

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 8, 2008**

**7:00 P.M.**

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	<u>Page</u>
<b>A. ROLL CALL</b>	
<b>B. MOMENT OF SILENCE</b>	
<b>C. PLEDGE OF ALLEGIANCE</b> – Jordan Lawson is a rising fourth-grade student at Matoaka Elementary School	
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<b>H. PUBLIC COMMENT</b>	
<b>I. REPORTS OF THE COUNTY ADMINISTRATOR</b>	

**-CONTINUED-**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. CLOSED SESSION**

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Economic Development Authority

**L. ADJOURNMENT to 4 p.m. on July 22, 2008**

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**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JUNE 2008, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
James G. Kennedy, Vice Chairman, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District  
Mary Jones, Berkeley District

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

**C. BOARD DISCUSSIONS**

**1. Youth Career Café**

Mr. Doug Powell, Community Services Manager, introduced Mr. Matthew James, President and CEO of the Greater Peninsula Council for Workforce Development and Mr. Sean Avery, Manager of Workforce Development. Mr. James gave a presentation on the purpose of the Youth Career Café and the positive impacts the facilities have had on the students that were served at the current locations at Patrick Henry Mall and the NetCenter in Newport News. Mr. James and Mr. Avery expanded on the possibility of establishing a Youth Career Café in the Greater Williamsburg Area by fall 2008 through a partnership among the localities of James City County, York County, and the City of Williamsburg.

Discussion was held about programming, financial contributions to the facility, location options, and incorporation of the Youth Advisory Council in establishing the site. The Board came to a consensus to move forward with this initiative.

**2. Stonehouse Reclaimed Water Feasibility Study**

Mr. Larry Foster, James City Service Authority (JCSA) General Manager, gave some background on the Stonehouse Reclaimed Water Feasibility Study. He introduced Shelly Frie, Project Manager with CH2M Hill Engineering Firm, and Jay Bernas, Hampton Roads Sanitation District, who performed the study. Ms. Frie, Mr. Foster, and Mr. Bernas explained difficulties with the reclaimed water project based on expensive infrastructure and higher demands than could be met by the development. They explained that the developer was still interested in incorporating wastewater reuse and would like to evaluate some scaled-down propositions. Mr. Foster reiterated that the cost of the facilities and infrastructure would be excessive for the amount of water that was reclaimed and that it would still need to be subsidized by fresh water. He also explained that the revenue projections were based on the development at buildout, which would create a need for more financial subsidy until that point.

Discussion was held about the proportion of irrigation needed to meet demands and stormwater runoff, the value of the reuse water, facility costs, location of the treatment plant, and the cost of infrastructure. The Board and staff and guests discussed wastewater for industrial uses and golf courses and other options for locating a treatment facility. Concern was expressed about policy issues with encouraging outdoor water use in a specific development and the volume of expected water use for the single subdivision. Staff members indicated that they would continue to work with the developer for a scaled-down project.

#### **D. CLOSED SESSION**

Mr. Kennedy made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Water Conservation Committee.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

At 5:16 p.m. Mr. Goodson recessed the Board into closed session.

At 5:20 p.m. Mr. Goodson reconvened the Board into open session.

Mr. Kennedy made a motion to adopt the closed session resolution.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

### **RESOLUTION**

#### **CERTIFICATION OF CLOSED MEETING**

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

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

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

Mr. Kennedy made a motion to appoint Mr. Charles P. Martino to an unexpired term, set to expire on May 31, 2011.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

**E. BREAK**

At 5:21 p.m. the Board broke for dinner.

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Sanford B. Wanner  
Clerk to the Board

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**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JUNE 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
James G. Kennedy, Vice Chairman, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District  
Mary Jones, Berkeley District

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

**C. PLEDGE OF ALLEGIANCE** – Jalen Morris, a first-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. July is Park and Recreation Month

Mr. Goodson presented a resolution of recognition to youth who participated in James City County Parks and Recreation activities in honor of Park and Recreation Month in July. Receiving the award were Mathew Phillips, Zack Womeldorf, Josh Womeldorf, David Hornby, Sofia Fox, and Erin Giblin.

2. Stormwater Management Briefing – Hampton Roads Planning District Commission (HRPDC)

Mr. John M. Carlock, AICP, Deputy Executive Director, Physical Planning, Hampton Roads Planning District Commission (HRPDC), gave a brief overview of regional Stormwater Management Program goals and requirements. He also presented information on Municipal Separate Storm Sewer System (MS4) permitting. He presented stormwater funding mechanisms from around the region, including through the General Fund, through a stormwater utility, or through Best Management Practice (BMP), and open space banking programs.

Mr. Goodson commented that a regional program was important with the complexity of the issue.

Mr. Icenhour asked how the Federal and State mandates were interrelated in this program.

Mr. Carlock stated that the program was authorized through the Federal Clean Water Act from 1972, and in 10 or 12 years a permitting program was developed. He stated that the program was delegated through the State to be implemented. Prior to 2004, the entire program was delegated to the Department of

Environmental Quality (DEQ); in 2004 it became the Department of Conservation and Recreation (DCR). He stated that the Environmental Protection Agency (EPA) had a large role in evaluating what the DCR does, part of Chesapeake Bay watershed, putting more attention on this program implementation.

Mr. Icenhour asked where the environmental recommendations came from.

Mr. Carlock stated that they came from the James River Association, the Chesapeake Bay Foundation, and other water-quality groups across the State.

Mr. Icenhour asked how the EPA recognizes this program.

Mr. Carlock stated that the formal permit process went through the EPA. By 2013, more stringency will be in permit that the State adopts and localities will need to achieve certain benchmarks.

### 3. Regional Water Supply Plan Status - HRPDC

Mr. John Carlock, Deputy Executive Director, Physical Planning of HRPDC, updated the Board on the Regional Water Supply Plan (the Plan). He explained that the State legislation from 2002 required water supply plans, and the Regional Plan for Hampton Roads. He gave an overview of the status of the Plan that is due by the end of 2008.

Ms. Jones asked if the Plan aligns with Comprehensive Plan updates, and that if this should be addressed in the 2008 Comprehensive Plan update.

Mr. Carlock stated that the Comprehensive Plan of localities is a source of information for the Regional Water Supply Plan and information would also be provided back to localities.

## **E. HIGHWAY MATTERS**

Mr. Todd Halacy, Interim VDOT Williamsburg Residency Administrator, followed up on the grass cutting on Monticello at Route 199 and explained that the grass had been cut and next cycle of mowing had begun. He noted that the previous request to evaluate the ditch at Regency at Longhill apartments was done and it was determined that the area needs to be addressed, but this is not on VDOT right-of-way and was not affecting the road. Mr. Halacy indicated that he was working with staff to get the right-of-way information.

Mr. Kennedy asked if there would be more work on drainage ditches: Route 60 in Toano in center medians are backing up with water, drainage pipes are filled, beyond Massey facility west and east to Anderson's Corner.

Mr. Icenhour thanked Mr. Halacy for his response on Powhatan Parkway traffic calming and commented on overlays on News Road potholes.

## **F. PUBLIC COMMENT**

1. Mr. Robert Richardson, 2786 Lake Powell Road, commented on water reuse feasibility study in the Stonehouse subdivision. He stated that the study should be redone with consideration of a higher value per thousand gallons of water and with a value given to potable water that reclaimed water would replace.

Mr. Goodson noted that the Board meetings are available in streaming video on the website.

2. Mr. Ed Oyer, 139 Indian Circle, commented on citizen disapproval of the Hampton Roads Transportation Authority; an unmaintained property on Indian Circle; the combination of Police building with School Administration building; public right-of-way fees; and economic stimulus payments.

**G. CONSENT CALENDAR**

Mr. Icenhour asked to pull Item No. 7.

Mr. McGlennon made a motion to adopt the remaining items of the Consent Calendar.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

1. Minutes – June 10, 2008, Regular Meeting
2. July is Park and Recreation Month

**RESOLUTION**

**JULY IS PARK AND RECREATION MONTH**

WHEREAS, James City County has made a commitment and investment in parks and recreation through the creation of 13 parks on 1,192 acres of land and the building of two community centers; and

WHEREAS, the citizens of James City County have supported parks and recreation through the passing of a bond issue in 2005 to be used for capital projects, such as trails, ball fields, and playgrounds, to make our community attractive and a desirable place to live, work, and play; and

WHEREAS, James City County Parks and Recreation touch the lives of individuals, families, groups, and the entire community which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Park and Recreation Month and encourages all citizens to enjoy what James City County has to offer by taking part in their favorite activity.

3. Hampton Roads Metropolitan Medical Response System (HRMMRS) Grant Award - \$17,000

**RESOLUTION**

**HAMPTON ROADS METROPOLITAN MEDICAL RESPONSE SYSTEM**

**GRANT AWARD - \$17,000**

WHEREAS, the Hampton Roads Metropolitan Medical Response System (HRMMRS) has awarded the



James City County Fire Department Emergency Services a grant for \$17,000; and  
WHEREAS, the grant funds are to be used toward sustainment of the County's WebEOC software program;  
and

WHEREAS, the grant does not require a local funds match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,  
hereby authorizes the acceptance of this grant and the following budget appropriation to the  
Special Projects/Grants Fund:

Revenue:

HRMMRS – WebEOC – Support Software	\$ <u>17,000</u>
024-309-2928	

Expenditure:

HRMMRS – WebEOC – Support Software	\$ <u>17,000</u>
024-073-2928	

4. Department of Criminal Justice Services - Crime Analyst Continuation Grant Award - \$64,595

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES – CRIME ANALYST CONTINUATION**

**GRANT AWARD – \$64,595**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City  
County Police Department a Crime Analyst continuation grant in the amount of \$64,595  
(DCJS Share \$48,446.25; a County Match \$16,148.75); and

WHEREAS, the funds will be used for the continuation of the full-time Crime Analyst position for the  
Police Department and its associated expenses; and

WHEREAS, the grant requires a cash local match of \$16,148.75, which is available in the County's Grants  
Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,  
hereby authorizes the acceptance of this grant and the following budget appropriation to the  
Special Projects/Grants fund:

Revenues:

DCJS – Crime Analyst continuation grant	\$48,446.25
County Grants Match Account	<u>16,595.75</u>
Total	<u>\$64,595.00</u>

Expenditure:

DCJS – Crime Analyst continuation grant	<u>\$64,595.00</u>
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5. Grant Appropriation - Hazard Mitigation Grant Program Housing Elevation Project II - \$146,946

**RESOLUTION**

**GRANT APPROPRIATION – HAZARD MITIGATION GRANT PROGRAM**

**HOUSING ELEVATION PROJECT II – \$146,946**

WHEREAS, an application was submitted by the James City County Office of Housing and Community Development to the Virginia Department of Emergency Management (VDEM) for the Hazard Mitigation Grant Program (HMGP) assistance to elevate designated residences in flood-prone areas in James City County; and

WHEREAS, VDEM has notified the James City County Office of Housing and Community Development of the award of Federal and matching State HMGP funds totaling \$146,946 to assist funding a project to elevate two designated residences in the Chickahominy Haven area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

HMGP Housing Elevation – Federal	\$116,854
HMGP Housing Elevation – State	<u>30,092</u>
Total	<u>\$146,946</u>

Expenditure:

HMGP Housing Elevation Project II	<u>\$146,946</u>
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6. Funds Transfer - Special Projects - \$365,000

**RESOLUTION**

**FUNDS TRANSFER – SPECIAL PROJECTS - \$365,000**

WHEREAS, the Board of Supervisors of James City County has been advised that the FY 2008 operating budget includes unspent year-end balances in the Non-Departmental categories of matching grants and underground utilities totaling \$365,300; and

WHEREAS, projected spending in the Special Projects Fund anticipated spending for Ironbound Road of \$1,450,000 in underground utilities and \$709,000 as a bikeway grants match, currently unfunded.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends the adopted FY 2008 budget as follows:

General Fund Expenditures:

Contribution to Special Projects	\$365,300
Grants Match	(177,950)
Underground Utilities	(187,350)

Special Projects Fund Revenue:

Transfer from General Fund	<u>\$365,000</u>
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Special Projects Fund Expenditure:

Ironbound Road	<u>\$365,000</u>
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8. Budget Appropriation – Colonial Penniman, LLC - \$817

**RESOLUTION**

**BUDGET APPROPRIATION – COLONIAL PENNIMAN LLC - \$817**

WHEREAS, the Board of Supervisors of James City County has been requested to approve the appropriation of funds from Colonial Penniman LLC to the Planning Division's Professional Services Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following appropriation to the Planning Division's Professional Services Account:

Revenue:

Miscellaneous	<u>\$817</u>
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Expenditure:

Professional Services	<u>\$817</u>
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9. Colonial Community Criminal Justice Board (CCCJB) Appointment

**RESOLUTION**

**COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD APPOINTMENT**

WHEREAS, the Board of Supervisors of James City County appointed The Honorable Colleen Killilea to serve as one of the County's representatives on the Colonial Community Criminal Justice Board (CCCJB); and

WHEREAS, Judge Killilea has shown exemplary service during her time on the CCCJB; and

WHEREAS, Judge Killilea's term is set to expire on July 31, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Williamsburg/James City County's General District Court Judge, The Honorable Colleen Killilea, to a three-year term on the Colonial Community Criminal Justice Board, to expire on July 31, 2011.

10. Mutual Aid Agreement for Fire and Rescue and Emergency Medical Services Between the City of Newport News and James City County

**RESOLUTION**

**MUTUAL AID AGREEMENT FOR FIRE AND RESCUE AND**

**EMERGENCY MEDICAL SERVICES BETWEEN THE CITY OF NEWPORT NEWS**

**AND THE COUNTY OF JAMES CITY**

WHEREAS, James City County and the City of Newport News desire to provide mutual aid to each other on a regular operating basis; and

WHEREAS, the County and the City are authorized to enter into a mutual aid agreement pursuant to Code Section 27-1 et seq., and 44-146.20, Code of VA, 1950, as amended; and

WHEREAS, a mutual aid agreement has been created between the two localities; and

WHEREAS, the mutual aid agreement provides for efficient and effective use of resources for each jurisdiction; and

WHEREAS, James City County and Newport News have reviewed the mutual aid agreement to ensure it reflects current practices and policies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a Mutual Aid Agreement with the City of Newport News for provision of fire and rescue and emergency medical services.

11. Department of Criminal Justice Services Grant Award - \$43,720

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$43,720**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a continuation grant in the amount of \$43,720 (DCJS share \$32,790); and

WHEREAS, the funds are to be used toward the salary and partial fringe benefits to continue a full-time Gang Investigator position; and

WHEREAS, the grant requires a local cash match of \$10,930 which is available in the County's Grant Match Fund; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2008, through June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and authorizes the continuation of the full-time position, and the following budget appropriation amendment to the Special Projects/Grant Funds and the transfer from the General Fund:

**Special Project/Grant Fund**

Revenues:

DCJS – Gang Investigator	\$32,790
JCC Grant Match Fund	<u>10,930</u>
Total	<u>\$43,720</u>

Expenditure:

DCJS – Gang Investigator	<u>\$43,720</u>
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7. Award of Contract - Powhatan Plantation Stream Restoration - \$417,921.78

Ms. Fran Geissler, Stormwater Director, gave a brief overview of the Powhatan Plantation Stream Restoration Project to stabilize the streambed and repair the floodplain, as well as protection of wildlife habitat and reduction of nutrient loads.

Mr. Mike Woolson, Watershed Planner, presented photographs of the current conditions of the project area and gave information on how the restoration project would repair the stream.

Mr. Icenhour asked if this was the first stream restoration to be done.

Ms. Geissler stated that was correct.

Mr. Icenhour asked if this was County money paying for the restoration.

Ms. Geissler stated that was correct.

Mr. Icenhour asked if money was proffered or if it was for specific or general stream restoration.

Ms. Geissler stated that most is proffered for a specific project.

Mr. Icenhour asked if the budget year would fund this project.

Ms. Geissler indicated that money was set aside for several years beginning in 2005, but the funds would come from the FY 2007 budget.

Mr. Icenhour asked if there would be more stream restoration projects.

Ms. Geissler stated that there were a number of them that were being evaluated.

Ms. Jones asked the timeframe for the project.

Ms. Geissler stated that this project would take approximately six to eight months of construction.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5).  
NAY: (0).

## **RESOLUTION**

### **AWARD OF CONTRACT – POWHATAN PLANTATION**

#### **STREAM RESTORATION - \$417,921.78**

WHEREAS, competitive bids were advertised for the Powhatan Stream Restoration project to be constructed in James City County; and

WHEREAS, bids were received with the low bidder being Meadville Land Service, Inc. with a bid of \$417,921.78; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this contract bid award and construction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Powhatan Plantation Stream Restoration project in the total amount of \$417,921.78.

## **H. PUBLIC HEARINGS**

1. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law, and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally.

Mr. Leo Rogers, County Attorney, stated this was the annual update to Driving Under the Influence (DUI) and traffic laws to update County Code effective July 1, 2008, one of a series of updates to the Code required due to changes made by the General Assembly.

Mr. McGlennon asked if there was language to be used to operate under the current State law rather than updating each year.

Mr. Rogers stated that there was not, and that it would be an unlawful delegation of authority to adopt State law as it may be in the future.

Mr. McGlennon made a motion to adopt the ordinance amendment.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5).  
NAY: (0).

2. Ordinance to Amend JCC Code Section 21-5, Indemnity Bond or Liability Insurance Required; to Allow Taxicab Operators to be Self-Insured by Eliminating the Requirement for an Indemnity Bond.

Mr. Adam Kinsman, Deputy County Attorney, introduced Mr. Chris Rey, the County Attorney's Office Law Clerk, who would present the ordinance revision.

Mr. Rey stated that a representative of the taxicab community requested this amendment, which was allowed under State Code. He stated the Division of Motor Vehicles (DMV) monitors this program through annual statements and quarterly reports, and stated the surrounding localities have updated their codes with this update. He noted that this self-insurance also applied to personal property damage and recommended approval of the ordinance to conform to State Code and to align with surrounding jurisdictions.

Mr. Icenhour asked if the surrounding cities and counties have all adopted this update.

Mr. Rey stated that they had.

Mr. Icenhour asked how this related to an individual who registers a vehicle in the State as self-insured. He asked what an individual needed to do.

Mr. Rey stated that the State Code was specifically for taxicab drivers or those with a fleet of cars.

Mr. Icenhour stated that there were individuals who could drive in the State without auto insurance with bond.

Mr. Rogers stated that was the uninsured motorist coverage for State insurance that a motorist can pay into for coverage.

Mr. Icenhour stated that a taxicab has to have insurance and liability requirements.

Mr. Rey stated that this code update would set the minimum liability insurance that a taxicab could have if they were self insured.

Mr. Icenhour asked how this would save the taxicab drivers money.

Mr. Rey stated that they would still have to pay insurance on the taxicabs, but the old indemnity bonds were more expensive than to show financial backing to cover any accident based on financial standing.

Mr. McGlennon stated that rather than buying an insurance policy, the taxicab companies were producing books to demonstrate to the State that they have the assets to cover the minimum coverage requirements.

Mr. Rey stated that was correct, based on the annual and quarterly accident reports.

Mr. McGlennon asked if the minimum financial backing was equivalent to minimum insurance requirements.

Mr. Rey stated that was correct.

Mr. Icenhour asked if this was not something they needed to carry at this time.

Mr. Rey stated that it was not statewide, but the taxicab companies felt that the additional \$250,000 umbrella policy worked well for them.

Mr. Goodson stated it was like an umbrella policy for a large company in the event of a major incident.

Mr. Icenhour stated that if someone is injured in a taxicab accident, how difficult would it be for them to claim damages.

Mr. Rey stated that there was a \$25,000 coverage minimum, based on indemnity bonds, and they were required higher coverage. He noted that through the self-insured option, the State Code allows for localities to require higher minimums.

Mr. Icenhour asked if umbrella policy protects the individual.

Mr. Rey stated that it did.

Mr. Goodson stated that there were self-insurance groups.

Mr. McGlennon asked if there was more than one taxicab company operating in the County.

Mr. Rey stated that he was not sure, but that he was basing his information on the taxicab company representative that approached him.

Mr. McGlennon asked if a taxicab company was operating in James City County, could they cross jurisdictional lines without being registered in another locality.

Mr. Rey stated that they could.



Mr. Goodson opened the Public Hearing.

1. Ms. Robin Webb, on behalf of Yellow Cab, thanked the Board for its consideration of this item.

Mr. McGlennon asked how many taxicab companies there are in James City County.

Ms. Webb stated there are four taxicab companies in the County.

Mr. Icenhour asked how this would be cost effective.

Ms. Webb stated that this would reduce insurance premiums for cab companies.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Kennedy made a motion to adopt the ordinance amendment.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5).  
NAY: (0).

3. Consideration of a Resolution to Sell the Following Properties to the Jamestown Yorktown Foundation and/or the Virginia Department of Transportation: 6.5 Acres, Commonly Known as 2070 Jamestown Road, a Portion of Parcel 4640100018 on James City County Real Estate Tax Map; 3.0 Acres, Commonly Known as 2225 Jamestown Road, a Portion of Parcel 4630100018 on James City County Real Estate Tax Map; and 3.44 Acres, Commonly Known as 2299 Jamestown Road, a Portion of Parcel 4630200014 on James City County Real Estate Tax Map. The Board Will Also Consider a Resolution Appropriating the Funds Received from the Sale of Such Properties, Expected to Exceed One Percent of the Budget, to the Greenspace Account.

Mr. Wanner stated that this was consideration of the sale of real property to the Virginia Department of Transportation (VDOT) and the Jamestown Yorktown Foundation (JYF). He stated the County paid \$12.1 million for the properties with various partnerships including contributions from National Oceanic and Atmospheric Administration (NOAA), Dominion Virginia Power, and the Virginia Land Conservancy, which reduced the acquisition costs. He stated at the time of the sale, the County entered into discussions with JYF and VDOT to ascertain interest for acquiring property for State purposes. He stated the resolution was to approve the sale of a portion of the property to JYF and VDOT for \$4.5 million. He stated that JYF would acquire 9.5 acres, which consisted of 6.5 acres in front of the marina and the remainder at the campground site for educational purposes. He said VDOT would acquire .488 acres for improvements at the Jamestown Ferry site. He noted that the County and JYF would develop 3.5 acres at the marina for stormwater management. Mr. Wanner stated that proceeds from the sale would be appropriated to the greenspace fund, which provided much of the acquisition funds and recommended approval of the resolution.

Mr. Goodson opened the Public Hearing.

1. Mr. Gene Farley, South Riverside Drive, commented that this property was a community asset and noted that he did not understand how many acres would remain after the sale.

Mr. Wanner stated that there were approximately 190 acres that would be left after the sale.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

Mr. McGlennon noted that the County would retain approximately 190 acres, that JYF would use their acreage for education and historic preservation, and that though NOAA has an easement, it would remain County property. He highlighted that the County would retain about 90 percent of control of the property, but only spend about 40 percent of the cost.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5).  
NAY: (0).

## **RESOLUTION**

### **SALE OF REAL PROPERTY TO THE JAMESTOWN-YORKTOWN FOUNDATION AND**

#### **THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, James City County currently owns certain parcels of land located in the County of James City commonly known as the Jamestown Beach Campground and the Jamestown Yacht Basin and containing 202 +/- acres ("County Properties"); and

WHEREAS, the Jamestown-Yorktown Foundation ("JYF") is seeking to acquire 9.5 acres from the County Properties with 6.5 acres being a portion of the Yacht Basin property, commonly known as 2070 Jamestown Road and designated as parcel 4640100018 on the James City County Real Estate Tax Map, and 3.0 acres being a portion of the Campground property, commonly known as 225 Jamestown Road and designated as parcel 4630100018 on the James City County Real Estate Tax Map for JYF's anticipated expansion of its existing facilities to further provide for its educational, historical, and museum purposes; and

WHEREAS, JYF and the County desire to jointly develop up to 0.5 acres in a location to be determined on the remaining County owned Yacht Basin property to handle stormwater and utilities; and

WHEREAS, the Virginia Department of Transportation ("VDOT") is seeking to acquire 3.488 acres from the County Properties being a portion of the Campground property, commonly known as 2299 Jamestown Road and designated as parcel 4630100014 on the James City County Real Estate Tax Map for transportation improvements at the Jamestown Ferry location; and

WHEREAS, the combined purchase price for the 9.5 acres, plus 0.5 acres of shared utility development, and the 3.488 acres is \$4.5 million; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should sell the above-mentioned properties to JYF and VDOT for the agreed upon purchase price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute such contracts, deeds and any other documents necessary for the sale of the above-mentioned properties to the Jamestown-Yorktown Foundation and the Virginia Department of Transportation.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, amends the adopted FY 2008 budget as follows:

Capital Projects Fund Revenue:

Sale of Property	<u>\$4,500,000</u>
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Capital Projects Fund Expenditure:

Greenspace	<u>\$4,500,000</u>
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4. Ordinance to Amend James City County Code Section 23-9, Performance Standards, by Adding Section 23-9(b)(11) Which Establishes Buffers to Protect Resource Management Areas (RMAs), Which Include: A 50 Foot Buffer Along Intermittent Streams and Non- Resource Protection Area (RPA) Wetlands; a Variable Width Buffer Between 50 Feet and 100 Feet Along Creek Mainstems with Approved Watershed Management Plans; and a 25 Foot Buffer Beginning From the Edge of the Variable Width Buffer.

Mr. Scott Thomas, Environmental Director, gave a brief presentation on the ordinance amendments with an overview of the history of the watershed management plans, riparian buffer recommendations, and the current by-right buffer requirements initiative. He noted that the proposal was based on sound science and research for water quality protection, preservation of habitats, and flood prevention. He reiterated the priority of Riparian RMA buffers as part of the watershed management plans.

Mr. Mike Woolson, Watershed Planner, reviewed the purpose of RMA buffers and definitions related to the buffers. He displayed the effectiveness of buffer widths for different purposes. He gave an overview of the properties that may be affected by the ordinance changes and other localities that have enacted similar legislation. He noted exemptions that were outlined in the ordinance.

Mr. Goodson asked about only including Powhatan and Yarmouth watershed management plans in the ordinance rather than the current way which states any adopted watershed management plan. He stated the watershed management plans were adopted as Board considerations rather than public hearings. He stated that a Board in the future could adopt a watershed management plan without a public hearing and requested that the watershed management plans be named in the ordinance rather than noting an approved plan.

Mr. Woolson stated that would be acceptable, but it was kept as it was to prevent having to amend this ordinance each time. He stated that as other plans come before the Board, there was a vetting process in the event of future Boards, but they would not have to approve that priority.

Mr. Goodson stated that it could be approved without a Public Hearing.

Mr. Rogers stated that the ordinance should name both of those plans and the ordinance could be amended at this time to make that change.

Mr. Goodson opened the Public Hearing.

1. Mr. Dean Vincent, Liberty Ridge, JCC LLC, 365 Centerville Road, stated the Powhatan Creek has merit on the buffer initiative; he felt Yarmouth Creek did not have the same merit. He stated that the contaminants were from industry and agriculture as there is practically no development on the Yarmouth Creek mainstem. He stated the topography of Yarmouth Creek was not significant for flood prevention, and

stated the Yarmouth Creek Watershed Management Plan should be excluded from the ordinance. He noted that the development along the mainstem there is not explicit and the Board should maintain the property owners' rights to develop. He said there was no definition in the ordinance of intermittent streams, and stated a by-right cluster ordinance should be adopted as a separate ordinance and the Board should add similar language to the outer zone as in the base zone.

2. Mr. Joseph Swannberg, 3026 The Pointe Drive, commented that the buffer requirements were unnecessary based on research from non-biased studies. He commented on unbuildable lots as a result of the legislation.

3. Mr. Aaron Millikin, on behalf of Liberty Ridge and Chickahominy Summerplace, LLC, stated his opposition to the ordinance amendments to provide density protection for property with intermittent streams. He noted the difference in water quality and point source pollution in Yarmouth Creek versus Powhatan Creek. He asked for more objectivity in the ordinance and protection for by-right development and values for property owners.

4. Mr. Branch Lawson, Suffolk, VA, on behalf of Liberty Ridge and Chickahominy Summerplace, LLC, stated that he felt the water quality improvement was minimal and disproportionate to the value of land that would be used for buffer area. He stated that there was little flood mitigation that would occur due to increased buffers. He stated that regulations on intermittent streams and non-RPA buffers would be cumbersome as these features were all over the County. He noted that Yarmouth Creek and Powhatan Creek watersheds were very different and had different issues. He asked that Yarmouth Creek be removed from the revisions.

5. Mr. Robert Duckett, Public Affairs Director of Peninsula Home Builders Association, stated continued opposition to the ordinance amendments on behalf of his organization. He stated that increased buffers did not improve water quality or mitigate flooding.

6. Mr. Richard Swanenberg, 4059 South Riverside Drive, commented on the watershed studies and the increased buffer widths. He stated that the studies gave no substantial data to necessitate the increased buffers. He stated the contract for the studies provided no professional liability and the environmental staff gave permission for the contractor to enter private property.

7. Mr. Chuck Roadley, 9065 Marmont Lane, on behalf of Liberty Ridge, Chickahominy Summerplace, LLC and Williamsburg Environmental Group, commented on Section 11(a), non-intermittent streams, roadside ditches, isolated wetlands – not connected with downstream waterways by definition. To protect a wetland that is not going to a downstream waterway is unnecessary. He asked for clarity in the definitions. He stated that language could be incorporated to define all streams that are not identified as RPA wetlands, and that in Section 11(b) there should be clarity in the definition of mainstem in the ordinance.

8. Ms. Sarah Kadec, 3504 Hunters Ridge, on behalf of the James City County Citizens Coalition, stated that two years ago the Board approved the Yarmouth and Powhatan Watershed Management Plans in their entirety and stated the ordinance should not make changes to the approval of those plans. She asked the Board to increase requirements for buffers as well as incorporating other steps in the watershed management plans. She requested support of a variable buffer of up to 300 feet. She stated that the property rights would be protected as well as the quality of the creeks and that she believed that by-right property owners also want to protect the County's natural resources, and there was a grandfathering document which should resolve many problems. She stated that the greatest protection possible should be provided for in the ordinances and requested approval of the ordinance with a variable buffer up to 300 feet.

9. Mr. Payten Harcum, 3183 Chickahominy Road, stated that the buffers were a vehicle to preserve greenspace. He stated there were various easements on his property, that the buffer would impact him further, and that the property owners should be compensated for the buffer space.

10. Mr. Ware Warburton, 2215 Warburton Haven of New Kent County, stated that his family owned agricultural land in the County and that farmers were good stewards of the land and environment. He stated that the value of the property should be refunded to the citizens that are affected by this and asked that pollution sources should be regulated rather than undeveloped property.

11. Mr. Ralph Goldstein, 240 West Tazewell's Way, stated opposition to the buffer requirement increases based on State law. He stated an engineering plan under the grandfathering clause would cost thousands of dollars and would not be time-permitted. He stated that his property on Yarmouth Creek was wooded and undeveloped and served as a buffer. He commented that it was unfair for the County to take the property without compensation. He requested that Yarmouth Creek be eliminated from the ordinance.

12. Mr. Mac Mestayer, 105 Gilley Drive, stated his support of the ordinance amendment and noted environmental stewardship and responsibility. He stated that he attended a seminar wherein he understood urban and suburban runoff was one significant source of pollution in the Bay. He stated that the State was making progress on agricultural runoff and sewage runoff, which were other leading causes of pollution, but urban and suburban runoff was the responsibility of localities.

13. Mr. Gene Farley, 4049 South Riverside Drive, stated his opposition to the ordinance amendment based on the rights of property owners. He commented on the differences in the original watershed study for Yarmouth Creek and Powhatan Creek; lack of scientific data to require the increased buffer; property value decreases; and lack of compensation for taking private property; and quality of life for waterfront property owners.

