg Environmental Group confirms wetland areas and stream perennality currently depicted on the Master Plan and further described in the Powhatan Creek Watershed Study. Non-developable areas containing slopes of 25% or greater, of which there are none, probable wetlands and a perennial stream have been mapped and total approximately 0.68 acres. These non-developable acres comprise approximately 7.46% of the total parcel acreage. See also the Environmental Inventory drawing identifying areas of non-developable lands, stormwater management areas and site soil conditions.

See Section VI for a detailed description of the stormwater management plan for Mason Park.

#### **IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES**

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

##### **A. Public Water Facilities**

The subject property will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains a 12" water main along the north side of Jamestown Road. Discussions with representatives of the James City Service Authority has not revealed any concerns on the ability of the current water system to meet the demands of the this proposed project. Therefore, no water system upgrades are expected for the very minor increase in demand this proposal would create on the public water system.

The project's internal water system will likely consist of 4-inch and 8-inch water mains, thus providing the project adequate volumes and pressures for consumption and fire protection. Verification of the adequacy of the JCSA existing water system and, design of the on-site water main extensions, will be further scrutinized with modeling techniques once field testing has been completed.

Water consumption for the proposed project is estimated at 4,500 gallon per day (average), with a Maximum Day Water Demand of 7,650 gallons per day. Peak Hour Water Demand for this project is estimated at 750 gallons per hour (approximately 12.5 gallons per minute).

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

Again it is important to note that this project is located within the Primary Service Area. Therefore, wastewater produced by this proposed project would be conveyed to treatment facilities through a public sewer system.

Although there are no public sewer services offered directly to the property, public sanitary sewer is available almost immediately to the southeast of the site via a sewer bridge connection to a manhole located in the Landfall Village phase of the Landfall at Jamestown subdivision. The extension of the wastewater collection system in this area effectively increases

the “sewershed” of the existing nearby lift station, LS 9-2 located on Robert Fenton Road within the Landfall at Jamestown subdivision. Communications with JCSA representatives revealed ample capacity of this lift station to accommodate the additional sewage flows generated by this project.

The estimated average daily flow generated from the proposed development is 4,500 gallons per day (GPD) with a peak flow rate of 12.5 gallons per minute (GPM). See Table 1 below for details of projected wastewater flows.

**Table 1 – Wastewater Flows**

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
Single-Family Residential	15	300	4,500	24	3.1	12.5

**C. Public Schools**

Mason Park is located within the Clara Byrd Baker Elementary, Berkeley Middle, and Jamestown High School districts. The Mason Park Master Plan proposes a total of 15 residential units. Table 2 below shows the projected students generated from the project. Table 3 shows the current school capacities and enrollments for 2006.

**Table 2 - Student Projections**

Housing Type	Residences	Generator	Total Students
single family	15	0.5	8

**Table 3 - School Capacity**

Existing Public School Facility	Design Capacity	Program Capacity	Effective Capacity	Current 2006 Enrollment	Capacity (No. & % Over(-)/Under(+))		% of Student Breakdown	Additional Students
Clara Byrd Baker Elementary	804	691	660	822	-18	-2.2%	47%	4
Berkeley Middle School	725	828	816	908	-183	-25.2%	24%	2
Jamestown High School	1250	1250	1177	1534	-284	-22.7%	29%	2
<b>Total</b>	<b>2779</b>	<b>2769</b>	<b>2653</b>	<b>3264</b>	<b>-485</b>		<b>100%</b>	<b>8</b>

Table 3 shows how schools may be affected by the requested development. At present, the elementary school is marginally over design capacity by 2.2% and the proposed addition of 4 students would only raise that figure to 2.7%. The middle school is presently 25.24% over design capacity and the 2 projected additional students would raise that number slightly more than three tenths of a percent to 25.52%. The addition of 2 more students to the high school has less than two tenths of a percent impact, totaling 22.88% over capacity. The pressure on high school capacity will be relieved soon with the construction of a third high school—slated for an August 2007 opening. The new High School will solve the current overcrowding of Jamestown High School and create adequate design and program capacity for Mason Park.

#### D. Fire Protection and Emergency Services

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

In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The location of the project allows for coverage by two of the county's five stations: Station 3, located on John Tyler Highway, and Station 5, located on Monticello Avenue, will be within reasonable response times of the project.

#### E. Solid Waste

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

## **F. Utility Service Providers**

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

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

An environmental inventory, wetland delineation, and perennial stream analysis has been prepared by the Williamsburg Environmental Group. A copy of the inventory is included in this report.

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

A conceptual stormwater management program, 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 Mason Park. The goal of the stormwater management program is to meet and exceed local and state stormwater requirements.

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

- The property drains to an unnamed tributary of Powhatan Creek, and lies within the "Tidal Mainstem" portion of the Powhatan Creek watershed.
- The property currently contains a small, previously cultivated farm field, limited hardwood forest areas, a wood frame house and associated outbuildings.
- All of the project area's existing drainage is surface runoff, ultimately converging to the unnamed tributary of Powhatan Creek, located in the southeastern corner of the project site.
- The project site largely consists of level, poorly drained soils.

Stormwater management, conceptually, consists of two primary components:

- 1) A wet pond BMP with the ability of providing stormwater management for approximately 50% of the development site (or nearly all of the development portion of the project site and approximately 9.5 acres of off-site lands adjacent to the site); and
- 2) Natural open spaces, enhanced with increased widths to the 100-foot Resource Protection Area Buffer (RPA Buffer) on some portions of the site.

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, and the reduction of flow rates to receiving channels.

Therefore, conceptually planned facilities will detain and release designed storm events for both the on-site and the currently uncontrolled off-site drainage. Stormwater management will be accomplished in accordance with all current applicable standards including the James City County Guidelines for Design and Construction of Stormwater Management BMP's, Virginia Stormwater Management Handbook, and the Virginia Erosion and Sediment Control Handbook.

Water quality from the site's development is also achieved similarly with the same two previously mentioned components. Conceptual designs of the wet pond BMP recognize a reduction of pollutant loading from the site development and adjacent lands. Extended RPA buffers further decrease pollutant loading from surface runoff.

Preliminary analysis of the Stormwater management and BMP goals using the James City County BMP point system is included on the Master Stormwater Management Plan (sheet 4 of the Master Plan set). In this system the project must meet a total of 10 points, including open space credits, to provide adequate stormwater treatment. The BMP Point System worksheet indicates a total point value of 10.0 is achieved by the structural BMP (7.9 points) and the dedication of 2.0 acres of natural open space in wetlands, the RPA buffer, and the RPA Extended Buffer (2.2 points).

In addition to the main structural BMP, three other measures are required to meet minimum Special Stormwater Criteria (SSC) of the Powhatan Creek Watershed. One technique, bioretention, is shown conceptually on the Master Stormwater Management Plan. Other measures that make up the six SSC features shown on the plan include rain barrels (applied site-wide), dry swales, pervious pavers, a stilling basin outfall and implementation of open space design principles, to improve water quality, elongate time of concentration for stormwater runoff, and recharge the groundwater system.

In summary, with the preliminary analysis of Mason Park project, the stormwater

management plan proposed will improve the overall downstream water quality and will help to control the downstream erosion from uncontrolled runoff from the neighboring properties. (See Also Proffers and Appendices 1 & 2)

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

A Technical Memorandum addressing traffic impacts has been prepared by Kubilins Transportation Group, Inc. A copy of the memorandum is included in this report. Supplemental information was provided in response to county comments.

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

A Fiscal Impact Study has been prepared by The Wessex Group, Ltd. A copy of the findings is included in this report. Supplemental information was provided in response to county comments.

#### **IX. ANALYSIS OF CULTURAL RESOURCES IMPACTS**

The site lies within the Jamestown Island – Greensprings Road Community Character Area within highly sensitive areas defined in the Archaeological Assessment for James City County (Preserving Our Hidden Heritage); and, per the County's Archaeological Policy, a Phase I Cultural Resources Assessment report has been prepared and will be submitted under separate cover..

#### **X. CONCLUSION**

(Also See Appendices 1 & 2)

In summary, Mason Park is being planned as a small residential cluster development with a proposed underlying zoning of R-2, and a Special Use Permit to allow a modest increase in residential density in excess of one unit per acre. Planning and redeveloping the site as a residential cluster incorporates open space design principles, respects the environmental sensitivity of the Powhatan Creek watershed, meets the intent of the Comprehensive Plan for low density residential development, compliments the Jamestown Community Character Area and satisfies Planning Commission expectations for higher standards in new residential development design. The plans have earned density bonuses above and beyond the density requested as outlined in the ordinance. Mason Park, as planned and proffered, will provide a model for appropriate development in the area and will positively impact neighboring residential

communities and other adjoining properties as yet undeveloped. This Community Impact Statement for Mason Park concludes that the County and the community realize the tangible public benefits of open space design, unusual environmental protection and the following:

- Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.
- The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area.
- The proposed density of this open space development is 1.65 dwelling units per acre. This density is consistent with, and appropriate to, the Jamestown Island-Greensprings Road Community Character Area.
- There is adequate capacity in the system of roads serving this project.
- The fiscal impacts analysis, including educational costs, concludes a yearly positive impact to the County at build out of \$6,200 based on 15 single family units.
- The development provides a total of 5.03 acres in net developable open space or 59.7% of total net developable acres. Total site open space is 6.13 acres or 67.3% of the entire site.
- In recognition of Planning Commission and environmental concerns over buffer areas, Mason Park provides an additional 1.38 acres of open space between the developed area of the site and a perennial stream valley and its associated 100' buffer.
- Special care has been given to preserving and protecting the wooded area at the rear of the property, which will remain undisturbed except for necessary utility connections.
- Two specimen trees within the 150' Community Character Buffer are being preserved.
- Plans for Mason Park will remove a blighted structure which currently sits near the road along route 680 and is highly visible from Jamestown Road.
- The proposed stormwater management system will improve downstream water quality and protect downstream channels from erosion and the additional Special Stormwater Criteria will increase water infiltration and reduce uncontrolled runoff.

The creative use of low impact development techniques in the project Stormwater Management Plan provides a model for reducing the impacts of stormwater management ponds located adjacent to resource Protection Areas.

- Mason Park provides a quality project that retains and enhances the Jamestown Community Character. The quality homes compliment and enhance this character and the character of surrounding neighborhoods.

## *Mason Park*

### *Community Impact Statement*

#### *Appendix 1- Planning Commission Memorandum—How Mason Park Complies*

*In a recent memorandum the Planning Commission offered suggestions that established standards of acceptability for new residential development in five basic areas. These are paraphrased, along with our assessment of how Mason Park complies, as follows:*

- 1) Compatibility with Adjacent Neighborhoods in terms of lot area, width and overall density. We believe that Mason Park is compatible with and compliments surrounding neighborhoods. With a proposed density of 1.65 units per acre, Mason Park is a residential cluster design that earns modest additional density by actually reducing lot size and, consequently, impervious area to achieve greater open space and enhanced buffering from adjacent development. Densities for other surrounding developments derived from County GIS data range from over 6 units per acre for Jamestown 1607 to almost 2.5 units per acre for The Point at Jamestown and 1 unit per acre for Landfall, placing Mason Park at the low end of the density spectrum in the area.*
- 2) Buffers adjacent to existing neighborhoods should exceed ordinance requirements and 150' width Community Character Corridor (CCC) buffers should be honored. Densities at the higher end are expected to exceed minimum standards. While Mason Park does not seek density at the higher end (4 units per acre), it does provide higher end level buffering and screening, both from Jamestown Road and adjacent developments. For example, the minimum distance from side property lines to a Mason Park residence is 70' and the lot placement is such that no building envelope is closer than 325' to any existing or proposed residence in the adjacent Landfall community. The Mason Park CCC buffer provides for a minimum setback of 165' from its frontage on route 680 (4H Club Road) and nearly 260' from the nearest edge of pavement on Jamestown Road. All buffers are landscaped in keeping with the rural character of the area and the CCC buffer includes landscaping which incorporates open spaces and rural style fencing compatible with surrounding neighborhoods, in keeping with goals and concepts recommended by the Jamestown 2007 Corridor Landscape Committee. See revised Master Plan*
- 3) Environmental protection-- better site design, low impact development techniques, turf management, HERS certification, LEED green building techniques, at least 25' construction setbacks from the RPA and water quality measures exceeding minimums.
  - A. The principles of Better Site Design (BSD) derive from Model Development (MD) principles created to satisfy three general performance criteria established by Virginia administrative code to help protect the Chesapeake Bay by minimizing land disturbance, preserving indigenous vegetation, and minimizing impervious surface. We address BSD/MD principles as they apply to Mason Park as follows:**

**BSD/MD Principle #1** - “Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation.” *The Mason Park design not only retains existing forested areas and provides additional setbacks from RPA buffers (in excess of the suggested 25’), but also contributes additional landscape plantings that will, at maturity, increase the equivalent tree canopy coverage of the site by more than an acre over present conditions--adding an additional 50’ of up-slope forested canopy protection for the perennial stream feeding Powhatan Creek--which more than offsets the temporary canopy loss from necessary utility encroachment. Mature and specimen trees within buffers have to the greatest extent possible, been retained.*

**BSD/MD Principle #2** - “Clearing and grading of forests and native vegetation at a site should be limited to the minimum amount needed to build lots, allow access, and provide fire protection. A fixed portion of any community open space should be managed as protected green space in a consolidated manner.” *A significant portion of the Mason Park property is open pasture land that obviates the concerns addressed by this principle. Aside from a proposed soft surface nature trail, measures necessary to attenuate stormwater flow, and utility easements, all proposed development occurs in the pasture land area with minimal disruption to existing native vegetation. Proffers provide for a natural open space easement to protect portions of contiguous forested area not otherwise protected by the RPA, and, as discussed above, the project will actually be adding a significant amount of canopy to the site.*

**BSD/MD Principles #3-6** - “#3- Promote open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreation space, and promote watershed protection. #4- Reduce side yard setbacks and allow narrower frontages to reduce total road length and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness. #5- Promote more flexible sidewalk design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas. #6- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together ” *While open space design becomes more difficult to achieve on a small site, Mason Park incorporates significant features of the concept. Homes are clustered on reduced lot sizes, with 1.64 acres or nearly 20% of the land available for lots having been left as dedicated contiguous natural open space protected by Home Owner’s Association covenants.*