14. Mr. Richard Costello, 10020 Sycamore Landing Road, commented that he was opposed to the County taking the land of the buffers without compensation. He noted that the increased buffers would not significantly decrease runoff or flooding.

15. Mr. Tim Cleary, 103 Lands End Drive, stated there should be a clear public benefit and other avenues exhausted before restricting landowners' rights.

16. Ms. Sarah Kellam, 153 Shore Creek, stated that Maryland has passed a 300-foot buffer for all waterfront property. She stated that she lived downstream from Powhatan Creek and there were drainage problems and flooding as a result.

17. Mr. Dick Ashe, 307 Shackelford Road, Yorktown, VA, stated his opposition to the buffer increase. He stated that monitoring developments with intermittent streams would be very intensive. He stated that this is beyond what was approved by the State and that the Board should preserve private property rights.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Ms. Jones made a motion to adopt the ordinance amendment with the removal of Item 11(a) as well as changing the application of the variable width buffer to apply specifically to the Powhatan Creek Watershed. She stated that the ordinance is currently applied to legislative cases as well as intermittent stream buffer, perennial stream buffer, etc. She stated that Powhatan Creek watershed has significant development and different topographical components to it than Yarmouth Creek, and she would support a variable width buffer with a maximum of 225 feet and a base of 150 feet. She stated 200 feet if necessary based on site conditions

for stormwater runoff and that there were flooding and drainage concerns in the Powhatan Creek Watershed. She stated that many of the drainage and flooding problems are due to inadequate culverts in the roads, that she did support this, and noted that if there was a lower density, there was a lower impact. Ms. Jones indicated that Yarmouth Creek Watershed property owners were a priority in the watershed management plan, and that those who spoke want a by-right cluster ordinance. She stated that with a by-right cluster ordinance, it was a recommendation of both watershed plans and has been brought up many times with better site design. She stated that in the long-term this was a better design and better for the environment for by-right development.

Mr. Goodson stated that the motion is for the amendments of deleting Items 11(a) and 11(a)1, so 11(b) would become 11(a), and the ordinance should identify specifically the Powhatan Watershed Management Plan.

Ms. Jones stated that property owners have requested a by-right cluster ordinance and it should be considered.

Mr. McGlennon stated that he felt the amendments remove any effect of the proposed ordinance. He stated that there was no previous discussion of this proposal to remove Yarmouth Creek from the ordinance language and that there had been numerous opportunities for discussion.

Ms. Jones stated that she had amended the ordinance to provide for a variable width buffer for the Powhatan Creek Watershed which was at-risk.

Mr. Goodson stated that he appreciated the comments of the public tonight that resulted in the amendments.

Mr. McGlennon asked if he could support the ordinance.

Mr. Goodson stated that he could and that it was an effort to protect the environment.

Ms. Jones stated that the recommendations adopted by the Board were for legislative cases, but protecting the Powhatan Creek watershed was a positive aspect of this ordinance.

Mr. Icenhour asked for a clarification of how the amendment changed the ordinance that was proposed.

Mr. Rogers stated that he should reletter Section 23-9-11(b) to become 23-9 11(a) and the subsequent paragraphs would be relettered. He stated that the Powhatan Creek watershed language should be inserted and Section 23-9(11)(a) and 23-9(11)(a)1 should be removed.

On a roll call vote, the vote was: AYE: Jones, Goodson (2). NAY: Icenhour, McGlennon, Kennedy (3).

The motion failed.

Ms. Jones stated that there was now no buffer requirement.

Mr. McGlennon stated that there was no proposal that met the objectives and that he was willing to consider one in the future.

Ms. Jones stated that there was protection currently for legislative cases. She stated that water quality and stormwater issues were very important and it made sense to apply the variable width buffer to Powhatan Creek Watershed.

Mr. Goodson recessed the Board for a short break.

At 10:11 p.m. Mr. Goodson reconvened the Board.

## **I. BOARD CONSIDERATIONS**

### **1. Chesapeake Bay Preservation Ordinance Transition – Amendments and Grandfathering/Vesting Rules.**

Mr. Goodson explained that since the previous ordinance amendment failed, there would be no action taken on this item.

### **2. Cooperative Service Agreement – Williamsburg Area Transit Authority (WATA).**

Mr. Doug Powell, Community Services Manager, gave a brief history of the WATA. He noted that since the last work session with the Board on this topic in 2007, the nature of the relationship with Colonial Williamsburg Foundation (CWF) has changed, as the original plan was for CWF's staff to merge with WATA's staff into one organization. He explained that discussions evolved into a contractual relationship in which WATA contracts with CWF to provide certain public transportation services, and stated that this arrangement will still allow for the service to be reimbursed in accordance with Federal and State regulations. He also noted that at this time, the College of William and Mary system was not included in the Cooperative Service Agreement. Staff continues to work with the College on a continued relationship in providing public transit services on-campus and off-campus, and also continues to work with the College toward the College's ultimate inclusion into WATA. He said that if the College wishes to join WATA at a later date, its inclusion would require the approval of the governing bodies of the partner organizations.

Mr. Powell stated that the approval of this Cooperative Service Agreement is the last action required by the Board of Supervisors to enable the legal creation of WATA as long as the Agreement is approved by the other partners. He said that if approved by all of the partners, there are still several actions that must occur before WATA would legally be created, including but not limited to, approval by the State Corporation Commission and adoption of bylaws. He noted that the WATA Board would convene in July 2008 to begin planning the formal transition to the WATA which is expected be completely finalized in the fall of 2008.

Mr. Powell recommended approval of the resolution, which authorized the County Administrator to execute the Cooperative Service Agreement.

Mr. Goodson asked who the two County representatives to this Authority would be.

Mr. Powell stated that the Board adopted a resolution last year to appoint Mr. Larry Foster and himself.

Mr. Kennedy made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

## **RESOLUTION**

### **COOPERATIVE SERVICE AGREEMENT**

#### **WILLIAMSBURG AREA TRANSIT AUTHORITY (WATA)**

WHEREAS, the Virginia General Assembly has authorized the creation of the Williamsburg Area Transit Authority (WATA); and

WHEREAS, the James City County Board of Supervisors has approved an Ordinance joining WATA; and

WHEREAS, the City of Williamsburg, York County, and the Colonial Williamsburg Foundation (collectively and together with the County, the “Members”) also desire to join WATA; and

WHEREAS, a Cooperative Service Agreement is necessary to define the roles and responsibilities of the Members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all documents necessary to enter into a Cooperative Service Agreement with the Members.

#### **J. PUBLIC COMMENT**

1. Mr. Gene Farley, 4059 South Riverside Drive, asked if there was web access for bus routes.

Mr. Goodson stated that WAT has a website with routes available.

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

Mr. Wanner stated that when the Board completed its business it should adjourn to 7 p.m. on July 8, 2008, and stated a brief meeting of the Service Authority should be held following the Board’s adjournment. He noted that the County Fair was held last weekend and was successful in spite of the weather.

#### **L. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that Mr. Charlie Martino was appointed to the Water Conservation Committee.

Ms. Jones commented on the Citizen Stormwater Committee and requested a new application process when staff came forward with a recommendation. She commented on the Parking Ordinance adopted for certain subdivisions and asked if the Board would adopt an incident-based towing policy.

Mr. Wanner asked that staff take time to evaluate this with the Attorney’s Office and the Police Department.

Mr. McGlennon noted the successful commencement exercises for Jamestown High School and Lafayette High School, and a successful meeting for the Coalition for High Growth Communities at Legacy Hall. He noted that the meeting participants toured affordable housing projects in the County, and that though the Board did not adopt a resolution on transportation, there was a need to be concerned about legislation



introduced in the special session including bills that would transfer responsibility of secondary roads to localities if they are primarily local roads. He stated that the State would then distribute maintenance money to that locality to offload State responsibility without adequate funding. He stated that he would like for the County to advocate defeat of that legislation if it should advance.

Mr. Goodson stated concern about the possible sale of Anheuser-Busch Corporation and that there was little that local government could do to influence that sale. He stated the Mayor of the City of Williamsburg has agreed to adopt a resolution supporting Anheuser-Busch's presence in the community along with the Board of Supervisors.

**M. ADJOURNMENT** to 7 p.m. on July 8, 2008.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon, Jones, Kennedy, Goodson (5). NAY: (0).

At 10:21 p.m. Mr. Goodson adjourned the Board to July 8, 2008, at 7 p.m.

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Sanford B. Wanner  
Clerk to the Board

062408bos\_min

**MEMORANDUM**

DATE: July 8, 2008

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

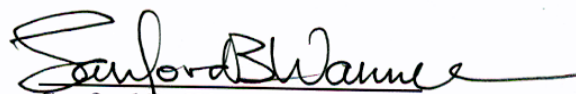
SUBJECT: Support for the Sentara Williamsburg Regional Medical Center Certificate of Public Need (COPN)

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The Board of Supervisors has expressed its desire to maintain competition for healthcare providers in the Williamsburg Area. It has endorsed Certificates of Public Need (COPN) in the past for expansion of medical facilities on May 10, 2005, July 11, 2006, and May 27, 2008, based on the desire for superior quality and choice in healthcare for James City County citizens.

Sentara Williamsburg Regional Medical Center, formerly Sentara Williamsburg Community Hospital and Williamsburg Community Hospital, has served as a healthcare provider for Greater Williamsburg area residents, including James City County, for over 40 years. The Sentara Williamsburg Regional Medical Center filed an application for a COPN on June 30, 2008, in order to provide additional beds to its facility. The application proposes the addition of six medical/surgical beds and the project involves the addition of a sixth floor to the 145 beds (106 medical/surgical, 17 obstetrics, 16 ICU, and six rehabilitation). The final decision on the application is expected from the State Health Commissioner in March 2009.

Staff recommends approval of the attached resolution endorsing the COPN application submitted in order to maintain a high level of competition in healthcare for the County and its citizens.

  
Sanford B. Wanner

SBW/nb  
COPNSentara\_mem

Attachment

## **RESOLUTION**

### **SUPPORT FOR THE SENTARA WILLIAMSBURG REGIONAL MEDICAL CENTER**

#### **CERTIFICATE OF PUBLIC NEED (COPN)**

- WHEREAS, Sentara Williamsburg Regional Medical Center is reapplying for a Certificate of Public Need (COPN) to add beds; and
- WHEREAS, Sentara Williamsburg Regional Medical Center, formerly Sentara Williamsburg Community Hospital and Williamsburg Community Hospital, has cared for Greater Williamsburg area residents, including James City County, for over 40 years; and
- WHEREAS, Sentara Williamsburg Regional Medical Center has always been the major hospital provider to James City County residents, caring for over 5,000 Greater Williamsburg residents who were admitted to the hospital in 2007; and
- WHEREAS, Sentara Williamsburg Regional Medical Center has continuously improved care by attracting new physicians to the area, providing needed services, such as outpatient diagnostic and surgical care, inpatient rehabilitation, emergency care, and other services, and demonstrably improving quality; and
- WHEREAS, Sentara services in James City County include physician offices and urgent care services in the New Town development; and
- WHEREAS, Sentara Williamsburg Regional Medical Center is involved in and supports local services and charities such as United Way of Greater Williamsburg, Olde Towne Medical Center, Williamsburg Community Health Foundation, and others; and
- WHEREAS, current growth and future projected growth in James City County are in the western part of the County, adjacent to the site of Sentara Williamsburg Regional Medical Center; and
- WHEREAS, Sentara Williamsburg Regional Medical Center provides accessible, available, and affordable care, without regard to ability to pay, to citizens of James City County.
- NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby supports the continued growth of Sentara Williamsburg Regional Medical Center and its COPN application for additional beds, was submitted on June 30, 2008.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July,  
2008.

COPNSentara\_res

**REZONING-0008-2007/MASTER PLAN-0006-2007. The Village at Ford's Colony (FC Section 37)  
Staff Report for the July 8, 2008, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

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

December 5, 2007, (applicant deferral)  
January 9, 2008, (applicant deferral)  
February 6, 2008, (applicant deferral)  
February 27, 2008, (Planning Commission Work Session)  
March 5, 2008, (applicant deferral)  
April 2, 2008, (applicant deferral)  
May 7, 2008, 7:00 p.m.  
June 4, 2008, 7:00 p.m.  
July 8, 2008, 700 p.m.

Board of Supervisors:

**SUMMARY FACTS**

Applicant: Mr. Vernon Geddy, III, on behalf of Realtec, Inc.

Land Owner: Realtec, Inc.

Proposal: To rezone the subject property with the intention of constructing a Continuing Care Retirement Community (CCRC).

Location: 3889 News Road (Route 613)

Tax Map/Parcel No.: 3730100004

Parcel Size: 180.79 Acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: R-4, Residential Planned Community, with Proffers

Comprehensive Plan: Low-Density Residential; with Conservation Areas along the parcel boundaries

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Planning Staff finds that this application proposes a development that is generally consistent with the tenets of both the Zoning Ordinance and the Comprehensive Plan. The project represents an initial and annual fiscal gain for the County, and it adequately mitigates the larger infrastructure and other potential impacts associated with the proposed development. While the intensity of development is somewhat higher than in neighboring uses, Staff believes that the buffers and proffers that are included in the plan of development will adequately offset the negative aspects associated with this difference in scale. Planning Staff recommends that the Board of Supervisors approve this application with the attached resolution.

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy. The cash contribution portions of these proffers are summarized in Table 1, below.

**Table 1: The Village at Ford's Colony: Cash Contribution Proffer Summary**

<b>Cash Contribution Proffer Summary (2008 Dollars)</b> (See Staff Report narrative and attached proffers for further details)	
<b>Proffer Use:</b>	<b>Amount:</b>
Fire, Police, Emergency Services, Library, Public Facilities:	\$1000.00 per Dwelling Unit <sup>1</sup> ( <i>Paid to JCC</i> ) (x 596 Dwelling Units = <b>\$596,000.00</b> )
<b><i>Fire, Police, Emergency Services, Library, Public Facilities:</i></b>	<b><i>\$250.00 per Room / Bed<sup>2</sup> (Paid to JCC)</i></b> <b><i>((x 83 Rooms) + (x 60 Beds) = \$35,750.00)</i></b>
Water Infrastructure Development:	\$870.00 per Dwelling Unit <sup>1</sup> ( <i>Paid to JCSA</i> ) (x 596 Dwelling Units = <b>\$518,520.00</b> )
<b><i>Water Infrastructure Development:</i></b>	<b><i>\$435.00 per Room / Bed<sup>2</sup> (Paid to JCSA)</i></b> <b><i>((x 83 Rooms) + (x 60 Beds) = \$62,205.00)</i></b>
Sewer Infrastructure Development:	<b>\$60,000.00</b> (one-time payment) ( <i>Paid to JCSA</i> )
Monticello Avenue / News Road Intersection and Monticello Avenue Corridor Improvements:	<b>\$36,000.00</b> (one-time payment) ( <i>Paid to JCC</i> )
Road Improvements:	\$750.00 per Dwelling Unit <sup>1,3</sup> ( <i>Paid to JCC</i> ) (x 596 Dwelling Units = <b>\$447,000.00</b> )
<b>Total Cash Contribution Per Dwelling Unit<sup>1</sup>:</b>	<b>Up to: \$2,620.00 per Dwelling Unit<sup>1,3</sup></b> <b>(x 596 Dwelling Units = \$1,561,520.00)</b>
<b>Total Cash Contribution Per Room / Bed<sup>2</sup>:</b>	<b><i>\$685.00 per Room / Bed<sup>2</sup></i></b> <b><i>(x 143 Rooms / Beds = \$97,955.00)</i></b>
<b>Total Development Cash Contribution<sup>3</sup>:</b>	<b>Up to: \$1,757,475.00<sup>3</sup></b>

<sup>1</sup>For purposes of the cash contribution proffers proposed, the applicant is counting only the 38 townhouses and 558 independent living units as "Dwelling Units (DU)."

<sup>2</sup>Assisted living beds are now "rooms" and skilled nursing beds are counted separately as "beds."

<sup>3</sup>The applicant is proffering to construct road improvements at the News Road entrance to Powhatan Secondary. The cost of these improvements will reduce the total value of the per-dwelling unit Road Improvement contribution by the total cost of the improvements undertaken by the applicant.

## **PLANNING COMMISSION RECOMMENDATION**

On June 4, 2008, the Planning Commission voted 4-3 to recommend approval of this application to the Board of Supervisors.

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

The proffers for the project have been amended slightly since the June 4 Planning Commission Meeting. The most significant change in the proffers has been to clarify that the independent living units (including townhouses) would be referred to as "units," the assisted living units would be referred to as "rooms," and the skilled nursing beds would be referred to as "beds." This change in this nomenclature is centered on the

assisted living units, which had previously been called beds. The reason for the change is that the assisted living rooms have been designed to accommodate two beds each for the uncommon scenario that might arise where two residents (related by blood or marriage) both need assisted living services at the same time, (or do not otherwise wish to be separated), and wish to share a room. This change does not affect any part of the physical design of the site, nor does it negatively impact any proffer associated with the application. For each occasion where a second resident occupies an assisted living room, a slight increase in vehicular trip generation may occur for the Continuing Care Retirement Community, but the applicant does represent that two residents sharing a room will usually be the exception, rather than the rule. In no event will more than two residents ever share an assisted living room. The structure of the cash contributions for fire, police, and emergency medical services, as well as for the JCSA water infrastructure improvements, changed as a result of this amendment, as summarized below.

The proffers that were part of the package considered by the Planning Commission on June 4 included a cash contribution proffer that would have generated a total contribution of \$119,200.00 (subject to adjustments) to the James City County Department of Social Services (DSS). This proffer was amended at the Planning Commission meeting in that the cash contribution was removed in favor of adding two additional assisted living beds to the project that would be dedicated to, and for the exclusive use of, the DSS. The DSS would use these beds as part of its Auxiliary Grant (AG) Program to provide assisted living accommodations to two James City County residents who could not otherwise afford entry into the Continuing Care Retirement Community. As part of this proffer, these two beds will be provided for the AG Program in perpetuity, and be administered by the DSS. Diana Hutchens, Director of the Department of Social Services, spoke in support of this change at the Planning Commission Meeting, citing an increasingly unmet need for this type of service for less affluent residents of the County. Because of this amendment, the cash contributions proposed for the project have changed as follows:

- **Fire, Police, Emergency Services, Library, and Public Facilities:** There has been added a \$250 contribution for each (non-AG program) assisted living room, and a \$250 contribution for each skilled nursing bed. Thus, **the total contribution value of this proffer increased from zero to \$37,750;**
- **Department of Social Services:** The previously proffered cash contribution for the Department of Social Services (DSS) has been removed in favor of the provision of the two DSS Auxiliary Grant (AG) assisted living beds. **The total contribution value of this proffer decreased from \$119,200 to zero.**
- **TOTAL CHANGE:** **The total cash contributions proffered have decreased from \$1,838,925 to \$1,757, 475, (a net change of -\$81,450).**

Finally, the number of units, rooms, and beds in the development has been **increased** from 739 to 741, as follows:

- The number of townhouses has **remained unchanged** at 38;
- The number of other independent living units has **remained unchanged** at 558;
- The number of assisted living rooms\* has **remained unchanged** at 83;
- The number of Auxiliary Grant (AG) program (DSS) assisted living beds **increased** by 2;
- The number of skilled nursing beds has **remained unchanged** at 60.

(\* Note that with the change from “beds” to “rooms” there is the potential (although unlikely) maximum increase of 83 additional assisted living beds, which would raise the total number of such beds from 83 to 166.)

Between the May 7 Planning Commission Meeting and the June 4 Planning Commission Meeting, the

applicant made many changes to the project and the proffers in response to feedback received from the public and the Planning Commissioners at the May 7 meeting. The changes requested by the Planning Commissioners, and the applicant's responses to these requests, are summarized in Appendix #5 at the back of this staff report.

In Table 1, above, and throughout the remaining balance of this staff report, changes will be called out with ***bold, italicized text***.

<b>Cash Proffer Summary (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
Water (CIP contribution)	\$xx per lot
CIP projects (including schools)	\$xx per lot
xx	\$xx per lot
<b>Total Amount (200X dollars)</b>	<b>\$xx</b>
<b>Total Per Lot</b>	<b>\$xx</b>

## **PROJECT DESCRIPTION**

Mr. Vernon Geddy has applied on behalf of Realtec, Inc. to rezone the subject property located at 3889 News Road (Tax Map Number 3730100004) from R-8 (Rural Residential) to R-4 (Residential Planned Community), with Proffers, to support the creation of a Continuing Care Retirement Community (CCRC) on the property. This CCRC will feature up to 38 independent living townhouses, 558 additional independent living units (elderly attached and congregate care), 83 assisted living / memory care ***rooms, 2 additional assisted living / memory care beds for use by the James City County Department of Social Services in conjunction with its Auxiliary Grant (AG) Program***, and 60 skilled nursing beds. While the CCRC, if approved, would become a part of the Ford's Colony Master Plan, none of the CCRC living units, ***rooms***, or beds will be sold to individual owners. Additionally, the applicant has proffered that the CCRC will not be a part of the existing Ford's Colony HOA, and that persons living in the CCRC will not be members of the existing Ford's Colony HOA; (please see Proffer No. 17 for further information). The R-8 zoning district is a low-density holding district for properties inside the PSA. It is the expectation of the County that properties zoned R-8 will eventually be rezoned and developed.

The proposal for the CCRC lays out a total of thirty-six principle buildings, along with several smaller accessory structures. Nineteen of the buildings are two-unit townhouses (duplexes). The remaining seventeen buildings and accessory structures house the various independent living units, assisted living ***rooms***, and skilled nursing beds planned for the CCRC, as well as a wide variety of support uses, including a health center, community meeting facility, parking and storage functions, maintenance and support functions, dining halls and kitchens, and onsite services (such as a barbershop, beauty parlor, post office, etc.). The buildings range in height from one to four stories, and no structure on the property will exceed sixty feet in height from finished grade; (please see Proffer No. 20 for further information). Supporting the buildings will be an internal road network (which exits onto News Road), and approximately 1,359 parking spaces. The applicant projects that 556 of these parking spaces will be placed in underground garages beneath several of the buildings. This is being done to reduce the amount of impervious surface on the site, and to reduce the overall footprint of the development. Attachment 1 to this staff report summarizes the buildings to be located on the site, and Attachment 2 summarizes the parking that would be allocated to the various buildings of the CCRC.



In addition to the sundry buildings and parking areas of the CCRC, the developer envisions an extensive sidewalk and trail network, landscaped grounds, and a trail along the property's western border to be dedicated to James City County as part of the Parks and Recreation Division's Greenway Master Plan. Currently, the subject property is an undeveloped parcel of land (formerly known as the "Warburton Tract") which is largely in a natural, undisturbed state. The land has previously been timbered, and remnants of several logging roads cross it in various locations. The parcel is heavily vegetated with a mixture of pines, hardwoods, and dense underbrush. The ground is higher in the center of the property, and slopes away steeply toward the eastern, southern, and western edges. Cold Spring Swamp runs along the eastern boundary of the property, and the main stem of Powhatan Creek runs along the western property boundary. The property is approximately 180.79 acres in size. Of this total area, the applicant intends to disturb roughly 70 acres (approximately 39% of the total site, and 51% of the developable area of the site), with the developed area to be concentrated toward the middle (upland area) of the property. The rest of the site (approximately 111 acres / 61% of the site) will remain in RPA, open space, wetlands, and buffer areas, much of which (approximately 97 acres) will be protected by a conservation easement dedicated to James City County.

***Agricultural and Forestal District:*** The property is currently located in the Gordon Creek Agricultural and Forestal District (AFD), and the applicant has requested that the parcel be withdrawn from this district. The AFD Advisory Committee met on Monday, May 5, 2008 to review the request for withdrawal application, and voted 4-2 to recommend that the parcel be approved for withdrawal from the AFD.

***Density:*** Section 24-284 of the James City County Zoning Ordinance outlines the density calculation methodology for the R-4 Zoning District. The CCRC parcel has an overall size of 180.79 acres, with a total non-developable area of 43.60 acres, which is roughly 24.1% of the subject parcel. Because the non-developable acreage is less than 35% of the total parcel, the gross acreage becomes 180.79 acres, which is simply the total acreage of the parcel. Thus:

$$\begin{aligned}\text{Developable Land} &= \text{Total Parcel} - \text{Non-Developable Land} \\ &= 180.79 \text{ acres} - 43.60 \text{ acres} \\ &= 137.19 \text{ acres}\end{aligned}$$

$$\begin{aligned}\text{Gross Acreage} &= \text{Total Parcel} \\ &= 180.79 \text{ acres}\end{aligned}$$

The Gross Density calculation then becomes:

$$\begin{aligned}\text{Gross Density} &= 596 \text{ dwelling units} / 180.79 \text{ acres} \\ &= \mathbf{3.297 \text{ dwelling units per acre}}\end{aligned}$$

The dwelling units used in this calculation are the 558 independent living units and the thirty-eight townhouses; the 83 assisted living **rooms** and the 60 skilled nursing beds are excluded from this calculation. This is **not** an indication that these types of units have no impact on the site or to the County. The Planning Division recognizes that, while assisted living **rooms** and skilled nursing beds **do** have an impact to the County, they do not represent the same level of impact as would a traditional dwelling unit. The Planning Division considers assisted living **rooms** and skilled nursing beds to be more along the lines of an institutional land use than a residential land use, and that their impacts should be accounted for differently than with a density measurement. It should also be noted that density is just one of many potential measures of impact for a given project. For this project, the largest public impacts from the assisted living **rooms** and skilled nursing beds will likely come from traffic (staff members who support these units traveling to and from the site, delivery of goods and services, etc.), emergency services (fire and EMT response support for these units), and the environmental impacts associated with locating the building(s) to house these units on the CCRC site. The 3.297 Dwelling-Unit-Per-Acre Density meets the requirements of the R-4 Zoning District ordinance, which allows for up to eighteen dwelling units per acre. Additionally, the R-4 Zoning District ordinance

requires that the gross density of the total area of the planned residential community not exceed two dwelling units per acre. This means that the whole of Ford's Colony, with the addition of the CCRC into the approved Master Plan, may not exceed two units per acre *overall*. With the addition of the CCRC, the Ford's Colony R-4 district density increases from 1.17 to 1.31 dwelling units per acre, meeting the two-dwelling-unit-per-acre limitation. While the CCRC site, by itself, would not meet the maximum permitted density, combining it with the existing whole of Ford's Colony, as allowed under the Zoning Ordinance, brings it into compliance.

If the density were to be calculated *without* the non-developable land of the CCRC parcel included in the calculation, the density would climb to 4.34 dwelling units per acre (596 dwelling units / 137.19 acres). Calculating the density in this manner, however, yields a *net* density (rather than a *gross* density), and would not be appropriate, as the Comprehensive Plan specifies that gross densities be considered for suitability.

As a part of the discussion that surrounded this case at the February 27, 2008 Planning Commission Work Session meeting, questions were raised as to what the density would be if the CCRC parcel were to be rezoned and/or developed differently. These density calculations are reproduced in Table 2, below:

**Table 2: The Village at Ford's Colony: Various Density Calculations for the CCRC Parcel**

Property Zoning:	CCRC Density ( <u>NOT</u> including Assisted Living Rooms or Skilled Nursing Beds):	CCRC Density (including Assisted Living Rooms but <u>NOT</u> Skilled Nursing Beds):	CCRC Density (including Assisted Living Rooms and Skilled Nursing Beds):	Single Family Detached (SFD) Home Density:
<b>R-8 (Rural Residential):</b>				0.332 DU / Acre
<b>R-4 (Residential Planned Community):</b>	3.297 DU / Acre	3.756 DU / Acre	4.088 DU / Acre	
<b>R-4 (Residential Planned Community):</b>				3.031 DU / Acre
<b>R-5 (Multi-Family Residential):</b>	3.297 DU / Acre	3.756 DU / Acre	4.088 DU / Acre	
<b>PUD-R (Planned Unit Development-Residential):</b>	4.344 DU / Acre	4.949 DU / Acre	5.387 DU / Acre	
<b>R-2 (General Residential):</b>				0.996 DU / Acre

**Density Calculation Table Notes:**

- 1) **DU = Dwelling Unit(s).** For purposes of these calculations (only), the assumption is being made that an Assisted Living **Room** and a Skilled Nursing Bed are both Dwelling Units, where indicated.
- 2) **R-8 (Rural Residential) District:** This district has a minimum lot size of three acres, which means that up to sixty SFD lots, (and, thus, sixty Dwelling Units (DU)) could be placed on the subject property. The density figure shown was arrived at as (Number of Dwelling Units) / (Gross Acreage), or 60 DU/180.79 Acres = 0.332 DU/Acre. Note that this number of possible lots/homes might be reduced due to the amount of Non-Developable land on the site, which is approximately 43.60 acres;
- 3) **R-4 (Residential Planned Community) District with CCRC:** In this district, if the non-developable acreage of a property is less than 35% of the property, density is calculated based on the size of the whole property. In this case, 43.60 acres have been deemed non-developable, and this represents 24.1% of the total 180.79-acre

parcel. Thus, the calculation is based on the formula (Number of Dwelling Units) / (Gross Acreage), or  $596 \text{ DU} / 180.79 \text{ Acres} = 3.297 \text{ DU/Acre}$ . If assisted living **rooms** are included in this calculation, the density becomes  $679 \text{ DU} / 180.79 \text{ Acres} = 3.756 \text{ DU/Acre}$ . If both assisted living **rooms** and skilled nursing beds are included in this calculation, the density becomes  $739 \text{ DU} / 180.79 \text{ Acres} = 4.088 \text{ DU/Acre}$ . The gross density limitation of the total area of a Planned Residential Community in the R-4 district is two DU / Acre, as calculated in the formula (Number of Dwelling Units) / (Gross Acreage). For the CCRC, this would also include the existing areas of Ford's Colony, which make up the balance of the R-4 District, and the overall density is listed at 1.30 units per acre. (If the assisted living **rooms** and skilled nursing beds are included in this calculation, the total density becomes 1.35 DU/Acre.) Within the residential areas, density may increase to 18 DU / Acre, depending on the dwelling type(s) being employed;

- 4) **R-4 (Residential Planned Community) District with Single-Family Detached Homes:** if the property were to be rezoned to R-4, but developed with single-family detached home lots instead of as a CCRC, the density would still be based on 180.79 gross acres, because the undevelopable land in the site is less than 35% of the total acreage of the site. Under this scenario, the R-4 zoning district would allow for the construction of up to four dwelling units per acre, (assuming single-family detached homes). This would mean that up to 720 single-family homes could be created in the CCRC property. For the actual development of the site, however, the undevelopable land would come into play, as the homes could only be built on the 137.19 developable acres in the parcel. Therefore, this means that a maximum of only 548 single-family detached dwelling units could be built on the CCRC parcel if it was developed with single-family detached homes under the R-4 zoning district, yielding a final density of  $548 \text{ DU} / 180.79 \text{ Acres} = 3.031 \text{ DU/Acre}$ .
- 5) **R-5 (Multi-Family Residential) District:** Density in the R-5 District (including density bonuses) is limited to a maximum of 12 Dwelling Units per acre. Densities for townhouses and multi-family structures under three stories in height are limited to 6 DU/Acre (assuming that more than 200 units will be provided), and for townhouses and multi-family structures of three stories or more in height are limited to 8 DU/Acre. The density calculation, itself, is identical to that of the R-4 Zoning District: (Number of Dwelling Units) / (Gross Acreage), or  $596 \text{ DU} / 180.79 \text{ Acres} = 3.297 \text{ DU/Acre}$ . If assisted living **rooms** are included in this calculation, the density becomes  $679 \text{ DU} / 180.79 \text{ Acres} = 3.756 \text{ DU/Acre}$ . If both assisted living **rooms** and skilled nursing beds are included in this calculation, the density becomes  $739 \text{ DU} / 180.79 \text{ Acres} = 4.088 \text{ DU/Acre}$ ;
- 6) **PUD-R (Planned Unit Development-Residential) District:** In the PUD-R District, major subdivisions shall not exceed the recommended density of the Comprehensive Plan for the area to be developed, and in no case should the density exceed four Dwelling Units per acre. Density in this district is calculated as (Number of Dwelling Units) / (Net Developable Acres). For the subject development proposal, this would be  $596 \text{ DU} / 137.19 \text{ Acres} = 4.344 \text{ DU/Acre}$ . If assisted living **rooms** are included in this calculation, the density becomes  $679 \text{ DU} / 137.19 \text{ Acres} = 4.949 \text{ DU/Acre}$ . If both Assisted living **rooms** and Skilled Nursing Beds are included in this calculation, the density becomes  $739 \text{ DU} / 137.19 \text{ Acres} = 5.387 \text{ DU/Acre}$ ;
- 7) **R-2 (General Residential) District:** In the R-2 District, major subdivisions are allowed a maximum density of one DU / Acre, and individual lot sizes may be as small as 10,000 square feet. Assuming that the maximum density was reached, 180 single-family detached homes could be built on 180 lots of no less than 10,000 square feet each. In its most compact form, the lots could occupy as little as 41.3 acres, so there would be plenty of room for a development of this size, even given the 43.60 acres of the 180.79-acre parcel that are non-developable. Thus, the maximum density of an R-2 subdivision on the subject property would be (Number of Dwelling Units) / (Gross Acreage), or  $180 \text{ DU} / 180.79 \text{ Acres} = 0.996 \text{ DU/Acre}$ .

There are two other measures of density that warrant consideration with the CCRC project. The first is to compare The Village at Ford's Colony to other CCRCs that have been created in James City County. This comparison can be seen in Attachment 3 to this staff report. All of the CCRCs listed in this attachment are located on land designated as Low Density Residential in the Comprehensive Plan, except for Windsor Meade, which is designated Mixed-Use. The CCRC is comparable to the other CCRCs in its overall density.

**Table 3: The Village at Ford's Colony: Density of Adjacent Land Uses**

Subdivision:	Current Zoning:	Maximum Units Allowed:	Overall Residential Density:
Springhill:	R-2	By Rezoning: 225 Constructed: 192	Approved: 2.5 DU/Ac Actual: 2.14 DU/Ac
Ford's Colony:	R-4	3,250 (does not include CCRC)	1.17 DU/Ac (does not include CCRC)
Powhatan Secondary (Includes Powhatan Village):	R-4	1,297 (Plus additional commercial property)	2.8 DU/Ac (Average)
Monticello Woods / Settlement at Powhatan Creek:	PUD-R	550	1.36 DU/Ac
Greensprings Plantation (Includes Patriot's Colony):	R-4	1,505 (Plus 120 Skilled Nursing Beds)	1.07 DU/Ac

(Note: DU/Ac = Dwelling Units per Acre.)

The second measure is to compare the density of the proposed CCRC to the density of other developments adjacent to the CCRC property. This comparison is provided in Table 3, above.

It should be noted that the densities shown in this table are the *overall* densities of the subdivisions listed. Several of these subdivisions have sections that have higher densities and lower densities than those shown in the table. While the CCRC has a higher density than the overall densities of the surrounding subdivisions, its traffic and other impacts are projected to be considerably lower. The CCRC would also be well buffered and screened, which will help to mitigate noise and visual impacts that may be associated with the higher density.

## **PUBLIC IMPACTS**

### **Archaeology:**

#### **Related Proffers:**

- *(No. 7) Archaeology: A Phase 1 Archaeological study will be completed and submitted to the County prior to the Applicant receiving Land Disturbing permits for the site. Phase 2 and Phase 3 studies will be undertaken as warranted by the results of the Phase 1 study.*

**Staff Comments:** Planning Staff believes that adequate measures are in place to preserve and protect archaeologically significant discoveries that may be located on the site, by virtue of this proffer, which is consistent with the County's Archaeology Policy. The applicant has additionally proffered that treatment plans will be prepared in the event that Phase 2 and/or Phase 3 studies are warranted, and that all studies are subject to the review and approval of the Planning Director. Initial assessments of Virginia Department of Historic Resources (VDHR) archaeological data records for the site, prepared for the applicant by Koontz-Bryant, P.C., did not find any architectural or archaeological points on the site.

### **Environmental:**

**Watershed:** This project lies within the Powhatan Creek Watershed of the James River. The eastern half of the property is part of Powhatan Creek Sub-Watershed 209 (Cold Spring Swamp), and the western half is part of the non-tidal Powhatan Creek Main Stem.

**Related Proffers:**

- **(No. 9) Sustainable Building:** *The project shall be designed and constructed to obtain at least 200 points under the EarthCraft House Virginia, EarthCraft Multi-Family program certification process and a copy of the project worksheet shall be provided to the Director of Planning prior to the issuance of a certificate of occupancy for buildings in the phase in question.*
- **(No. 10) Master Stormwater Management Plan and Stream Monitoring Plan:** *Owner shall submit to the County a master stormwater management plan for the Additional Property consistent with the Master Stormwater Conceptual Plan included in the Master Plan, and shall incorporate features and measures over and above those necessary to meet the general requirements and Special Stormwater Criteria (SSC) requirements, and which will provide at least an additional five SSC credits, to be approved by the Environmental Division Director. Additionally, a Stream Monitoring Plan will be provided to the Environmental Division for approval, and then implemented by the Owner to monitor erosion along the Powhatan Creek Main Stem and Cold Spring Swamp. Run-off control measures deemed appropriate by the Environmental Division shall be implemented by the Owner if the monitoring indicates the presence of new erosion not shown in the baseline assessment. Warehouse buildings constructed in the area shown on the Master Plan as “Maintenance Area” shall be constructed using “green roof” technology.*
- **(No. 11) Nutrient Management Plan:** *A nutrient management plan for all common areas on the property, prepared by the Virginia Cooperative Extension Office (VCEO), a Virginia-licensed soil scientist, an agent of the Soil and Water Conservation District, or other qualified professional, shall be submitted to and approved by the Environmental Division Director prior to the issuance of Certificates of Occupancy for **any of the units, rooms, or beds** on the property. Owner will ensure that all nutrients applied to the property are in strict accordance with the approved nutrient management plan.*
- **(No. 15) Natural Resources:** *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources on the property, as defined in the County’s Natural Resources Policy, shall be submitted to the Director of Planning for his/her review and approval prior to the submittal of any development plans for the property. If the inventory confirms that a natural heritage resource exists, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.*
- **(No. 19) Cold Spring Swamp Drainage Analysis:** *The Owner shall cause a duly licensed professional engineer to prepare and submit to the County an analysis, to be approved by the County Environmental Division Director, of the Cold Spring swamp drainage basin, assuming full development in the drainage basin, evaluating the adequacy of the existing culverts under News Road for use by the County in determining whether or not improvements to the culverts are necessary for flood control purposes.*

**Staff Comments:** The Environmental Division is generally supportive of the project plans, and finds that they incorporate many features that will help to protect the environmentally sensitive areas of the site, the Cold Spring Swamp, and the Powhatan Creek main stem. The Environmental Division has determined that any additional protective measures and efforts that might be needed can be safely obtained at the site plan level of review for this project through ordinance requirements. No development is proposed through or in the RPA areas, wetlands, or associated buffers except for three road/bridge crossings and one sewer bridge crossing. Development is generally confined to the more central, upland areas of the site, while the lower, outlying perimeter areas of the site are left in their natural state. Of the total 180.79-acre site, roughly 111

acres (61% of the site) will remain in its natural, undisturbed state. Of the total land available to develop (roughly 137 acres, or 76% of the site), only 70 acres (51% of the total available) are being disturbed. If this site had been developed like a traditional R-4 zoned single-family detached housing development, it would be likely that closer to 24% to 30% of the site would remain undisturbed, and closer to 90-100% of the developable area would be developed. The applicant has made attempts to minimize impervious surfaces, reduce the overall development footprint, monitor / repair erosion, reduce nutrient loads, reuse rainwater, and minimize the development impact to Powhatan Creek and Cold Spring Swamp. Examples of attempts by the applicant to reduce the amount of impervious surface on the site include locating approximately 41% of the parking spaces projected for the site underground, below several of the buildings that make up the CCRC, and the heavy use of pervious pavement on the site (over 6.4 acres of pervious pavement are planned for the project). The applicant has exceeded the Special Stormwater Criteria (SSC) requirements for the site, by providing twelve SSC units when only seven are required. Additionally, the proffers for nutrient management, stream monitoring and restoration, and Cold Spring Swamp Drainage Analysis are items that are not otherwise required, along with using “Green Roof” technology on the Maintenance Area warehouse buildings.

The added standard of the EarthCraft certification process adds measurable standards and specific thresholds to the Sustainable Building Proffer, thus making the proffer more enforceable and meaningful. Additionally, many of the building practices being offered show up in the Stormwater Management Master Plan, and will be required of the applicant at the Site Plan level.

### **Housing:**

#### **Related Proffers:**

- ***(No. 3) Density:*** *There shall be no more than 596 independent living dwelling unit (“dwelling units”), 83 assisted living rooms and 60 skilled nursing beds on the Property. All dwelling units developed on the Property shall be occupied by persons eighteen (18) years of age or older. Any accessory commercial uses located on the property, such as bank offices, beauty salons and barbershops, shall be located and designed to serve residents of the property as **verified** by the Planning Director.*
- ***(No. 22) Social Services:*** *Owner shall reserve two assisted living beds (“AG Beds”) in Phase 2 of the project for individuals receiving auxiliary grants under the Auxiliary Grant Program (the “Program”) administered by the Virginia Department of Social Services and shall participate in the Program with respect to the AG Beds. Such individuals must meet applicable Program eligibility criteria as determined by the County Department of Social Services and are subject to all admission and discharge criteria of the facility other than ability to pay for services and all other generally applicable rules and regulations of the facility.*

**Staff Comments:** This project does not provide any traditional forms of housing except for the **thirty-eight** independent living townhouses. The dwelling units envisioned by the development proposal would be specifically designed and marketed to senior adults who might require increased levels of care and support, such as laundry and housekeeping services, meal preparation, skilled nursing care, physical therapy, programmed activities, transportation, and other services. The townhouse units will likely incorporate upkeep and support services (such as exterior maintenance and gardening services) that are atypical of traditional townhouses sold in the general housing market. None of the units on the property will be privately owned by individual homeowners. Instead, all of the units and beds will remain under the ownership and control of the owner/developer of the property.

***At the request of the James City County Department of Social Services (DSS), the applicant has proffered two assisted living beds in the CCRC, and will participate in the DSS Auxiliary Grant (AG) Program. The beds will be available for DSS to administer in perpetuity. There are large numbers of older James City County residents who cannot afford the various types of privately offered assisted living care, but who need***

*this level of support. The AG Program provides assisted living housing to these individuals. Private providers that participate in the program provide the assisted living beds and services at no cost or reduced rates, and are partially compensated by payments from the AG Program fund to help offset the difference in revenue. Staff notes that no other CCRC in James City County has made a similar assisted living bed contribution, and that this concession on the part of the applicant received strong support from the DSS.*

### **Parks and Recreation:**

#### **Related Proffers:**

- **(No. 14) Greenway Trail:** *Subject to the issuance of all required permits by the County and other agencies as may be needed, Owner shall construct a trail with a minimum eight foot wide travel path with a mulch or other natural surface (which will be open to the general public during daylight hours only), including necessary bridges, if any, generally in the location shown on the Master Plan. In addition, Owner shall grant the County an easement eight feet in width from the centerline of the trail as constructed for public access as described above and the maintenance and improvement of the trail by the County.*
- **(No. 18) Recreation:** *Owner will provide recreational and social facilities and programs appropriate for residents of a continuing care retirement community, to include hard surface and soft surface trails and sidewalks suitable for walking and bicycling, an outdoor pool, areas designated for lawn games, and accessible gardens. Additionally, **Buildings A, B, C, and D** will include features and amenities such as terraces and covered porch areas that will be programmed for community social events such as cookouts and concerts, comprehensive wellness centers and pools for aerobic and strength conditioning, physical therapy, swimming and water aerobics, rooms for dining, formal lounges and bar, activities such as arts and crafts and woodworking, convenience shopping, health, beauty and other spa features, and a chapel. A 400-person-capacity multipurpose meeting facility will allow for programmed and un-programmed social and educational events. Finally, a private transportation (van/bus) system will link residents with Williamsburg-area entertainment venues and shopping.*

**Staff Comments:** These proffers attempt to provide for healthy, active indoor and outdoor activity for residents of the CCRC. Staff supports the provision of walking trails and sidewalks in the proposed community. Staff supports the construction of the trail and the easement to make it possible, which is in keeping with the Parks and Recreation Department's Greenway Master Plan. It should also be noted that the Parks and Recreation Department and Planning Staff both agree that the trail should be refinished as a hard surface trail to provide for wider flexibility in use and greater durability. Because the trail will largely follow an old logging trail that is on already-compacted earth, the added RPA impact of paving the trail should be negligible.

The applicant has strengthened the Recreation Proffer by adding a specific program of amenities for Buildings A, B, C, and D. While there are still areas that are not fully defined, (such as the timing of construction, and the connectivity of the sidewalk and trail system), Staff believes that adequate recreation facilities will be provided and that the burden on public recreation facilities may be correspondingly reduced.

### **Public Facilities and Services:**

#### **Related Proffers:**

- **(No. 5(a)) Contributions for Community Impacts:** *A contribution of \$1,000 for each dwelling unit on the Property shall be made to the County for fire, police or emergency services, library uses, and other public facilities, uses or infrastructure, to be adjusted yearly by the Marshall Swift Index until paid; (maximum value = \$1,000 per unit x 596 units = \$596,000, with adjustments until paid).*
- **(No. 5(b)) Contributions for Community Impacts:** *A contribution of \$250 for each assisted living room and skilled nursing bed on the Property shall be made to the County for fire, police or*

*emergency services, to be adjusted yearly by the Marshall Swift Index until paid; (maximum value = \$250 per unit x 143 rooms / beds = \$35,750, with adjustments until paid).*

- **(No. 12) Private Streets:** *All streets and alleys on the property shall be private and shall be maintained by the Owner.*
- **(No. 16) Public Transit:** *Owner shall install a bus stop and shelter on News Road adjacent to the main entrance into the property, with the exact location being subject to the approval of Williamsburg Area Transit. The bus stop shall be installed upon the request of WAT at such time as WAT provides bus service along News Road to the property.*

**Staff Comments:** Planning Staff supports the cash contributions for community impacts for each of the different types of housing units in the CCRC project. Staff is supportive of the bus stop proffer because it is often difficult to obtain right-of-way or an otherwise suitable location in which to locate a bus stop / bus shelter. The James City County Fire Department approved the current layout of the Master Plan but noted that minor changes to the Master Plan may be needed at the Site Plan level to ensure that adequate emergency access to each building is achieved. The Fire Department will evaluate each building as it is presented on future Site Plans. An analysis of the proposed CCRC project by the Financial Management Services (FMS) Manager concludes that annual tax revenues generated by the CCRC should far exceed the costs incurred by the County to provide services to the CCRC. Net County tax revenues for the CCRC have been projected by the applicant at \$1.00 million annually.

#### **Public Utilities:**

##### **Related Proffers:**

- **(No. 4) Water Conservation:** *A water conservation plan for the CCRC, to be reviewed and approved by the James City Service Authority (JCSA) General Manager, will be submitted to JCSA and, once approved, implemented on the site. Water from the JCSA water distribution system (potable water supply) will not be used for irrigation on the property without the prior written authorization of the James City Service Authority General Manager.*
- **(No. 5(c)) Contributions for Community Impacts:** *A cash contribution of \$870.00 for each dwelling unit on the property, and \$435.00 for each room/bed on the property shall be made to the JCSA for water system improvements; (maximum value = (\$870 per unit x 596 units) + (\$435 per bed x 143 rooms/beds) = \$580,725, with adjustments until paid).*
- **(No. 5(g)) Contributions for Community Impacts:** *A one-time cash contribution of \$60,000 shall be made to the JCSA for sewer system improvements; (maximum value = \$60,000, with adjustments until paid).*
- **(No. 8) Off-Site Sewer Easements:** *Owner, upon the request of JCSA, shall grant JCSA utility easements over, across, and under the portion of the property along Powhatan Creek to permit future connections from the gravity sewer on the property to the Richardson Property (to the west of, and adjacent to the CCRC property; Tax Parcel 3640100007).*

**Staff Comments:** The CCRC site is inside the PSA and will be served by public water and public sewer provided by the James City Service Authority. The cash contributions to JCSA are in keeping with JCSA proffer policies and are in-line with anticipated Service Authority costs associated with the CCRC project. JCSA did not anticipate any problems with providing an appropriate level of service for the subject property or the intended use.



## **Transportation:**

### **Related Proffers:**

- **(No. 5(d)) Contributions for Community Impacts:** *A one-time cash contribution in the amount of \$36,000.00 shall be made to the County prior to the County being obligated to issue any certificates of occupancy for dwelling units/beds on the Additional Property for off-site improvements at the News Road/Monticello Avenue intersection and in the Monticello Avenue corridor.*
- **(No. 5(e)) Contributions for Community Impacts:** *A contribution of \$750.00 for each dwelling unit on the property shall be made to the County for off-site road improvements in the News Road corridor. The cash contribution value of this proffer will be reduced by the costs incurred by the applicant to complete Proffer No. 6(b), which is the construction of a left-turn lane into Powhatan Secondary (maximum value = \$750 per unit x 596 units = \$447,000, with adjustments until paid).*
- **(No. 6) Entrances and Traffic Improvements:** *The applicant has proffered the following site entrance and other traffic improvements:*
  - a) *At the main entrance into the CCRC property (at the intersection of News Road and Firestone Drive), a left turn lane from westbound News Road into the property and a right turn lane, including a shoulder bike lane, from eastbound News Road into the property shall be constructed. A shoulder bike lane along the CCRC property's News Road frontage shall be constructed. The existing southbound left turn lane on Firestone Drive at News Road will be restriped to a shared left and through lane.*
  - b) *Owner shall submit plans to the County and Virginia Department of Transportation (VDOT) for the installation of an exclusive left-turn lane on westbound News Road at the intersection with Powhatan Secondary. Owner will complete construction of the left-turn lane within twelve months of County and VDOT approvals to construct this exclusive left-turn lane. Owner is not responsible for road right of way acquisition or landscape/screening other than stabilization of disturbed soils. The County may elect to accept the cash equivalent contribution outlined in Proffer 5(d), in lieu of construction of the turn lane by the Owner, in the event that acquisition of any needed right-of-way proves to be prohibitive. In the event that VDOT constructs this turn lane as part of its Six Year Secondary Road Plan, the County may elect to divert some or all of the cash equivalent contribution to other road projects in the News Road Corridor, at the News Road / Monticello Avenue intersection, or in the western Monticello Avenue Corridor. Owner shall install or pay for the installation of a traffic signal at the intersection of News Road with Powhatan Secondary at such time as VDOT traffic signal warrants are met and VDOT has approved the installation of such a traffic signal.*
  - c) *All work completed shall be constructed to VDOT standards.*
  - d) *The second entrance to the property shall be located in the general location shown on the Master Plan and shall be limited by gate to emergency access only unless and until turn lanes approved by VDOT at this entrance have been installed.*
  - e) *Owner shall convey free of charge to VDOT any right-of-way from the property necessary for the widening or realignment of News Road within 60 days of a written request for such conveyance together with final plans for the widening or realignment.*
  - f) *Owner shall conduct traffic counts at its entrances prior to the County being obligated to issue certificates of occupancy for more than 247 dwelling units/**rooms**/beds on the property, and again prior to the County being obligated to issue certificates of occupancy for more the 494 dwelling units/**rooms**/beds on the property. If these counts show a trip generation from the property more*

*than 10% higher than the trip generation projected by the “News Road Corridor Traffic Forecast and Analysis,” (dated April 4, 2008, prepared by DRW Consultants, LLC), the Owner shall submit an updated traffic impact study. The updated study shall include a listing of any entrance or turn lane improvements necessary to accommodate the increased traffic and the appropriate trigger for their construction, for review and approval by the County and VDOT. Owner shall install the necessary improvements, including any warranted traffic signal, as approved by the County and VDOT at the time recommended in the updated approved traffic study.*

- **(No. 16) Public Transit:** *Owner shall install a bus stop and shelter on News Road adjacent to the main entrance into the property, with the exact location being subject to the approval of Williamsburg Area Transit. The bus stop shall be installed upon the request of WAT at such time as WAT provides bus service along News Road to the property.*

**2005 Traffic Counts (for News Road (Route 613)):**

From: Centerville Road (Route 614) to: Springhill Subdivision Entrance (Route 1561):	3,323
From: Springhill Subdivision Entrance (Route 1561) to: Powhatan Secondary (Route 1471):	6,096
From: Old News Road (Route 742) to: Monticello Avenue (Route 776):	8,979

**2007 Traffic Counts (for News Road (Route 613)):**

From: Centerville Road (Route 614) to: Springhill Subdivision Entrance (Route 1561):	3,696
From: Springhill Subdivision Entrance (Route 1561) to: Powhatan Secondary (Route 1471):	6,547
From: Old News Road (Route 742) to: Monticello Avenue (Route 776):	8,133

**Comprehensive Plan Roadway Capacity Guidelines:** The Comprehensive Plan states that two lane collector roads without turn lanes should have a maximum capacity of 13,000 vehicles per day. If turn lanes are incorporated in the design, this capacity increases to 14,000 vehicles per day (see page 75, James City County 2003 Comprehensive Plan). News Road is predominantly without turn lanes, although turn lanes are present at its southeastern intersection with Monticello Avenue. The current traffic counts suggest that additional capacity is available to handle the proposed CCRC, given its projected potential for trip generation. As the CCRC is nearing build-out, the combination of additional traffic from the CCRC and from other developments that are constructed within the next five to ten years may require that News Road be studied for possible widening or other improvements.

**Traffic Analysis:** The subject property in this application fronts on News Road (Route 613) at a location marked by a near-ninety-degree curve in the road. To the west of this curve lies the entrance road to the Springhill Subdivision. From this entrance westward, the posted speed limit along News Road is 55 mph; east of this entrance, the posted speed limit is 45 mph. News Road is a winding two-lane secondary road that extends from Centerville Road (Route 614) at its west end to Monticello Avenue (Route 776) at its east end. Most of News Road is characterized by little to no shoulder, a crowned road surface, hills, curves, and limited sight distances due to the topography and the heavy vegetation on either side of the roadway. The main entrance for the proposed CCRC development would be positioned in line with the already-built Firestone Drive entrance into existing Ford’s Colony. A secondary entrance is proposed at a location approximately 400’ west of the Springhill Subdivision entrance. Most of the traffic along News Road is concentrated in the segment of the road that runs from the Springhill Subdivision entrance eastward, growing in intensity toward the Powhatan Secondary and Monticello Avenue intersections. As part of its annual County-wide secondary road system priority process, the Planning Division has recently recommended to the Board of Supervisors that improvements along News Road, including shoulder paving and strengthening, and the left-turn lane at the entrance into Powhatan Secondary, be added to the Six-Year Secondary Road Improvement Plan submitted to the Virginia Department of Transportation. The Board will consider this recommendation at its May 13, 2008 meeting.

The applicant provided a traffic study for the proposed project which classifies the intended development as a mixture of five types of land uses, as shown in Table 4, below. From this table, we can see that the proposed

CCRC is projected to generate approximately 1980 trips per day.

**Table 4: The Village at Ford's Colony: Composition and Trip Generation**

ITE Land Use Designation:	ITE Land Use Code:	Number of Units:	Unit Type:	Total Daily Trips:
Senior Adult Housing (Detached)	251	38	Townhouses	238
Senior Adult Housing (Attached)	252	168	Independent Living	585
Congregate Care Housing	253	390	Independent Living	788
Assisted Living	254	83	Assisted Living Rooms	227
Nursing Home	620	60	Skilled Nursing Beds	142
	TOTALS:	739		1980

Source: "News Road Corridor Traffic Forecast and Analysis" (April 4, 2008, prepared by DRW Consultants, LLC), updated May 16, 2008; rates generated using the Institute of Transportation Engineers (ITE) *Trip Generation*, 7<sup>th</sup> Edition guidebook.

It should be noted that if the property were to be developed under its current Rural Residential (R-8) zoning designation, it would be able to support one Dwelling Unit per every three acres, or sixty dwelling units. If the undevelopable land (roughly 43.60 acres) on the site was taken into account, the R-8 development would be able to support only forty-five Dwelling Units. If this scenario were to be completed, it would lower the overall density of Ford's Colony to 1.11 dwelling units per acre; (it is currently calculated at 1.17 dwelling units per acre). *For comparison purposes, a forty-five lot, single-family detached residential subdivision developed under the R-8 zoning district could be expected to generate approximately 431 trips per day.*<sup>1</sup>

If the CCRC parcel were to be rezoned to R-4 (Residential Planned Community) and developed with single-family detached homes rather than as a CCRC, the number of trips generated per day would again be affected.

As previously laid out in Table 2 and the Density Calculation Notes for this table, a maximum of 548 single-family detached dwelling units could be built on the CCRC parcel if it was developed with single-family detached homes under the R-4 zoning district. This would make the overall density of Ford's Colony 1.28 dwelling units per acre. *For comparison purposes, a five-hundred-forty-eight lot, single-family detached residential subdivision developed under the R-4 zoning district could be expected to generate approximately 5,244 trips per day.*<sup>1</sup>

<sup>1</sup>*Single-family detached homes may be expected to generate 9.57 trips each per weekday; (ITE Code 210, (Trip Generation, 7<sup>th</sup> Edition.))*

In summary then, it is important to note that, while the CCRC would generate substantially *more* traffic than an **R-8** single-family detached residential subdivision, it would also generate significantly *less* traffic than an **R-4** single-family detached residential subdivision. So, if the subject property were to be developed like the majority of the balance of the existing areas of Ford's Colony, it would represent a much higher traffic impact that it would if developed as the proposed CCRC. As a further comparison, consider that Springhill Subdivision is estimated to generate 1,837 trips per day currently (192 homes built) and would generate an estimated 2,153 trips per day if fully built-out (225 homes) as approved. Powhatan Secondary, with 1,297 homes approved, can be expected to generate an estimated 12,412 trips per day.

**Virginia Department of Transportation (VDOT) Suggested Road Improvements and Comments:**

The District has completed its review of the News Road Corridor Traffic Forecast and Analysis dated April 4, 2008 and associated proffers, and offered the following comments:

- 1) Given the scope of the study to analyze selected intersections where previous data was available, we concur with the findings of the study.
  - a) For all scenarios, a left-turn lane is warranted on southbound Centerville Road and a right-turn taper is warranted on northbound Centerville Road, [at the News Road intersection.]
  - b) Counts were not provided for the News Road/Springhill Drive intersection. It appears that as volumes increase, a left-turn lane on eastbound News Road may be warranted.
  - c) At the News Road/Firestone Drive intersection, we concur with the proposed installation of a westbound left-turn lane and eastbound right-turn lane. This intersection appears to operate at adequate levels of service (LOS).
  - d) Counts were not provided at the News Road/Powhatan Parkway intersection. We concur with the installation of a westbound left-turn lane in order to reduce impedance to through volumes on News Road.
  - e) The News Road/Old News Road intersection begins to show degraded LOS with the forecasted developments. This location may need to be monitored in the future for potential signalization.
- 2) We note that numeric values presented in Table Four are the volume to capacity ratios (v/c). They are incorrectly identified in the notes for the table.
- 3) Given the forecasted volumes in the study, it does not appear that widening of News Road will be needed to accommodate the increased peak hour and daily volumes from the subject development, as well as the potential future developments outlined in this study. While some growth beyond that contained in the study can be anticipated due to additional destinations arising from area development, the forecasted volumes appear to be within the limits that can be accommodated on a two-lane facility with adequate turn lanes at intersections. The benefit of a four-lane facility will not be commensurate with the cost of this improvement.
- 4) Although signal warrant analyses were not included in the study, it does not appear that the intersections of Springhill Drive, Firestone Drive, or Powhatan Secondary on News Road have the potential to warrant signalization now or in the future. The Old News Road intersection may need to be monitored for future signalization.
- 5) Several design features on existing News Road were identified as not meeting current design standards, to include lane widths, shoulder widths, and horizontal curvature. While complete reconstruction would be costly and likely not feasible given current budget constraints, a recommended short-term improvement would be shoulder strengthening and paved shoulders. Given the identified design deficiencies, the crash rate for this segment of News Road is approximately half of the statewide average for similar facilities. There were no specific locations identified as having safety deficiencies during our safety analysis.

**Staff Comments:** Essentially, the combined effect of Proffer No. 5(e) and Proffer No. 6(b) is that \$447,000 will be provided to the County for road improvements (Proffer No. 5(e)), LESS the costs incurred by the Owner to install the left turn lane into Powhatan Secondary (Proffer No. 6(b)). Thus, if installing the left turn lane costs the Owner \$447,000 or more, the County will receive no cash from Proffer No. 5(e)—instead, the County will receive only the construction of this improvement. If the cost of the left turn lane is less than \$447,000, the County will receive whatever this difference is as a cash contribution, plus the construction of this improvement. Under no circumstances would the County be obligated to pay the difference to the Owner if the left turn lane ends up costing the Owner more than \$447,000. It should also be noted that the traffic study submitted by DRW Consultants, LLC indicated that the existing condition of the News Road / Centerville Road intersection warrants that a northbound right-turn lane and a southbound left-turn lane from Centerville Road onto News Road be constructed.

**West Monticello Avenue Corridor Improvements:** A previous traffic study created by DRW Consultants, LLC laid out plans for roadway improvements along Monticello Avenue west from VA-199 to the News Road intersection, and then along News Road south to Ironbound Road. This study is known as the West Monticello Avenue Corridor Improvement Plan, and it has been independently reviewed by Kimley-Horn and Associates, Inc. The latest cost estimate published by VDOT for completing the improvements suggested by this study indicates that the project will cost approximately \$1.2 million. An analysis of the traffic flowing through this corridor reveals that the proposed CCRC will contribute approximately 3% of the total traffic that ultimately moves through the corridor. This is the basis for the \$36,000 contribution proffer from the Owner that is found in Proffer No. 5(d).

**Powhatan Secondary:** The Owner has represented that, in community meetings with the homeowners of the nearby Powhatan Secondary subdivision, residents raised three primary concerns about the proposed CCRC, which were all based upon the potential traffic impacts of the CCRC to the existing road network. The residents listed the posted speed limits (and the typical *actual* speeds of motorists) along News Road, the lack of a westbound News Road turn lane into Powhatan Secondary, and the lack of a safe pedestrian crossing over News Road from the northeast side of the subdivision to the southwest side of the subdivision, as their areas of primary concern. They also listed sight distances, proximity of existing homes to the News Road right-of-way, and congestion in and around the News Road / Monticello Avenue intersection as problem areas to be addressed. To this end, it is the stated intention of the Owner/Developer to petition the Board of Supervisors to request that VDOT lower the posted speed limits along News Road, and to widen News Road within the existing right-of-way to the greatest possible extent. Additionally, the Owner is proffering the additional right-of-way (to be taken from the CCRC property), and the turn lane into Powhatan Secondary to help relieve the conditions along the southeastern end of News Road. The Owner is also proffering to construct a traffic signal at the intersection of News Road and Powhatan Secondary, once the VDOT traffic warrants for such a signal are reached, and once VDOT approves the installation.