*Setbacks have been reduced, driveways feature grass center strips and pervious parking pads, common walkways incorporate both paved and soft surface walking trails and sidewalks (limited to only one side of the street) which link to the frontage road, open vegetated channels are utilized where feasible, and an exception has been requested to permit street widths to be reduced from the normal minimum of 28' to 22' to further reduce impervious areas. Proposed community recreation features include over a half mile of walking trail with fitness stations, a treed park area, an open grassy play area, and a gazebo. Monetary proffers contribute toward other recreation master plan requirements such as courts and ball fields, which are more appropriate for larger developments.*

***BSD/MD Principles #7-16*** – “#7- Design residential streets for the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access. These widths should be based on traffic volume.” #’s 8-11 are paraphrased as follows: Reduce the length and right-of-way widths of residential streets where possible. Use the smallest possible radius for cul-de-sacs or consider alternative turnarounds. Where possible use vegetated open channels within the right-of-way to convey and treat stormwater. #’s 12-16 address minimizing the impact of large parking lots and are not pertinent to Mason Park. *The minimum street width acceptable by VDOT for local closed section roads (without special exception) is 28’. At Mason Park, we believe this requirement is wider than warranted for such a small development and have requested a reduction to 22’, which is more commensurate with our anticipated low traffic volume and short street length. Sufficient driveway space is available to provide 3 off-street parking spaces per residence exclusive of garage spaces, mitigating the need for on street parking and allowing additional pavement reduction more in keeping with BSD principles. To further reduce pavement footprints we have also utilized alternative turnarounds instead of cul-de-sacs. And, although the required use of curb and gutter precludes the use of vegetative open channels within the right-of-way to convey street generated stormwater, we have utilized open channel conveyance elsewhere on site, and the design is such that all street generated stormwater will be treated through the bioretention filters rather than being piped directly to the wet BMP.*

**B.** *With regard to watershed protection, a goal of the Powhatan Creek Watershed Management Plan is to protect the integrity of forested areas along streams within the tidal mainstem. To that end, the plan identifies certain areas for conservation or acquisition. Two of those areas (C-42/C-43) lie adjacent to the southwest boundary of Mason Park, with approximately one-half acre of the contiguous upland forest that defines the conservation area extending into the property in a location that will remain undisturbed and protected by a proffered open space easement. An additional half acre of contiguous forest*

*not apparently included within conservation area boundaries will also remain largely undisturbed except for necessary stormwater and sanitary easements and will be protected by a proffered easement. A turf management plan to regulate chemical fertilizer application has been proffered, as well as restrictions on irrigation. Low impact development techniques using requested buffer placement of bioretention facilities to achieve increased infiltration and pollutant-removal, grass swales, rain barrels to disconnect a portion of rooftop runoff and support residential watering needs, and porous pavers and grass strips for residential driveways and parking pads all combine to provide water quality protection measures which exceed minimum James City County Special Stormwater Criteria (SSC) requirements for the development.*

*C. Green building practices, as recommended in the National Association of Home Builders (NAHB) Model Building Guidelines, have been incorporated as proffer 11.*

- 4) Recreation to be provided in accordance with County Parks and Recreation Master Plan with active and passive on-site recreation facilities. We believe that on-site recreation facilities should honor the intent of the Recreation Master Plan in a manner commensurate with the size of the development. We reiterate that this is a small development—fifteen homes on 9.1 acres. However, with a gazebo, over half a mile of multipurpose trail with four exercise stations, a tot lot, open grassy play areas, nearly an acre of parkland and connectivity to community trails, Mason Park provides ample on-site active and passive recreational opportunities for 15 families—and adds monetary proffers for recreational master plan amenities not provided because of the limited scale of the development.*
- 5) Traffic impacts are mitigated where warranted, with large developments required to address longer term impacts on the roadway network. The Technical Memorandum prepared by Kubilins Transportation Group and their subsequent response to county comments indicates that traffic generated by this small scale development does not warrant a full traffic impact study. With 180 vehicle trips per day and only 20 vehicle trips per hour at peak times, the traffic impact upon the surrounding road network is negligible*

## Mason Park

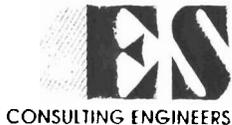
### Community Impact Statement

#### Appendix 2- Cluster Development, Community Benefits, and the Powhatan Creek Watershed—How Mason Park Complies, Contributes and Protects

This appendix provides additional information addressing the cluster development goal of achieving “innovative and quality design”, and the community benefits of “unusual environmental protection” and adherence to the “principles of open space design” discussed in the statement of intent that leads off the ordinance chapter dealing with residential cluster development (Chapter 24 Article VI, Sec. 24-538). It also provides supplemental information on how Mason Park respects its location within the tidal mainstem of the Powhatan Creek Watershed.

Per the reference, an “innovative and quality design” consists of one with densities above one dwelling unit per acre “...that provide avenues for affordable housing, minimize environmental impacts, provide for useable and meaningful open space, and provide recreational amenities within a more practical and efficient development.” We submit that, aside from the issue of affordable housing and considering the subjectivity of some of the criteria, Mason Park goes a long way toward being an “innovative and quality design” while offering “unusual environmental protection” due to its clustered neighborhood of smaller lots, reduced setbacks, narrower streets and ample on-site recreational amenities, coupled with preservation and enhancement of the contiguous forest protecting the watershed, the extensive use of bioretention in excess of requirements to lengthen stormwater dwell time, promote infiltration and pollutant removal and attenuate fecal coliform bacterial contamination of the watershed, plus the incorporation of not one, but six special stormwater criteria (SSC) features.

Per the reference, principles of open space design “...may include maintaining open fields, preserving scenic vistas; protecting wildlife habitat and corridors; retaining natural vegetative buffers around water bodies, wetlands and along roads; preserving historic sites; creating adequate recreational areas; designing efficient pedestrian circulation to include trail systems; and ensuring common land adjoins protected open space on adjacent parcels.” A little more than 2 acres of Mason Park’s 9 acres are presently wooded. The remainder (roughly 77% of the gross site area), is open pasture land with a few isolated trees surrounding the existing buildings. In considering the open space design principles, we offer the following. There are no scenic vistas revealed from the site and the potential for scenic views into the site are limited by the existing right-of-way plantings and hedge row. Existing specimen trees in the CCC buffer are being preserved. The potential archeological site identified by the phase I cultural resources study is being preserved by virtue of its location in the CCC buffer. Only 40% of the open fields (2.78 acres) are used as residential lots. We are retaining, preserving, and enhancing the natural vegetative stream and wetland buffers (except where county requirements dictate disturbance) and in



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July 20, 2006

Mr. Jose Ribeiro  
Planner  
James City County  
101-A Mounts Bay Road  
Williamsburg, Virginia 23187

**RE: Request for Bioretention in Buffers,  
Z-02-06/MP-03-06/SUP-19-06, Mason Park (your Letter May 16, 2006)  
AES Project No. 9676-01**

Dear Mr. Ribeiro:

In response to comment 3 of the subject letter requesting that we address Ordinance Section 24-544(f), "Wet ponds, dry detention basins, and other structural BMP's shall not generally be permitted in the buffer", we offer the following:

Certain bioretention features of the Mason Park stormwater management system have purposely been located within the 150' Community Character Corridor Buffer and the adjacent perimeter buffers and we believe that site conditions and the nature of the stormwater master plan concept support the need for these non-traditional low impact encroachments.

Traditional stormwater management design would require a wet or dry impoundment basin at or near the low end of the site. However, Mason Park is located within the tidal mainstem subwatershed of Powhatan Creek and the lower end of the property abuts a perennial stream that flows through and approximately 600' beyond the property line to the main creek. This stream is protected by a 100' RPA buffer and that protection is further enhanced by a forested area (part of the watershed's conservation area system) that extends upslope beyond the buffer and will be protected by proffers at Mason Park. To maintain the integrity of the forested edge, the stormwater management pond has been pulled uphill from its ultimate outfall; and, to enhance the performance of the system, a collection system of grass swales and bioretention basins has been strategically located in areas that either permit lengthening the time of concentration to provide additional infiltration and pollutant removal, or intercept and filter stormwater from off site that is being treated by our system. The proposed bioretention facilities are located in what are presently open pasture areas along the eastern and western property lines and along the northeast portion of the 150' Community Character Buffer. A survey was performed to locate the few existing, mature,

Mr. J. Ribeiro  
July 20, 2006  
Page 2 of 2

and specimen trees within the buffers to insure they are not impacted by these shallow bioretention basins (see attached existing conditions exhibit).

The proposed bioretention facilities are similar to the one prominently displayed at the James City County Courthouse to illustrate how bioretention can be effectively (quoting from the JCC web site) "...blended into the functional landscape of a site to provide a water quality benefit and serve as an attractive feature, even at highly visible locations.". We believe that the landscaped nature of bioretention basins within the buffers will enhance the screening/buffering effect because these facilities, described in the state stormwater management handbook as visual landscape amenities designed to "...replicate the ecosystem of an upland forest floor through the use of specific shrubs, trees, groundcovers, mulches and deep rich soils", actually require trees and shrubs to achieve design efficiency; and, as a consequence, are a natural complement to the buffer landscape requirement.

We hope staff and Planning Commission Members will appreciate the nature of this request and recognize that the significant aesthetic differences between bioretention/rain garden and the typical wet or dry BMP impoundment basin warrant their inclusion in Mason Park buffers. A detailed plan for the Community Character Corridor buffer which addresses trails, signage, fencing, and landscaping is proffered for Mason Park. If you have any questions or concerns, feel free to contact me at any time.

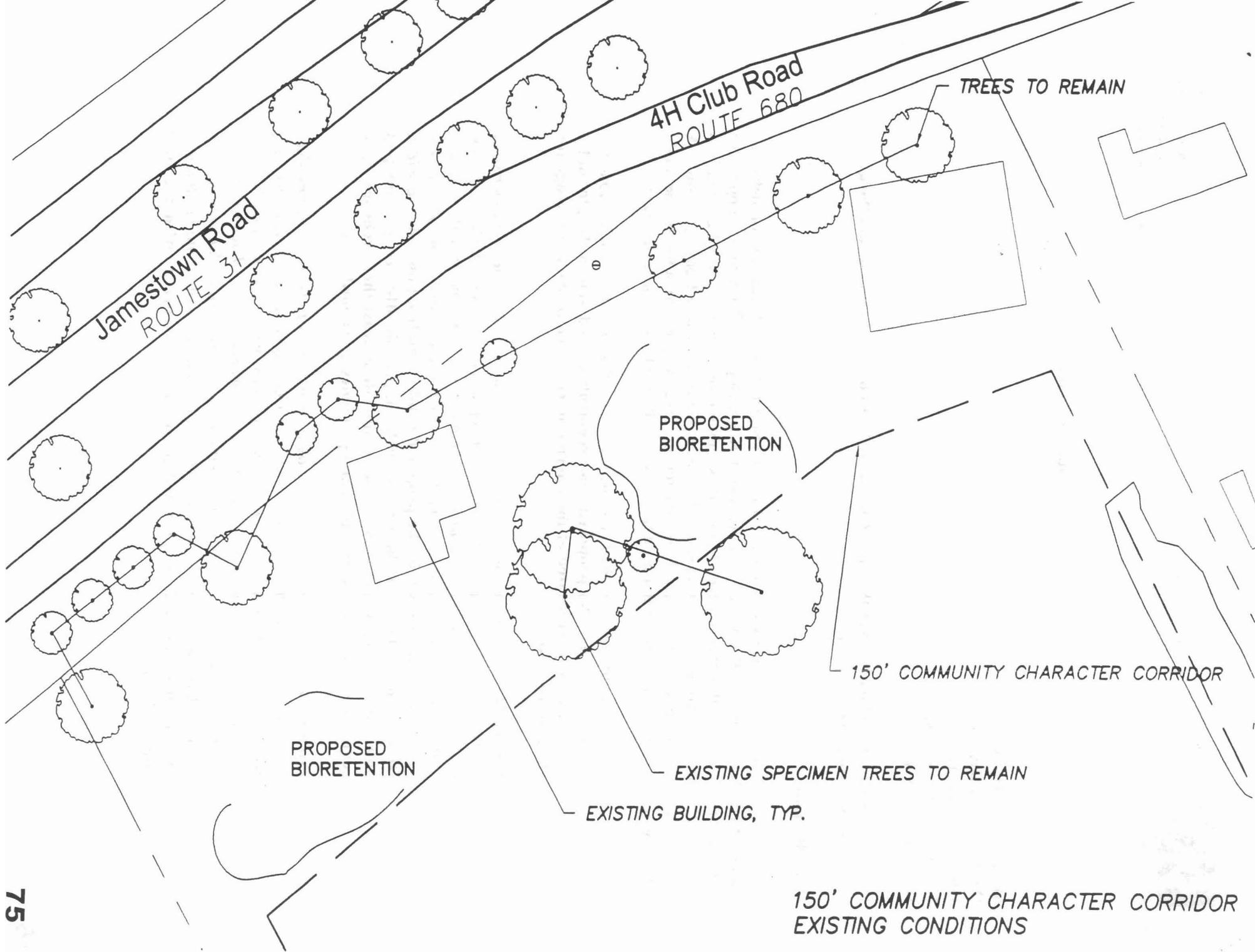
Sincerely,

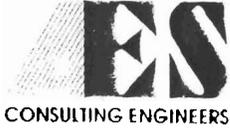
AES Consulting Engineers



Theodore R. Calver, LA, ASLA  
Landscape Architect/Senior Planner

Attachment: Existing Conditions Exhibit





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](http://www.aesva.com)

July 20, 2006

Mr. John T.P. Horne  
Development Manager  
James City County  
101-A Mounts Bay Road  
Williamsburg, Virginia 23187

**RE: Request for Reduced Street Widths (Z-02-06/MP-03-06/SUP-19-06, Mason Park)  
AES Project No. 9676-01**

Dear Mr. Horne:

In accordance with James City County's Reduced Street Widths Policy, and on behalf of our client HHHunt-Hampton Roads LLC, we request staff and Board of Supervisors support for reducing street widths within the proposed Mason Park subdivision from the normal 28' (curb to curb) to 22' (curb to curb), with an associated reduction in the right-of-way from 50' to 40'. A copy of the illustrative plan is attached for reference. We propose to address the eight requirements (shown in italics) of the Reduced Street Widths Policy Resolution as follows:

- 1) *At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths. No proposed road segments exceed 400' in length and a single fire hydrant located at the internal intersection provides coverage for all road segments.*
- 2) *For each lot which fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and record plat for the subdivision. All lots within the proposed subdivision front on reduced width streets and, as shown on the attached exhibit, provide off-street parking pad and driveway spaces sufficient to accommodate at least three vehicles. The requirement for construction plan and plat notes is acknowledged.*
- 3) *Front setbacks for all lots which front on a road subject to reduced widths shall increase to a minimum of 40 feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No.2 above will be met are recorded prior to, or concurrent with the final subdivision plat. However in no case shall the front setback be less than that required by the zoning ordinance. Design covenants will be provided prior to, or concurrent with the final subdivision plat.*

- 4) *The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to reduced widths. **Required signs will be posted.***
- 5) *Roll top curb shall be used on all roads subject to reduced widths. **Roll top curb will be utilized.***
- 6) *A minimum three-foot sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths. **Sidewalks will be provided on one side of reduced width streets.***
- 7) *For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guideline Policy, as adopted by the Board of Supervisors. **Trees will be planted to meet or exceed guidelines.***
- 8) *No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the record plat. **Request the Board of Supervisors exempt Mason Park from this requirement. From a public safety standpoint, our computer analysis shows sufficient pavement available at the intersection to support single movement turning of vehicles up to 45 feet in length. Minimum sight distance at the anticipated 20 mph speed limit is only 200' and can be achieved without the 15 foot clear zone (see attached exhibit). However well intentioned, we believe this requirement results in an unnecessary widening of the landscape at the intersection, creating an aesthetic discord in the normal rhythm of streetscape planting and defeating the purpose of reduced setbacks permitted under the cluster overlay.***

We hope staff and members of the Board of Supervisors will support this request and solicit VDOT approval. If you have any questions or concerns, feel free to contact me at any time.

Sincerely,

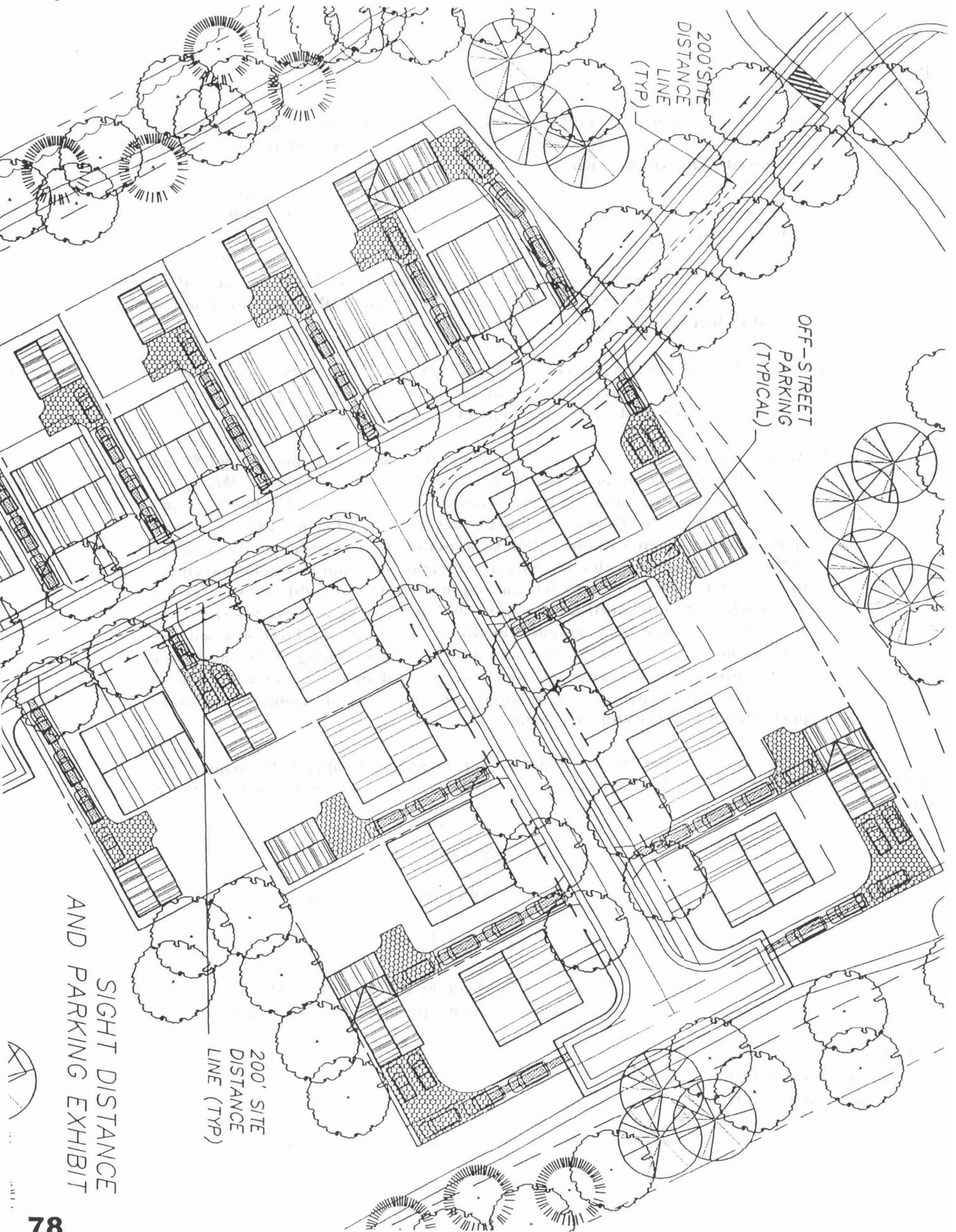
AES Consulting Engineers



Theodore R. Calver, LA, ASLA  
Landscape Architect/Senior Planner

Attachments:

- 1-Sight Distance and Parking Exhibit
- 2-Vehicle Turning Exhibit



200' SITE DISTANCE LINE (TYP)

OFF-STREET PARKING (TYPICAL)

200' SITE DISTANCE LINE (TYP)

SIGHT DISTANCE AND PARKING EXHIBIT



VEHICLE TURNING EXHIBIT

TURNING MOVEMENT FOR  
EMERGENCY VEHICLES OR  
LARGER TRUCKS

## RESOLUTION

### REDUCED STREET WIDTHS POLICY

WHEREAS, Section 24 VAC-30-90-130 of the Virginia Department of Transportation (VDOT) *Subdivision Street Requirements* allows the VDOT Resident Engineer to approve a reduction in the residential curb and gutter roadway and right-of-way widths shown in 24 VAC 30-90-380; and

WHEREAS, such a reduction must be specifically requested in writing by the governing body; and

WHEREAS, reduced street widths may contribute to increased safety for both pedestrians and motorists by slowing traffic; and

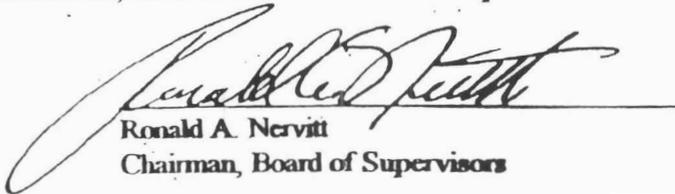
WHEREAS, reduced street widths contribute to improved stormwater management; and

WHEREAS, one of the requirements listed below encourages the preservation of trees along the right-of-way and where existing trees cannot be saved or do not exist, new trees will be planted which significantly contribute to the aesthetic character of the subdivision and of the County as a whole.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in considering any request for a reduction in roadway widths, as provided for in the above-referenced VDOT document, and in addition to any other requirements that may be required by VDOT, the following shall be required:

1. At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths.
2. For each lot which fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and record plat for the subdivision.
3. Front setbacks for all lots which front on a road subject to reduced widths shall be increased to a minimum of 40 feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No. 2 above will be met are recorded prior to, or concurrent with, the final subdivision plat. However, in no case shall the front setback be less than that required by the Zoning Ordinance.
4. The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to the reduced widths.
5. Roll top curb shall be used on all roads subject to reduced widths.
6. A minimum three-foot wide sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths.

7. For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guidelines Policy, as adopted by the Board of Supervisors.
8. No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the record plat.



Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
HARRISON	AYE
GOODSON	AYE
KENNEDY	AYE
NERVITT	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of April, 2000.

reducestwidth.res

# MASON PARK



SITE PLAN



**Project:** Mason Park  
**Location:** 1916 Jamestown Road, Williamsburg Va.  
**Developer:** HHHunt Homes – Hampton Roads, LLC

**Project Description:** 15 single family lots on 9 acres in a cluster formation. The plan is compact for a reason. The amenities at Mason Park are the homes and the setting. Reducing lot size without sacrificing the quality of the architecture leaves generous open spaces and buffers surrounding the neighborhood.



CONCEPTUAL RENDERING

SCALE: NOT TO SCALE



3248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23103  
 (757) 253-9940  
 Fax (757) 250-9994

**REZONING Z-3-06, SUP-21-06, MP-4-06. Pleasant Hill Station  
Staff Report for the August 7, 2006, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

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

Planning Commission:	July 10, 2006 (applicant deferral)	7:00 p.m.
	August 7, 2006	7:00 p.m.
Board of Supervisors:	September 12, 2006 (tentative)	7:00 p.m.

**SUMMARY FACTS**

Applicant:	James Peters, AES Consulting Engineers
Land Owner:	Hill Pleasant Farm, Inc.
Proposal:	Proposed car wash with two other supplementary uses
Location:	7152 Richmond Road
Tax Map/Parcel Nos.:	(24-1) (1-5)
Parcel Size:	4.7 acres
Existing Zoning:	A-1, General Agricultural
Proposed Zoning:	B-1, General Business
Comprehensive Plan:	Mixed-Use
Primary Service Area:	Inside

**STAFF RECOMMENDATION**

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached proffers will adequately mitigate impacts from this development. Staff recommends that the Planning Commission recommend approval of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors.

Staff Contact: Jason Purse

Phone: 253-6685

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

## **PROJECT DESCRIPTION**

Mr. James Peters has applied to rezone a 4.7 acre portion of the 403 acre Hill Pleasant Farm parcel located at 7152 Richmond Road from A-1, General Agricultural, to B-1, General Business, with proffers, with a Special Use Permit, for the development of a car wash, as well as two other commercial uses. The property is also known as parcel (1-5) on the JCC Tax Map (24-1).

There is a special-use-permit needed as a part of this application to allow for a car wash on property zoned B-1, as well as a traffic generation rate which is over 100 peak hour trips.

### **Proffers**

- Master Plan for the property, including a car wash, as well as additional supplemental uses
- Water Conservation standards to be approved by the JCSA
- Architectural Review, including submitted elevations for the car wash, as well as submitting elevations for the additional uses prior to County approval
- Owner's Association for the property
- Right turn lane for the main entrance on the property
- A traffic signal warrant analysis to be completed 6-months after the first Certificate of Occupancy is granted on the site, as well as the owner installing any required improvements.
- Lighting to be reviewed and approved by the Director of Planning
- A 50 foot Community Character Corridor buffer along the front of the property; including a berm and enhanced landscaped section in front of the buildings on the site
- Master stormwater management plan to be reviewed and approved by the Environmental Division

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

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Yarmouth Creek

### **Proffers:**

- Master Stormwater Management Plan to be reviewed and approved by the Environmental Division.
- Special stormwater criteria including, use of flatter site grades, bioretention, flat bottom, wide swales, underground pipe storm, drywell or rain barrels for major downspouts, in accordance with the Yarmouth Creek Watershed Management Plan

**Staff Comments:** The Environmental Division has reviewed the proposal and concurs with the Master Plan and proffers as proposed. The conceptual stormwater management plan has been approved by the Environmental Division, and similar to other applications final site design, including stormwater management and BMP design, will be determined at the site plan stage.

### **Public Utilities-**

This site is inside the PSA and will be served by public water and sewer.

### **Proffers:**

- Water Conservation standards to be reviewed and approved by the JCSA. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, equipping the automatic car wash with an approved water recycling system, 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.

**Staff Comments:** JCSA Staff has reviewed the proposal and concurs with the Master Plan and proffers as proposed. Similar to other special-use-permit cases, at the site plan processing level the applicant will work with JCSA staff to finalize the water conservation standards to include what is listed in the proffers, including a water recycling system for the car wash to limit the amount of public water needed by this project.

### **Transportation**

The applicant's traffic study determined there would be 9 AM peak hour and 51 PM peak hour trips generated by an automated car wash, which is the only assured use for this site; altogether there would be 612 total weekday daily trips in and out of the car wash. Of the two proposed types, Self-Service or Automated car wash, the automated wash has a higher traffic generation rate. Since this project will have both self-service and automated features the higher traffic generation rate was used.

The study also selected other various possible uses and determined their traffic impact during peak hours would be: 102 AM peak hour trips and 204 PM peak hour trips for a four lane drive thru bank; 12 AM peak hour and 21 PM peak hour trips for a Lube shop; and 11 AM peak hour and 22 PM peak hour trips for a Self-Service car wash. Combined the four uses would generate approximately 2,849 weekday daily trips for this project. The existing level of service conditions for Richmond Road is 'B' for the northbound approach and a LOS A for the westbound left turn.

A traffic signal coordination study was also completed by the applicant. If a signal is needed at the entrance of this development the study shows that it does not cause undue interference with other signals along the Route 60 corridor.

**2005 Traffic Counts (for Richmond Road):** Croaker Road to Lightfoot Road: 18,770 average daily trips. Forge Road to Croaker Road: 15,211 average daily trips.

**2026 Volume Projected:** Croaker Road to Centerville Road: 33,500 average daily trips. This is listed in the "watch" category.