**Traffic Study Analysis:** Along with input and comments from VDOT (previously listed), James City County enlisted the aid of Kimley-Horn & Associates (KHA) in the review of the DRW Consultants LLC traffic study (and associated proffers, community impact statement, and master plan) submitted with the rezoning application for this project. The summary comments received from KHA regarding the DRW study are as follows:

- KHA recommends that a narrative (Executive Summary) be added to the Traffic Study describing/discussing the proposed development and the intent of the TS document.
- At this time KHA concurs with the trip generation potential proposed for The Village at Fords Colony.
- At this time KHA concurs with the trip generation potential proposed for the inventory balance of approved but un-built residential developments within the News Road study area.
- KHA concurs with the general concept of the proposed distribution of trips along Longhill Road to the north, Centerville Road to the west, and the News Road Corridor.
- KHA concurs with the general methodology for calculating LOS conditions at the study area intersections and along segments of News Road.
- KHA recommends that the LOS tables be updated to reflect critical movement and control delay LOS.
- KHA concurs with the recommendation and proffer of an exclusive westbound left-turn lane to be constructed at the News Road/Firestone Drive/Village at Ford's Colony intersection.

- KHA concurs with the recommendation and proffer of an exclusive eastbound right-turn lane to be constructed at the News Road/Firestone Drive/Village at Ford's Colony intersection.
- KHA concurs with the recommendation and proffer of an exclusive westbound left-turn lane to be constructed at the News Road/Powhatan Secondary intersection.
- KHA recommends that the TS be updated following the recalculation and expansion of intersection LOS and the identified items have been appropriately addressed and responded to in the document.

**Public Transit:** Having a bus stop available at the site may help to reduce the number of cars that travel along News Road because staff members, residents, and guests visiting the CCRC could take advantage of this public transit resource.

In summary, Staff believes that the road improvements and contributions being proffered by the applicant sufficiently mitigate the potential impact of constructing and operating the CCRC, and finds that News Road has sufficient capacity to handle the additional traffic that may be generated, based on the data presented. This conclusion is shared by independent reviewers from Kimley-Horn & Associates (KHA) and from VDOT.

### **Williamsburg-James City County Schools:**

#### **Related Proffers:**

- **(No. 3) Density:** *There shall be no more than 596 independent living dwelling unit ("dwelling units"), 83 assisted living rooms and 60 skilled nursing beds on the Property. All dwelling units developed on the Property shall be occupied by persons eighteen (18) years of age or older. Any accessory commercial uses located on the property, such as bank offices, beauty salons and barbershops, shall be located and designed to serve residents of the property as **verified** by the Planning Director.*

**Staff Comments:** As an assisted living facility that specifically targets senior adults, and which proffers a minimum age requirement of eighteen years old, the proposed CCRC is not likely to generate any direct impact to the Williamsburg-James City County School District. Consequently, the applicant has elected not to offer cash contributions that might otherwise be expected in accordance with the Cash Proffer Policy for Schools originally adopted by the Board of Supervisors on September 13, 2005, and amended on July 24, 2007. Item No. 3 in the Methodology section of this policy states that *"The County will continue to consider any unique circumstances about a proposed development that may change the way the Staff and the Board view the need for cash proffers for schools. Unique circumstances may include, but not be limited to, a demonstrable effort to meet the objectives of the County's Comprehensive Plan related to affordable housing."*

Staff concurs with the applicant not providing a cash contribution for schools because the proposed CCRC will not directly impact schools, and because of the latitude offered by this guidance in the Methodology.

### **COMPREHENSIVE PLAN**

*(Note: Page References are made to the James City County 2003 Comprehensive Plan.)*

#### **Community Character**

General	<p><b>Community Character Corridors (Page 83):</b> The proposed development fronts News Road (Route 613), a Community Character Corridor.</p> <p><b>Staff Comment:</b> The applicant has submitted a design with a standard-width (150') buffer along the News Road Community Character Corridor (CCC). While the buffer is consistent with that proffered by similar developments, the larger buildings associated with these types of developments are usually more visible than those of single-family detached developments. A paved multi-use trail will be added by the applicant as indicated in the Master Plan, which will allow pedestrians and bicyclists to enjoy the open space buffer, while also adding pedestrian connectivity to the site and to neighboring properties.</p>
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Goals, Strategies, and Actions	<p><b>Goal No. 01 (Page 95):</b> Improve the overall appearance of the County’s urban and rural environment.</p>
	<p><b>Staff Comment:</b> By protecting the existing mature trees and vegetation in the CCC buffer, the applicant will be providing a natural and scenic frontage, while, at the same time, helping to buffer the CCRC from neighboring properties and the public right-of-way (News Road). This will help to maintain the visual quality and appearance of the News Road corridor in this area, but the development will have some visual impacts, especially when the trees have shed their leaves in the autumn and winter months of the year.</p>
	<p><b>Strategy No. 01 (Page 95):</b> Protect farming and forestry from conflicting activities by utilizing the available tools to preserve open space and encourage development within the PSA.</p>
	<p><b>Staff Comment:</b> This proposal would keep an intensive development inside the PSA, where it can be better supported by appropriate County services.</p>
	<p><b>Action No. 24(b) (Page 97):</b> Encourage new developments to employ site and building design techniques that reduce their visual presence and scale. Design techniques include berms, buffers, landscaping, building designs that appear as collections of smaller buildings, rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.</p>
	<p><b>Staff Comment:</b> This proposal will use extensive perimeter buffers, positioning the buildings more toward the center of the property, and extensive underground parking to help reduce the visual presence and scale of the development.</p>
	<p><b>Action No. 24(f) (Page 98):</b> Encourage on-site lighting that enables the retention of the rural “dark sky” qualities of the County by encouraging the use of cut-off fixtures and low intensity lighting.</p> <p><b>Staff Comment:</b> The applicant supports and implements that Action with Proffer No. 13, which provides that cut-off fixtures are utilized on all light poles throughout the site, and specifically limits light spillage (pollution) at the property line to less than 0.1 footcandle.</p>

## Economic Development

General	<p><b>Consideration of Economic Issues (Page 16):</b> Maintaining a healthy balance between nonresidential and residential growth [in the County] continues to be a challenge. James City County can provide an acceptable level of public services and quality employment only if such a balance exists.</p> <p><b>Staff Comment:</b> The proposed CCRC represents economic growth that is not strictly residential. Instead of selling dwelling units (homes) to individuals, and gaining revenue through property taxes, the CCRC will generate revenue as an industrial or commercial use would—that is, through taxation of business/sales revenue, (as well as property taxes). Thus, even though the CCRC provides places for people to live, it functions as a business enterprise from an Economic Development standpoint.</p>
Goals, Strategies, and Actions	<p><b>Goal No. 01 (Page 20):</b> Promote the economic vitality of the County and its citizens.</p>
	<p><b>Staff Comment:</b> By adding to the commercial taxation base, the CCRC represents a new source of tax revenue that is not based on property taxes levied on private homeowners. This improves the balance between residential and non-residential tax revenue sources, and, thus, improves the economic strength of James City County. An analysis of the CCRC project by the Financial Manager of James City County led to the following conclusion: “<i>The fiscal impact of this proposal is generally consistent with the fiscal results of Williamsburg Landing, with high positive net revenues - a commercial as opposed to residential profile. The County's EDA considers this kind of a development as economic development - creating net revenues and full-time jobs.</i>” Additionally, the CCRC demonstrates continued support of James City County as a retirement-friendly community, and reinforces that retirement facilities will be in place that will allow current and future residents to “age in place.”</p>
	<p><b>Strategy No. 09 (Page 20):</b> Continue to diversify the economy by transitioning away from a tourism-dependent economy, toward a more broad-based economy.</p> <p><b>Staff Comment:</b> The CCRC represents a commercial enterprise that is not tourism-dependant, and helps to broaden the economic base of James City County.</p>

## Environment

General	<p><b><i>Open Space Design Principals (Better Design Principals) (Page 47):</i></b> Reducing impervious cover, conserving natural areas, and using natural hydrology are all Better Design Principals, as well as concentrating development on one part of a site to protect conservation areas such as a stream buffer.</p> <p><b><i>Powhatan Creek Watershed Management Plan (Page 47):</i></b> The proposed CCRC lies in the Powhatan Creek Watershed, and adjacent to the Powhatan Creek main stem. It is critical that environmental protection measures used on the site meet or exceed all of the standards and requirements prescribed by the Powhatan Creek Watershed Management Plan, adopted by the James City County Board of Supervisors on February 26, 2002.</p> <p><b>Staff Comment:</b> The Environmental Division did not identify any significant concerns with the proposed use, in terms of its potential impact upon the Powhatan Creek Watershed. Staff is satisfied that any negative impacts generated by the proposed use will be properly mitigated by the protections built into current Environmental ordinances (e.g., Chesapeake Bay Ordinance, etc.) The various elements of the CCRC project's design (minimized surface parking and impervious surfaces, rainwater capture and reuse techniques, expanded buffers, concentrating development in upland areas of the site, etc.) and proffers associated with the application (nutrient management, stream monitoring and restoration, sustainable building practices, flood control measures, etc.) meet or exceed all Environmental Division standards, and will help to preserve and protect the natural environment of the site, and of the adjoining watersheds. The proposal exceeds minimum requirements by preserving up to 48% of the land on the property that would otherwise be available for development, by introducing a stream monitoring and restoration plan, by providing twelve Special Stormwater Criteria (SSC) units for the site when only seven are required, and by proffering nutrient management for the site.</p>
Goals, Strategies, and Actions	<p><b><i>Strategy No. 02 (Page 65):</i></b> To assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><b><i>Action No. 05 ( Page 66, item g):</i></b> 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><b><i>Action No.13 (Page 66):</i></b> Minimize negative effects of urban development and agricultural practices on water quality through increased education and sound policies such as Watershed Planning, Agricultural Best Management Practices (BMPs), erosion control measures, stream bank buffers, and other nonpoint source controls.</p> <p><b><i>Action No.23 (Page 67):</i></b> To encourage residential and commercial water conservation.</p> <p><b>Staff Comment:</b> The applicant will use Best Management Practices (BMP) as required by ordinance, nutrient management measures, (Proffer No. 11), and Water Conservation measures, (Proffer No. 4). The applicant has taken steps to reduce impervious cover and to increase open space by increasing building height and placing substantial amounts of parking underground, which is also of substantial benefit. Stream monitoring and restoration (Proffer No. 10) will be a crucial part of protecting the Powhatan Creek and Cold Spring Swamp watersheds, and implementing sound watershed planning practices.</p>

## Land Use

Continuing Care Retirement Communities are a somewhat unique land use. They incorporate many of the components and impacts of residential development, as well as many of the components and impacts of commercial and institutional development. Because of this, CCRCs are handled as a “hybrid” land use - neither purely residential nor commercial nor institutional, but instead, a combination of elements from all three land use types.



The James City County 2003 Comprehensive Plan does not specifically discuss or address CCRCs. Because of this, certain assumptions must be made when reviewing applications for CCRCs. For example, because CCRCs provide places for people to live, and usually with some concentration of density, they are better suited to sites inside the PSA, located in residential land use areas rather than in business, commercial, or industrial land use areas. The Comprehensive Plan indirectly supports this idea in the example of the Tandem Health Care Center (see page 133). The Comprehensive Plan indicates that the Tandem Health Care Center is properly located because it is well buffered and features residential development immediately adjacent to it. Past Board of Supervisor and Planning Commission actions have also supported this in the approval of three other similar facilities in Low Density Residential areas, (*Chambrel at Williamsburg*, *Williamsburg Landing*, and *Patriot's Colony at Williamsburg*.)

With all land uses, it is important to consider the **impacts** that a given proposed development will potentially represent, and its **compatibility** with surrounding uses. The impacts of *The Village at Ford's Colony* were largely addressed in the Public Impacts section of this staff report. The compatibility of the project is looked at in the following sections.

Designation	<p><b><i>Low Density Residential (Page 120):</i></b> Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. A residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community.</p> <p><b><i>Staff Comment:</i></b> The proposed use is consistent with this land use designation, as it has a density of less than four units per acre. It is surrounded on three sides by residential development that is of a lower but comparable density (less than four units per acre) (see Table 3). The particular public benefits it offers are positive economic development, non-residential tax revenue generation, unusual environmental protection, and open space design. The project preserves a great deal of natural open space (roughly <b>61%</b> of the site) and also provides many open green areas between the buildings that are accessible by walking paths and sidewalks. The use, itself, meshes well with surrounding development. A retirement community is a logical extension of traditional residential housing areas which largely surround the CCRC, as it provides a place for older homeowners who wish to remain in the nearby community, but who need more support and care, to transition to. The site is also buffered in all directions, which not only provides a measure of privacy and security to potential future residents, but</p> <p>also helps to mitigate the not-so-residential impacts of the CCRC—such as taller, larger buildings, delivery truck traffic, and the potential for greater activity during all hours of the day or night.</p>
Development Standards	<p><b><i>General Land Use Standards No.01 (Page 134):</i></b> 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. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.</p> <p><b><i>General Land Use Standards No. 02 (Page 134):</i></b> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses.</p> <p><b><i>General Land Use Standards No. 04 (Page 134):</i></b> Protect Environmentally sensitive resources including high-ranking Natural Areas, the Powhatan Creek and other watersheds, historic and archaeological resources, designated Community Character Corridors and Areas, and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.</p>

	<p><b><i>Residential Land Use Standards No. 02 (Page 137):</i></b> Design residential developments in a manner that fosters a sense of place and community and avoids the image of continuous urban sprawl.</p> <p><b>Staff Comment:</b> Staff finds the proposed use to be generally compatible with its neighboring uses. While the density is higher, and size and massing of buildings of the CCRC larger and more intensive, the site is buffered and screened, which adequately mitigates the undesirable differences between the CCRC and neighboring residential subdivisions. The CCRC is not expected to generate smoke, noise, dust, odor, or vibration, and should not block light from reaching adjacent properties or uses. While the CCRC does represent a potential traffic impact, the applicant is proffering cash contributions and road improvements to help mitigate this impact. It is also important to note that the proposed CCRC development would generate less traffic than placing R-4 zoned single-family detached housing on the subject property. The CCRC would be located in the PSA where public utilities and services would be available to serve it. The exceptional environmental design of the project, coupled with the extensive buffering proposed for the site will help to protect and maintain the sensitive Powhatan Creek main stem and Cold Spring Swamp. The CCRC avoids sprawl and minimizes its development footprint by going vertical, and it fosters a sense of community both in being an extension of the existing areas of Ford's Colony, and in the comprehensive services and amenities that it should provide to its residents.</p>
Goals, Strategies, and Actions	<p><b><i>Goal No. 02 (Page 138):</i></b> Direct growth into designated growth areas in an efficient and low-impact manner.</p> <p><b><i>Strategy No. 06 (Page 138):</i></b> Promote the use of land consistent with the capacity of existing and planned public facilities and the County's ability to provide such facilities and services.</p> <p><b>Staff Comment:</b> The application for the CCRC proposes to put growth into the Primary Service Area where it may be more efficiently served by public utilities and services. The CCRC would be situated in close proximity to shopping and services. The impact to public facilities and services should be well-handled due to the type of development, lack of impact to schools, net positive gain in annual tax revenue, and proffers to help offset anticipated impacts.</p>

**Comprehensive Plan Staff Comments:** Planning Staff finds this proposal to be generally compatible with the James City County 2003 Comprehensive Plan, especially in the areas of Comprehensive Plan Land Use Designation, Environmental Protection, and Economic Development.

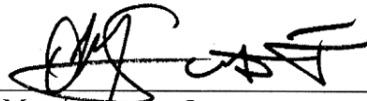
### **STAFF RECOMMENDATION**

Planning Staff finds that this application proposes a development that is generally consistent with the tenets of both the Zoning Ordinance and the Comprehensive Plan. The project represents an initial and annual fiscal gain for the County, and it adequately mitigates the larger infrastructure and other potential impacts associated with the proposed development. While the intensity of development is somewhat higher than in neighboring uses, Staff believes that the buffers and proffers that are included in the plan of development will adequately offset the negative aspects associated with this difference in scale. Planning Staff recommends that the Board of Supervisors approve this application with the attached resolution.

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David W. German

CONCUR:



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O. Marvin Sowers, Jr.

DWG/gb  
Z-0008-07MP0006-07

**ATTACHMENTS**

1. Buildings Comprising The Village at Ford's Colony (previously transmitted with June 4 PC packet)
2. Projected Parking for The Village at Ford's Colony (previously transmitted with June 4 PC packet)
3. Comparison of CCRCs in James City County (previously transmitted with June 4 PC packet)
4. Applicant Statement: Explanation of Traffic Study (previously transmitted with June 4 PC packet)
5. Summary of Requested Changes by the Planning Commission from May 7 Planning Commission Meeting, with Corresponding Applicant Responses (previously transmitted with June 4 PC packet)
6. Project Location Map
7. Revised Traffic Count Sheet from DRW Consultants, LLC (previously transmitted with June 4 PC packet)
8. Revised Proffers
9. Revised Community Impact Statement (CIS)
10. Revised Architectural Program and Fiscal Impact Statement
11. Board Resolution
12. Unapproved Minutes of the June 4 Planning Commission Meeting
13. Revised Master Plan (under separate cover)

## **RESOLUTION**

### **CASE NO. Z-0008-2007/MP-0006-2007. THE VILLAGE AT FORD'S COLONY**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0008-2007, with Master Plan No. MP-0006-2007, for rezoning 180.79 acres from a zoning of R-8, Rural Residential, to R-4, Residential Planned Community, with proffers, to accommodate the creation of The Village at Ford's Colony, a Continuing Care Retirement Community (CCRC); and

WHEREAS, this proposal includes the amendment of the existing Ford's Colony Master Plan to add the CCRC to the Master Plan as Section 37 of Ford's Colony; and

WHEREAS, the property to be rezoned is located at 3889 News Road and can be further identified as James City County Real Estate Tax Parcel ID No. 3730100004; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2008, recommended approval, by a vote of 4 to 3.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. Z-0008-2007/MP-0006-2007 and accept the voluntary proffers.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 2008.

Z-0008-07MP-0006-07\_res

**The Village at Ford's Colony at Williamsburg  
Continuing Care Retirement Community  
Fiscal Impact Statement  
Revised June 2008**

James City County, Virginia

*Introduction*

Realtec Incorporated, developer of Ford's Colony at Williamsburg, is applying for a rezoning and master plan amendment, to the existing master planned community known as Ford's Colony at Williamsburg (Ford's Colony), for the purposes of incorporating a new facility, dedicated to the continuing care for retirement aged persons. The Master Plan for Ford's Colony was approved by James City County in 1985. The Master Plan included 1410 acres, zoned R-4. The current Master Plan, approved in 2004, includes nearly 2800 acres, 3250 residential units (including 200 timeshare units), a golf country club with three championship golf courses and related amenities, 100 commercial golf villas, a commercial health and beauty spa, two outdoor pools, fourteen tennis courts, a ball field, three children's playgrounds, an outdoor pavilion, an indoor multi-purpose activities center, miles of trail and walkway systems. The total taxable value of real estate in Ford's Colony, estimated as of July 2007, exceeds 1.4 Billion Dollars. With a current number of resident households at Ford's Colony at 2,134 and a population of 4,268 people<sup>1</sup> the per-household tax revenue to James City County for real estate property exceeds 5,520 Dollars. Compared to current County budget of per household expenses of 3,766 Dollars, a net-positive of 1,754 Dollars per household can be anticipated<sup>2</sup>. Real estate property taxes from Ford's Colony are anticipated to contribute net-positive revenue to the County this fiscal year exceeding 3.7 Million Dollars. It is noteworthy to observe that 90% of the Ford's Colony residents do not have school-aged children in the home<sup>1</sup>. Since the cost of schools consume more than half of total County expenses, the relative net-positive revenue to the County generated within Ford's Colony may be considered more than 7 Million Dollars this fiscal year<sup>3</sup>.

The new Continuing Care Retirement Community (CCRC) is being proposed as an addition to the Ford's Colony Master Plan. The proposed site is approximately 180 acres. The facility will be age restricted. The development is considered a continuation of the lifestyle found at Ford's Colony and would provide the services desired by the residents as they continue to age. The CCRC will have multiple phases within the plan, each having unique features in addition to providing standard services. In addition to providing service to facility residents on a small scale, individual basis onsite, the CCRC will be capable of providing home health care services to existing homes in Ford's Colony. Research by AARP indicates that retirement persons are showing a preference to age in their homes longer before moving for a higher level of care. Planners of this CCRC expect more people will choose to move to the CCRC from within Ford's Colony at an age group in their upper seventies years of age. The planners expect that the lifestyle of those in their seventies and eighties will be more focused on activities, social events, and medical needs provided internally by the CCRC operations and staff. An internal transportation system, as well as dining facilities within walking distance for the elderly, will be provided. A survey of AARP members in Virginia indicates that more than half of their members prefer to move to a residential facility that will provide the care they need, as they need it, as compared with alternatives such as a nursing home or moving in with friend or family. A private CCRC bus service will be available for local entertainment and shopping venues.

The following is provided by the architect retained by Realtec to design the CCRC:

**The Preliminary Architectural Program for "The Village" at Ford's Colony**

*Task:*

To develop a large scale Continuing Care Retirement Community (CCRC) adjacent to Ford's Colony. This development would be a continuation of the lifestyle found at Ford's Colony and would provide all of the services desired by the residents as they continue to age.

*Land:*

The proposed tract of land is  $\pm 180.7$ -acres located South of Ford's Colony and directly connected to Ford's Colony through the gated drive on News Road. This tract of land is impacted greatly by the wetlands and their associated buffers. Along the South and West edges of the property the minimum buffer is 175' from the 100' regulatory RPA wetland buffer with an additional 25' building setback on the west edge. Along the East edge the buffer is 50' from the wetlands. News Road requires a 150-foot buffer along the North and Northeast edge. The remaining developable land is  $\pm 72.3$  acres. The land is wooded with mixed cover of pines and hardwoods. The edges of the property are at elevation  $\pm 30'$  rising to a high ground center of elevation 88'. The typical ground slope is from 5% to 12% with much of the area at 10%.

*Concept:*

A large scale retirement center, "A Village", with multiple communities, each having unique features in addition to providing standard services, thus creating a fuller and more complete whole while providing superior service on a small scale, individual basis. The Village is to be composed of IV Communities, categorized in five phases. Community I has 2 phases.

*Development Pattern:*

The property is a compact area with the outside edges being low and rising toward the center. There is one predetermined entrance. From the entrance to the most remote point on the site is  $\pm 4,400'$ . The compact shape and single point of entry suggests a loop circulation hub, following the grades, from which all area would be served and then connected back to the main drive. The proposed second entry drive from News Road will be gated and controlled by a transponder (limited access). This access will remain limited to emergency vehicles unless VDOT standard turn lanes are approved and constructed.

*Impact:*

A CCRC, Continuing Care Retirement Community, is typically a grouping of age related individuals (55 plus) living in a community together, experiencing a fuller and healthier lifestyle while enjoying mutual interaction in an atmosphere that supports and enhances personal values and self worth. This enriched lifestyle is made possible by the special forms of assistance/care provided by the facility and staff (physical, social, personal and health).

A CCRC as a land use is looked upon as a positive form of housing and community with low negative impacts.

As a neighbor, a CCRC generates little noise, only low traffic that is off peak, and is considered good for the tax base.

This facility will be providing an internal and external bus service.

As a user of community services, a resident of this type of community in their home or apartment (by actual measure) uses 0.433 as much water or generation of waste water as the typical home (this is per bedroom). House to house this would equate to less than 1/3 of typical water use. The size of independent living apartments range from approximately 800 square feet to over 2000 square feet with an average of approximately 1400 square feet.

There is no public school need.

Health services, to a large extent, are provided on site.

This community provides continuous security patrols.

A housing unit in a CCRC is typically 1.2 people as compared to a normal housing unit of 2.8 people. Vehicle trips per day for a CCRC, rated by The Institute of Traffic Engineers, is rated at 2.8 times the combined number of units and beds. This compares with 10 vehicle trips per day used for a single family residence.

The site coverage by all forms of development, building, roads, parking, sidewalks, terraces, etc is approximately 19% of the total land area. The building footprints alone are only 7.2% of the total land. Some localities recognize the uniqueness of a CCRC compared to typical residential units in terms of density and community impact. Using statistics for traffic generation (less than 1/3), water usage (about 1/3), the relatively lower average unit size, and the age-restricted residents, many localities have set ordinance standards, rating a CCRC unit or bed as one-half a typical single family home. With The Village unit and bed count at 739, this method of calculating density would mean 369.5 equivalent units, or 2.05 units per acre. For example, The City of Raleigh Code 10.2102 (g) states, "For the purposes of residential calculations, dwelling units or rooming units in a congregate care or congregate living structure, shall be equivalent to one-half (1/2) of a dwelling unit..."

#### *Narrative:*

As you drive through the gate on the main entry road, you pass a pond and are lead to a garden edge of the Great Lawn at the Main CCRC Building "B". A curving road that forms the circulation hub for the retirement community circumscribes the Great Lawn. Interwoven with the Great Lawn are gardens, walking trails, open space, passive and active recreation nodes and Independent Living Units. Together these form an "informal green heart space" for the retirement community. Radiating from this space are drives that take you back to the entrance and the different communities. Along the edge of this circulation hub would be additional duplexes, single family homes, and Independent Living Unit buildings.

#### Community I –

In the center of the Loop Road (The Great Lawn) is proposed Phase I and Phase II of Community I (of the main CCRC facility). Phase I is composed of buildings B, C, D, E-1, E-2, F, and G-1. Phase II is composed of buildings G-2, H, J, K, L, M, and N.

- Located on central high ground
- Great Lawn, bell tower
- Large common yard/courtyard space with terraces, water garden and other special landscape spaces.
- Central dining and kitchen (Building B)
- Resident parking under most of the buildings.
- Community I will be built in two phases.

#### Proposed Phase I of Community I–

- 216 units in Independent Living Unit Buildings (E-1, E-2). Resident wings, 4 stories.
- One Assisted Living Unit Buildings (24 total rooms/beds) (F).
- One Skill Care Building of 30 rooms/beds (G-1).
- 14 Living Units in 7 Duplex Homes (1,400-2,000 square feet per unit)

#### Proposed Phase II of Community I –

- 168 Independent Living Unit Buildings. (J, K, L, M &N)
- One Skill Care Building of 30 rooms/beds. (G-2)
- One Memory Care Building with 24 Living rooms/beds. (H)

#### Community II –

Located on SE edge and point

Comprised of Building P and 24 units of Duplex Homes

- “A more upscale Community” - with 270 degree view of wetland, more privacy, and more special features.
- A Residential Living Building with (2) 2-story wings and a one story center section.
- 36 units of attached apartments, some resident parking under the building.
- Remote dining on lower level of center section overlooking the water garden.
- Service access to basement and mechanical equipment on side elevations.
- 24 Living Units in 7 Duplex Homes (1,400-2,000 square feet per unit)

#### Community III –

Located next to the entry and adjacent to News Road

Comprised of CCRC II (Building A)

- Standard Service CCRC-II  
138 units of attached Apartments, dining, and support /activity functions  
Some resident parking ( $\pm$  45 cars) under building.
- “Town Edge Community” – filtered views from News Road

#### Community IV –

Located on isolated N.W. Tract

Comprised of transportation/maintenance/warehouse facility

Health center (Building Q) 35 Assisted Living/Memory Care rooms/beds

#### “The Village” Solution:

This proposed solution, of multiple delivery points of service, is a reflection of the mobility and lack of mobility of the different residents that will live at the Ford’s Colony Retirement Center. Certain residents will be totally independent and thus could go a reasonable distance ( $\pm$  ¼ mile) to avail themselves of any or all services. Others may be limited to  $\pm$  300 feet of travel, while still others may need all services brought to them. Multiple service points will allow more people to live comfortably within their particular limits of mobility. This will promote a fuller sense of independence for most residents, help maintain their self worth, and increase the quality of their lifestyle.



**Summary of Facilities and Units:**

(Note: This is a proposed yield only. The final quantity of each type of housing and service will be more exactly determined by a market study)

General:

- 1 Full Service and 1 Standard Service CCRC Buildings providing complete residential services and special services
- 1 additional dining complex and kitchen (Building P)
- 354 Attached Independent Living Units (In CCRC Buildings E-1, E-2 & A)
- 24 Assisted Living rooms/beds (F)
- Health Care (60 Skill Care Rooms/beds) G-1 & G-2
- 24 rooms/beds Memory Care Building (H)
- +/- 204 Units – in 6 Independent Living Unit Buildings (J, K, L, M, N & P)
- +/- 38 Units in 19 Duplex Homes
- 35 Units Assisted Living / Memory Care rooms/beds (Building Q)

Totals:

38 Living Units in Duplex Homes  
558 Total Independent Living Units, Apartments  
Plus 24 Assisted Living rooms/beds, 60 rooms/beds of Skilled Care, 24 rooms/beds Memory Care  
& 35 Assisted Living / Memory Care rooms/beds

+/- 800 to 900 People

*Building Description and Size:*

CCRC II – Building A

- 2-story front section and three story resident wings
- Parking (±45 cars) & Storage under N.W. wing
- ±228,150 S.F. plus ±14,000 S.F (Resident Parking).

Breakdown:

138 Units (Attached) 152,313 S.F.

Unit Support:

39,652 S.F.

Circulation, Stair, Elevator, Toilets, Resident Storage, Facility Storage,  
Commons, Mechanical, Trash

Community Core Functions:

36,185 S.F.

Lobby, Main Hall, Front Desk, Work Room, Mail Room, Administration, Sales, Security, Living Room, Community Center/Chapel, Library, Card Room, Terrace Room, Deli, Dining Room, Kitchen, Game Room, Crafts, Shop, Movie Auditorium, Bank, Toilets, Beauty/Barber, Business, Wellness/Spa, Pool, Staff Support, Maintenance, Housekeeping, Mechanical, Loading Dock, Receiving and Training

CCRC II Total - ≈ 228,150 S.F. plus ± 14,000 S.F. parking

CCRC I – Building B, E-1 & E-2

- 2-story front section and four story resident wing

- Parking (±45 cars) & Storage under N.W. wing
- ±416,660 S.F. plus ±77,900 S.F. Parking Service and storage
- Activity Street featuring additional “Town” type functions: Doctor’s office, special senior services, book store, pharmacy, deli, major wellness complex, spa & pool, community meeting hall & terrace, plaza for seasonal events such as farmer’s market, craft shows and other special features including the pond, water’s edge gazebo and colorful gardens.

Breakdown:	
216 Units (Attached) Building E-1, E-2	296,900 S.F.
Unit Support:	58,160 S.F.
Circulation, Stair, Elevator, Toilets, Resident Storage, Facility Storage, Commons, Mechanical, Trash	
Community Core Functions:	61,600 S.F.
Lobby, Main Hall, Front Desk, Work Room, Mail Room, Administration, Sales, Security, Living Room, Community Center/Chapel, Library, Card Room, Terrace Room, Deli, Dining Room, Kitchen, Game Room, Crafts, Shop, Movie Auditorium, Bank, Toilets, Beauty/Barber, Business, Wellness/Spa, Pool, Staff Support, Maintenance, Housekeeping, Mechanical, Loading Dock, Receiving and Training, Service	

CCRC I Total - ≈ 416,660 S.F. plus ± 77,900 S.F. parking service and storage

Building C

- 1 tall story ± 7,000 S.F. main community, meeting, and socializing space with terrace

Building D

- 1 tall story community (function) building, (spa, beauty/barber, arts/crafts, & chapel) ± 14,000 S.F. and lower level service and support ± 8,000 S.F.