**Road Improvements:** The applicant has proffered to put in a right turn lane at the entrance of the property along Richmond Road. The applicant will conduct a traffic signal warrant analysis after the first issued C.O. on the property and will construct any necessary improvements, as required by VDOT, at that point. In addition, as a part of the Master Plan there are sidewalks provided along Richmond Road, as well as curb cuts for possible crosswalks at the entrance of the property leading across Richmond Road

### **Proffers:**

- The main entrance to the Property shall be from Route 60 in the approximate location shown on the Master Plan. A right turn lane with 150 feet of storage shall be constructed at the main entrance.
- The turn lanes shall also include shoulder bike lanes and shall be completed or their completion bonded in form satisfactory to the County Attorney prior to the issuance of any building permit for buildings on the Property.
- Prior to the issuance of a first building permit for construction on the Property, Owner shall post a bond or other surety in form acceptable to the County Attorney for the installation of a traffic signal at the main entrance when and if VDOT traffic signal warrants are met. Owner shall conduct a traffic signal warrant study (i) within six months of the buildout of the Property or (ii) at such earlier time upon the request of VDOT and submit the study to the County and VDOT for their review and approval. If the approved study determines such a signal is warranted, the Owner shall install the signal.
- Updated traffic study for any use on the site that will contain a higher trip generation rate than what is proposed in this current traffic study, as well as any additional improvements identified.

- Reservation of right-of-way for a possible future road connection to the adjacent Go Karts Plus parcel to the east of the Property.

**VDOT Comments:** VDOT has reviewed and concurs with the proffers and the proposed Master Plan. VDOT concurs with the applicant’s traffic study, as well as their recommendation for improvements. Even though a traffic signal is not needed at this time, VDOT has worked with the applicant and feels that with the additional traffic study any future traffic impacts coming from this development will be adequately addressed prior to final completion of this project site should any additional improvements be required.

**COMPREHENSIVE PLAN**

**Land Use Map**

<p>Designation</p>	<p>Lightfoot Mixed Use (Page 127): Suitable for a mixture of limited industry, commercial and moderate density housing.</p> <p>Staff Comment: Staff finds that the use as proposed meets the land use designation for this area as the principle proposed uses are commercial in nature.</p> <p>In the description of this area in the Comprehensive Plan on the west side of Richmond Road (opposite from this project) suggests that commercial uses should not be developed in a “strip” commercial fashion, and while there is no specific language for the east side, staff would note that “strip commercial” development is addressed in the Comprehensive Plan both in general and as a part of the Lightfoot Mixed-Use area. While evaluation for “strip commercial” development is not paramount to this Land Use designation, it must be considered as a factor in the overall application of the Comprehensive Plan.</p>
<p>General</p>	<p>Strip Commercial (Page 77 &amp; 117): The Comprehensive Plan encourages commercial developments to develop in an attractive and convenient manner while avoiding “strip” commercial characteristics. Incremental development that allows inherent traffic congestion, non-centralized commercial activity, and reliance on automobile dependency are all discouraged. The Comprehensive Plan also recognizes the need to minimize new entrances from a traffic perspective, a design feature that is often not present in strip commercial development. Strip commercial development is characterized by some combination of the following characteristics:</p> <ol style="list-style-type: none"> <li>a. Street frontage parking lots</li> <li>b. No provisions for pedestrian access between individual uses</li> <li>c. Usually only one-store deep</li> <li>d. Buildings are arranged linearly rather than clustered</li> <li>e. No design integration among individual uses</li> <li>f. Multiple access points</li> </ol> <p><b>Staff Comment:</b> Some ways of reducing the “strip” commercial design would be to incorporate at least some of the following suggestions:</p> <ol style="list-style-type: none"> <li>a. Landscaped parking lots, including trees and landscaped island separation between bays.</li> <li>b. Peaked roofs, rather than flat ones.</li> <li>c. Limited and shared access</li> <li>d. Wide sidewalks abutting the storefronts with canopy or roof overhangs over pedestrian areas.</li> <li>e. Benches, sculpture, or pedestrian oriented open spaces to help make the overall development more attractive.</li> <li>f. Buildings arranged in clusters, rather than oriented linearly.</li> </ol> <p>This project meets some of the criteria for avoiding strip commercial development in that it provides landscaped street frontage parking areas, limited access points, parking entirely behind or beside the buildings, sidewalks in front of storefronts, as well as a pedestrian path around the BMP. However, the buildings are arranged in a one-store deep, non-clustered orientation, and without having a definitive use list the parcel does not necessarily have an integration of uses. All of these are aspects of a “strip commercial” development. Because a majority of uses are still speculative in nature there is no way to</p>

	accurately judge how this project will fit some of the Comprehensive Plan criteria. However, staff finds that given the shape of the parcel, other than having a single use on the property, there are not many alternatives with respect to building orientation to avoid this “strip commercial” pattern.
Development Standards	<p><i>General Standard #5-Page 134-35:</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances...Provide for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments in order to minimize such impacts and to provide adequate access between residential and nonresidential activity centers and among residential neighborhoods.</p> <p><i>General Standard #6-Page 135:</i> Provide for ultimate future road, bicycle and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodates future road, bicycle and pedestrian improvements.</p> <p><i>Commercial Standard #1-Page 136:</i> Locate proposed commercial and industrial developments adjacent to compatible uses.</p> <p><i>Commercial Standard #3-Page 136:</i> Mitigate objectionable aspects of commercial or industrial uses through an approach including performance standards, buffering, and special setback regulations.</p> <p><b>Staff Comment:</b> This project provides both sidewalks and shoulder bike lanes along the front of the property, including possible connections for crosswalks across Richmond Road should this intersection ever become signalized. This project meets the limited access criteria by only providing one four-way entrance-exit point, as well as providing for possible future access to the adjacent parcel to the south. Because of the future reserved right-of-way, the pedestrian and bicycle improvements, and the enhanced and bermed buffer area along the Community Character Corridor, staff finds that this proposal meets the requirements of some of the above referenced Development Standards. However, since the supplementary uses are not currently established adequate analysis cannot take place to determine the overall compliance with <i>Commercial Standard #3</i>.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><i>Strategy #4-Page 138:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p><b>Staff Comment:</b> Staff feels that although architectural elevations are provided for the car wash, these do not necessarily represent how the overall development will compliment existing, surrounding development once built out. Because of the speculative nature of the project elevations will be provided at a later date for review and approval by the Planning Director for all future uses to help ensure that architecture is consistent with what is present in the surrounding area. Staff also believes that because of the buffering along Richmond Road, and proffered height limits of 35 feet, this project meets most of the standards listed in the above mentioned strategies.</p>

## Environment

General	<p><i>Yarmouth Creek Watershed Management Plan-Page 47:</i> A final watershed management plan with recommendations on preserving this watershed was completed in 2003.</p> <p><b>Staff Comment:</b> There are no projects immediate to this site designated in the plan. However, the applicant has proffered to include special stormwater criteria that will be met on the Master Stormwater Management Plan to be submitted with the Site Plan, as discussed in the Yarmouth Creek Watershed Management Plan.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action #5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><i>Action #23-Page 67:</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.</p> <p><b>Staff Comment:</b> JCSA will require that water recycling takes place onsite for the car wash, and the applicant has proffered to include those measures in their water conservation standards. The applicant has also proffered features similar to those described in Action #5 listed above. The</p>

	Environmental Division is confident that the applicant will be able to minimize adverse impacts by achieving those measures.
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## Transportation

General	<p><i>Sidewalks and Bikeways-Page 69-70:</i> Strongly recommends development of sidewalks and related pedestrian facilities to connect residential to nonresidential areas, as well as construction of bike facilities and ensuring all new facilities and future plans meet the public's desires and needs.</p> <p><i>Richmond Road Plan-Page 77:</i> Minimize the number of new signals and entrances and ensuring efficient signal placement and coordination.</p> <p><b>Staff Comment:</b> The applicant has provided both pedestrian and bicycle improvements along Richmond Road and have limited the possible entrances with signalization to one. The applicant has also provided a traffic signal coordination study to VDOT, which demonstrates the ability to ensure efficient placement and coordination of the possible signal.</p>
Goals, strategies and actions	<p><i>Strategy #1-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County's image and reduce the visual impact of auto-related infrastructure.</p> <p><i>Strategy #3-Page 80:</i> Encourage commercial and industrial development patterns that maintain or improve the planned function and character of County roadways.</p> <p><i>Strategy #5-Page 80:</i> Support the provision of sidewalks and bikeways in appropriate areas...</p> <p><i>Action #5-Page 81:</i> Encourage land use densities, intensities, and development patterns that recognize the capacities, roadway functional classification, and scenic corridor designations of existing and proposed roads.</p> <p><i>Action #6-Page 81:</i> Assure that private land developments adequately provide transportation improvements which are necessary to serve such developments, or that these developments do not occur in advance of necessary improvements or compromise the ability to provide such facilities.</p> <p><i>Action #7 (a)-Page 81:</i> Limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p><b>Staff Comment:</b> In both the proffers and on the Master Plan the applicant has provided a design that will ensure an enhanced roadway landscaped area that will reduce the visual impact of the development.</p> <p>This project also provides future traffic studies to ensure future uses on the property meet necessary requirements, and specifically meet the goals stated in Actions numbers 5 and 6, with respect to the ability to encourage compatible land use intensities and provide adequate transportation improvements.</p>

## Community Character

General	<p><i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer requirement for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</p> <p><b>Staff Comment:</b> The applicant has provided the 50' Community Character Buffer on the Master Plan, which includes enhanced landscaping as well as two to four foot berming in front of the buildings on the property. Additionally the applicant has provided all of the parking for the uses behind the buildings, which is important for the visual quality of the corridor.</p>
Goals, strategies and actions	<p><i>Strategy #3-Page 95:</i> 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.</p> <p><i>Action #4-Page 96:</i> Identify vistas and other scenic resources that should be protected and encourage building, site, and road designs that enhance the natural landscape and preserve valued vistas. These designs should also minimize any potential negative impacts with regard to noise and light pollution and other quality of life concerns.</p> <p><i>Action #24 (b)-Page 97:</i> Encourage new developments to employ site and building design techniques include berms, buffers, landscaping, building designs that appear as collections of smaller buildings rather than a single large building, building colors and siding that cause large</p>

	<p>structures to blend in with the natural landscape, and low visibility parking locations.</p> <p><b>Staff Comment:</b> This parcel is located outside of the Norge Community Character Area, however, the applicant has provided elevations for the car wash which take into account some of the architectural characteristics of prominent Norge buildings. Staff would note that this project helps to reestablish the identity of Norge from Lightfoot by the inclusion of the fruit “orchard” and adherence to some of the design standards present in the Comprehensive Plan including: parking location, special landscaping and buffering, architectural and height limitations, and pedestrian and bike facilities.</p> <p>Even with the applicant’s proffering of aesthetic buffers and landscaping this project still promotes a number of the “strip commercial” characteristics discussed in the Land Use Section discussion because of its shape limitations. However, with low-visibility parking locations and natural landscapes at one end of the property (leading into Norge), this project helps provide some of the characteristics of Action 24 from this section of the Comprehensive Plan. Because of the speculative nature of the project, elevations will be provided at a later date for review and approval by the Planning Director for all future uses to help ensure that architecture is consistent with what is present in the surrounding area.</p>
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**Comprehensive Plan Staff Comments**

Overall, staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. The uses proposed fit within those suggested for the Lightfoot Mixed Use area. The future traffic studies will help ensure that the intensities of the uses will not be out of scale with what is proposed under this Master Plan. Proffers for the development ensure that the visual impacts of this proposal will be minimized by an enhanced, bermed landscaped area in front of the buildings on the property, and architectural elevations to be reviewed by the Planning Director keeping these uses compatible with other buildings in the area. Traffic impacts will be minimized through limited access to Richmond Road, as well as a reserved right-of-way for a possible connection to the adjacent parcel. Staff has concerns over the speculative nature of the supplementary parcels and the “strip commercial” nature of this development. However, given the limitations of the parcel, and the applicant’s proffers for mitigating future impacts, staff feels that this project will not negatively affect the community.

**RECOMMENDATION**

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached proffers will adequately mitigate impacts from this development. Staff recommends that the Planning Commission recommend approval of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors.

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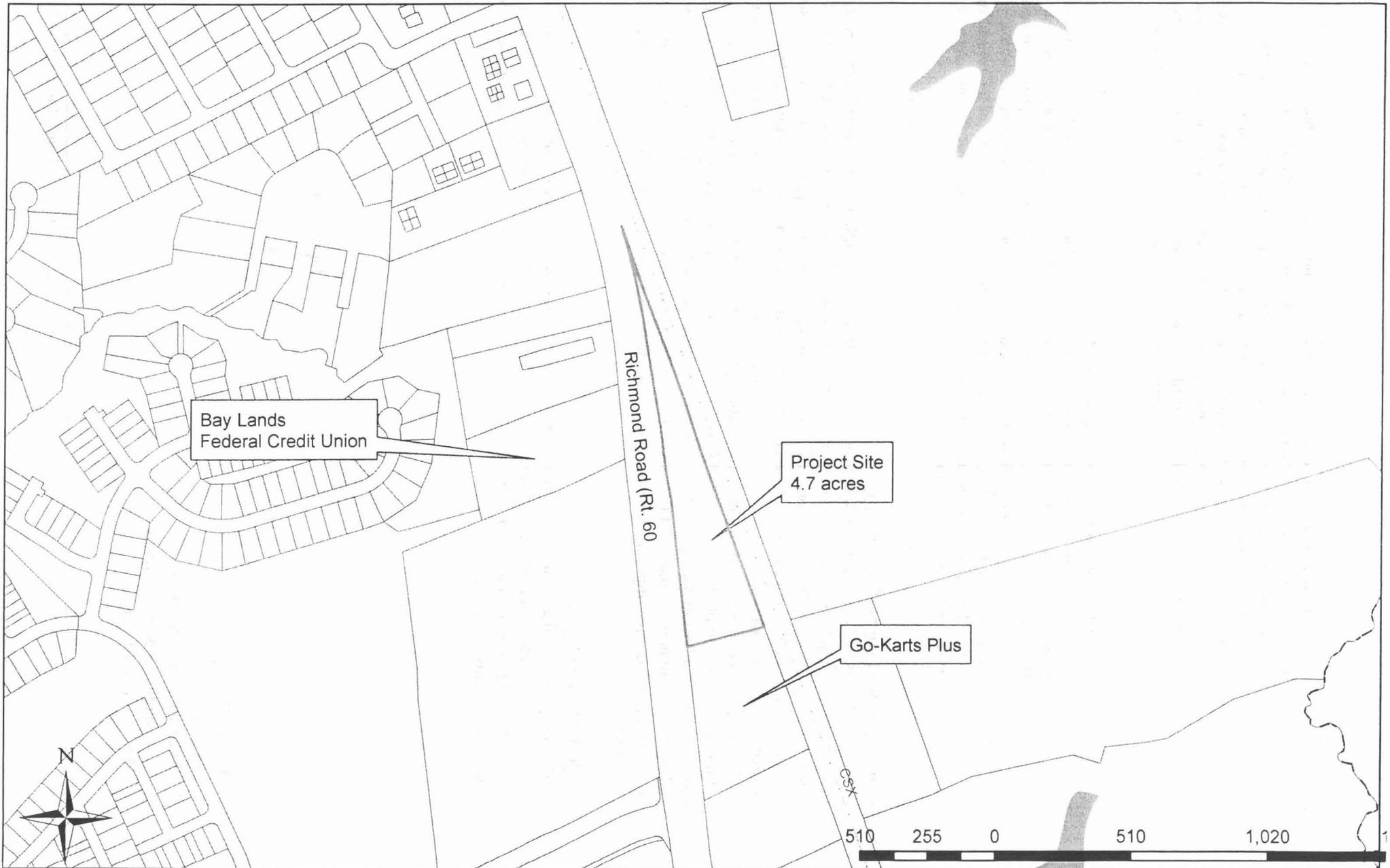
Jason Purse, Planner