Building E-1 & E-2 (Part of Building B)

- 4 story (216 unit) Independent Living Unit Building
- Size ±355,060 S.F. (296,900 S.F. units+58,160 S.F. support) with ±60,000 S.F. parking & storage under the building (E-1)

Building F

- 3 story Assisted Living Facility (24 rooms/beds) – 34,400 S.F. with commons and support

Building G-1 & G-2

- 3 story health center (1 story below main grade)
- 60 rooms/beds with full support, ± 69,530 S.F.

Building H

- 3 story Memory Care Facility (1 story below main grade)
- (24 rooms/beds) with full support ± 29,400 S.F.

Building J

- 4 story (40 unit) Independent Living Unit Building
- Major Breezeway and Deli Terrace
- Size ±93,000 S.F. with ±25,000 S.F. resident parking & storage under the building

Building K

- 4 story (36 unit with 9 units per floor) Independent Living Unit Building
- Size ± 48,200 sq. ft.

Building L

- 4 story (36 unit with 9 units per floor) Independent Living Unit Building
- Parking under building (40 cars)
- Size ± 48,200 sq. ft. each with ±16,800 sq. ft. resident parking & storage

Building M

- 3 story (20 units) Independent Living Unit Building
- Size ± 39,700 sq. ft. with ±1,200 sq. ft. resident parking & storage

Building N

- 4 story (36 unit with 9 units per floor) Independent Living Unit Building
- Parking under building (44 cars)
- Size ± 48,200 sq. ft. each with ±17,100 sq. ft. resident parking & storage

Building P

- 1 & 2 story (36 unit) Independent Living Unit Building
- Size ±90,000 S.F. with ±12,000 S.F. resident parking & storage under building

Building Q

- 1 & 2 story (35 rooms/beds) Assisted Living/Memory Care
- Size ±48,000 with ±8,000 S.F. parking, service & storage under building

Duplex Units

- 1 & 1/2 story Duplex Units (38 total units in 19 buildings)
- Unit Size ±1,400 to 2,000 square feet with ±300 S.F. garage & storage
- Total Duplex Square Footage ±76,000 S.F.

Parking:

Notes: Unless as otherwise noted parking is surface parking. Parking count totals include required and/or greater number of handicapped spaces.

	<u>Parking Count</u>
<u>CCRC I (Building B, E-1 &amp; E-2) &amp; Community BLDG (C &amp; D)</u>	<u>522</u>
Surface Parking at (B)	67 Cars
Special Visitor @ Community Building	160 Cars
Under Bldg Parking:	295 Cars
Breakdown:	
212 Units @ 1.2	255 Cars
Staff	30 Cars
Special	200 Cars
Misc	37 Cars
<u>Assisted Living (BLDG F)</u>	<u>16</u>

Breakdown:	24 rooms/beds	0 Cars
	Visitors	10 Cars
	Staff	6 Cars

Skill Care (BLDG G-1 & G-2) 32

Breakdown:	60 Beds	0 Cars
	Visitor	18 Cars
	Staff	14 Cars

Memory Care 16

Breakdown:	24 rooms/beds	0 Cars
	Visitor	8 Cars
	Staff	8 Cars

Independent Living (BLDG J, K, L, M & N) 254

Surface Parking	128 Cars
Under Bldg Parking	126 Cars

Breakdown:	168 Units	
	Visitors	34 Cars
	Residents @ 1.25 Cars/Unit	210 Cars
	Misc.	10 Cars

Independent Living (BLDG P) 102

Surface Parking	62 Cars
Under Bldg Parking	40 Cars

Breakdown:	36 Units @ 1.7 cars/unit	
	Staff	8 Cars
	Visitors	63 Cars
	Misc.	31 Cars

Parking Count

CCRC II (BLDG A) 222

Surface Parking	127 Cars
Under Bldg Parking	95 Cars

Breakdown:	136 Units	
	Visitors	40 Cars
	Residents @ 1.25 Cars/Unit	172 Cars
	Staff	10 Cars

Health Center (Bldg Q) 103

Breakdown: 35 Beds

Staff	12 Cars
Visitors @ 0.5 Cars/Bed	17 Cars
Doctors	4 Cars
General Employee	<u>70 Cars</u>
	103

<u>Homes</u>	<u>76</u>
38 Units @ 2 Cars/Unit	76 Cars

<u>Maintenance Area</u>	<u>16</u>
Maintenance Operation	4 Cars (Plus Transportation Equip)
(Staff Parking @ Maint. Yd.)	12 Cars

**TOTAL PARKING:** **1,359**  
(Plus Truck Loading Spaces)

*Phasing:*

Approval for the entire Master Plan would be requested at one time.

Due to the large size of this project it would be logical for it to be built in phases. The size of each phase and what products, amenities and services would be included in each phase would primarily be determined by market demand. At each phase the products offered could be modified or adjusted to better accommodate the market needs prior to actual construction. Phasing would also create a market driven price escalation and lessen the financial impact.

The Phase I offerings have yet to be determined but should be of sufficient size to create a community with a critical mass and offer a sampling of the products and services proposed to be provided. As an example Phase I could be: signage & entrance drive, CCRC-I, the Loop Road, Community One, the Great Lawn, and 14 homes in duplexes.

*Executive Summary:*

The task is to develop a large scale Continuing Care Retirement Community (CCRC) adjacent to Ford’s Colony, building on and continuing the outstanding lifestyle provided by Ford’s Colony. This new “Village” would also seek to provide all of the services and amenities desired by an older population (55+) as they continue to age and live well.

The concept is to create a “Village” with several communities. Thus service can be provided at the community or individual level while realizing the full benefits of a larger village. This allows for flexibility in responding to each individual’s needs based upon their limits of mobility.

The proposed conceptual master plan is the embodiment of the “program” outlined in “The Village” while addressing the wetlands and their associated setbacks. Thus the conceptual master plan is a compilation of all the objects needed to create a great CCRC village. The development pattern reflects the “concept”, proposed phasing, and works with the land forms.

### *Recreational and Social Amenities:*

The development of “The Village” at Ford’s Colony will provide a rich and diverse opportunity for recreational and social programs for its residents with many of these programs also available for the total neighborhood community and the general public. The following is a summary of the type of activities and programs that are projected to be developed by “The Village”:

The Trail System – a series of outdoor walking trails created with major and minor loops. The major loops would connect “The Village” to the greenway system and to adjoining neighborhoods and existing public sidewalks. The trail location would be based on achieving connectivity and featuring special scenic opportunities. Minor trails would connect most buildings in “The Village” featuring gardens, terraces and open spaces. Walking, jogging, bicycling, bird watching, and environmental education are just some of the activities that will be enjoyed as a result of the trail system. Walking is the number one recreational activity for all ages.

#### Other major outdoor activities & amenities include:

- Swimming
- Pool activities
- Putting green
- Croquet lawn
- Bocce ball
- Vegetable gardening
- Flower gardening
- Picnicking
- Community terraces (wedding, cookouts, and concerts)
- Community Plaza (farmers market, seasonal fairs, and displays)
- Covered porch
- Gazebo
- Bell tower

#### Indoor recreation activities include:

- Complete wellness center with workout space and pool
- Game room (billiards & ping-pong)
- Yoga/dance area
- Card rooms

#### Indoor social activities include:

- Major Activity Room (concerts, lectures, feature programs and educational classes)
- Dining rooms
- Terrace rooms/grills
- Private dining
- Hospitality rooms
- Wine cellar
- Libraries
- Theaters
- Arts & crafts
- Wood shops
- Screened porches
- Chapels
- Beauty/barber shop
- Spa
- Resident store

## **Environment, Energy and Green:**

This topic is extremely large, far reaching and central to the approach used to formulate how best to develop “The Village”. First let me stress that our desire is to be a good steward of the land, the air, the water, and energy.

When developing land the first rule should be like that of the medical profession - “Do No Harm”. We wish to do the minimum land disturbance and coverage possible, using compact buildings (taller with smaller footprints) and minimal grading. We are clustering our buildings and leaving large tracts of land undisturbed. We will work with the grades and carefully insert the building. We will also alter the building footprint to minimize site impact and erosion. We will be seeking to maintain the natural forestation by using pinpoint and selective clearing done in phases to minimize grading impact. And of course B.M.P. standards dealing with erosion control will be used throughout the entire land development process.

Potable water, gray water, ground water, surface water, storm water, and waste water are all important and interconnected. Recognizing, understanding and using the hydrological cycle are how we seek to deal with water issues. Starting with the original site planning, some of the fundamental tools that will be explored are rainwater harvesting with cisterns and detention ponds to obtain gray water for the cooling tower. Ground water infusion techniques and impervious pavement will be used to manage or to eliminate storm water runoff. Natural drainage swales will be used where possible in lieu of pipes. Curb and gutter will be eliminated in favor of natural swales where possible. In summary, the storm water system designed will be based on L.I.D. principals. Devices that reduce the consumption of potable water will be used on all lavatories, water closets, showers, urinals, and drinking fountains.

Reduction of all harmful pollutants into the atmosphere is also a major goal. We will seek to use products and processes that have low or no carbon dioxide footprints. By reducing the distance of transport of products and proper selection of non-petroleum based products and procedures will help keep carbon dioxide generation low. We will use Puron or other similar and non-harmful to the atmosphere refrigerant in our cooling system. Products with formaldehyde will be encased. Zero-VOC paints, caulks, adhesives, and carpets will be used. Toxic chemicals will not be used in cleaning and maintenance procedures. Dust control will be practiced at all times during construction.

Low energy consumption will be a top priority for all buildings in “The Village”. Low energy consumption begins with the siting and fenestration used for any building. Solar orientation, solar shading and screening are the first step toward energy efficient design. The second step is the selection of the building, mechanical, and electrical systems. All of our homes or apartment units will meet or exceed Energy Star Standards. High insulation ratings, a building envelope with low air infiltration, and use of Low E insulated glass are just some of the systems that will be used. A super efficient heating and cooling system utilizing a closed loop heat pump system with boiler and cooling tower will be used. This system will provide individual unit control while responding to the need to heat some spaces while cooling others at the same time. This system will allow for diversity of use and load in that the heating or cooling is transferred from point to point instead of having to be fully created. An energy efficient lighting system with good color rendering will be used throughout. Compact fluorescent, T-8 tubes and efficient electronic ballast, good controllability, LED exit signs and other energy efficient devices and systems will be used. Natural daylight will be used where possible.

Being GREEN is an attitude and an open mind looking for innovative ways and systems to better protect our world. Life cycle cost, “cradle to grave” understanding of systems and products are the keys to sustainability. Reuse, recycle, and reduce are the tools to be adopted to achieve sustainability. Sustainability is our goal.

**Fiscal Impact**

The following presents the fiscal impact estimates of the Ford’s Colony CCRC. The building phase is predicted to be ten years after the initiation of construction of CCRC I, as described above, with occupancy reaching 95% in the eighth year. Prior to the initiation of construction of CCRC I, onsite and offsite sales and marketing is assumed to be a period of one year. CCRC I is assumed to start when CCRC I reaches 70% pre-sold contracts/reservations. Phases two-five will be delivered according to residential contract commitments. At build-out, the Ford’s Colony CCRC is planned to include 38 duplexes, 390 independent living units internal to the one full service and two limited service buildings, 168 independent living apartments in five buildings with access to centralized dining facilities, 83 assisted living/memory care rooms/beds in the one full service CCRC, and 60 skilled nursing rooms/beds in the one full service CCRC. At 95% occupancy, the resident population is estimated at 858 people.<sup>4</sup> Fifteen residence and service buildings, 38 duplexes, and a maintenance/transportation facility are planned. With the exception of walkways, gardens, lawn games, and an outdoor pool, recreation activities and facilities are internal to the fifteen buildings, one of which is a dedicated building for social activities. Internal transportation will be provided for social, dining, and medical needs.

Development infrastructure is estimated at 8.4 Million Dollars. Development infrastructure includes roads, water, sewer, and drainage work, outdoor parking, sidewalks, entrance and landscaping improvements, water quality and quantity controls, and general site improvements. The construction costs for the buildings are estimated at a total of 187.6 Million Dollars.<sup>6</sup>

The average building construction cost of each unit type, using an average square foot size from the information herein, is estimated as follows:

Independent Living Unit Duplex	\$273,000
Independent Living Unit Apartment	\$228,062
Assisted Living/Memory Care Room	\$100,230
Skilled Nursing Room	\$115,663

It is commonly estimated that payroll costs are 35% of total construction costs, or in this Statement approximately 66 Million Dollars. Hourly wage survey data maintained by the Virginia Employment Commission indicates that construction labors’ average wages range from \$27,500 - \$30,000 and equipment operators’ average wages range from \$32,000 - \$40,000. Using a median of \$34,000 for commercial construction, this project may generate 875 jobs. Extrapolating from information from two other continuing care retirement communities in James City, the Ford’s Colony CCRC may estimate the number of permanent jobs employed after build-out to be approximately 250 Full Time Equivalent (FTE) jobs, including both direct employees and contract employees. 84 FTE jobs are expected in the health care related functions. 165 FTE jobs are expected in the hospitality, maintenance, and resident service related jobs. Employees of Realtec related entities are currently offered comprehensive medical and dental health benefits, and life insurance, as well as participation in retirement savings plans.

**Taxes and Fees to James City County**

Using the information above, the James City County 2008 Adopted Budget, and information extrapolated from two local continuing care retirement communities, it is estimated that the Ford’s Colony CCRC may generate 2.2 Million Dollars in annual taxes and fees to James City County as well as 2.8 Million Dollars attributed to one time costs during the construction phase. The following information pertains to real estate property, personal property, rollback taxes, meals and retail, building fees, construction materials, and miscellaneous fees and taxes:



Taxes and fees collected on an on-going basis

Real Estate Property Taxes: Using a real estate tax rate of 77 Cents per One Hundred Dollars of assessed value, the current 2008 Budget Assessment Rate, annual taxes derived from real estate value at build-out will exceed 1.5 Million Dollars. The assessed value is calculated as the total development cost. The incremental real estate values from year one through year seven are not included in this report. Incremental County expenses from year one through year seven are not included.

Personal Property Taxes: Using a personal property tax rate of 4 Dollars per One Hundred Dollars of assessed value, the current 2008 Budget Assessment Rate, annual taxes derived from personal property at build-out will exceed \$300,000.<sup>5</sup> Personal property includes business equipment and transportation vehicles. Vehicles owned by residents are included as explained in note<sup>5</sup>.

Meals and Retail Sales Taxes: The County estimates that approximately 30% of its Meals Tax revenues are generated from local residents dining out. With an annual budget of 5.75 Million Dollars, on a per household basis, the 2008 County Budget assumes nearly \$70 per household for revenue generated from meals taxes. Using 596 independent living units at the Ford’s Colony CCRC, and excluding assisted living and skilled care rooms, approximately \$36,800 of meals taxes may be generated. Retail Sales taxes, using 1% of an estimated \$50,000 of annual per capita income, and a population of 798 people in independent and assisted living units, retail sales may generate approximately \$360,000 in annual taxes. It should be noted that CCRC services will include private bus transportation to local areas of interest such as entertainment and shopping.

Taxes and fees collected on one-time basis during the construction period

Building Permits and Connection Fees: Building permits and review fees, on a square footage basis, are estimated to generate more than \$160,000, assuming 1,200,000square feet of completed floor building area. Connection Fees for water and sewer may exceed \$1,680,000.

Construction Materials Sales Taxes: It is commonly estimated that the cost of construction materials are 50 % of total construction costs. Using a total construction cost of 196 Million Dollars, the cost of construction materials is estimated at 98 Million Dollars. If 8-10 % of materials are purchased locally, sales of 7.8 to 9.8 Million Dollars of materials will be purchased locally and yield approximately \$440,000 in sales tax revenues to James City County.

Miscellaneous Taxes and fees: Additional County revenue is collected from State and Federal Reimbursements and Revenues, Business and Professional Licenses, and Other Local Taxes and Fees. The 2008 Budget assumes 28.1 Million Dollars or \$1,132 per household in these categories. Using 596 independent living units, annual miscellaneous revenue may generate more than \$675,000.

Recurring Revenue (2008 Dollars)		Incidental Revenue during Construction (2008 Dollars)	
Real Estate Property:	1,500,000	Building Permits and Connections:	1,880,000
Personal Property:	300,000	Construction Materials:	440,000
Meals and Retail Sales:	<u>397,000</u>	Miscellaneous:	<u>675,000</u>
	\$2,197,000		\$2,995,000

Estimated James City County Expenses

The following expense categories and an overall cost per household are derived by the James City County 2008 Budget:

Category	Percentage	Dollars	Per Capita	Per Household
Schools	53	91,437,000	1471	3684
County Operations	30	51,897,706	835	2091
Library & Arts	03	4,439,685	71	179
Capital Projects	04	7,366,000	118	297
Health Services	01	1,511,121	24	61
Other	09	16,437,406	264	662
	100	173,089,548	2,783	6,974
		Without schools	1,312	3,290
		@50%	656	1,645

The Ford’s Colony CCRC will be age-restricted. There is no individual equity ownership. The sales model will be on an entry fee and a cost per service fee basis. The County Finance Department considers a CCRC a commercial or non-residential entity for County budget purposes. Estimated per capita and household costs are used herein for comparative purposes to typical residential projects. There will be no school aged children. The CCRC facility will host its own social and recreational resources such as libraries and a town hall for performances. Most capital projects and other county expenses are not planned to benefit CCRC residents’ needs. Therefore the per capita and per household cost in the 2008 Budget, used herein, excludes schools and an estimated 50% of the combined total of the categories Library & Arts, Capital Projects, and Other, as incremental costs to the County, as a direct result of the Ford’s Colony CCRC. The allocation of costs herein is considered a worst case estimate. The projected population of the CCRC is 800-900 residents<sup>4</sup>. Using 900 residents, the total per capita expense attributed to the CCRC is \$1,200,000. The household expense attributed to each CCRC independent unit in this study is \$1,645 or a projected total of \$980,000.

Attributing the per capita costs for 900 residents and per household costs to the planned number of independent units, 596 units, the annual costs to the County generated from the Ford’s Colony CCRC, using the 2008 Budget assumptions, is 1.0 – 1.2 Million Dollars.<sup>7</sup>

**Net Fiscal Impact**

(At build-out year 2018, year 2008 dollars)

Projected Revenues	2.20 Million Dollars	(\$3,549 per household unit)
Projected Expenses	1.20 Million Dollars	(\$1,645 per household unit)

**Net Positive Revenue**

1 Million Dollars per year at build-out plus 3.0 Million Dollars additional collected during construction

1. Ford’s Colony averages 2.0 persons per household, reported in an internal homeowners’ association census conducted in 2005. 2134 single family, town home, and condominium residential units were completed as of June 30, 2007. Internal studies conducted by the developer and by the homeowners’ association, indicate that approximately 90% of Ford’s Colony households report no school-aged children (less than 19 yrs of age) in the home. The County reports that 366 public school children reside in Ford’s Colony. 366 students are equal to 8.6% of the total number of residents. Young children and those attending private school balance the 10%. The 90-10 relationship has been roughly consistent since the first study in the early 1990’s.

2. The County 2008 budget attributes 63%, of 173 Million Dollars total revenues, from real estate and personal property taxes. This report attributes 54% of total revenues from real estate property and 9% from personal property. Accordingly, 54% and 9% of per household and per capita expenses are used comparatively to project revenues versus

expenses attributable to real estate and personal property. Per County household (24,823) expenses are equivalent to \$6,974 per household. 54% of \$6,974 is \$3,766 comparable to real estate. Ford's Colony real estate assessment revenue, on a per household basis, \$5,520, less per household expenses of \$3766, yields a net-positive of \$1,754 per household. 2134 households x \$1754 = 3.7 Million Dollars.

3. 2008 County Budgeted Expenses, per household, less costs attributable to schools is \$3,290 per household.  $6974 - 3684 = 3290$ . With 54% of revenues attributable to real estate assessments, per household expenses without schools is comparable to \$1,777 per household. Using per household real estate assessment revenue from Ford's Colony, the net gain to the County is comparable to \$3,743 per household without the school factor. 2134 FC households x \$3,743 approximates 7.987 Million Dollars. Adding back a factor for ten percent of the Ford's Colony households having families with children, 213 households times the cost of schools per household (\$2091) would be \$445,383. \$7,987,562 less a school factor of \$445,383 is \$7,542,179.

4. A rate of 1.2 persons per independent living unit and 1.0 person per assisted living/skilled care.

5. The current ratio of County revenue derived from real estate and personal property, 63% of total revenue, is 85% real estate assessments and 15% personal property assessments. This ratio would yield approximately \$600,000 from assumed personal property. This report uses \$300,000 to reflect the industry experience that residents in independent living units have an average of 1.2 vehicles per household. Residents of assisted living units have an average less than 1 vehicle per household and rarely drive beyond the CCRC facility. Residents in special care units are not driving.

6. Construction costs are estimated between \$140 and \$150 per square-foot and \$1500 per outdoor parking space. Under-building parking is included in total square-footage cost of applicable buildings.

7. 596 independent living units at a rate of \$1645 per household expenses with cost of schools removed and 50% of the category costs of libraries & arts, capital projects, and other = \$980,420.

UNAPPROVED MINUTES FROM THE JUNE 4, 2008 PLANNING COMMISSION  
MEETING

Z-0008-2007 / MP-0006-2007 Ford's Colony Section 37

Mr. Henderson wanted to address comments that have been made in regards to the Ford's Colony Section 37, CCRC case. He stated that it is important that the public have confidence in our process and the ability of each Planning Commissioner to evaluate each and every project on its own merit. Mr. Henderson stated following last month's meeting he requested a conflict of interest opinion letter from the Commonwealth Attorney's office in this matter. He stated that the letter clearly states that he has not conflict of interest in this matter.

Mr. Obadal stated he would like to see the letter that Mr. Henderson was referring to.

Mr. Kinsman will provide Mr. Obadal with a copy.

Mr. David German stated that Mr. Vernon Geddy has applied on behalf of Realtec, Inc. for a rezoning of the 180.79 acre property located at 3889 news Road, to allow for the construction of a Continuing Care Retirement Community (CCRC) to be known as the Village at Ford's Colony. The applicant was seeking to amend the existing Master Plan for Ford's Colony to include the proposed CCRC property as Section 37 of Ford's Colony, and to rezone the property from R-8, Rural Residential to R-4, Residential Planning Community, with Proffers.

Mr. German stated this proposal includes 38 independent living townhouse units, 558 additional independent living units, 83 assisted living units, and 60 skilled nursing beds. This makes a total net reduction of 205 beds and units from the previous application that was heard at the May 7, 2008 Planning Commission meeting. The property is located in the Gordon Creek Agricultural and Forestal District (AFD). The AFD Advisory Committee met to consider the applicant's petition to withdraw the property from the AFD for the purpose of development. By a vote of 4-2, the Committee voted to recommend approval of the withdrawal to the Planning Commission and Board of Supervisors. Staff found that the project meets the Zoning Ordinance and Comprehensive Plan requirements for density, that the project provides unusual environmental protections and economic benefit to James City County, and that it is generally compatible with surrounding land uses. Staff recommended that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Obadal spoke about a letter he received from Ms. Sara Kadec on behalf of the James City County Citizens Coalition. He said the letter stated that the Coalition did not have sufficient time to form a consensus on this project. Mr. Obadal referred to the Virginia Code with regards to the filing notice requirements, and stated it was required that two public notices be published. He verified with Mr. German that this was done.

Mr. Kinsman stated that the County fulfills all of the advertising requirements and goes beyond what is required. He stated that the County posts signs, and sends out mailings to adjacent property owners concerning upcoming cases.

Mr. Obadal stated there is a requirement that the public hearing be held no less than five days and no more than 21 days from the last public advertisement.

Mr. Kinsman stated that the hearing took place in December, seven days after the last advertisement, and has remained open since that date.

Mr. Billups questioned whether this is an amendment to a master plan. He felt that this was a separate project on its own, and was not a continuation of the Ford's Colony subdivision.

Mr. Murphy stated that the case before the Commission tonight is an application to rezone the subject property to R-4 and to amend the existing proffers to bring the property under the same master plan.

Mr. Billups asked if the Ford's Colony Homeowner's Association was in agreement with adding this property to the master plan.

Mr. Murphy reiterated that the question of a proper application was addressed at the last Planning Commission meeting. He stated that the staff position and the position of the County Attorney is that this case constitutes a proper application to expand the master plan for Ford's Colony.

Mr. Kinsman confirmed that the question of a proper application has been addressed and readdressed and it has been decided that the application was properly accepted.

Mr. Obadal asked about the owners of the property. He noted that it was mentioned that when the applicant made the presentation at the May Planning Commission meeting, there were two owners listed. Mr. Obadal stated that when he questioned the number of owners, he was told it was a contingency ownership. He was told that the Richmond Company, who was listed as the second owner, would become an owner once the rezoning application was approved. Mr. Obadal asked who the owner in the application was.

Mr. Drew Mulhare of Realtec, Inc. spoke, stating that the plan has undergone some revisions since the last meeting and the environmental protections are greater than those in the original application.

Mr. Geddy spoke on behalf of the applicant, Realtec. He addressed Mr. Obadal's question by stating that Realtec is the current owner of the property. He further stated that another entity may be involved in the future, but Realtec had signed the application as the owner. The property is 180 acres and is surrounded by R-4 developments. He stated the goal was to continue and to build on the Ford's Colony lifestyle, and to provide for the comprehensive life care needs of an aging population. Mr. Geddy stated that the applicant has taken all concerns from the Commission, and the public, into consideration when making this revision. He stated the revised proposal includes 596 independent living units, 83 skilled living units, and 60 skilled nursing beds. He stated that this is a reduction of 22% from the original plan. Mr. Geddy mentioned that there was a new proffer added that was for two additional living beds for the Auxiliary Grant

Program run by the James City County Department of Social Services. He also stated that Realtec is the first and only participant in this program in the County.

Mr. Geddy indicated on the revised plans how larger buildings have been moved toward the center of the development and away from the roads. He showed where some of the buildings have been reduced in size and in height. He stated there was a proffer to limit the height of the building closest to Monticello Woods and a proffer to enclose the mechanical equipment for that building. He noted the increased buffered areas and the increased open space. Mr. Geddy listed the proffer changes which included the lower density, traffic signal at Powhatan Secondary, green roofs on warehouse buildings, and a better-defined recreation proffer. He stated he felt the application was consistent with the Comprehensive Plan and the R-4 Ordinance. Mr. Geddy stated that the stand alone density for the project is less than Chambrel and Patriot's Colony. He further stated that the reduction in density leads to a 27% reduction in potential vehicular trip generation. Mr. Geddy stated that the projected net positive fiscal impact to James City County at build out would be \$1,000,000 and that the project would generate additional one time positive net revenues of \$3,000,000 during its initial construction.

Mr. Henderson asked if the two beds under the Auxiliary Grant Program were included in the number listed for assisted living beds, or were they in-addition-to this number.

Mr. Geddy answered there were to be added, so that the total for assisted living nursing beds would be 85.

Mr. Poole asked what would be the staffing requirements would be with the revised number of residential units in this proposal.

Mr. Geddy answered that it would be approximately 245 full time positions.

Mr. Krapf asked Mr. Geddy to explain the 22% reduction in units versus the 27% reduction in trip generation.

Mr. Geddy stated that there was a reduction in the different types of units. These different types of units generate different volumes of traffic.

Mr. Billups asked Mr. Geddy if he anticipated many residents from Ford's Colony making the transition to the CCRC.

Mr. Geddy stated they hoped so.

Mr. Billups asked if there were any affordable homes for those who presently live in Ford's Colony.

Mr. Mulhare answered that the average size of an independent living unit is 1400 square feet. There are some as small as 900 square feet that are more affordable than the larger units. Mr. Mulhare stated that until this project is rezoned and registered with the Commonwealth of Virginia, they are not permitted to discuss resident membership fees and costs.

Mr. Fraley asked about other screening measures in addition to the evergreen tree screen behind Building P.

Mr. Geddy stated they would be willing to look into other measures.

Mr. Obadal asked about the proffer concerning the commercial use.

Mr. Geddy clarified by stating that the proffer was written to include uses such as banking, retail, and other services so that it was clear that these were intended to be used by the residents of the CCRC.

Mr. Obadal asked about the secondary exit out of the complex and if this exit runs through the property.

Mr. Geddy showed the property boundaries and where the primary and secondary entrances / exits were to be located.

Mr. Obadal asked if the secondary entrance / exit was approved by VDOT.

Mr. Geddy stated it has been approved for emergency use only. He stated to expand that use would require further approval from VDOT and the installation of turn lanes.

Mr. Obadal expressed his concerns over this exit and the need for Emergency Services to be able to get into this facility, and the need to evacuate people in the case of an emergency.

Mr. Obadal asked if the streets within the complex will meet current VDOT standards.

Mr. Geddy stated they will meet VDOT standards.

Mr. Billups asked how this project will connect with the master plan.

Mr. Geddy stated that this property will become Section 37 of Ford's Colony.

Mr. Billups asked how the original Ford's Colony master plan fit into this project.

Mr. Geddy stated that if this application is approved then this section will be shown on the Ford's Colony master plan. He further stated that an agreement has been reached with the Ford's Colony Homeowner's Association that this will not be a part of the Association.

Mr. Obadal asked about the ownership and if it would change with the approval of this application.

Mr. Geddy stated that with this approval the property will be transferred to a partnership between Realtec and Windsor Healthcare.

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Mr. Obadal stated the reason for his question was that Section 24-286 requires same ownership. He felt that maintaining a single ownership was important to ensuring consistent policy, given the area of Ford's Colony.

Ms. Diana Hutchens, the Director of Social Services, addressed the proffer of the two Auxiliary Grant beds. She stated this program is designed to assist low income residents of the County who otherwise could not afford this type of care. She explained that the resident's income would be put toward the cost, and that the grant would match up to \$1075. Ms. Hutchens stated that currently 34 residents are in this program but only two of them were able to stay in the County. She further stated that this proffer offers inclusiveness which is one of the County's goals.

Ms. Louise Pearson, 4400 Chickasaw Court, spoke on behalf of the Powhatan Secondary Homeowners Board. She stated that Board commends Realtec for the changes in the plan. She further stated that the Board has decided not to oppose the plan that was presented to them. Ms. Pearson stated that there is still concern over the traffic in the News Road corridor and the impact of future development in that area.

Mr. Richard Wandtke, 4048 Ambassador Circle, stated he is the Chairman of the Advisory Board for the Monticello Woods Homeowner's Association. He stated that since the last Planning Commission meeting Realtec has met with the homeowners twice. He also stated that Realtec has addressed the Monticello Woods homeowners' concerns. Mr. Wandtke stated that they do request some additional rapid growth evergreen trees for an additional visual buffer. He also requested that HVAC equipment be installed in such a way as to minimize noise and visibility. He also requested that outside lighting be limited so as to provide a safe environment and not give an unnecessary brightness to the sky above the development or shine light into neighboring parcels. Mr. Wandtke also wanted to make sure that the largest building nearest their subdivision remains below the tree line. He wanted to emphasize that proffers need to be monitored and enforced.

Mr. Paul Spitalnik, 112 Mahogany Run, stated he is a resident of Ford's Colony. He stated that his background is in healthcare and that he has been long-involved with these types of facilities. He stated that the staff that will support this facility is not age restricted and this will affect school capacity. Mr. Spitalnik stated that the state and federal government require a staffing plan before opening. He felt that staffing requirements would be enormous. He also stated he felt that there may be more than 240 employees working at this facility. Mr. Spitalnik estimated that it would take a 60% ratio of residents to staff to accommodate this type of facility. He asked if anyone has looked into the availability of physicians or the other skilled professionals needed to staff a facility of this size within the County. He asked the Planning Commission to postpone their decision until Realtec presents a staffing plan.