**ATTACHMENTS:**

1. Location Map
2. Master Plan (Under separate cover)
3. Community Impact Statement
4. Architectural Elevations
5. Proffers

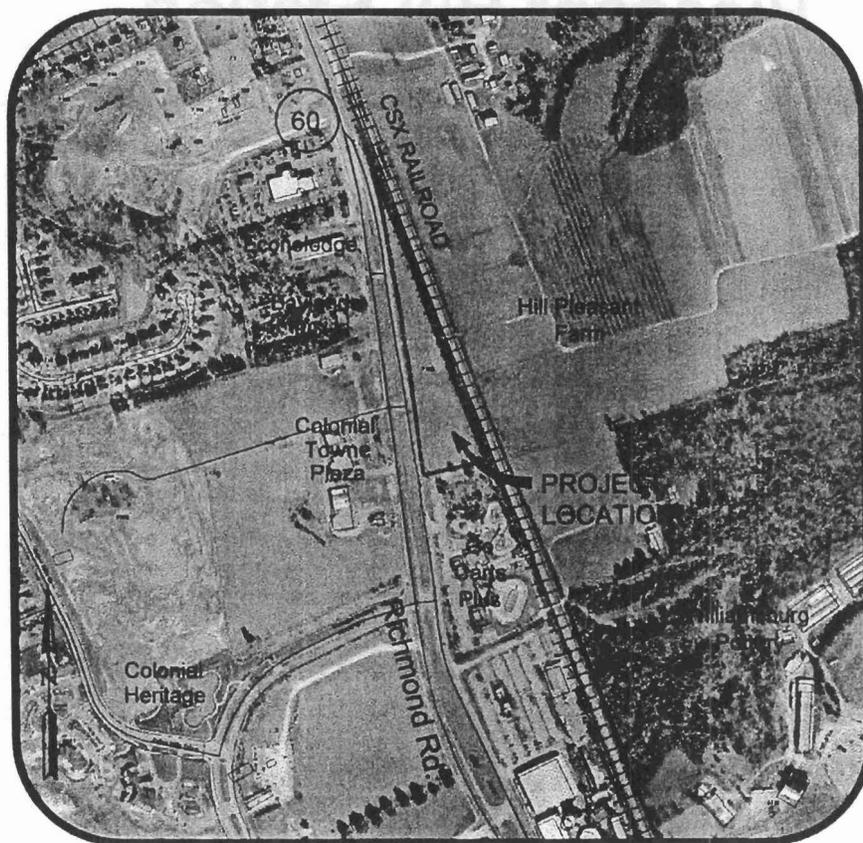
# Z-3-06/SUP-21-06/MP-4-06

## Pleasant Hill Station



# Rezoning with Special Use Permit and Master Plan Application *For* Pleasant Hill Station

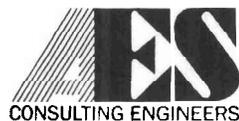
*Prepared For  
Doug Harbin*



Submitted: May 26, 2006  
**Revised: August 1, 2006**

AES Job Number: 9668-00

**Prepared By**



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

# Community Impact Statement Rezoning & Special Use Permit

for

## Pleasant Hill Station

Prepared For

Mr. Doug Harbin

3705 Strawberry Plains Road, Suite D  
Williamsburg, VA 23188

May 26, 2006

**Revised: August 1, 2006**

AES Project Number: 9668-00

Prepared by:



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**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. THE PROJECT TEAM ..... 2

III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION ..... 4

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES ..... 8

    A. Public Water Facilities ..... 8

    B. Public Sewer Facilities ..... 8

    C. Fire Protection and Emergency Services ..... 10

    D. Solid Waste ..... 10

    E. Gas and Electricity..... 10

V. ANALYSIS OF STORMWATER MANAGEMENT ..... 11

VI. ENVIRONMENTAL AND SITE INVENTORY ..... 14

    A. Topography ..... 14

    B. Soils ..... 14

    C. Surface Water ..... 14

    D. Wetlands and Floodplains ..... 16

    E. Vegetation ..... 16

    F. Cultural Resources ..... 16

VII. ANALYSIS OF IMPACTS TO TRAFFIC ..... 16

    (See separate Traffic Analysis from DRW Consultants)

VIII. CONCLUSION ..... 16

LIST OF TABLES

    Table 1 Projected Water Usage ..... 8

    Table 2 Projected Wastewater Flows ..... 10

LIST OF EXHIBITS

    Exhibit 1 Context Map ..... 3

    Exhibit 2 Subwatershed Map..... 15

APPENDIX

    I. Traffic Analysis, by DRW Consultants

## I. INTRODUCTION

On behalf of Mr. Doug Harbin, AES Consulting Engineers is requesting to rezone a 4.7± acre portion of the 403 acre Hill Pleasant Farm parcel ((24-1)(1-5)) from A-1 to B-1 with a Special Use Permit. The 4.7± acre subject property is located on the east side of Route 60 in a shallow triangular parcel abutting the CSX Railroad. This portion of the Hill Pleasant Farm was separated from the parent parcel when the CSX Railroad right-of-way was established. Currently, all 403 acres of the Hill Pleasant Farm are within the Agricultural and Forestal District (AFD). Before the property can be rezoned, some portion of Hill Pleasant Farm, including this 4.7± acre parcel, will have to be withdrawn from the AFD. The withdrawal is planned for August 2006. The subject property is located within the Primary Service Area, just north of Go-Carts-Plus and across the street from Colonial Towne Plaza, Baylands Federal Credit Union, and the Econo Lodge Motel. The site is also just north of the main entrance to Colonial Heritage, an age-restricted, independent living community.

Located within the northern tip of the Lightfoot Mixed Use area as designated on the Comprehensive Plan, the site abuts the Norge Community Character area immediately to the north. Mr. Harbin is proposing to develop the subject property to include three commercial uses with shared access between uses. The proposed development will include a car wash facility and two other uses such as a bank, restaurant(s) and/or a lube shop. The site is being planned as a unified development as recommended by the Comprehensive Plan and will serve as a gateway from the Lightfoot Mixed Use area to the Norge Community Character area.

## II. THE PROJECT TEAM

The following organizations are involved in the planning and development of the 4.7± acre property.

- Property Owner: Hill Pleasant Farm, Inc.
- Developer: Doug Harbin – Williamsburg, VA
- Land Planning: AES Consulting Engineers - Williamsburg, VA
- Engineering: AES Consulting Engineers – Williamsburg, VA
- Traffic Planner: DRW Consultants – Richmond, VA

Key components of this Community Impact Study are:

- Planning Considerations and Project Description
- Analysis of Impacts to Public Facilities and Services  
Stormwater Analysis
- Traffic Study

**Exhibit 1 - Context Map**  
(not to scale)



### III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION

#### Planning Considerations

Pleasant Hill Station lies within the Primary Service Area (PSA) of the county. "The Primary Service Area defines areas presently served by public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years." Plans for Pleasant Hill Station are being pursued with the knowledge that water and sewer services can be brought to the site and that there is ample capacity in these systems to support this project.

The Comprehensive Plan of James City County designates this area as Mixed Use and describes Mixed Use areas allowing "flexibility in design and land uses in order to protect and enhance the character of the area." The subject property is specifically located within the Lightfoot Mixed Use area. The Comprehensive Plan recognizes that there are shallow parcels within this Lightfoot Mixed Use area where design flexibility will be limited. The Comprehensive Plan recommends that these shallow parcels should utilize shared access and parking in order to lessen the traffic impact a proposed development with multiple ingress/egress points would have. Within the Comprehensive Plan's description of the Lightfoot Mixed Use area, undeveloped parcels "would be suitable for a transit-oriented mixed use development with a mixture of limited industry, commercial and moderate density housing." With the subject property's unusual shape and size, the proposed transit-oriented commercial uses are recommended and encouraged. Also, the Comprehensive Plan specifically calls for this site to "emphasize shared access and parking in order to mitigate traffic congestion as well as consistent treatment for landscaping and architecture." The proposed development will utilize shared access through its design as well as provide complementary architecture and landscaping consistent with the surrounding Norge and Lightfoot areas.

Richmond Road (Route 60) is designated as a Community Character Corridor. Any new commercial development requiring rezoning should provide a 50' buffer along frontage roads designated as Community Character Corridors. According to 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.” Planning for Pleasant Hill Station has considered views to and from the site through this buffer. Enhanced landscaping, architectural treatments, sidewalk connections, and a soft trail are planned to compliment the development and the corridor; as well as this particular buffer’s ability to function as an important infiltration element in the overall site stormwater management plan.

The site is currently zoned A-1, General Agricultural District. The A-1 district “is intended for application to the rural areas of the county generally outside of the primary service area and where utilities and urban services generally do not exist and are not planned for the near future.” To comply with the Comprehensive Plan and in order to allow the uses proposed, the site requires rezoning to B-1. The General Business, B-1 zoning district, is intended to facilitate commercial development to which “the public requires direct and frequent access, but which is not characterized either by heavy trucking other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.” Due to the awkward shape and size of the subject property, the B-1 zoning district provided the most flexible set of setbacks and yards for the proposed development. The B-1 zoning district also proved to be the most applicable district to facilitate the proposed uses. Similar land uses and existing B-1 zoning surround the subject property. This proposed development would bring the subject property closely in line with the surrounding land uses and zoning.

Per Section 24-11 of the zoning ordinance, a Special Use Permit is required due to the levels of traffic anticipated for the proposed uses (see separate Traffic Analysis for final traffic counts).

The site falls within the Yarmouth Creek Watershed. Development within this sensitive watershed will be required not only to meet the general criteria of the Commonwealth of Virginia and James City County, but also any Special Stormwater Criteria (SSC) measures as recommended in the Yarmouth Creek Watershed Plan. The subject property is located along the uppermost ridge of Subwatershed 104. The watershed plan characterizes the existing conditions of the lower portions of the streams in this subwatershed as having “excellent stream conditions.” However, some of the

upland reaches of a few streams are starting to show signs of "straightening as well as carrying an excess sediment load." Specifically, the subject property, along with portions of Route 60 that drain onto the subject property, drains into Reach 104-S2. According to the Yarmouth Creek Watershed Plan, Reach 104-S2 is "experiencing streambank erosion and headcutting" and the watershed plan recommends channel stabilization. The watershed plan goes on to say "Treatment of the stormwater prior to restoration should be a prerequisite for [stream restoration]." In response to the previous recommendation, Low Impact Development (LID) measures will be utilized throughout the proposed development in order to treat stormwater runoff before it leaves the site and also allow runoff to infiltrate for groundwater recharge. This proposed development will also adhere to the Special Stormwater Criteria (SSC) to further treat stormwater before it leaves the site. (See the Analysis of Stormwater Management section for more specific information on stormwater runoff treatment)

### **Project Description**

Mr. Doug Harbin is proposing to rezone a 4.7± acre parcel from A-1 to B-1 in order to site three commercial uses. This proposed development is within the Primary Service Area and will be served by public water and sewer. The master plan shows this site with three commercial uses. These proposed uses are a car wash with four self-serve bays, a detailing garage and an automated car wash; and, potentially a bank with three drive-through lanes and an ATM drive-through lane, a lube shop with three bays, and/or a small sit-down restaurant.

This proposed development will afford several benefits to the community. Located on the border of the Norge Community Character Area, the subject property will serve as a transition to the Norge area through similar architecture and site design, as other developments have done along this corridor. The proposed architecture will adhere to a set list of Architectural Guidelines and compliment the character of the Norge area. The site design will accommodate a streetscape through which the proposed trees along Route 60 will be planted with a street tree effect, and sidewalks will be provided along Route 60 and throughout the site with a potential future connection to Go-Carts-Plus. The unique linear characteristics of this shallow site and vehicular access to the uses

discourage most building cluster opportunities; however the buildings are grouped together to the south in the deepest portion of the property. The buildings are also pushed forward towards Richmond Road with the parking located towards the rear of the buildings. The architecture of these proposed buildings will have peaked roofs as well as other specific architectural characteristics described in the Architectural Guidelines.

Due to the irregular triangular shape of the subject property, the bulk of the proposed development will be consolidated to the south and much of the site will be retained and designed as open space (approximately 3.1± acres of pervious area or 66% of the total site). These open space areas will adhere to a Landscape Architectural Concept that will provide significant amounts of trees and shrubs to a site with no existing woody vegetation. Enhanced Landscaping along with a 2-4' variable height berm will be proffered along Richmond Road in front of the proposed buildings and vehicular areas. This landscape concept will also include a naturalized meadow, pedestrian soft trail, and fruit tree orchard within the shallow triangular portion of the property. The intent of these areas is to create an aesthetically pleasing amenity that can be shared with the community as well as be a reminder of this parcel's agricultural heritage.

In response to the Yarmouth Creek Watershed Plan, this proposed development will treat all runoff before it leaves the site and allow the stormwater the chance to infiltrate through bioretention basins, infiltration trenches, underground storage, and broad grass swales for groundwater recharge. Also, any excess fertilizers and pesticides that currently run off the site associated with the current agricultural use would be eliminated with this proposed development.

Pleasant Hill Station will not only benefit the community through better site design, but also provide desirable services to the surrounding community as well. Overall, the proposed uses, architecture, and site design will accommodate and compliment the surrounding land uses and be beneficial to the community.

#### IV. ANALYSIS OF EXISTING PUBLIC FACILITIES AND SERVICES

##### A. PUBLIC WATER FACILITIES

The property addressed in this Community Impact Statement is located within the Primary Service Area (PSA) of James City County and the James City Service Authority, where public water and sanitary sewer services are generally available, and the use of these public facilities are required. For this site, public water service is not immediately available, although a JCSA 16-inch water main is located approximately 150 feet west of the site, on the west side of Route 60 paralleling this roadway. To develop the site, a water system extension will be needed to include a water main (at least an 8-inch water main) to cross Route 60 to the site for fire protection, and a water service source.

At this point in time, there is not sufficient engineering data available to generate an updated water model for the proposed development. A water system analysis with updated fire flow information will be provided as part of the engineering design and construction documents. Nonetheless, previous water modeling of the existing 16" water distribution main along Route 60 has demonstrated sufficient capacity to provide for the water demands in this area, and no real impact to the system.

Below are estimates of water use for this development.

**TABLE 1 - PROJECTED WATER USAGE**

Type of Use	Design Units	Flow (GPD/Unit)	Total Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
BANK	4,400 SF	0.06	264	12	0.37	0.92
LUBE SHOP	50 VPD	10	500	12	0.69	1.74
CAR WASH	6 Bays	2,347	14,082	12	19.56	48.90
<b>Total</b>			<b>14,846</b>		<b>20.62</b>	<b>51.55</b>

##### B. PUBLIC SEWER FACILITIES

As stated before, the property addressed in this Community Impact Statement is located within the PSA of James City County and the James City Service Authority, where public water and sanitary sewer services are generally available. For this site, public sewer service is currently available. The sewer service is provided by an existing 10-inch

JCSA sanitary force main, located on the east side of Route 60 (adjacent to the site). There are no gravity sewer systems located on or adjacent to the site. A grinder pump sewer system will be required on-site for the transmission of sewer from the site and into the existing force main.

(Please note: Although HRSD operates a 24-inch force main adjacent to the project site, this force main is a transmission pipeline and not a collection pipeline, and therefore, HRSD is resistant to any “privateer” connections.)

Proposed sewer flow from the proposed development is taken from Table 2.1 of the James City Service Authority “Standards and Specifications Water Distribution and Sanitary Sewer Systems”, and collected estimates for other sources. The estimated average daily sewage flow generated from the proposed development is 14,846 gallons per day (GPD) with a peak flow rate of 51.55 gallons per minute (GPM). See Table 2 below for details of the Projected Wastewater Flows. Again the impact of this development upon the sanitary sewer system is negligible.

TABLE 2 - PROJECTED WASTEWATER FLOWS

Type of Use	Design Units	Flow (GPD/Unit)	Total Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
BANK	4,400 SF	0.06	264	12	0.37	0.92
LUBE SHOP	50 VPD	10	500	12	0.69	1.74
CAR WASH	6 Bays	2,347	14,082	12	19.56	48.90
<b>Total</b>			<b>14,846</b>		<b>20.62</b>	<b>51.55</b>

C. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS)

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

In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The location of the project allows for coverage by two of the county’s five stations and York County Fire Station #5 (Skimino). Station 1, located

on Forge Road in Toano and Station 4, located on Olde Towne Road will be within reasonable response times of the project.

#### D. SOLID WASTE

The property will generate solid waste that will require collection and disposal to ensure a safe and healthful environment. Collection of solid waste will be by private contract with reputable haulers acting in accordance with local health standards. This waste will be transported to the James City County Solid Waste transfer station.

#### E. GAS AND ELECTRICITY

Virginia Natural Gas (VNG) supplies gas in the area. Sufficient VNG infrastructure exists to meet the needs for the proposed development. Current policy of the gas company is to provide manifolds and install gas lines at no cost to the developer. Electricity is supplied by Dominion / Virginia Power through existing power lines running along the front of the property.

#### V. ANALYSIS OF STORMWATER MANAGEMENT

A brief 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 development. The goal of the stormwater management plan is to adhere to local and state stormwater goals and guidelines.

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

- The property is in sub-watershed 104 of the Yarmouth Creek Watershed. (Additional considerations of stormwater management may be warranted because of this designation.).
- Property's current land use is agricultural.
- The property's future land use includes larger amounts of impervious area.

The property is relatively flat.

Top layer of the soil seems to be relatively sandy, with SCS soil classifications of "moderately well-drained" and "well-drained" characteristics.

Receiving channels (or receiving stormwater structures) may be limited to existing VDOT stormwater conveyance systems.

Sub-watershed 104 of the Yarmouth Creek Watershed is currently moderately-developed with both residential and commercial areas along the Richmond Road / Route 60 corridor. The projected buildout of this subwatershed is currently expected to produce an impervious cover for the watershed of approximately 19.3%. In comparison, the proposed development of this land will only slightly alter the projected buildout, impervious cover for the watershed (increasing impervious cover to 19.6%, a 0.3% increase).

The Yarmouth Creek Watershed Watershed Plan does contain recommendations for Subwatershed 104, however, these recommendations are primarily to off-site facilities. Nonetheless, the most appropriate treatment to stormwater, and the effects of stormwater, is to provide the means and methods to control the stormwater runoff, and improving the quality of the stormwater runoff at the site.

Being that the site is relatively small (less than 5 acres), the topography is relatively flat (about 5-7 feet from low point to high point, approximately), and that the soil appears to have a sandy content, a few of stormwater management/ best management practice (SWM/BMP) solutions appear appropriate. These practices include: infiltration basin (including underground detention and infiltration), or bioretention. Both bioretention and infiltration basins have the similar attribute of using soils as a filtering media for stormwater runoff. Similarly, both bioretention and infiltration basins have very high water quality improvement characteristic. (These structural BMP measures rate 10 BMP points, each). And finally, both these types of SWM/BMP practices can be engineered to provide measures to protect downstream stream channels from the adverse effects of increased stormwater flows.

Subject to verification of the native soils' characteristics and the effective use of bioretention or infiltration basin BMP's, the proposed development of this property will

capture the run-off to the SWM/BMP area, which will be located to the north of the core of the project development or in underground detention facilities located beneath the proposed parking lots. The area on the northern portion of the site tends to have the lower elevations of the site, and current site runoff tends to collect in the area. The planned facility will detain runoff storm events, allow "first flush" runoff to be filtered through soils (or in the case of bioretention, filtered through soils with landscaping materials up-taking nutrients from the soils) for the on-site development, and release the more superior runoff flows to receiving stormsewer systems of Route 60.

The effect of this system is that stormwater management will be the accomplishment of the goals and priorities of current applicable guidelines, including the James City County Guidelines for Design and Construction of Stormwater Management BMP's, Virginia Stormwater Managements Handbook, and the Virginia Erosion and Sediment Control Handbook including 24 hour drawdown of the 1-year, 24-hour storm.

To have the post development site to start to mimic pre-development hydrology, Special Stormwater Criteria (SSC) shall be applied to the site. Because the site acreage is approximately 5 acres, 3 unit measures of SSC are needed. Some of the SSC measures are relatively easy to achieve, such as the use of flatter site grades (1 SSC unit when applied site wide), and the use of flat bottom, wide swales (1 SSC unit when applied site wide). Additional SSC measures realistically include: limited use of underground pipe storm drain pipe (1 SSC unit when applied site wide); drywell or rainbarrels for major downspouts (again, 1 SSC unit when applied site wide).

The net effect to the community of implied stormwater management measures and SSC implementation is a proposed development with minimal impact on the community's environment with post development hydrology mimicking existing hydrology, and a much higher quality of stormwater runoff from the site.

## VI. ENVIRONMENTAL AND SITE INVENTORY

### Description of Existing Conditions

The property is a relatively flat cultivated agricultural field; recently disked and seeded with grass. There are no existing trees or shrubs on this site. A few small trees and a mix of shrubs and vines are located within the CSX Right of Way. The property is bounded by the CSX Railroad and Route 60. There are existing drainage ways along both of these boundaries, as well as existing power lines along Route 60. The site is currently accessed by a gravel road that provides access to the remainder of Hill Pleasant Farm via an at-grade crossing.

#### A. Topography

The cultivated land slopes gradually across the site. Elevations on the property average approximately 100 feet mean sea level as indicated by the JCC GIS Mapping Department with a contour interval of 5-feet. There is less than a 10' drop throughout the site.

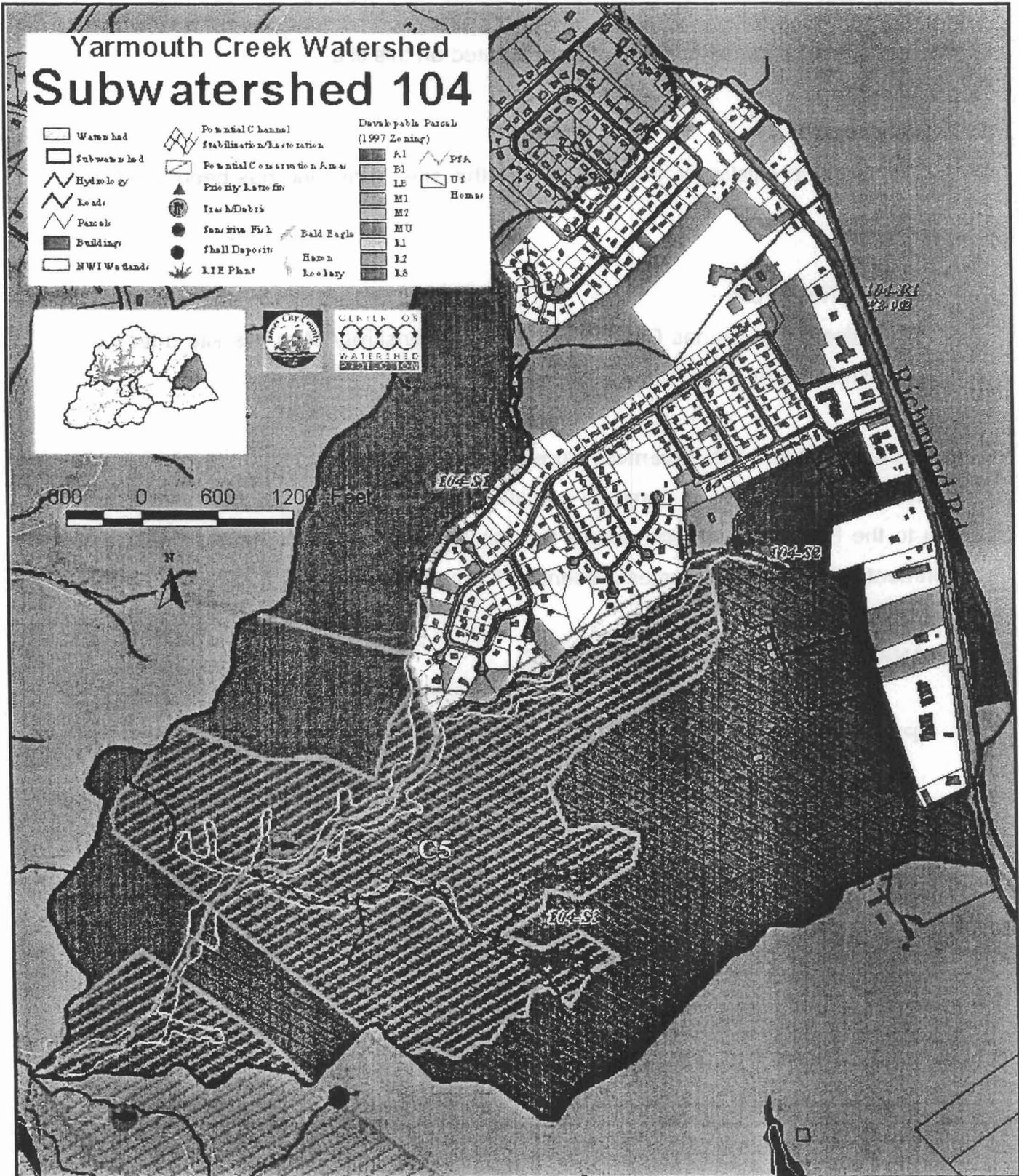
#### B. Soils

The Soil Survey of James City County, Virginia (USDA 1985) maps a few different soil types within this site. The soils situated on this site are well-drained soils (e.g. Emporia, Uchee). Shrink-swell potential is low in all soils mapped within the site boundary, and the erosion hazard potential is slight in all soils.

#### C. Surface Water

This site is within Subwatershed 104 of the approved Yarmouth Creek Watershed Plan and is not impacted by any tributaries or wetlands associated with Yarmouth Creek. There are two open-air drainage ditches associated with this site; which are located along the CSX Railroad and Route 60. The site is in Area S-2 of Subwatershed 104 of Yarmouth Creek (See Exhibit 2).

Exhibit 2 – Subwatershed Map



**D. Wetlands and Floodplains**

According to Flood Insurance Rate Map (FIRM) 510201 0020 B, dated February 6, 1991, there are no floodplains or wetlands located on this site.

**E. Vegetation**

There are no existing trees or shrubs on this site. This land has been used as farm land.

**F. Cultural Resources**

According to the James City County Cultural Sensitivity Map this site does not contain any known sites of archeological significance.

**Environmental and Site Inventory Summary**

The subject property is currently a cultivated field that also provides secondary access to the Hill Pleasant Farm across the railroad tracks. There are no significant environmentally sensitive resources present on the subject property.

**VII. ANALYSIS OF IMPACTS TO TRAFFIC**

(Please see separate Traffic Analysis done by DRW Consultants).