Mr. Dale Merriss, 104 Inverness, stated he felt this was a better plan than what was reviewed last month but still had concerns with the density. He felt that if this plan is approved there may be unintended consequences, the main one being a loss of confidence by the public in the Planning Commission by the public as protectors of the Comprehensive Plan. Mr. Merriss felt that a more appropriate application would be a rezoning to R-5. He does not feel that this



property should be added to the Ford's Colony master plan. He felt that Section 24-283 should be applied in this situation.

Mr. George Spalthoff, 152 Western Gables, stated he is a resident of Ford's Colony. He expressed his concerns about the traffic on News Road. He felt that the proffers should include substantial improvements to the culverts on News Road. Mr. Spalthoff would like to see a traffic study done after each phase of construction. He feels this study should include the effects of the CCRC and other development that affects the News Road corridor. He would also like to see News Road standardized to where all sections have the same width to make the road safer.

Ms. Kensett Teller, 126 Lake Drive, spoke as a resident of James City County. She spoke about the history of growth in the County. She felt that in order to preserve the quality of life, any additions to the development in the County need to be examined closely. Ms. Teller feels the density is too much for this site. She does not believe that this application demonstrates a public benefit, and an approval of this project should not be based solely on the potential for positive tax revenue generation. Ms. Teller feels that there has not been enough time to study the cumulative impact that this project will have on the community. She feels that this project does not protect the health and welfare of the community and does not show the extraordinary public benefit needed to qualify for a rezoning.

Mr. Gary Krull, 104 Stoweflake, stated he is a resident of Ford's Colony. He stated that he was in favor of the plan before the Planning Commission. He felt that the list presented by the applicant consists of top quality builders, developers and health care professionals. Mr. Krull feels that this facility will be needed in the future for James City County. He asked the Planning Commission to approve the rezoning.

Mr. Bill Geib, 104 Alwoodley, stated he is a resident of Ford's Colony. He asked the Planning Commission to consider citizens' concerns about the density and the effect on the Powhatan Creek watershed. He stated the concerns of Monticello Woods and Powhatan Secondary residents have been discussed but there is still opposition to this application from residents in Ford's Colony. He suggested the Planning Commission ensure that onsite infiltration systems work as designed, allow for the construction of a turn lane on News Road, and retain the original cash proffer for improvements to News Road. He also suggested the Planning Commission recommend to the Board of Supervisors to prioritize the improvements to News Road in the Six Year Secondary Road plan.

Ms. Fran Dunleavy, 108 Worksop, commended Realtec for the changes to the CCRC plan. She still has issues with the proposed density of the CCRC in comparison to the surrounding developments in the area. Ms. Dunleavy does not believe this property should be added to the Ford's Colony master plan. She asked how an amendment to a master plan can be approved when it is unclear if the application was made in accordance with the Ordinance. She said that she wrote to the Zoning Administrator on two occasions but received no reply. She did, however, receive a response from the County Attorney's office. Ms. Dunleavy asked the Planning Commission for an explanation from the County Attorney's office regarding the legality of the acceptance of the application. She asked if Realtec, as the developer, not the owner, would be able to continue to add property to the Ford's Colony master plan. She stated

that maybe the law (allowing additions to existing master plans) needs to be changed.

Ms. Ann Hewitt, 147 Raleigh St, spoke on behalf of the Friends of the Powhatan Creek Watershed. She thanked Mr. Mulhare for meeting with her organization. She stated that it is their opinion that this plan destroys too much of one of the last contiguous forests in the Powhatan Creek Watershed. Ms. Hewitt stated that her organization has accepted that the infiltration systems on the plan are sufficient to control flooding. She stated that they still have concerns with the amount of impervious cover and that there was an end date for the stream monitoring plan. She would like to see a proffer that extends the monitoring to include a number of years after the project is totally completed. She stated that her organization still felt that the plan does not protect the natural resources in the area. Ms. Hewitt respectfully requested that the Planning Commission deny this application and request a resubmittal and to allow citizens more time to evaluate all its complexities.

Mr. Gregory DeBlase, 104 Old Cart Road, stated he is a resident of Powhatan Secondary. He expressed concerns over the impact of this and other projects on infrastructure. He expressed his concerns over the traffic on News Road. Mr. DeBlase felt that the cash revenue will not be enough with regards to schools, and that traffic that will be negatively impacted.

Mr. Anthony DeRose stated he is a resident of Ford's Colony. He felt that most comments were general in nature, and that they were not based on facts and statistics. He stated that the Ford's and Mr. Mulhare are very reputable and that what they have presented is what they will build, if the application is granted approval. He supports the application.

Mr. Fraley closed the public hearing.

Mr. Poole stated he was appreciative of the improved resubmittal. He appreciated the meetings that the applicant had set up with all the concerned groups and parties involved. Mr. Poole feels that this is too much building for this site, even though it has significant positive environmental protections. He feels that this is a good proposal but in a wrong location. He feels that the Comprehensive Plan does not permit this use.

Mr. Krapf shares some of Mr. Poole's reservations. He did however mention all of the positives in this proposal, including the green building and green roof techniques proposed. He feels that 61% of the property remaining as open space is a positive. Mr. Krapf stated that this will provide a different revenue stream for the County. He did have concerns with the density, and about traffic impacts when adjacent properties come under development in the future. He urged that this area be addressed during the Comprehensive Plan update. Mr. Krapf feels that the advantages outweigh the disadvantages and he supports this application.

Mr. Peck thanked the applicant for working with the Homeowner's associations in the Berkeley district. He expressed his reservation about how the application was brought forward. He stated there was an option to bring a case before the Board of Zoning Appeals for those who disagree with the County's position and that was not done. Mr. Peck stated the rules for evaluating some of these projects may need to be addressed. He is in favor of this project but also has concerns with the density.

Mr. Obadal stated he remains very strongly opposed to this project. He had difficulties when he tried to do measurements on News Road. He has many concerns with additional traffic on News Road. Mr. Obadal expressed concerns over density and would like to see better flood control on News Road.

Mr. Billups stated that he was disappointed in the way this plan was presented by staff. He stated that in his opinion this proposal is not consistent with the Comprehensive Plan. He stated that there are three major farms on this road. He felt that if this proposal is approved, it may encourage other proposals similar to this one. Mr. Billups felt that this proposal should be put on hold until the update of the Comprehensive Plan is completed. He also had concerns about the units approved in the County but not yet built. He also expressed concerns about the impact of the workforce needed to staff this development. Mr. Billups does not see a public good with this proposal.

Mr. Henderson wanted to commend the applicant for bringing forward what is in his opinion, an extraordinary application. He stated it has environmental protections with all of the proffers involved. He felt that the project does serve a public benefit. Mr. Henderson feels that this is a continuum of the lifestyle that is in Ford's Colony and that it will be embraced by the residents there and other County residents as well. He felt that the reputation of Ford's Colony and Mr. Mulhare are worthy of the County's support. He believes that this project could be a model for similar future projects. Mr. Henderson stated that Thomas Nelson Community College will have a program in the area where professionals can be trained for this facility. He stated that in his opinion more skilled workers moving to the area are an additional bonus. He thanked staff for all of their hard work on this project.

Mr. Fraley expressed his concerns over the traffic on News Road. He stated that the applicant has conformed to the process. He also stated that there are no appeals before the Board of Zoning Appeals. Mr. Fraley stated he would have preferred that this proposal be a standalone project, rather than an amendment to the Ford's Colony master plan, and that the proposed zoning should have been R-5 instead of R-4. He stated that, in this district, nursing homes, rest homes and hospitals and other similar uses are allowed as a specially permitted use. He stated that the proposal contains unusual environmental protection measures. Mr. Fraley stated that this plan had the most creative environmental designs that have ever been submitted to James City County. He stated that the amount of open space proffered is a very important component of this project. He also felt that the new revenue stream generated by this project was very important. Mr. Fraley also believed that this project will attract skilled-labor workers. He mentioned the agreement with the Ford's Colony Homeowners' Association and that they do not oppose this rezoning. He also stated that there were letters from the Homeowner's Associations from Springhill, Powhatan Secondary, and Monticello Woods stating they do not oppose this application. Mr. Fraley also stated that DRC approval is needed at the site plan phase which is a meeting that is open for public comment. He stated the specifics of what the Comprehensive Plan recommends for low density residential areas. He stated that this proposal is within the range identified by the Comprehensive Plan. Mr. Fraley feels that this proposal is a good use of the property because the impacts will be much less than a comparable R-4 residential

development. He stated that this proposal offers many public benefits and that he will support its approval.

Mr. Poole made a motion to deny this application.

Mr. Billups seconded the motion.

In a roll call vote the motion was not approved. (3-4) AYE: Poole, Billups, Obadal; NAY: Peck, Henderson, Krapf, and Fraley.

Mr. Henderson made a motion to approve the application.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved. (4-3) AYE: Peck, Henderson, Krapf, Fraley; NAY: Poole, Billups, Obadal.

UNAPPROVED MINUTES FROM THE JUNE 4, 2008 PLANNING COMMISSION  
MEETING

Z-0008-2007 / MP-0006-2007 Ford's Colony Section 37

Mr. Henderson wanted to address comments that have been made in regards to the Ford's Colony Section 37, CCRC case. He stated that it is important that the public have confidence in our process and the ability of each Planning Commissioner to evaluate each and every project on its own merit. Mr. Henderson stated following last month's meeting he requested a conflict of interest opinion letter from the Commonwealth Attorney's office in this matter. He stated that the letter clearly states that he has not conflict of interest in this matter.

Mr. Obadal stated he would like to see the letter that Mr. Henderson was referring to.

Mr. Kinsman will provide Mr. Obadal with a copy.

Mr. David German stated that Mr. Vernon Geddy has applied on behalf of Realtec, Inc. for a rezoning of the 180.79 acre property located at 3889 news Road, to allow for the construction of a Continuing Care Retirement Community (CCRC) to be known as the Village at Ford's Colony. The applicant was seeking to amend the existing Master Plan for Ford's Colony to include the proposed CCRC property as Section 37 of Ford's Colony, and to rezone the property from R-8, Rural Residential to R-4, Residential Planning Community, with Proffers.

Mr. German stated this proposal includes 38 independent living townhouse units, 558 additional independent living units, 83 assisted living units, and 60 skilled nursing beds. This makes a total net reduction of 205 beds and units from the previous application that was heard at the May 7, 2008 Planning Commission meeting. The property is located in the Gordon Creek Agricultural and Forestal District (AFD). The AFD Advisory Committee met to consider the applicant's petition to withdraw the property from the AFD for the purpose of development. By a vote of 4-2, the Committee voted to recommend approval of the withdrawal to the Planning Commission and Board of Supervisors. Staff found that the project meets the Zoning Ordinance and Comprehensive Plan requirements for density, that the project provides unusual environmental protections and economic benefit to James City County, and that it is generally compatible with surrounding land uses. Staff recommended that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Obadal spoke about a letter he received from Ms. Sara Kadec on behalf of the James City County Citizens Coalition. He said the letter stated that the Coalition did not have sufficient time to form a consensus on this project. Mr. Obadal referred to the Virginia Code with regards to the filing notice requirements, and stated it was required that two public notices be published. He verified with Mr. German that this was done.

Mr. Kinsman stated that the County fulfills all of the advertising requirements and goes beyond what is required. He stated that the County posts signs, and sends out mailings to adjacent property owners concerning upcoming cases.

Mr. Obadal stated there is a requirement that the public hearing be held no less than five days and no more than 21 days from the last public advertisement.

Mr. Kinsman stated that the hearing took place in December, seven days after the last advertisement, and has remained open since that date.

Mr. Billups questioned whether this is an amendment to a master plan. He felt that this was a separate project on its own, and was not a continuation of the Ford's Colony subdivision.

Mr. Murphy stated that the case before the Commission tonight is an application to rezone the subject property to R-4 and to amend the existing proffers to bring the property under the same master plan.

Mr. Billups asked if the Ford's Colony Homeowner's Association was in agreement with adding this property to the master plan.

Mr. Murphy reiterated that the question of a proper application was addressed at the last Planning Commission meeting. He stated that the staff position and the position of the County Attorney is that this case constitutes a proper application to expand the master plan for Ford's Colony.

Mr. Kinsman confirmed that the question of a proper application has been addressed and readdressed and it has been decided that the application was properly accepted.

Mr. Obadal asked about the owners of the property. He noted that it was mentioned that when the applicant made the presentation at the May Planning Commission meeting, there were two owners listed. Mr. Obadal stated that when he questioned the number of owners, he was told it was a contingency ownership. He was told that the Richmond Company, who was listed as the second owner, would become an owner once the rezoning application was approved. Mr. Obadal asked who the owner in the application was.

Mr. Drew Mulhare of Realtec, Inc. spoke, stating that the plan has undergone some revisions since the last meeting and the environmental protections are greater than those in the original application.

Mr. Geddy spoke on behalf of the applicant, Realtec. He addressed Mr. Obadal's question by stating that Realtec is the current owner of the property. He further stated that another entity may be involved in the future, but Realtec had signed the application as the owner. The property is 180 acres and is surrounded by R-4 developments. He stated the goal was to continue and to build on the Ford's Colony lifestyle, and to provide for the comprehensive life care needs of an aging population. Mr. Geddy stated that the applicant has taken all concerns from the Commission, and the public, into consideration when making this revision. He stated the revised proposal includes 596 independent living units, 83 skilled living units, and 60 skilled nursing beds. He stated that this is a reduction of 22% from the original plan. Mr. Geddy mentioned that there was a new proffer added that was for two additional living beds for the Auxiliary Grant

Program run by the James City County Department of Social Services. He also stated that Realtec is the first and only participant in this program in the County.

Mr. Geddy indicated on the revised plans how larger buildings have been moved toward the center of the development and away from the roads. He showed where some of the buildings have been reduced in size and in height. He stated there was a proffer to limit the height of the building closest to Monticello Woods and a proffer to enclose the mechanical equipment for that building. He noted the increased buffered areas and the increased open space. Mr. Geddy listed the proffer changes which included the lower density, traffic signal at Powhatan Secondary, green roofs on warehouse buildings, and a better-defined recreation proffer. He stated he felt the application was consistent with the Comprehensive Plan and the R-4 Ordinance. Mr. Geddy stated that the stand alone density for the project is less than Chambrel and Patriot's Colony. He further stated that the reduction in density leads to a 27% reduction in potential vehicular trip generation. Mr. Geddy stated that the projected net positive fiscal impact to James City County at build out would be \$1,000,000 and that the project would generate additional one time positive net revenues of \$3,000,000 during its initial construction.

Mr. Henderson asked if the two beds under the Auxiliary Grant Program were included in the number listed for assisted living beds, or were they in-addition-to this number.

Mr. Geddy answered there were to be added, so that the total for assisted living nursing beds would be 85.

Mr. Poole asked what would be the staffing requirements would be with the revised number of residential units in this proposal.

Mr. Geddy answered that it would be approximately 245 full time positions.

Mr. Krapf asked Mr. Geddy to explain the 22% reduction in units versus the 27% reduction in trip generation.

Mr. Geddy stated that there was a reduction in the different types of units. These different types of units generate different volumes of traffic.

Mr. Billups asked Mr. Geddy if he anticipated many residents from Ford's Colony making the transition to the CCRC.

Mr. Geddy stated they hoped so.

Mr. Billups asked if there were any affordable homes for those who presently live in Ford's Colony.

Mr. Mulhare answered that the average size of an independent living unit is 1400 square feet. There are some as small as 900 square feet that are more affordable than the larger units. Mr. Mulhare stated that until this project is rezoned and registered with the Commonwealth of Virginia, they are not permitted to discuss resident membership fees and costs.

Mr. Fraley asked about other screening measures in addition to the evergreen tree screen behind Building P.

Mr. Geddy stated they would be willing to look into other measures.

Mr. Obadal asked about the proffer concerning the commercial use.

Mr. Geddy clarified by stating that the proffer was written to include uses such as banking, retail, and other services so that it was clear that these were intended to be used by the residents of the CCRC.

Mr. Obadal asked about the secondary exit out of the complex and if this exit runs through the property.

Mr. Geddy showed the property boundaries and where the primary and secondary entrances / exits were to be located.

Mr. Obadal asked if the secondary entrance / exit was approved by VDOT.

Mr. Geddy stated it has been approved for emergency use only. He stated to expand that use would require further approval from VDOT and the installation of turn lanes.

Mr. Obadal expressed his concerns over this exit and the need for Emergency Services to be able to get into this facility, and the need to evacuate people in the case of an emergency.

Mr. Obadal asked if the streets within the complex will meet current VDOT standards.

Mr. Geddy stated they will meet VDOT standards.

Mr. Billups asked how this project will connect with the master plan.

Mr. Geddy stated that this property will become Section 37 of Ford's Colony.

Mr. Billups asked how the original Ford's Colony master plan fit into this project.

Mr. Geddy stated that if this application is approved then this section will be shown on the Ford's Colony master plan. He further stated that an agreement has been reached with the Ford's Colony Homeowner's Association that this will not be a part of the Association.

Mr. Obadal asked about the ownership and if it would change with the approval of this application.

Mr. Geddy stated that with this approval the property will be transferred to a partnership between Realtec and Windsor Healthcare.

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Mr. Obadal stated the reason for his question was that Section 24-286 requires same ownership. He felt that maintaining a single ownership was important to ensuring consistent policy, given the area of Ford's Colony.

Ms. Diana Hutchens, the Director of Social Services, addressed the proffer of the two Auxiliary Grant beds. She stated this program is designed to assist low income residents of the County who otherwise could not afford this type of care. She explained that the resident's income would be put toward the cost, and that the grant would match up to \$1075. Ms. Hutchens stated that currently 34 residents are in this program but only two of them were able to stay in the County. She further stated that this proffer offers inclusiveness which is one of the County's goals.

Ms. Louise Pearson, 4400 Chickasaw Court, spoke on behalf of the Powhatan Secondary Homeowners Board. She stated that Board commends Realtec for the changes in the plan. She further stated that the Board has decided not to oppose the plan that was presented to them. Ms. Pearson stated that there is still concern over the traffic in the News Road corridor and the impact of future development in that area.

Mr. Richard Wandtke, 4048 Ambassador Circle, stated he is the Chairman of the Advisory Board for the Monticello Woods Homeowner's Association. He stated that since the last Planning Commission meeting Realtec has met with the homeowners twice. He also stated that Realtec has addressed the Monticello Woods homeowners' concerns. Mr. Wandtke stated that they do request some additional rapid growth evergreen trees for an additional visual buffer. He also requested that HVAC equipment be installed in such a way as to minimize noise and visibility. He also requested that outside lighting be limited so as to provide a safe environment and not give an unnecessary brightness to the sky above the development or shine light into neighboring parcels. Mr. Wandtke also wanted to make sure that the largest building nearest their subdivision remains below the tree line. He wanted to emphasize that proffers need to be monitored and enforced.

Mr. Paul Spitalnik, 112 Mahogany Run, stated he is a resident of Ford's Colony. He stated that his background is in healthcare and that he has been long-involved with these types of facilities. He stated that the staff that will support this facility is not age restricted and this will affect school capacity. Mr. Spitalnik stated that the state and federal government require a staffing plan before opening. He felt that staffing requirements would be enormous. He also stated he felt that there may be more than 240 employees working at this facility. Mr. Spitalnik estimated that it would take a 60% ratio of residents to staff to accommodate this type of facility. He asked if anyone has looked into the availability of physicians or the other skilled professionals needed to staff a facility of this size within the County. He asked the Planning Commission to postpone their decision until Realtec presents a staffing plan.

Mr. Dale Merriss, 104 Inverness, stated he felt this was a better plan than what was reviewed last month but still had concerns with the density. He felt that if this plan is approved there may be unintended consequences, the main one being a loss of confidence by the public in the Planning Commission by the public as protectors of the Comprehensive Plan. Mr. Merriss felt that a more appropriate application would be a rezoning to R-5. He does not feel that this

property should be added to the Ford's Colony master plan. He felt that Section 24-283 should be applied in this situation.

Mr. George Spalthoff, 152 Western Gables, stated he is a resident of Ford's Colony. He expressed his concerns about the traffic on News Road. He felt that the proffers should include substantial improvements to the culverts on News Road. Mr. Spalthoff would like to see a traffic study done after each phase of construction. He feels this study should include the effects of the CCRC and other development that affects the News Road corridor. He would also like to see News Road standardized to where all sections have the same width to make the road safer.

Ms. Kensett Teller, 126 Lake Drive, spoke as a resident of James City County. She spoke about the history of growth in the County. She felt that in order to preserve the quality of life, any additions to the development in the County need to be examined closely. Ms. Teller feels the density is too much for this site. She does not believe that this application demonstrates a public benefit, and an approval of this project should not be based solely on the potential for positive tax revenue generation. Ms. Teller feels that there has not been enough time to study the cumulative impact that this project will have on the community. She feels that this project does not protect the health and welfare of the community and does not show the extraordinary public benefit needed to qualify for a rezoning.

Mr. Gary Krull, 104 Stoweflake, stated he is a resident of Ford's Colony. He stated that he was in favor of the plan before the Planning Commission. He felt that the list presented by the applicant consists of top quality builders, developers and health care professionals. Mr. Krull feels that this facility will be needed in the future for James City County. He asked the Planning Commission to approve the rezoning.

Mr. Bill Geib, 104 Alwoodley, stated he is a resident of Ford's Colony. He asked the Planning Commission to consider citizens' concerns about the density and the effect on the Powhatan Creek watershed. He stated the concerns of Monticello Woods and Powhatan Secondary residents have been discussed but there is still opposition to this application from residents in Ford's Colony. He suggested the Planning Commission ensure that onsite infiltration systems work as designed, allow for the construction of a turn lane on News Road, and retain the original cash proffer for improvements to News Road. He also suggested the Planning Commission recommend to the Board of Supervisors to prioritize the improvements to News Road in the Six Year Secondary Road plan.

Ms. Fran Dunleavy, 108 Worksop, commended Realtec for the changes to the CCRC plan. She still has issues with the proposed density of the CCRC in comparison to the surrounding developments in the area. Ms. Dunleavy does not believe this property should be added to the Ford's Colony master plan. She asked how an amendment to a master plan can be approved when it is unclear if the application was made in accordance with the Ordinance. She said that she wrote to the Zoning Administrator on two occasions but received no reply. She did, however, receive a response from the County Attorney's office. Ms. Dunleavy asked the Planning Commission for an explanation from the County Attorney's office regarding the legality of the acceptance of the application. She asked if Realtec, as the developer, not the owner, would be able to continue to add property to the Ford's Colony master plan. She stated

that maybe the law (allowing additions to existing master plans) needs to be changed.

Ms. Ann Hewitt, 147 Raleigh St, spoke on behalf of the Friends of the Powhatan Creek Watershed. She thanked Mr. Mulhare for meeting with her organization. She stated that it is their opinion that this plan destroys too much of one of the last contiguous forests in the Powhatan Creek Watershed. Ms. Hewitt stated that her organization has accepted that the infiltration systems on the plan are sufficient to control flooding. She stated that they still have concerns with the amount of impervious cover and that there was an end date for the stream monitoring plan. She would like to see a proffer that extends the monitoring to include a number of years after the project is totally completed. She stated that her organization still felt that the plan does not protect the natural resources in the area. Ms. Hewitt respectfully requested that the Planning Commission deny this application and request a resubmittal and to allow citizens more time to evaluate all its complexities.

Mr. Gregory DeBlase, 104 Old Cart Road, stated he is a resident of Powhatan Secondary. He expressed concerns over the impact of this and other projects on infrastructure. He expressed his concerns over the traffic on News Road. Mr. DeBlase felt that the cash revenue will not be enough with regards to schools, and that traffic that will be negatively impacted.

Mr. Anthony DeRose stated he is a resident of Ford's Colony. He felt that most comments were general in nature, and that they were not based on facts and statistics. He stated that the Ford's and Mr. Mulhare are very reputable and that what they have presented is what they will build, if the application is granted approval. He supports the application.

Mr. Fraley closed the public hearing.

Mr. Poole stated he was appreciative of the improved resubmittal. He appreciated the meetings that the applicant had set up with all the concerned groups and parties involved. Mr. Poole feels that this is too much building for this site, even though it has significant positive environmental protections. He feels that this is a good proposal but in a wrong location. He feels that the Comprehensive Plan does not permit this use.

Mr. Krapf shares some of Mr. Poole's reservations. He did however mention all of the positives in this proposal, including the green building and green roof techniques proposed. He feels that 61% of the property remaining as open space is a positive. Mr. Krapf stated that this will provide a different revenue stream for the County. He did have concerns with the density, and about traffic impacts when adjacent properties come under development in the future. He urged that this area be addressed during the Comprehensive Plan update. Mr. Krapf feels that the advantages outweigh the disadvantages and he supports this application.

Mr. Peck thanked the applicant for working with the Homeowner's associations in the Berkeley district. He expressed his reservation about how the application was brought forward. He stated there was an option to bring a case before the Board of Zoning Appeals for those who disagree with the County's position and that was not done. Mr. Peck stated the rules for evaluating some of these projects may need to be addressed. He is in favor of this project but also has concerns with the density.

Mr. Obadal stated he remains very strongly opposed to this project. He had difficulties when he tried to do measurements on News Road. He has many concerns with additional traffic on News Road. Mr. Obadal expressed concerns over density and would like to see better flood control on News Road.

Mr. Billups stated that he was disappointed in the way this plan was presented by staff. He stated that in his opinion this proposal is not consistent with the Comprehensive Plan. He stated that there are three major farms on this road. He felt that if this proposal is approved, it may encourage other proposals similar to this one. Mr. Billups felt that this proposal should be put on hold until the update of the Comprehensive Plan is completed. He also had concerns about the units approved in the County but not yet built. He also expressed concerns about the impact of the workforce needed to staff this development. Mr. Billups does not see a public good with this proposal.

Mr. Henderson wanted to commend the applicant for bringing forward what is in his opinion, an extraordinary application. He stated it has environmental protections with all of the proffers involved. He felt that the project does serve a public benefit. Mr. Henderson feels that this is a continuum of the lifestyle that is in Ford's Colony and that it will be embraced by the residents there and other County residents as well. He felt that the reputation of Ford's Colony and Mr. Mulhare are worthy of the County's support. He believes that this project could be a model for similar future projects. Mr. Henderson stated that Thomas Nelson Community College will have a program in the area where professionals can be trained for this facility. He stated that in his opinion more skilled workers moving to the area are an additional bonus. He thanked staff for all of their hard work on this project.

Mr. Fraley expressed his concerns over the traffic on News Road. He stated that the applicant has conformed to the process. He also stated that there are no appeals before the Board of Zoning Appeals. Mr. Fraley stated he would have preferred that this proposal be a standalone project, rather than an amendment to the Ford's Colony master plan, and that the proposed zoning should have been R-5 instead of R-4. He stated that, in this district, nursing homes, rest homes and hospitals and other similar uses are allowed as a specially permitted use. He stated that the proposal contains unusual environmental protection measures. Mr. Fraley stated that this plan had the most creative environmental designs that have ever been submitted to James City County. He stated that the amount of open space proffered is a very important component of this project. He also felt that the new revenue stream generated by this project was very important. Mr. Fraley also believed that this project will attract skilled-labor workers. He mentioned the agreement with the Ford's Colony Homeowners' Association and that they do not oppose this rezoning. He also stated that there were letters from the Homeowner's Associations from Springhill, Powhatan Secondary, and Monticello Woods stating they do not oppose this application. Mr. Fraley also stated that DRC approval is needed at the site plan phase which is a meeting that is open for public comment. He stated the specifics of what the Comprehensive Plan recommends for low density residential areas. He stated that this proposal is within the range identified by the Comprehensive Plan. Mr. Fraley feels that this proposal is a good use of the property because the impacts will be much less than a comparable R-4 residential

development. He stated that this proposal offers many public benefits and that he will support its approval.

Mr. Poole made a motion to deny this application.

Mr. Billups seconded the motion.

In a roll call vote the motion was not approved. (3-4) AYE: Poole, Billups, Obadal; NAY: Peck, Henderson, Krapf, and Fraley.

Mr. Henderson made a motion to approve the application.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved. (4-3) AYE: Peck, Henderson, Krapf, Fraley; NAY: Poole, Billups, Obadal.

**Buildings Comprising  
The Village at Ford's Colony  
(Note: All Contents of this Table are Revised)**

Attachment #1

Building Designation:	Maximum Number of Stories:	Maximum Total Building Square Footage:	Underground Parking & Storage Under Building (Square Feet):	Independent Living Town House Units:	Attached Independent Living Units:	Independent Living Units:	Assisted Living Units:*	Skilled Nursing Care Beds:	Other (Non-Living Unit) Uses Housed In Building:
A	3	228,150	14,000	0	138	0	0	0	(Various)
B, E1, E2	4	416,660	77,900	0	216	0	0	0	(Various)
C	1	7,000	0	0	0	0	0	0	Meeting / Social
D	1	22,000	0	0	0	0	0	0	Community
F	3	34,400	0	0	0	0	24	0	Commons/Support
G1, G2	3	69,530	0	0	0	0	0	60	Commons/Support
H	3	29,400	0	0	0	0	24	0	Commons/Support
J	4	93,000	25,000	0	0	40	0	0	Parking/Storage
K	4	48,200	0	0	0	36	0	0	(None)
L	4	48,200	16,800	0	0	36	0	0	Parking/Storage
M	3	39,700	1,200	0	0	20	0	0	Parking/Storage
N	4	48,200	17,100	0	0	36	0	0	Parking/Storage
P	2	90,000	12,000	0	36	0	0	0	Parking/Storage
Q	2	48,000	8,000	0	0	0	35	0	Parking/Storage
Townhouse	2	46,800	0	38	0	0	0	0	(None)
<b>TOTALS:</b>		<b>1,269,240</b>	<b>172,000</b>	<b>38</b>	<b>390</b>	<b>168</b>	<b>83</b>	<b>60</b>	

Source: Community Impact Statement, Revised 20 May 2008, Prepared by AES

\*Includes Memory Care Units

Note: Buildings I, O, R, S, T, and U dropped from the Plan of Development.

**Projected Parking for  
The Village at Ford's Colony  
(Note: All Contents of this Table are Revised)**

Attachment #2

<b>Projected Parking Spaces: CCRC</b>			
<b>Location:</b>	<b>Surface:</b>	<b>Underground:</b>	<b>Totals:</b>
<b>A</b>	127	95	<b>222</b>
<b>B, C, D, E1, E2</b>	227	295	<b>522</b>
<b>F</b>	16	0	<b>16</b>
<b>G1, G2</b>	32	0	<b>32</b>
<b>H</b>	16	0	<b>16</b>
<b>J, K, L, M, N</b>	128	126	<b>254</b>
<b>P</b>	62	40	<b>102</b>
<b>Q</b>	103	0	<b>103</b>
<b>Maintenance Building</b>	16	0	<b>16</b>
<b>Townhouses<sup>1</sup></b>	76	0	<b>76</b>
<b>Totals:</b>	<b>803</b>	<b>556</b>	<b>1359</b>

<sup>1</sup> Two surface parking spaces are provided for each townhouse.