**VIII. CONCLUSION**

In summary, this proposed development is complimentary to surrounding land uses and zoning and in conformance with the current James City County Comprehensive Plan. Both the Mixed Use area designation and the surrounding properties zoned B-1, make this proposed development and its uses fit well with the character of the area. Rezoning and redeveloping this site to B-1 will lead to the types of commercial services that are called for in the Comprehensive Plan and will complement the surrounding land uses. This proposed development will provide particular benefits to the community as well. These benefits will include:

- Specific architectural elements set forth within the Architectural Guidelines to compliment the surrounding Norge area.
- Fronting the proposed buildings on Route 60 and placing the parking behind the buildings and towards the railroad.
- Shared access to alleviate traffic impacts with a potential future connection to Go-Carts-Plus.
- Sidewalks providing pedestrian connectivity throughout the site and adding to the pedestrian corridor along Route 60.
- Open space provided amounting to 3.1± acres (approximately 66% of the total site area).
- Significant landscaping provided to a site with no existing trees or shrubs.
- Streetscape design along Route 60 through, building and parking placement, sidewalk interconnectivity, and landscaping planted with a street tree effect.
- Architectural Guidelines complimentary to the Norge area for all proposed buildings to adhere to.
- Low Impact Development measures throughout the site to allow for groundwater infiltration.
- Services that will benefit the surrounding community.
- Enhanced Landscaping and a 2-4' variable height berm along the Richmond Road Community Character Corridor to visually screen vehicular activity.
- A Landscape Architectural Concept which includes a fruit tree orchard, a pedestrian soft trail, and a naturalized meadow. This concept recognizes the views into and out of the site as well as provides a beneficial amenity to be enjoyed by the community and the users of the site.

This proposed development, through better site design and the proposed commercial uses will benefit the community as well as serve as a successful transition into the Norge area.



Harbin Car Wash  
Williamsburg, Virginia  
June 27, 2006

# Architectural Guidelines

## Building Setback from Road.

Follow guideline in Figure 1.

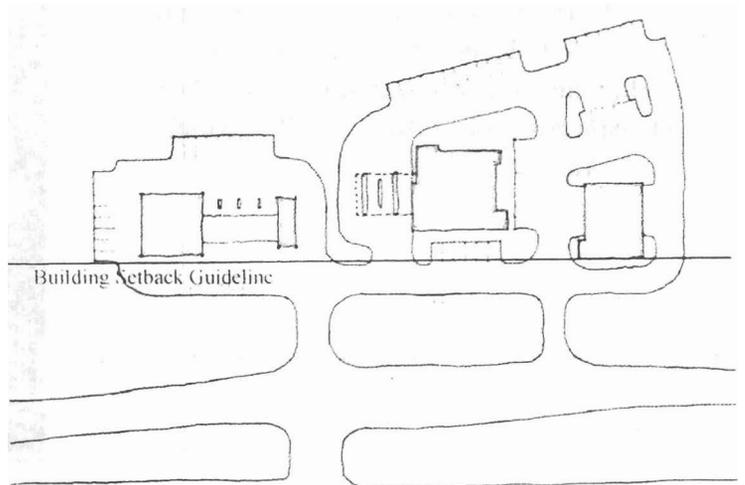


Figure 1

## Roof Forms

Roofs should be painted standing seam metal roofs of the same color for all three buildings. Roof slope should fall between a 12:12 and 6:12 slope as seen in Figure 2.

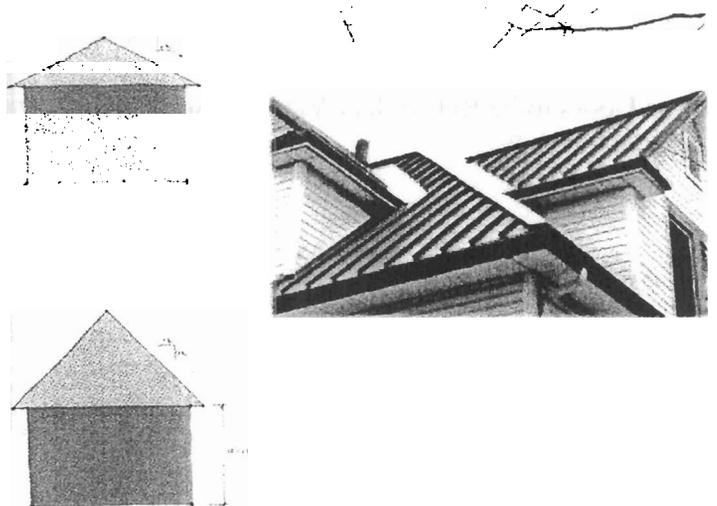


Figure 2

## Materials

The following is a list of materials to be used in the construction of all three buildings:

- Painted standing seam metal roof
- Brick veneer
- White trim elements
- White trellises and columns

See examples in Figure 3.

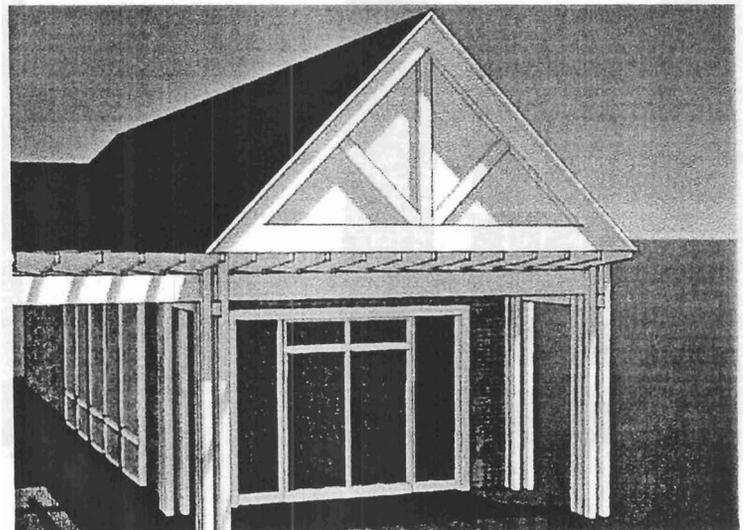


Figure 3

**Details:**

- All vertical elements (posts and columns) to be 10"-16" widths, either square or round.
- Trellises to be constructed using the following elements: 6x6 min. posts, 4x6 crosspieces, 2x12 rafters, 2x10 decorative trellis rafters.

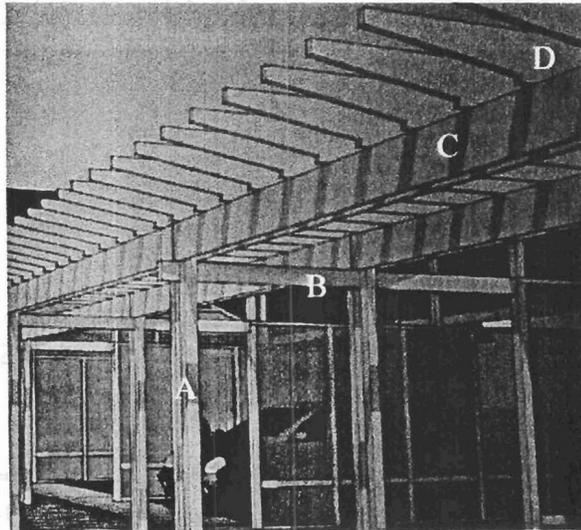


Figure 4

- A. 6x6
- B. 4x6
- C. 2x12
- D. 2x10

**Windows and Doors**

Windows are to be either white storefront windows for retail use as seen in Figure 5 or traditional muntin windows for office use as seen in Figure 6.

Garage Doors to be Ryko Clear View Bifold Doors as seen in figure 7.



Figure 5



Figure 6



Figure 7



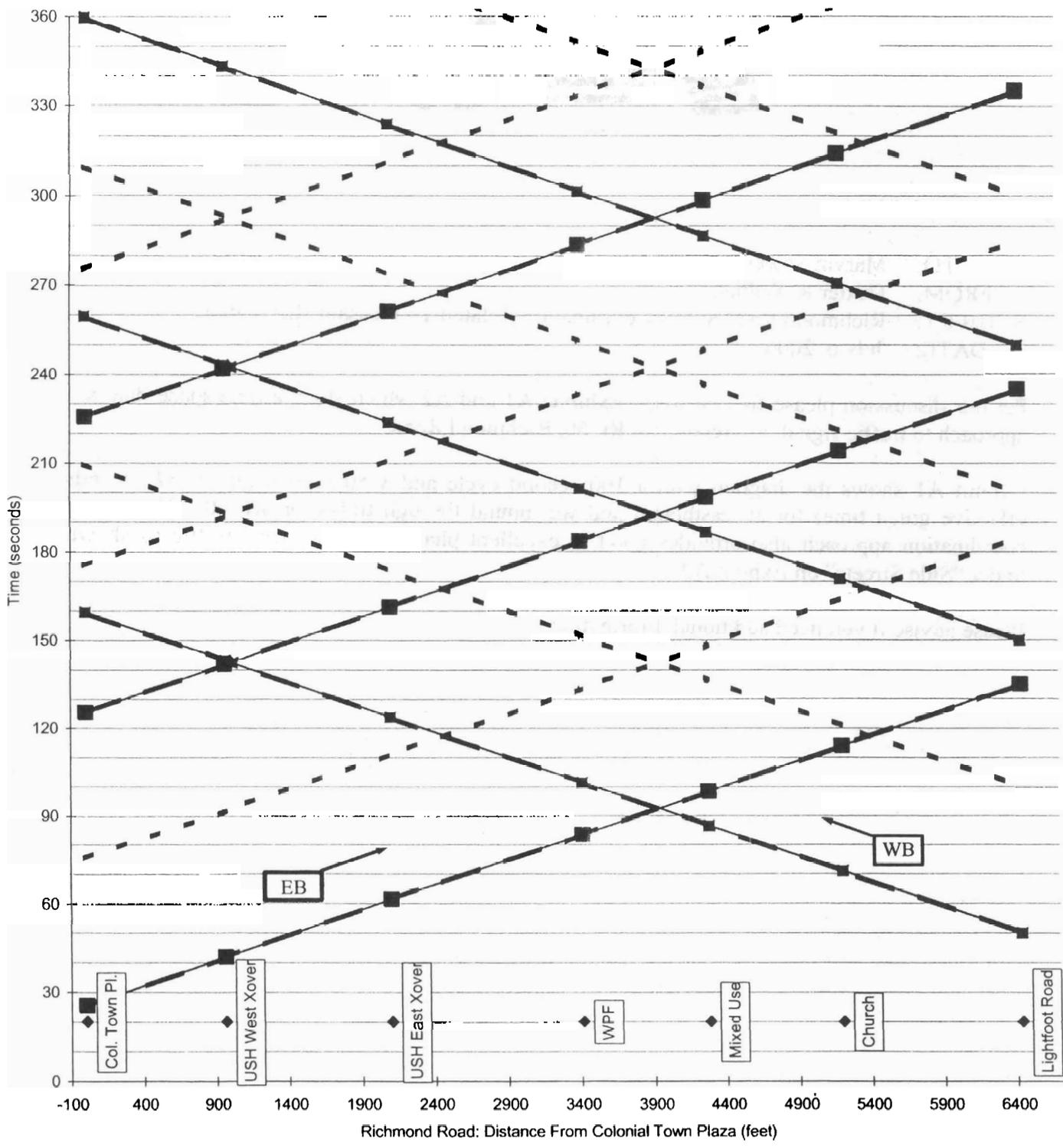
MEMORANDUM

TO: Marvin Sowers  
FROM: Dexter R. Williams  
SUBJECT: Richmond Road Signal Coordination Related To Pleasant Hill Station  
DATE: July 6, 2006

Per our discussion please find enclosed Exhibits A1 and A2 which show a time-space diagram approach to traffic signal progression on Rt. 60, Richmond Road.

Exhibit A1 shows the diagram with a 100 second cycle and a 50 second phase (47 seconds effective green time) for all eastbound and westbound through traffic on Rt. 60. This signal coordination approach also provides good to excellent phases for side street traffic as shown under "Side Streets" on Exhibit A2.

Please advise if you need additional information.



—■— WB PLATOON ARRIVAL      —■— WB GREEN BEGIN      —■— WB GREEN END      ◆ CROSSOVER LOCATIONS  
 —■— EB PLATOON ARRIVAL      —■— EB GREEN BEGIN      —■— EB GREEN END

Cycle Length: 100 sec  
 Speed: 40.0 mph

Min. g/C: 47%  
 Min g Thru: 47

**SIGNAL PROGRESSION PLAN  
 RICHMOND ROAD**

**DRW Consultants, LLC**  
 804-794-7312

**Exhibit A1**

Speed:  
40.0 MPH  
58.67 FPS

Cycle Length: 100 Min. g/C: 50% Min g Thru: 50.0

Time (seconds)

CROSSOVER & SIGNAL LOCATIONS	LOCA TION (feet)	Spacing	Time (seconds)				EB PLATO ON ARRIV AL		WB Total Effective Green		WB Green End Minus Arrival	EB Green End Minus Arrival
			WB PLATOON ARRIVAL	EB GREEN BEGIN	EB GREEN END	WB GREEN BEGIN	WB GREEN END	ARRIV AL	Effective Green	EB Total Effective Green	Side Street	
Crossover Col. Town Pl.	0		159.6	25.4	75.4	159.6	209.6	25.4	50.0	50.0	50.0	50.0
Signal USH West Xover	960	96	143.2	41.8	91.8	143.2	193.2	41.8	50.0	50.0	50.0	50.0
Signal USH East Xover	2100	114	123.8	61.2	111.2	123.8	173.8	61.2	50.0	50.0	50.0	50.0
Signal WPF	3410	131	101.5	83.5	133.5	101.5	151.5	83.5	50.0	50.0	50.0	50.0
Signal Mixed Use	4280	87	86.6	98.4	148.4	86.6	136.6	98.4	50.0	50.0	50.0	50.0
Crossover Church	5200	92	71.0	114.0	164.0	71.0	121.0	114.0	50.0	50.0	50.0	50.0
Signal Lightfoot Road	6430	123	50.0	135.0	185.0	50.0	100.0	135.0	50.0	50.0	50.0	50.0
									WB Lead/Lag			
Crossover Col. Town Pl.	0		259.6	125.4	175.4	259.6	309.6	125.4			-34	16
Signal USH West Xover	960		243.2	141.8	191.8	243.2	293.2	141.8			-1	49
Signal USH East Xover	2100		223.8	161.2	211.2	223.8	273.8	161.2			37	13
Signal WPF	3410		201.5	183.5	233.5	201.5	251.5	183.5			-18	32
Signal Mixed Use	4280		186.6	198.4	248.4	186.6	236.6	198.4			12	38
Crossover Church	5200		171.0	214.0	264.0	171.0	221.0	214.0			43	7
Signal Lightfoot Road	6430		150.0	235.0	285.0	150.0	200.0	235.0			-15	35
Crossover Col. Town Pl.	0		359.6	225.4	275.4	359.6	409.6	225.4				
Signal USH West Xover	960		343.2	241.8	291.8	343.2	393.2	241.8				
Signal USH East Xover	2100		323.8	261.2	311.2	323.8	373.8	261.2				
Signal WPF	3410		301.5	283.5	333.5	301.5	351.5	283.5				
Signal Mixed Use	4280		286.6	298.4	348.4	286.6	336.6	298.4				
Crossover Church	5200		271.0	314.0	364.0	271.0	321.0	314.0				
Signal Lightfoot Road	6430		250.0	335.0	385.0	250.0	300.0	335.0				

## Exhibit A2

## PROFFERS

THESE PROFFERS are made this \_\_ day of July, 2006 by HILL PLEASANT FARM, INC., a Virginia corporation (together with its successors and assigns, the "Owner") and DOUG HARBIN ("Buyer").

## RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 7152 Richmond Road, Williamsburg, Virginia and being Tax Parcel 2410100005. Buyer has contracted to purchase, conditioned upon rezoning, a portion of the parcel containing 4.7± acres, being more particularly described on Exhibit A attached hereto (the "Property"). The Property is now zoned A-1.

B. Owner and Buyer have applied to rezone the Property from A-1 to B-1, General Business District, with proffers.

C. Buyer has submitted to the County a master plan entitled "Rezoning and Special Use Permit for Doug Harbin" prepared by AES Consulting Engineers dated May 26, 2006, revised July \_\_, 2006 (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 B-1.

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.

2. **Water Conservation.** The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, equipping the automatic car wash with an approved water recycling system, 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. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers and shall be subject to the approval of the General Manager of James City Service Authority. The standards shall be approved by the James City Service Authority prior to final site plan approval.

3. **Architectural Review.** (a) Owner has submitted to the County a conceptual architectural perspective of the car wash to be located on the Property dated June 27, 2006 (the "Perspective") together with Architectural Guidelines for the entire Property (the "Guidelines") prepared by PMA Planners + Architects. The architecture and colors of the car wash shall be generally consistent with the Perspective as determined by the Director of Planning. All buildings on the Property, including the car wash, shall be of a harmonious and uniform architectural design and color scheme

consistent with the car wash and shall be consistent with the Guidelines. No building on the property shall exceed thirty-five (35) in height.

(b) Prior to the County being obligated to issue a building permit for each building on the Property, Owner shall submit to the Director of Planning conceptual architectural plans, including architectural elevations, for the building and any associated structures for the Director of Planning to review and approve for consistency with the Guidelines and this Proffer. Decisions of the Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Completed buildings shall be consistent with the approved plans.

4. **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 each 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, open space areas, private streets, sidewalks, sewer and water systems and all other common areas under the jurisdiction of the Association, and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing

Documents. The Association shall be responsible for the maintenance of (i) the private sewer system serving the Property pursuant to a Perpetual Maintenance Agreement to be entered into with James City Service Authority and (ii) any private water lines.

5. **Entrances/Turn Lanes.** (a) The main entrance to the Property shall be from Route 60 in the approximate location shown on the Master Plan. A right turn lane with 150 feet of storage shall be constructed at the main entrance.

(b) Owner shall install a second right in only entrance to the Property from Route 60 in the approximate location shown on the Master Plan. If and when this second entrance is installed, a right turn lane with 150 feet of storage and a 150 foot taper from Route 60 into the second entrance shall be constructed.

(c) The turn lanes proffered hereby shown on the Master Plan shall be constructed in accordance with Virginia Department of Transportation (“VDOT”) standards, shall be approved by VDOT and the Planning Director, shall include shoulder bike lanes and shall be completed or their completion bonded in form satisfactory to the County Attorney prior to the issuance of any building permit for buildings on the Property.

(d) Prior to the issuance of the first building permit for construction on the Property, Owner shall post a bond or other surety in form acceptable to the County Attorney for the installation of a traffic signal at the main entrance when and if VDOT traffic signal warrants are met. Owner shall conduct a traffic signal warrant study (i) within six months of the buildout of the Property or (ii) at such earlier time upon the request of VDOT and submit the study to the County and VDOT for their review and approval. If the approved study determines such a signal is warranted, the Owner shall

install the signal. If the approved study determines such a signal is not warranted, Owner shall have no further obligation with respect to the signal and its bond or surety shall be released by the County.

(c) If any use is proposed to locate on the Property with a materially higher trip generation based on ITE trip generation figures than the use used in the Traffic Study which results in an overall materially higher trip generation from the Property as determined by the Director of Planning, then Owner shall submit with the proposed site plan for the new use an updated traffic impact study to the Director of Planning and VDOT based on the new proposed use for their review and approval and shall implement the recommendations of the approved updated study prior to issuance of certificate of occupancy for the new use.

6. **Lighting.** All light poles on the Property shall not exceed 20 feet in height. All external lights on the Property shall be recessed fixtures with no globe, bulb or lens extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. No glare defined as 0.1 footcandle or higher shall extend outside the property lines of the Property unless otherwise approved by the Director of Planning. Owner shall submit a lighting plan to the Director of Planning for review and approval for consistency with this Proffer prior to final site plan approval.

7. **Route 60 Buffer.** There shall be a 50 foot community character corridor buffer along the Route 60 frontage of the Property. The portion of the buffer located adjacent to buildings, parking and the BMP shown on the Master Plan shall contain enhanced (defined as 125% of Ordinance size requirements) landscaping and variable height berms from two to four feet in height generally as shown on the Master Plan. The

western most portion of the buffer area and the adjacent open space shall have installed the fruit tree orchard and naturalized meadow generally as shown on the Master Plan. A landscape plan for the entire buffer shall be submitted to the Director of Planning with the initial site plan for development on the Property for his review and approval for consistency with this proffer. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for buildings located on the Property.

**8. Environmental.** Owner shall submit to the County a master stormwater management plan as a part of the site plan submittal for the Property, including stormwater management/best management practices, in accordance with James City County Stormwater Guidelines and in locations as generally shown on the Master Plan and low impact design measures to satisfy the Special Stormwater Criteria, located generally as shown on the Master Plan including, without limitation, use of flatter site grades, bioretention, flat bottom, wide swales, underground pipe storm drain pipe or drywell or rain barrels for major downspouts, in accordance with the Yarmouth 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. Owner shall be responsible for keeping the culverts under Route 60 draining the Property free of debris

that would block or impede drainage from the Property.

**9. Excluded Uses.** The following uses generally permitted in the B-1 district shall not be permitted on the Property:

- Adult Day Care Centers
- Child Care Centers
- Convenience Stores
- Fast Food Restaurants
- Hotels, Motels, and Convention Centers
- Indoor Theatres
- Radio and Television Stations
- Schools
- Wireless Communication Facilities
- Antennas and Towers
- Electrical Generation Facilities
- Heliports
- Hospitals
- Nursing Homes
- Publicly Owned Waste Container Sites
- Tower Mounted Wireless Communication Facilities
- Vehicle Rental
- Vehicle and Trailer Sales
- Waste Disposal Facilities

**10. Reserved Right of Way.** Owner shall reserve the area shown on the Master Plan as “Possible Future Connection to Adjacent Parcel” for a possible future road connection to the adjacent Go Karts Plus parcel to the east of the Property.

Witness the following signatures.

HILL PLEASANT FARMS, INC.

By:

Title:

*[Handwritten Signature]*  
PRESIDENT

*[Handwritten Signature]*  
Doug Harbin

STATE OF VIRGINIA  
CITY/COUNTY OF Williamsburg

The foregoing instrument was acknowledged before me this 27 day of ~~June~~ <sup>July</sup>, 2006, by Donald Curtist Trust as President of Hill Pleasant Farms, Inc. on behalf of the corporation.

*[Handwritten Signature]*  
Notary Public

My commission expires: 1/31/07

STATE OF VIRGINIA  
CITY/COUNTY OF Williamsburg

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of ~~June~~ <sup>July</sup>, 2006, by Doug Harbin.

*[Handwritten Signature]*  
Notary Public

My commission expires: 06/30/07

Exhibit A  
Property Description

## PLANNING DIRECTOR'S REPORT

August 2006

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

- Rural Lands Study. Staff continued preparations for the upcoming technical committee meetings which will begin in August. Work included finalizing the consultant contract, coordinating the committee schedule and agenda, and conducting research for the committee materials.
- New Town. The New Town Design Review Board reviewed 4 projects, two of which were resubmissions of previously reviewed projects and two which were new projects, and four sign applications. The new projects included the site and landscape plan for Settlers Market and the master plan for Sections 7 and 8 both of which are primarily residential. The Planning Commission will hold a work session on New Town on August 17, 2006 at 10:00 AM.
- Transportation Grants. Federal transportation funding proposals prepared by the Planning Division were approved in July with total funding of \$7.43 million. The proposals include funding for improvements to the Monticello Avenue corridor, Five Forks intersection, Ironbound Road widening, Route 60 Relocation and three bikeways.
- Ironbound Road Widening. The Planning Division and other County staff assisted VDOT in holding its location public hearing for the Ironbound Road widening project. The hearing was held on June 28. Discussions with VDOT on various design changes including pedestrian facilities continued throughout July.
- 2030 Regional Transportation Plan. The Planning Division continued to work with the Hampton Roads Planning District Commission on the update of the Regional Transportation Plan. The Plan serves as a starting point for the County's update of its transportation plan which is done in conjunction with the Comprehensive Plan update. The 2030 Plan identifies existing and future road deficiencies/needs and the impact of funded projects.
- Corridor Enhancement Program. The Jamestown Road Enhancement Demonstration Project is now offering a second round of grant opportunities to businesses and neighborhoods. The Corridor Enhancement Committee's objectives for Fiscal Year 2007 include an enhancement program for the remainder of Jamestown Road and beginning efforts to undertake a multi-jurisdictional project.
- Better Site Design. The Better Site Design Implementation Committee continued to meet every two weeks to work on the recommendations of the Better Site Design Roundtable. A web page has been posted on the County website to provide information on the Committee's work, and collaboration with Channel 48 is planned. Major areas of discussion have included open space design (Roundtable Principle #10) and working with Homeowner Associations on open space management.
- Online Comment Database. Planning staff continues to work with Information Technology to develop a new version of our case tracking software that will make certain case information available to citizens from the County website. An added feature that will be available is the ability of County agencies to upload their comments to the website so that comments can be viewed by case applicants.
- Residential Zoning Ordinance Revisions. The Policy Committee has held two meetings regarding updates to the residential portions of the Zoning Ordinance. The purpose of these meetings is to target areas of the Ordinance that do not align with specific goals set forth in the 2003 Comprehensive Plan and to revise the Ordinance accordingly. The next meeting is scheduled for Wednesday, August 23<sup>rd</sup> at 9:30 a.m. in Building A of the JCC Government Complex.
- Planning Commission/Senior Development Management Staff Meeting. Chairman Jack Fraley and Vice-Chair Jim Kennedy met July 19, and Mr. Fraley requested the following items be included in the Planning Director's report: (1) *Commission Meeting Schedule.* Staff was requested to investigate moving the PC meeting to Wednesday night or some other weekday night other than Monday in order to give more time for interaction with staff and other PC members before the meeting; (2) *Staff Report Schedule.* Staff was requested to investigate sending out the PC packet one week in advance

of the meeting, to include moving back deadlines for proffers, applications, etc., and other staff schedules; and (3) *Transportation Education*. Staff was requested to incorporate a transportation training element into the Comprehensive Plan in a way that any new directions can be incorporated into the scope of work and schedule.

- Population Estimates. Population Estimates are calculated for the county on a quarterly basis by the Planning Division Staff. The Second Quarter estimate for 2006 puts the county's population at 58,893. This information is now viewable on the County's website by clicking the "Fast Facts (Population, Land, History)" link on the Home page of the website. The link will be updated by the Planning Division Staff as each quarterly estimate becomes available.
- Population Projections. The Planning Division has now completed preliminary work on producing population projections for James City County. Two projection models were created, and project yearly population totals for the county through 2020. Senior Development Management Staff and Planning Staff will be meeting during the month to review the models and make changes as needed. The goal is to make the data available to the rest of the county as soon as possible, to aid in other forecasting efforts.
- Board Action/Results for July 11 13 and July 25:
  1. Reconsideration of Case No. SUP-04-06/MP-01-06: Prime Outlets Master Plan Amendment – **Adopted 4-1**
  2. Case No. SUP-17-06. Richmond Road Veterinary Hospital and Kennel Facility – **Adopted 5-0**
  3. Case No. SUP-16-06. Hogan Homestead Children's Nursery – **Adopted 5-0 as amended**
  4. 2006 Agricultural and Forestal District (AFD) Renewals - **Adopted all together 4-0 (Harrison Absent)**
    - a. Case No. AFD 5-86, Barnes Swamp Renewal
    - b. Case No. AFD 10-86, Christenson's Corner Renewal
    - c. Case No. AFD 6-86, Cranston's Pond Renewal
    - d. Case No. AFD 2-88, Croaker Renewal
    - e. Case No. AFD 9-86, Gordon Creek Renewal
    - f. Case No. AFD 12-86, Gospel Spreading Church Farm Renewal
    - g. Case No. AFD 3-86, Hill Pleasant Farm Renewal
    - h. Case No. AFD 7-86, Mill Creek Renewal
    - i. Case No. AFD 11-86, Yarmouth Island Renewal

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O. Marvin Sowers, Jr.