Note: Buildings I, O, R, S, T, and U dropped from the Plan of Development

Source: Architectural Program and Community Impact Statement, Revised June 2008, Prepared by AES

**Comparison of CCRCs in James City County**  
***The Village at Ford's Colony***

Attachment #3

Comparison of CCRCs In James City County				
Name of CCRC:	Independent Living Units:	Assisted Living Units:	Skilled Nursing Beds:	Maximum Density:
<b>Chambrel at Williamsburg</b>	256 Approved	0 Approved	120 Approved	4.90 DU/Ac*
<b>Patriot's Colony at Williamsburg</b>	300 Approved <sup>1</sup> 182 Actual	68 Actual <sup>1</sup>	120 Approved 60 Actual	3.39 DU/Ac (Approved)** 2.82 DU/Ac (Actual)**
<b>The Village at Ford's Colony</b>	596***	83***	60***	3.297 DU/Ac*
<b>WindsorMeade at Williamsburg</b>	300 Approved 181 Actual	47 Approved 14 Actual	72 Approved 12 Actual	2.83 DU/Ac (Approved)* 1.71 DU/Ac (Actual)*
<b>Williamsburg Landing</b>	346 Approved 311 Actual	90 Approved 60 Actual	90 Approved 58 Actual	2.52 DU / Ac (Approved)* 2.26 DU/Ac (Actual)*

*Source: James City County Staff Research*

*Note: DU/Ac = Dwelling Units Per Acre*

*\* Only Independent Living Units Counted in Density*

*\*\* Independent Living Units and Assisted Living Units Counted in Density*

*\*\*\* Being sought with current application*

*<sup>1</sup> Independent Living Units and Assisted Living Units are both counted under a 300 total-unit cap.*



## Applicant Statement – Explanation of Traffic Study

The Villages at Ford's Colony  
A Continuing Care Retirement Community (CCRC)

This executive statement is written by the Applicant at the suggestion of the traffic consultant retained by James City County. A meeting was held on April 21, 2008 at the James City County Government Center. This meeting included representatives of the Applicant, County Planning Division, Kimley-Horn and Associates, Inc. (KHA), and the Virginia Department of Transportation (VDOT). The meeting resulted in several determinations: a) that the Applicant's revised traffic study by DRW Consultants dated April 4, 2008 met the additional scope of work requested during the Planning Commission Work Session on February 27, 2008; b) that in the revised context as requested during the JCC Planning Commission Work Session, KHA, James City County Planning, and VDOT concurred with the traffic analysis results and recommendations made by DRW; c) that the Applicant's proffers should be revised to offer a separate direct cash contribution toward future roadway and intersection improvements along Monticello Avenue in proportion to the traffic attributable to the CCRC (3%) and to offer a separate cash contribution toward future road improvements on News Road, other than those to be constructed directly by the Applicant; d) and that the traffic study with editorial changes and corrections will be ready for submittal prior to the May 7, 2008 Planning Commission Meeting.

The build out of existing developments along News Road is included in the report. Two potential development parcels (Nixon/Graves and Richardson), in addition to the CCRC, are included in this report. Newly approved development along Centerville Road (Westport and Liberty Ridge), and trip distribution from Greensprings Plantation are included in this report. Projected traffic volumes associated with the build-out of approved or planned developments in the immediate News Road area were used in this revised report instead of traditional annualized background growth rates as used in the original July 2007 report.

A CCRC is known to be a low traffic generator, especially in comparison to typical residential development traffic. The CCRC residents are retired seniors (average entry age into a CCRC is reported to be 78 years old) and a CCRC is designed to accommodate the recreational, social, dining, medical and routine living needs of its community. More traffic is accounted for by employees and service vendors than that generated by residents. Peak hour traffic is inverse to typical residential peak hour directions, i.e. employees coming to work at the CCRC in the morning instead of residents leaving for work or school.

The Institute of Traffic Engineers (ITE) permits two rate methods to project daily and peak hour traffic rates. One method is to combine all types of residential use such as independent living units and assisted and skilled nursing beds for a cumulative daily rate of 2.8 vehicle trips per day (VPD). A second method breaks down each type of senior living residential use with rates varying from 2.0 – 3.5 VPD. Both rate methods resulted in comparable total daily traffic of less than 2,700 VPD for this project. Closer scrutiny of type-rate definitions used by ITE could bring projected volumes down even further to approximately 2.3 VPD. However, low or a bit lower traffic volumes at these low rates are not material and have no relation to the recommended improvements along News Road. Peak hour analysis resulted in approximately 1.75 AM and 3.0 PM vehicles per minute; The Village at Ford's Colony service scheduling will start both the morning and afternoon shifts (7:00 A.M. and 3:30 P.M. respectively) before the highest

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*Ford's Colony Section 37:  
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traditional peak hour time periods (8-9 A.M.) and (5-6 P.M.). The CCRC also intends on operating a private bus transportation system for its residents to external entertainment and shopping venues. The CCRC's projected traffic volume of 2,697 VPD compares favorably with alternative single family residential rezoning projections ranging from 2,052 – 7,200 VPD (1.1 – 4 units per acre), which would not necessary be offset by resident age and internal accommodations, such as in a CCRC.

The proposed CCRC does not generate the need for future road improvements on Monticello Avenue or News Road. News Road currently experiences less than 40% of its traffic volume capacity for a two lane road. Current traffic volumes from Centerville Road to Powhatan Secondary are at about 15% capacity of the roadway with volumes increasing to approximately 32% of roadway capacity between the Powhatan Secondary intersection and the Old News Road intersection. The operational constraints of Monticello Avenue have been studied by the County and VDOT and are planned to be improved with construction funding beginning in FY 09 at a budget of \$1.2 Million.

The constraints and perceptions of News Road exist today; namely, road curvature and sight distance in high speed areas west of the CCRC entrance; flooding during significantly heavy rain or 100 year storm events; traffic congestion during the P.M. peak hours on westbound News Road at the entrance to Powhatan Secondary; and a lack of paved shoulders along much of News Road. The Applicant's proffers address a portion of the horizontal curvature constraints along News Road, sight distance deficiencies at select site access points, bike lane, paved shoulders, and the intersection along the project's road frontage. The Applicant's cash proffers also provide funding for an engineering study/recommendation on flooding at Cold Spring Swamp and the construction of an exclusive left turn lane along westbound News Road at Powhatan Secondary. The 3% cash contribution to Monticello Avenue improvements will yield \$36,000 in conjunction with the CCRC's first residential site plan approval. Total cash proffers or credits from direct expenses for News Road will exceed \$520,000 at the application density. This would be in addition to the Applicant's previous contribution of \$195,750 toward road improvements for News Road (1999-2003).

In summary, the proposed CCRC will contribute cash contributions and direct road improvements for News Road in much greater proportion than the projected additional traffic impact. Cash contributions for improvements to Monticello Avenue are proportional to the projected additional traffic impact. The CCRC is an economic opportunity to assist the County in funding and implementing necessary roadway improvements in the near term.

**Summary of Requested Changes to Project by the Planning Commission**  
***(From the May 7, 2008 Planning Commission Meeting)***

The following is a summary list of “items to consider or respond to” for the Ford’s Colony CCRC, generated by the Planning Commission members at their meeting of May 7, 2008. The **bold**, bulleted items are the Planning Commissioner’s requests; the *italicized* items are the corresponding responses from the Applicant.

- **Proffer #5: (Contributions for Community Impacts) Consider making the cash contributions apply to the Assisted Living Beds and Skilled Nursing Beds, and not just the Independent Living units;**

*Assisted Living and Skilled Nursing Rooms/Beds were assigned a factor of one-half that of an Independent Living Unit for the purposes of the cash proffer to JCSA. JCSA provided usage rates to AES for ILUs at 302 Gal/day and AL/SN at 160 Gal/day.*

- **Proffer #9: (Sustainable Building) Consider tightening the language of this Proffer to include measurable and enforceable standards, to include (but not be limited to) LEEDS certification for the buildings, the use of Green Roofs, and geo-thermal cooling and heating;**

*This proffer was amended to include the EarthCraft House Virginia, Multi-family program certification process. Proffer #10 includes a green roof system for the warehouse buildings, planned for flat roofs. Other roof systems will be residential in form. Underground infiltration water quality and storm water management systems provide an alternative to capturing water on a building roof. Primary heating and cooling will include closed loop systems with cooling tower technology. This highly efficient system is more practical for individual unit temperature control by the residents. Long term utility expense, and the desire for energy efficiency, is a responsibility of the CCRC corporate entity.*

- **Proffer #14: (Greenway Trail) Consider making the Greenway trail a hard-surfaced (i.e., paved with pervious asphalt or pervious concrete) trail;**

*We are opposed to hard-surfaced, artificial surfaces in the conservation easement areas.*

- **Proffer #18: (Recreation) Consider tightening the language of this Proffer to include measurable and enforceable standards, to include showing the location of specific planned amenities (such as the pools) on the Master Plan, or listing the buildings in which they will be located in the Proffer;**

*This Proffer was amended to state as shown on the master plan and a listing of internal functions in the primary community buildings.*

- **Proffer #20: (NEW PROFFER) (Building Height): Consider adding a Proffer that no building or any part of a building will ever exceed sixty feet in height from finished grade;**

*See New Proffer #20*

- **Proffer #21: (NEW PROFFER) (News Road Traffic Corridor Master Plan): Consider Proffering to provide an extensive and complete Corridor Study and to develop a Corridor Traffic Planning Master Plan for the News Road corridor;**

*Not included in revised proffers. It is the Applicant's opinion that such a Traffic Planning Master Plan is the purview of the local government and its Comprehensive Planning Process in conjunction with VDOT. The Applicant will assist with updated traffic counts as provided in the proffers.*

- **Provide the number of anticipated employees to staff the CCRC;**

*At full build-out, the estimated number of employees in health care is 84; the estimated number of employees in hospitality and other services is 165. These numbers are Full Time Equivalents. Certain part time, seasonal, and shift circumstances factor into FTE.*

- **Provide the net-present value of all of the cash contribution Proffers;**

*Proffer 5.g provides for inflation adjustment factors for any cash payments made after January 1, 2009.*

- **Reduce the height of the buildings in the southern end of the CCRC (Buildings Q, R, S, T, and U) by one or more stories, such that no building is higher than three stories in the areas adjacent to Monticello Woods. The lost square footage may be placed in a new building located in the more central area of the site, or added to the buildings already planned for the central area;**

*Completed. See revised master plan.*

- **Pull the buildings in the central area of the site closer to the middle of the campus; pull Building A away from News Road toward the central area of the campus;**

*Completed. See revised master plan. Building A was also reduced in height and function. Building A is no longer a full service CCRC.*

- **Consider working with the James City County Department of Social Services to create a Proffer that might directly address some of their needs (utilizing a cash contribution, providing for the hiring of new clinical or support staff, participating in the grant program to provide some beds/units at prices to fit the needs of the County's poorer citizens, etc.);**

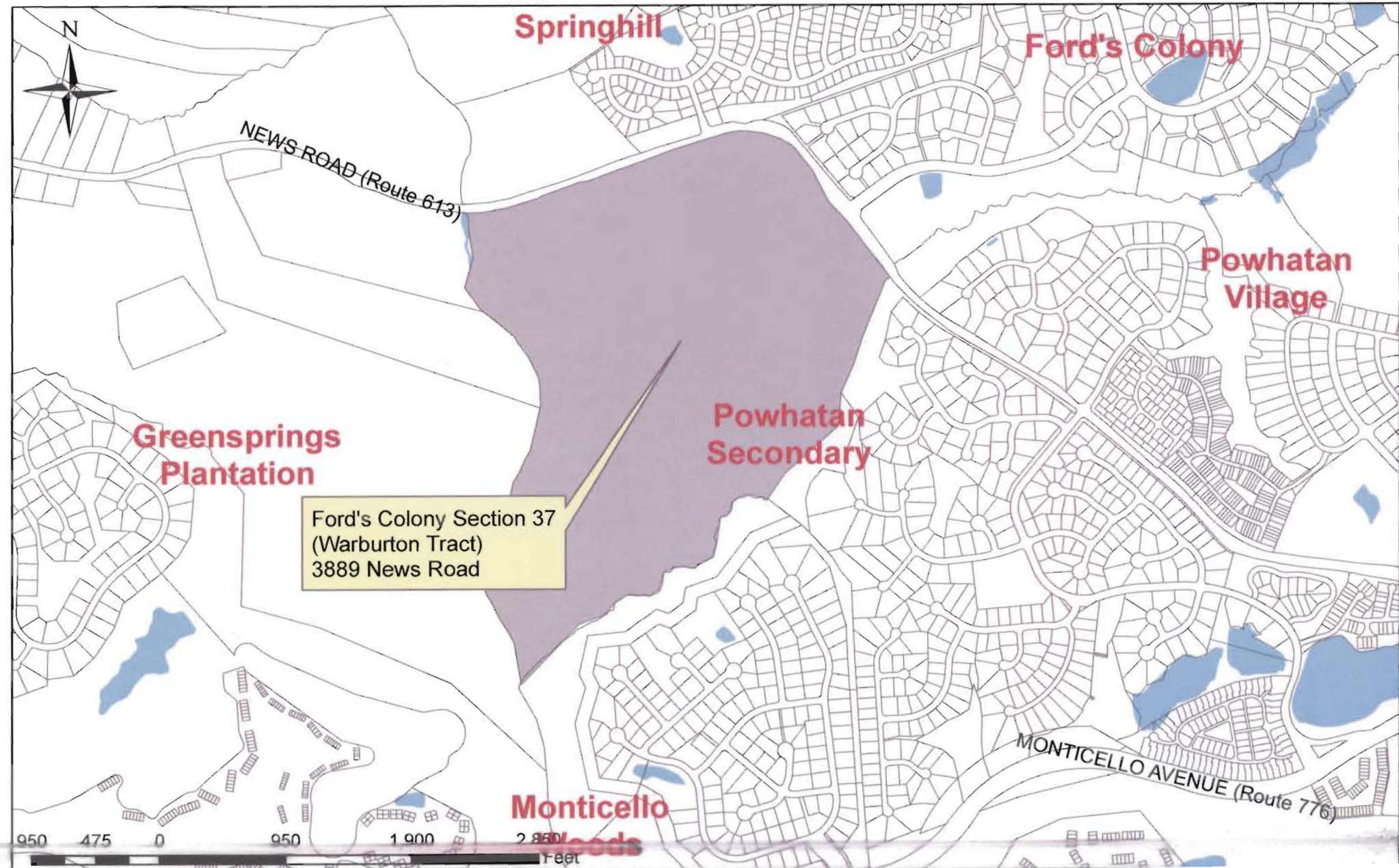
*See Proffer # 22.*

- **The current density will be hard to support...even though when combining with Ford's Colony, it falls below 2 DU/AC. As currently proposed the CCRC alone is greater than three times the density of some neighboring developments.**

*Total units and beds have been reduced 22%. Traffic generation is reduced 27%. Primary density and building height is now concentrated in the center of the parcel.*

JCC-Z-0008-2007 / MP-0006-2007

# Ford's Colony Section 37: The Village at Ford's Colony





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

TABLE 1 - THE VILLAGE TRIP GENERATION

rate/adj. st.	Elderly Detached	251	38 units	5	7	12	15	10	25	238
	Elderly Attached	252	168 units	6	7	13	11	7	18	585
	Congregate Care	253	390 units	14	9	23	36	30	66	788
	Assisted Living	254	83 occ.bed	10	4	14	12	12	24	227
	Nursing Home	620	60 beds	7	3	10	4	9	13	142
	TOTAL		739 units	42	30	72	78	68	146	1980
TG 7 Definitions	Elderly Detached	251	may have recreation, but not central dining or health care							
	Elderly Attached	252	apartment-like residential units							
	Congregate Care	253	centralized amenities: dining, house keeping, trans., social/rec							
	Assisted Living	254	protective oversight, ALS and Alzheimers may be included							
	Nursing Home	620	chronic and convalescent care							

ITE USE CODE	253	254	620			251	252		
FORD'S COLONY CCRC DEFINITIONS	CCRC Apt	Asst. Liv. Skill Care	Nurs. Home	CCRC Total		Town Homes	Ind. L.U.	Non CCRC	Phase Total
Phase 1	216	24	30	270		14		14	284
Phase 2		24	30	54			168	168	222
Phase 3	36			36		24		24	60
Phase 4	138			138					138
Phase 5		35		35					35
Unit Total	390	83	60	533		38	168	206	739

TABLE 2 - THE VILLAGE SITE TRIP DISTRIBUTION - East West Split

		42		30	72	78	68	146		
Direction	AM Peak Hour					PM Peak Hour				
	Entering Traffic		Exiting Traffic			Entering Traffic		Exiting Traffic		
	% Dist.	Trips	% Dist.	Trips		% Dist.	Trips	% Dist.	Trips	
Centerville North	22%	9	12%	4		13%	10	14%	10	
Centerville South	5%	2	5%	2		5%	4	5%	3	
Old News North	20%	8	5%	2		20%	16	15%	10	
Monticello North	20%	8	45%	14		30%	23	35%	24	
News East	23%	10	23%	7		22%	17	21%	14	
Monticello South	10%	4	10%	3		10%	8	10%	7	
	100%	41	100%	32		100%	78	100%	68	

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

THE VILLAGE AT FORD'S COLONY  
TRIP GENERATION AND DISTRIBUTION  
MAY 16, 2008

DRW Consultants, LLC  
804-794-7312

Exhibit A

AMENDED AND RESTATED FORD'S  
COLONY PROFFERS

These AMENDED and RESTATED FORD'S COLONY PROFFERS are made this 10th day of June, 2008 by REALTEC INCORPORATED, a North Carolina corporation (together with its successors in title, the "Owner").

RECITALS

A. Owner is the developer of the Ford's Colony at Williamsburg development containing approximately 2,962 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan heretofore approved by James City County (the "Existing Master Plan").

B. In connection with prior Master Plan amendments, Owner has entered into and James City County has accepted Amended and Restated Ford's Colony Proffers dated as of January 6, 2005 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 050001465 and Richard J. Ford has entered into and James City County has accepted Richard J. Ford/Ford's Colony Proffers dated as of September 29, 1995 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City Deed Book 757 at page 529 (together, the "Existing Proffers"). The property now subject to the Existing Proffers and Existing Master Plan is hereinafter called the "Existing Property".

C. Owner has applied to amend its Existing Master Plan to include as Section 37 of Ford's Colony a tract of land with an address of 3889 News Road, Parcel ID# 3730100004, containing approximately 180 acres, which property is more particularly described on Exhibit A (the "Additional Property") and to rezone the Additional Property from R-8 to R-4, with proffers.

D. Owner has submitted to the County a master plan entitled “Master Plan for Rezoning of The Village at Ford’s Colony at Williamsburg for Realtec Incorporated” prepared by AES Consulting Engineers dated July 20, 2007, last revised May 20, 2008 (the “Amended Master Plan”) in accordance with the County Zoning Ordinance.

E. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-4.

F. In consideration of the approval of the amendment of its Amended Master Plan and the rezoning, Owner desires to amend and restate the Existing Proffers as set forth below. If the requested rezoning and amendment of Owner’s Existing Master Plan is not approved by James City County, these Amended and Restated Ford's Colony Proffers shall be void and the Existing Proffers shall remain unchanged, in full force and effect.

#### RESTATEMENT

1. **Restatement.** The Existing Proffers are hereby restated and incorporated herein by reference and shall continue to apply only to the Existing Property.

#### PROFFERS APPLICABLE TO THE ADDITIONAL PROPERTY

The following proffers apply only to the Additional Property:

2. **Master Plan.** The Additional Property shall be developed generally as shown and set out on sheets 4 through 8 of the Amended Master Plan. Final plans (as defined in Section 24-279 of the Zoning Ordinance) may vary from the Amended Master Plan to the extent permitted by Section 24-279 of the Zoning Ordinance.

3. **Density.** (a) There shall be no more than 596 independent living dwelling units (“dwelling units”), 83 assisted living/memory care rooms and 60 skilled nursing beds (together, the “rooms/beds”) and two AG Beds (as defined in Proffer 22) on the Additional Property. The



terms "assisted living room" or "room" shall mean a non-medical residential room in the assisted living facility area of the continuing care retirement community licensed in accordance with Sections 63.2-1800 et seq. of the Virginia Code and Sections 22 VAC 40-72 et seq. of the Virginia Administrative Code where adults who are aged, infirm or disabled are provided personal and health care services and 24-hour supervision and assistance. Rooms must meet the standards set forth in 22 VAC 40-72-730 and 880. Typically rooms are occupied by one person. No more than two persons may occupy a room and only persons directly related by blood or marriage may occupy the same room.

(b) All dwelling units developed on the Additional Property shall be occupied by persons eighteen (18) years of age or older in accordance with applicable federal and state laws and regulations, including but not limited to: the Fair Housing Act, 42 U.S.C. 3601 et seq. and the exemption therefrom provided by 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. 3601 et seq.; the Virginia Fair Housing Law Va. Code 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a recorded document which shall be subject to the review and approval of the County Attorney prior to issuance of the first building permit for dwelling units on the Additional Property.

(c) Any accessory commercial uses located on the Additional Property, such as bank offices, beauty salons and barbershops, shall be located and designed to serve residents of the Additional Property as verified by the Director of Planning.

4. **Water Conservation.** (a) The Owner shall be responsible for developing water

conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering of the Additional Property it shall provide water for irrigation utilizing surface water collection from the surface water ponds ("Impoundments") or other collection devices such as cisterns or rain barrels ("Collection Devices"). In the design phase, the Owner and design engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the development. In no circumstance shall the JCSA public water supply be used for irrigation purposes, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of JCSA through drainage area studies and irrigation water budgets that the Impoundments and Collection Devices cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the Impoundments and the Collection Devices.

**5. Contributions for Community Impacts.** (a) A contribution of \$1,000 for each dwelling unit on the Additional Property shall be made to the County for fire, police or emergency services, library uses, and other public facilities, uses or infrastructure.

(b) A contribution of \$250.00 for each room/bed (excluding the AG Beds) on the Additional Property shall be made to the County for fire, police or emergency services uses.

(c) A contribution of \$870.00 for each dwelling unit and \$435.00 for each room/bed on the Additional Property shall be made to the JCSEA for water system improvements.

(d) A one-time cash contribution in the amount of \$36,000.00 shall be made to the County prior to the County being obligated to issue any certificates of occupancy for dwelling units/rooms/beds on the Additional Property for off-site improvements at the News Road/Monticello Avenue intersection and in the Monticello Avenue corridor.

(e) A contribution of \$750.00 for each dwelling unit on the Additional Property, subject to a credit for the costs of engineering and construction related to the improvements proffered by Owner in Section 6(b) calculated as set forth below, shall be made to the County for improvements to the News Road/Powhatan Secondary intersection, flood control measures where News Road crosses Cold Spring swamp, improvements at the News Road/Centerville Road intersection and other off-site road improvements in the News Road corridor. Owner shall receive a credit in an amount equal to its actual costs of the engineering and construction of the improvements proffered by Owner in Section 6(b) against the initial per unit contributions proffered under paragraph (d) of this Section (the "Credit Amount"). If construction of such improvements is not complete at the time the initial per unit contributions are due under paragraph (e) of this Section, the Credit Amount shall equal an engineer's estimate of such costs submitted by the Owner and approved by the Director of Planning. The Credit Amount divided by \$750.00 is the number of dwelling units for which the Credit Amount offsets the cash contribution otherwise due and payable. After application of the Credit Amount, the \$750.00 per dwelling unit cash contribution shall be payable on all subsequent dwelling units on the

Additional Property. Owner shall provide the County with copies of invoices and other supporting documentation of the costs of the improvements. If the Credit Amount is based on an agreed upon costs estimate, it shall be adjusted to equal the final actual costs of engineering and construction ("Actual Costs"). If the Credit Amount is more than the Actual Costs, Owner shall pay to the County an amount equal to the difference. If the Credit Amount is less than the Actual Costs, Owner shall receive an additional credit equal to the difference between the Actual Costs and the Credit Amount at the time the next cash contributions are due this paragraph.

(f) The contributions described above in paragraphs (a), (b), (c) and (e) shall be payable for each dwelling unit or room/bed, as applicable, on the Additional Property at the time of final subdivision or site plan approval for the residential unit or non-residential building unless the County adopts a policy calling for the payment of cash proffers at a later time in the development process, in which case the contributions described in paragraphs (a), (b), (c) and (e) above shall be payable at the time specified in the policy. In the event dwelling units, such as townhouse units, require both a site plan and subdivision plat, the contributions described above shall be paid at the time of final subdivision plat approval.

(g) A one-time cash contribution shall be made to JCSA in the amount of \$60,000.00 prior to the County being obligated to issue any certificates of occupancy for dwelling units/rooms/beds on the Additional Property for use by JCSA for off-site sewer improvements.

(h) The per unit/room/bed contribution amounts shall consist of the amounts set forth in the above paragraphs plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2008 to the year a payment is made if payments are made after on or after January 1, 2009. In no event shall the per unit/room/bed contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the

Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit/room/bed contribution to approximate the rate of annual inflation in the County.

6. **Entrances; Traffic Improvements.** (a) At the main entrance into the Additional Property at the intersection of News Road and Firestone Drive, an exclusive left-turn lane from westbound News Road into the Additional Property and an exclusive right-turn lane, including a shoulder bike lane, from eastbound News Road into the Additional Property shall be constructed. A shoulder bike lane along the Additional Property's News Road frontage shall be constructed. The existing southbound left turn lane on Firestone Drive at News Road will be restriped to a shared left and through lane.

(b) Prior to the County issuing final approval on any site or subdivision plan for any dwelling units/rooms/beds on the Additional Property, Owner shall submit plans to the County and Virginia Department of Transportation ("VDOT") for the installation of an exclusive left-turn lane on westbound News Road at the intersection with Powhatan Secondary. Owner will complete construction of the left-turn lane within twelve months of County and VDOT approvals to construct this exclusive left-turn lane. Owner is not responsible for road right of way acquisition or landscape/screening other than stabilization of disturbed soils. The County may elect to accept the cash equivalent contribution outlined in Proffer 5(d), (with any adjustments as may be appropriate as provided for in Proffer 5(g)), in lieu of construction of the turn lane by the Owner, in the event that acquisition of any needed right-of-way proves to be prohibitive. In the event that VDOT constructs this turn lane as part of its Six Year Secondary Road Plan, the

County may elect to divert some or all of the cash equivalent contribution to other road projects in the News Road Corridor, at the News Road/Monticello Avenue intersection, or in the western Monticello Avenue Corridor. Owner shall install or pay for the installation of a traffic signal at the intersection of News Road with Powhatan Secondary at such time as VDOT traffic signal warrants are met and VDOT has approved the installation of such a traffic signal.

(c) The improvements proffered hereby shall be constructed in accordance with VDOT standards. The improvements listed in paragraph (a) shall be completed or all required permits and plans for such approvals shall have been approved by all necessary governmental agencies and their completion bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any building on the Additional Property.

(d) The second entrance to the Additional Property shall be located in the general location shown on the Master Plan and shall be limited by gate to emergency access only unless and until turn lanes approved by VDOT at this entrance have been installed.

(e) Owner shall convey free of charge to VDOT any right of way from the Additional Property necessary for the widening or realignment of News Road within 60 days of a written request for such conveyance together with final plans for the widening or realignment.

(f) Owner shall conduct traffic counts at its entrances prior to the County being obligated to issue certificates of occupancy for more than 247 dwelling units/rooms/beds on the Additional Property and again prior to the County being obligated to issue certificates of occupancy for more than 494 dwelling units/rooms/beds on the Additional Property. If these counts show a trip generation from the Additional Property more than 10% higher than the trip generation projected by the News Road Corridor Traffic Forecast and Analysis dated April 4, 2008 prepared by DRW Consultants, LLC filed with the rezoning application and on file with the Planning Division,

Owner shall submit an updated traffic impact study, including a listing of any entrance or turn lane improvements necessary to accommodate the increased traffic and the appropriate trigger for their construction, for review and approval by the County and VDOT. Owner shall install the necessary improvements, including any warranted traffic signal, as approved by the County and VDOT at the time recommended in the updated approved traffic study.

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

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

**8. Off-Site Sewer Easements.** Upon the request of JCSA, Owner shall grant JCSA utility easements over, across and under the portion of the Additional Property along Powhatan Creek to permit future connections from the gravity sewer on the Additional Property to Tax Parcel 3640100007. The location of the easement shall be determined during the site plan approval process. The easements shall be recorded prior to JCSA issuing a Certificate to Construct.

**9. Sustainable Building.** The project shall be designed and constructed to obtain at least 200 points under the EarthCraft House Virginia, EarthCraft Multi-Family program certification process and a copy of the project worksheet shall be provided to the Director of Planning prior to the issuance of a certificate of occupancy for buildings in the phase in question.

**10. Master Stormwater Management Plan.** (a) Owner shall submit to the County a master stormwater management plan for the Additional Property consistent with the Master Stormwater Conceptual Plan prepared by AES Consulting Engineers dated July 20, 2007, last revised April 14, 2008 ("Stormwater Plan") and included in the Master Plan set submitted herewith and on file with the County, including facilities and measures necessary to meet the County's general stormwater management system requirements and the special stormwater criteria applicable in the Powhatan Creek watershed ("SSC") and, in addition, including features and measures over and above those necessary to meet the general requirements and SSC requirements and which will provide at least an additional five SSC credits, which shall include, without limitation, the features and measures listed on the Stormwater Plan subject to the criteria and conditions set forth on the Stormwater Plan. The master stormwater plan shall be approved



by the Environmental Director or his designee prior to the submission of any development plans for the Additional Property. The master stormwater management plan may be revised and/or updated during the development of the Additional Property based on on-site conditions discovered in the field with the prior approval of the Environmental Division. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Additional Property.

(b) Prior to final site plan approval of the first site plan on the Additional Property, Owner shall submit a stream monitoring plan to the Environmental Division for their review and approval including a baseline assessment of the existing condition of the stream segments delineated on sheet 7 of the Master Plan and providing for annual monitoring beginning upon the date of the issuance of the first certificate of occupancy for a building on the Additional Property and continuing for a period of ten years from that date of the geomorphology of such stream segments. If such monitoring indicates the presence of new erosion not shown in the baseline assessment, Owner shall install additional upstream run-off control measures to prevent further erosion as approved by the Environmental Division.

(c) The warehouse building constructed in the area shown on the Master Plan as "Maintenance Area" shall be constructed using "green roof" technology. "Green roof" is defined as a roof which includes vegetation planted in soil or another growing medium spread over a waterproof membrane and may include drainage and/or irrigation systems.

**11. Nutrient Management Plan.** The Owner 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, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop,

based upon the results of the soil tests, customized nutrient management plans (the “Plans”) for all common areas within the Additional Property shown on site plans for the Additional Property. The Plans shall be submitted to the County’s Environmental Director for his review and approval prior to the issuance of the any certificates of occupancy for units/rooms/beds shown on the site plan. Upon approval, the Owner shall be responsible for ensuring that any nutrients applied to common areas be applied in strict accordance with the Plan.

12. **Private Streets.** All streets and alleys on the Additional Property shall be private and shall be maintained by the Owner.

13. **Lighting.** All light poles on the Additional Property shall not exceed 30 feet in height. All external lights on the Additional 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 light spillage defined as 0.1 footcandle or higher shall extend outside the property lines of the Additional 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.

14. **Greenway Trail.** Subject to the issuance of all required permits by the County and other agencies as may be needed, Owner shall construct a trail with a minimum eight foot wide travel path with a mulch or other natural surface (which will be open to the general public during daylight hours only), including necessary bridges, if any, generally in the location shown on the Master Plan. In addition, Owner shall grant the County an easement eight feet in width from the centerline of the trail as constructed for public access as described above and the maintenance and improvement of the trail by the County. The exact location of the trail and

greenway easement may be varied with the prior written approval of the Environmental Division. The trail shall be constructed within twelve months of the issuance of necessary permits by the County and other agencies as may be needed.

**15. Natural Resources.** A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources as defined in the County's Natural Resources Policy on the Additional Property shall be submitted to the Director of Planning for his/her review and approval prior to the submittal of any development plans for the Additional Property. If the inventory confirms that a natural heritage resource exists, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Virginia Department of Conservation and Recreation's Division of Natural Resources ("DCR/DNH") standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. This proffer shall be interpreted in accordance with the County's Natural Resources Policy adopted by the County on July 27, 1999.

**16. Public Transit.** Owner shall install a bus stop and shelter on News Road adjacent to the main entrance into the Additional Property, with the exact location being subject to the approval of Williamsburg Area Transit ("WAT"), or any successor entity to WAT as may become appropriate. The bus stop shall be installed upon the request of WAT at such time as

WAT provides bus service along News Road to the Additional Property.

17. **Ford's Colony at Williamsburg Homeowners Association.** Owner shall not subject the Additional Property to the Declaration of Protective Covenants, Section II, Ford's Colony at Williamsburg, dated April 2, 1985 ("DPC") or the Bylaws of the Ford's Colony Homeowners Association ("FCHOA"), as amended from time to time ("Bylaws") nor shall owners or residents of units, lots or parcels on the Additional Property be "Owner(s)" as such term is defined in the DPC or the Bylaws or be Members (as defined in the DPC) of the FCHOA.

18. **Recreation.** Owner will provide recreational and social facilities and programs appropriate for residents of a continuing care retirement community, which includes senior adult housing, assisted living beds, and nursing beds, as determined by Owner and generally as described below and in the general locations shown on the Master Plan. Facilities will be both indoor and outdoor and will be managed and maintained on a year round basis by Owner. Hard surface and soft surface trails and sidewalks will be installed for walking and bicycling and shown on the site plan for each phase of the development. The phase one construction shall include an outdoor pool and areas designated for lawn games, and accessible gardens. The phase one main CCRC building will contain terraces and covered porch areas that will be programmed for community social events such as cookouts and concerts and will have benches and chairs to be used during non-programmed time. The phase one main CCRC building will contain a comprehensive wellness center and pool for aerobic and strength conditioning, physical therapy, swimming and water aerobics, rooms for dining, formal lounges and bar, activities such as arts and crafts and woodworking, convenience shopping, health, beauty and other spa features, and a chapel. A multi-purpose facility will be built in conjunction with phase one for social and educational programming with a capacity of approximately 400 people. A private transportation

system will be employed to transport groups to Williamsburg area entertainment venues and shopping. All residents shall have full access to all indoor and outdoor facilities and programming. The dedicated assisted living buildings and skilled nursing care building will feature health care-related exercise areas and indoor and outdoor respite areas.

**Associated Functions:**

Building A: Lobby, Main Hall, Front Desk, Work Room, Mail Room, Administration, Sales, Security, Living Room, Community Center/Chapel, Library, Card Room, Terrace Room, Deli, Dining Room, Kitchen, Game Room, Crafts, Shop, Movie Auditorium, Bank, Toilets, Beauty/Barber, Business, Wellness/Spa, Pool, Staff Support, Maintenance, Housekeeping, Mechanical, Loading Dock, Receiving and Training

Building B: Lobby, Main Hall, Front Desk, Work Room, Mail Room, Administration, Sales, Security, Living Room, Community Center/Chapel, Library, Card Room, Terrace Room, Deli, Dining Room, Kitchen, Game Room, Crafts, Shop, Movie Auditorium, Bank, Toilets, Beauty/Barber, Business, Wellness/Spa, Pool, Staff Support, Maintenance, Housekeeping, Mechanical, Loading Dock, Receiving and Training, Service

Building C: main community meeting & multi-purpose, terrace, parking

Building D: spa, beauty/barber, arts/crafts, & chapel

**19. Cold Spring Swamp Drainage Analysis.** Prior to the County being obligated to grant final approval of the first site plan for development on the Additional Property, Owner shall cause a duly licensed professional engineer to prepare and submit to the County an analysis of the Cold Spring swamp drainage basin assuming full development in the drainage basin, subject to the review and approval of the County's Environmental Division Director, evaluating the adequacy of the existing culverts under News Road for use by the County in determining whether or not improvements to the culverts are necessary for flood control purposes.

**20. Height Restrictions.** No building on the Additional Property shall exceed 60 feet in height (with building height as defined in Section 24-2 of the County Zoning Ordinance) nor have more than four stories above grade. Building P as designated on the Master Plan shall not

exceed 106 feet above sea level (or 38 feet above finished grade) in height (with building height as defined in Section 24-2 of the County Zoning Ordinance). The buildings shown on the Master Plan as Duplexes shall not contain more than one and one-half stories. Building A shall not contain more than three stories. Building Q shall not contain more than two stories. The buildings shown on the Master Plan as Maintenance, Transportation and Warehouse shall not contain more than two stories.

**21. Building P.** All mechanical equipment and vehicular entrances to underground parking for Building P shall be located on the sides of the building. All mechanical equipment serving Building P shall be screened for sound attenuation purposes by solid walls approved by the Director of Planning. Owner shall install evergreen trees behind Building P pursuant to a landscape plan approved by the Development Review Committee in the site plan review process in order to provide additional screening of the basement level of Building P from the Monticello Woods subdivision.

**22. Social Services.** Owner shall reserve two assisted living beds (“AG Beds”) in Phase 2 of the project for individuals receiving auxiliary grants under the Auxiliary Grant Program (the “Program”) administered by the Virginia Department of Social Services and shall participate in the Program with respect to the AG Beds. Such individuals must meet applicable Program eligibility criteria as determined by the County Department of Social Services and are subject to all admission and discharge criteria of the facility other than ability to pay for services and all other generally applicable rules and regulations of the facility.

WITNESS the following signatures and seals:

REALTEC INCORPORATED

By: [Signature]  
Title: VICE PRESIDENT

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

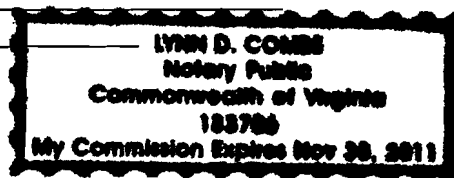
The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of

June, 2008 by Drew Mulhare, Vice President of REALTEC  
INCORPORATED, a North Carolina corporation, on behalf of the corporation.

[Signature]  
NOTARY PUBLIC

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

Registration No.: \_\_\_\_\_



## Additional Property Description

### EXHIBIT A

#### PARCEL A

All of that certain piece or parcel of land, lying and being in Jamestown District, James City County, Virginia, known as Hockaday, containing one hundred forty-seven and one-half (147-1/2) acres, more or less, bounded on the East, South and West by the land of the Shaw Land & Timber Co., known as the Pyle tract, the land of J. A. Barnes and Powhatan Swamp, and on the North by the land of Now Brothers.

#### PARCEL B

All of that certain piece or parcel of land situate in Jamestown District, James City County, Virginia, containing fifty five and two fifths (55-2/5) acres, more or less, and known as Cypress Swamp, and adjoining the lands of William Martin's estate on the East, Greenspring on the South and Thomas N. Ratcliffe on the West and D. S. Jones on the North.

LESS AND EXCEPT that property conveyed to the Commonwealth of Virginia by Order Confirming Commissioner's Report, entered February 20, 1974, in the Circuit Court for the City of Williamsburg and County of James City, Virginia, and recorded in the Office of the Clerk of Court of such Court in James City County Deed Book 150, at Page 420, containing 3.74 acres, more or less, confirming that certain Certificate Number C-21570, filed by State Highway Commissioner of Virginia against the Heirs at Law of John G. Warburton, dated May 24, 1972, and recorded June 12, 1972, in the aforesaid Clerk's Office in James City County Deed Book 137, at Page 213, and SUBJECT TO the easements conveyed to the Commonwealth of Virginia in such Order and such Certificate.

The property herein conveyed, commonly known as the "Hockaday-Cypress Tract," is further described in its entirety on that certain plat of survey, entitled "BOUNDARY SURVEY OF A PORTION OF THE JOHN G. WARBURTON ESTATE, KNOWN AS THE HOCKADAY-CYPRESS TRACT," made by V. Monroe Mallory, of Dillard & Mallory, P.C., Certified Land Surveyors, Tappahannock, Virginia, dated October 26, 2001, recorded November 7, 2001, in the aforesaid Clerk's Office in James City County Plat Book 83, at Page 82, to which plat reference is made for a more complete description of such property.



Being a portion of the same property conveyed to John G. Warburton by Deed from C. H. Matthews and Mary Matthews, his wife, dated April 22, 1925, and recorded April 27, 1925, in the aforesaid Clerk's Office in James City County Deed Book 22, at Page 76, and by Deed from C. C. Hall and Beulah B. Hall, his wife, and T. C. Hall and Elsie G. Hall, his wife, dated March 18, 1952, and recorded April 3, 1952, in the aforesaid Clerk's Office in James City County Deed Book 47, at Page 183, the aforesaid John G. Warburton, having departed this life on October 15, 1986, and by his Last Will and Testament, dated February 3, 1984, and duly probated and recorded in the aforesaid Clerk's Office in City of Williamsburg Will Book 11, at Page 393, and duly recorded in the James City County probate records in Will File Number 374, devised such property to his daughters, Martha W. McMurren, and Sue Gregory Warburton Redd, subject to a life estate devised to Sarah Warburton, widow of John G. Warburton, who thereafter departed this life on September 25, 1991 (and whose Last Will and Testament, dated July 30, 1984, was duly probated and duly recorded in the aforesaid Clerk's Office in City of Williamsburg Will Book 45, at Page 18, and duly recorded in the James City County probate records in Will File Number 3234), leaving Martha W. McMurren and Sue Gregory Warburton Redd as the sole fee simple owners of such property, the said Sue Gregory Warburton Redd having conveyed her undivided one-half interest in and to such property to SWR-Hockaday, LLC, by Deed of Gift, dated February 24, 2003, and recorded March 3, 2003, in the aforesaid Clerk's Office as James City County Instrument Number 030006334, and by Deed of Correction, dated February 15, 2005, and recorded March 2, 2005, in the aforesaid Clerk's Office as James City County Instrument Number 050004430 and being the same property conveyed to Realtec, Incorporated, a North Carolina corporation, by Deed dated August 6, 2007, from Martha Warburton McMurren, widow and SWR-Hockaday, LLC, a Georgia limited liability company, and recorded in the said Clerk's Office as Instrument Number 070024542.

# Community Impact Study

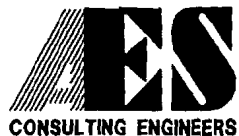
*For*

## *The Village* *at* *Ford's Colony*

Resubmitted: May 21, 2008

JCC Case # Z-0008-2007/ MP-0006-2007  
AES Job Number: 5652-22

Prepared By



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



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- 1. Traffic Study
- 2. The Narrative & Preliminary Architectural Program
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## **I. INTRODUCTION**

Realtec Incorporated is proposing to amend its Master Plan for Ford's Colony at Williamsburg to include a Continuing Care Retirement Community (CCRC), to be known as The Village at Ford's Colony. The CCRC is a commercial or non-residential land use and residential use. All property is owned and operated in the business entity. The CCRC will be an Entry-Fee and Fee-for-Service model. Individuals will not have ownership in units. The purpose of this Community Impact Statement and all associated documents are to accompany the applications for Rezoning (from R-8, Rural Residential, to R-4, Residential Planned Community) and Master Plan Amendment.

This development will be a continuation of the lifestyle at Ford's Colony and will provide life-care services desired by the residents as they continue to age. The community will be age-restricted except for individuals requiring assisted or full service care and temporary service needs while recovering from illness or injury.

The concept is to create a "Village" of several dimensions. The following was provided by project architect, Mr. James Edwards, III. "The program for the continuing care retirement community is complex, yet some simple principals apply in creating this type of "community"; a community with an environment that is supportive and one that reinforces self-esteem and an active lifestyle. The CCRC should encourage and support individual choices. Housing, dining, wellness, activities, opportunities for friendship, and staffing are the key components that must be integrated properly to create this vibrant community. The community should nourish and challenge the individual as a whole. The community desired is best described as a combination between a home, resort, small town, learning center, vacation, and ocean cruise liner. This community will be focused on and for the individual."

The Project Team includes those with 23-year relationships with Ford's Colony for its development construction, design, and engineering. Realtec is also introducing experts in the CCRC industry. Edwards and Associates of Raleigh, NC, are the project architects and land planners. Jimmy Edwards has nearly 30 years in land planning and architectural programming for the life-care industry and is an ardent proponent of environmentally sensitive design. Cahill Associates of West Chester, PA. will consult to Edwards and Associates on environmental concepts and design. Tom Cahill is a renowned specialist in water resource management, environmental planning, and sustainable site design. He consulted on the Save

the Bay initiative, authored the site design portion of LEEDS for the U.S. Green Building Council (USGBC), and consulted on several award winning projects. Cahill continues to serve on the LEED Site Design Committee of USGBC. Cahill is well known for promoting the application of porous pavement in the United States. While LEED Certification is excluded in private, gated communities, LEED strategies and techniques will be incorporated in the site and buildings design. For example, several buildings plan to utilize underground parking which will reduce impervious cover. Realtec Communities Services, developer and management agent for Ford's Colony Communities, is a member of the Hampton Roads Chapter of the USGBC. Ford's Colony is the winner of several environmental awards and commendations, including the Virginia Take Pride in America Award, co-sponsored by the United States Departments of Interior and Agriculture. The Village will be managed by experienced CCRC professionals.

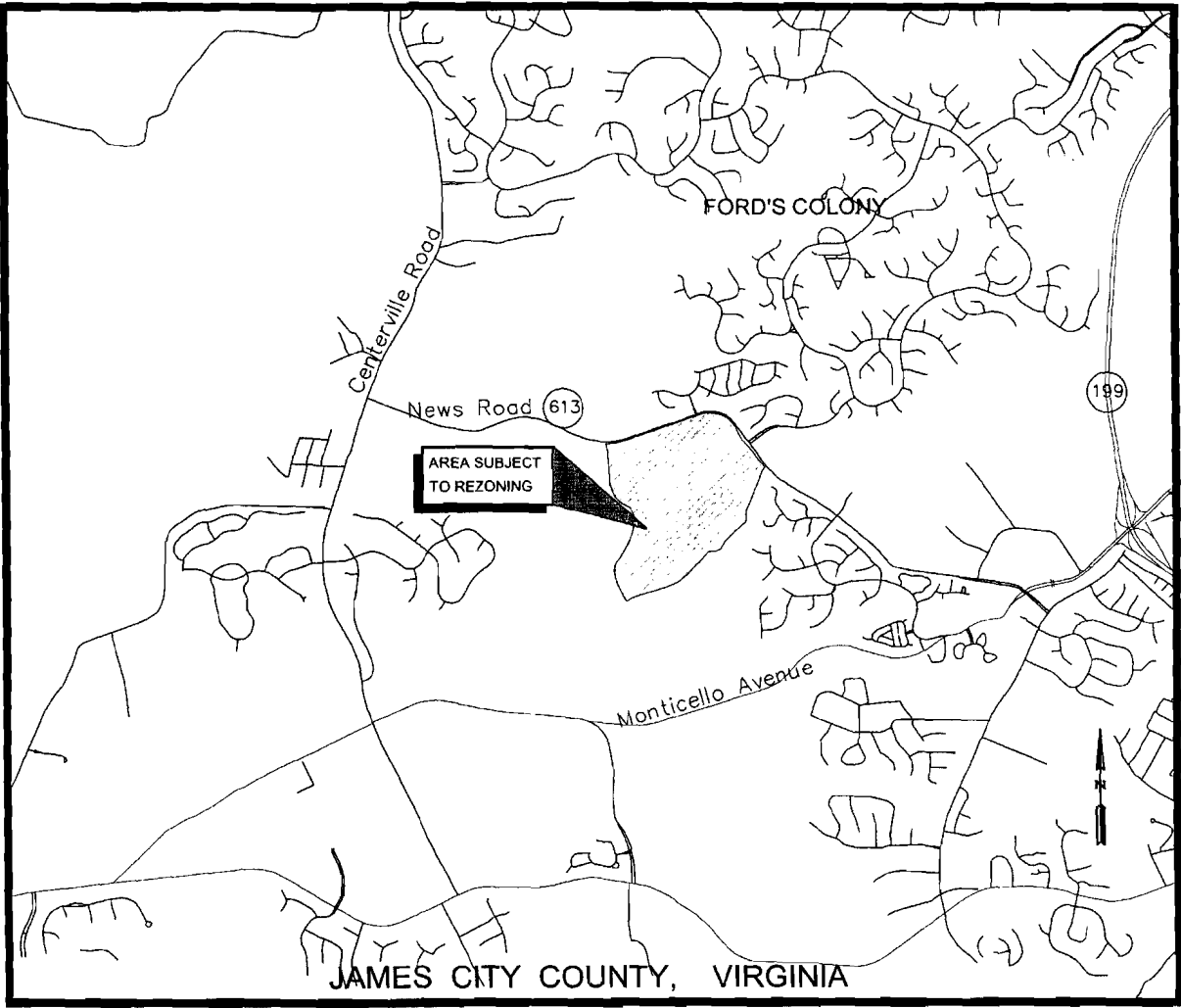
*The Village* is approximately 180 acres in area and located across from the Firestone Entrance to Ford's Colony on News Road in James City County. Current plans illustrate 38 town homes and 596 independent-living units, plus 83 assisted-living units, and 60 beds for skilled care. Over 60% of the site is preserved in open space. Much open space is provided through the preservation of wetlands, streams, and associated buffers in compliance with James City County ordinances and policies. Other developable lands have been provided as common open space either in the form of buffer areas or recreation open space (as noted on Sheet 4 of the Master Plan set, *The Village Land-Use Master Plan*). Additionally, less than 16% of the preliminary site plan is comprised of impervious cover. Reducing impervious cover is largely attributable to the under-building parking designed for several buildings.

A detailed environmental site analysis was conducted on this property. Work performed by the Environmental Services Division of Koontz-Bryant, P.C. (KBPC) identified 51 acres of wetlands and streams or 28% of the site. Koontz-Bryant has also conducted a perennial stream analysis on the property and coordinated a review with the James City County Environmental Department. The Warburton Tract Preliminary Layout and Grading plan sheet found in the environmental studies report at page 4 shows both the Resource Protection Area (RPA) buffers as well as the 50' non-RPA buffers along certain wetland drainageways. Additional areas containing slopes of 25% or greater have been mapped and total 1.40 acres. Research and field verification also indicated that habitat for the Small Whorled Pogonia and Virginia Least Trillium are not present on this site. Please see Section

V of this report entitled *Environmental Studies*, for further detail regarding both the Small Whorled Pogonia Species Survey as well as the entire environmental analysis. The Warburton Tract was subjected to thorough soft and hardwood timbering less than ten years ago. Thick undergrowth is prevalent on the property.

The proposed land use for The Village is consistent with surrounding land uses in the vicinity; Ford's Colony and Springhill to the north, Powhatan Secondary to the east, Monticello Woods to the south, and Greensprings Plantation to the west. The Warburton Tract is designated Low-Density Residential on the 2003 James City County Comprehensive Plan, with a gross density of 1 to 4 units per acre. Inclusion of the proposed independent living units into the residential count of the Ford's Colony Master Plan produces an overall density of only 1.3 DUA. The maximum residential density in the R-4 District (which is also generally consistent with surrounding zoning districts) is 2.0 Dwelling Units per Acre.

**Exhibit 1 – Location Map**



**(Not to Scale)**

**II. THE PROJECT TEAM**

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

- Developer -Realtec Incorporated
- Land Planning -Edwards Associates, McBride Hess Design Group P.A. & AES Consulting Engineers
- Civil Engineering -AES Consulting Engineers
- Legal Counsel -Geddy, Harris, Franck & Hickman, LLP
- Environmental - Cahill Associates, Inc., Koontz-Bryant, P.C. & Kerr Environmental Services Corp.
- Traffic -DRW & Associates
- Archaeological -Circa~ Cultural Resource Management, L.L.C.



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

The subject property for rezoning is located within the Primary Service Area of James City County. Parcels and subsequent land development activities within the Primary Service Area are required to connect to public water and sanitary sewer service provided by the James City Service Authority (JCSA). Sheet 6 of the Master Plan, *The Master Utility Plan* is intended to supplement this report for information on public water and public sanitary sewer.

#### **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 an existing 12 inch water main along News Road, partially constructed by Realtec. This line is supported by loops through existing Ford's Colony as well as a loop from Monticello Avenue. Additionally based on anticipated future demands in the proposed development area the developer has proposed to loop the water system to Centerville Road. The closest supply to the site is the newly constructed Five Forks Water Treatment facility.

The system facilities in this area are anticipated to be adequate for this development based on flow data on a hydrant at the entrance to the adjacent Spring Hill subdivision. This would indicate adequate pressures and flows will be present throughout the proposed development. It is significant to note for system planning that case studies demonstrate reduced water consumption in full service life care communities, generally ratios of 33-40% of the typical residential unit count can be expected. Fire flow pressure is discussed below in D, Fire Protection and Emergency Services.

A detailed water distribution system model will be completed and submitted prior to the final site plans. The model will examine flow rates and pressures throughout the immediate water system area to insure adequate flow and pressure to accommodate the required fire flows.

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

Sanitary sewer service is provided to the subject property via the adjacent Powhatan Secondary interceptor sewer. This pipeline is a 21 inch gravity interceptor which flows to JCSA Lift Station 1-2. Lift Station 1-2 pumps directly into a HRSD Force Main. All flows from

the project are to be collected by onsite gravity sewers and connected to the existing 21 inch interceptor line. The connection point will be in the vicinity of manhole 12053 as numbered in the URS report (referenced in the next paragraph).

Capacity in the existing gravity sewer and receiving Lift Station is currently under evaluation by James City Service Authority (JCSA) and URS Corporation. Currently JCSA is planning on rehabbing the Powhattan Sewer main with a cured in place liner. The current evaluation has determined that there is a sewer capacity of 1,984 equivalent residential connections (ERCs). Using conventional wastewater modeling for the types of development listed below in Table 1, the subject property anticipates 708 ERUs. Realtec, Inc. has agreed to pay for the necessary upgrades to provide adequate sewer capacity as part of the planned James City Service Authority upgrades of the system. It is significant to note for system planning that studies demonstrate reduced wastewater resulting from life care communities, generally ratios of 33-40% of the typical residential unit count can be expected, however current regulations require the flow to be estimated at 310 GPD for all residential units.

**Table 1 – Projected Wastewater Flows from *The Village***

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
<b>RESIDENTIAL</b>						
Single-family attached	38	310	11,780	24	8.2	32.8
Retirement Apartments	596	310	184,760	24	128.3	513.2
Subtotal	634		196,540		136.5	545.9
<b>NON-RESIDENTIAL</b>						
Nursing Home	143 Beds	160	22,880	24	15.9	63.6
Subtotal			22,880		15.9	63.6
<b>Total</b>			<b>219,420</b>		<b>152.4</b>	<b>609.5</b>

### **C. Public Schools**

*The Village* is located within the Matoka Elementary School, James Blair Middle School, and Lafayette High School districts. Under the proposed Master Plan, the CCRC facility will be age-restricted, except for individuals requiring assisted or full service care and temporary service needs while recovering from illness or injury. Thus, the CCRC development will not generate any school children.

### **D. Fire Protection and Emergency Services**

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest fire station to the subject site is Station #5 located at 3201 Monticello Avenue, approximately 3.25 miles southwest of this project. According to the James City County Deputy Fire Marshal, the official response time is based on the arrival of both fire and EMS personnel. Currently, EMS services are only available from Station #4 on Olde Towne Road. From this station, an estimated response time will be less than eight minutes. However, EMS is planned for Station #5 in the near future. The CCRC will have medical first responders, as well as CPR and First Aid certified personnel, on staff. Limited medical facilities are onsite in the main CCRC and the Assisted Living buildings.

The next closest fire station to the subject site is station number 3 at 5077 John Tyler Highway. Only slightly more distant than the Monticello station (approximately 3.9 miles), response time to the site is reasonable if an emergency event occurs requiring additional fire and life safety support. These two fire stations, and the emergency medical staff available at these stations, will provide a more than adequate response to potential emergencies. In addition, through cooperative agreements between Williamsburg, James City County, and York County, the site may also be served by the York County station at Lightfoot.

Edwards and Associates report that most buildings in the CCRC will be sprinklered for fire protection. Most buildings will be rated Type 1 construction. The civil engineers will analyze the merits of a community system fire pressure pump.

#### **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. Private firms will manage a system wide contract to 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.

### **IV. ANALYSIS OF FISCAL IMPACTS**

The fiscal impact analysis was reviewed by the James City Director of Financial and Management Services. It was determined that the this project is considered by the Department of Financial and Management Services to be commercial in terms of positive economic and fiscal development.

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## **VI. ANALYSIS OF STORMWATER MANAGEMENT/BMP**

A brief needs-analysis for stormwater management, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed project. Please refer to sheet 7 of the Master Plan, *Master Stormwater Management Plan*.

The goal of the stormwater management plan is to adhere to local and state stormwater requirements and provide a sustainable development utilizing the latest stormwater design techniques (which may include forms of groundwater recharge and infiltration). In evaluating stormwater management solutions on the proposed development subject site, the unique site characteristics were considered. Preliminary site observations and mapping identify the following unique site characteristics to be considered in stormwater management planning:

- The entire project is situated within the Powhatan Creek Watershed of the James River. The property nearly equally drains to the Powhatan Creek mainstem and to Cold Spring Swamp (Powhatan Creek Subwatershed 209).
- The property is currently young forest and overall unimproved.  
Extensive landscaping will be used in developed areas.  
Large perimeter area buffers will be used as vegetated.

The proposed development will capture runoff at the source and treat it within one of approximately 28 storm water management facilities. These features will be situated to achieve the maximum drainage area possible while minimizing the environmental impacts to the greatest extent possible. Please refer to sheet 7 of the Master Plan, *Master Stormwater Management Plan* for the approximate location, type, and drainage area of each. Portions of the subject parcel will not drain to a structural BMP; however, these portions will remain largely undeveloped or will be treated by other LID features.

The planned facilities will detain and release designed storm events for the on-site and portions of the uncontrolled off-site drainage associated with News Road. 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, Virginia Erosion and Sediment Control Handbook, certain criteria from the Prince George Low-Impact Development Design Strategies, certain criteria from the manual co-authored by The Delaware Department of Natural Resources and Environmental Control (1997) titled Conservation Design for Stormwater Management, and design techniques recommended by Cahill Associates. All stormwater facilities will be designed to

provide downstream channel protection by providing 24 hour drawdown of the 1-year, 24-hour storm volume.

Preliminary analysis of the BMP's using the James City County BMP point system is included on sheet 7 of the Master Plan, *Master Stormwater Management Plan*. 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 over 10 points is achieved by the structural BMP's and the dedication of natural open space in wetlands and buffers.

As the Continuing Care Retirement Community (CCRC) property resides in the Powhatan Creek Watershed, additional measures of watershed management are suggested by James City County policy to protect the natural resource of the watershed, and prevent further degradation of the watershed's water quality. These measures, in the form of Special Stormwater Criteria (SSC), further enhance the quality of stormwater runoff from the development site and assist in the preservation of pre-development hydrology. In addition to the main structural BMP, seven (7) SSC measures are required to meet minimum requirements set forth by the James City County policy. Furthermore, five (5) additional measures will be provided to improve the water quality of the Powhatan Creek Watershed "over and above" the recommendations of the Powhatan Creek Watershed Plan. Water quality measures to be implemented include: bioretention facilities; managed pervious pavement systems measures; dry swales at locations not draining to a BMP; enhanced outlet protection at all piped outfalls of BMP; enhanced cut/fill slope stabilization measure applied site-wide. Please refer to the Stormwater Plan for the water quality calculation work sheet as well as the preliminary list of measures to be implemented.

Although not considered a structural BMP or a traditional LID feature, 430 (or approx 35% of the project's proposed parking spaces will be placed under ground to further protect the water quality of the Powhatan Creek. These underground facilities will be located in both the CCRC buildings and in several of the Independent Living buildings. Additionally all above ground parking will utilize managed pervious pavement systems techniques further reducing the impact of parking on the site and reducing the overall impervious cover of the site to approximately 15.7%. As stated in the Delaware manual referenced above, reducing the impervious surfaces is the single most important tool. Additionally the project will utilize

sustainable design techniques (for the site and the architecture / material selection of the buildings) & construction practices. Furthermore, the RPA buffers shown on the plan will function as a filter strip for surface drainage. The Delaware manual reported a study performed in 1993 indicating that a vegetated buffer strip of 150 feet removed 84% of total suspended solids. RPA buffers shown on the CCRC plan conform to County policy of RPA buffers on the Powhatan mainstem, generally 300 feet in width.

In summary, with the preliminary analysis of *The Village*, the stormwater management plan proposed will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the tendency of development to cause downstream erosion to receiving channels.



## VII. CONCLUSION

In summary, the Community Impact Statement for the rezoning and subsequent development of *The Village* highlights the following conclusions and public benefits:

- Adequate public services (water and sewer, fire) and utility services (gas, electricity, cable television, and telephone) are available for development.
- The proposed rezoning is consistent with the intended land use designated on the current Comprehensive Plan for this area. Further, the R-4 zoning district is consistent with adjacent neighborhoods.
- There is adequate capacity in the system of roads serving this project
- Financial Impacts to James City County will be a net positive; further, detailed conclusions will be drawn within the Fiscal Impact Analysis.
- James City County's stormwater requirements, including the incorporation of SSC associated with the Powhatan Creek are being met. Additional use of Low-Impact Design (LID) techniques ensures those requirements are exceeded.
- The utilization of underground parking, managed pervious pavement systems, and underground infiltration and rain garden storage techniques provides a benefit to the Powhatan Creek by providing the required parking while reducing overall impervious cover to less than 15.7% of the site. Typical wet ponds, which are impervious surfaces and limited water quality features, have been substituted with underground infiltration techniques with design storage capacity.
- Sustainable design will be utilized to the fullest extent possible which will help reduce energy consumption and minimize overall impacts to the environment

**REZONING-0001-2008/MASTER PLAN-0001-2008/SPECIAL USE PERMIT-0006-2008/  
HEIGHT WAIVER-0002-2008. St. Olaf Catholic Church Expansion  
Staff Report for the July 8, 2008 Board of Supervisors Public Hearing**

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

**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

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

June 4, 2008, 7:00 p.m.

July 8, 2008, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Ms. Sara Rilveria of AES Consulting Engineers

Land Owner: The Catholic Diocese of Richmond, Virginia

Proposal: Addition to the existing St. Olaf Church

Location: 104 Norge Lane

Tax Map/Parcel No.: 2320100016

Parcel Size: 9.39 acres

Existing Zoning: R-8, Rural Residential, with proffers

Proposed Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

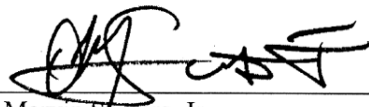
The applicant has requested deferral of this case to the July 22, 2008, Board of Supervisors meeting.

Staff Contact: Ellen Cook

Phone: 253-6685

\_\_\_\_\_  
Ellen Cook

CONCUR:

\_\_\_\_\_  
  
O. Marvin Sowers, Jr.

EC/nb  
104NorgeLn.doc

**Attachment**

1. Deferral Request Letter

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

ATTORNEYS AT LAW  
1177 JAMESTOWN ROAD  
WILLIAMSBURG, VIRGINIA 23185  
TELEPHONE: (757) 220-8500  
FAX: (757) 229-5342

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

email: [vgoddy@ghfhllaw.com](mailto:vgoddy@ghfhllaw.com)

VERNON M. GEDDY, JR. (1926-2008)  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN  
RICHARD H. RIZK  
ANDREW M. FRANCK

March 18, 2008

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



Re: St. Olaf Catholic Church Expansion - Z-0001-2008/SUP-0006-2008/HW-0002-2008

Dear Ellen:

I am writing on behalf of the applicant to request that the Board of Supervisors defer consideration of these applications until its July 22nd meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

A handwritten signature in cursive script that reads "Vernon".

Vernon M. Geddy, III

VMG/

cc: Mr. Richard A. Costello  
Mr. Jim Simcox

**HEIGHT WAIVER-0003-2008. 4th Middle/9th Elementary School Athletic Field Lighting Staff Report for the July 8, 2008, Board of Supervisors Public Hearing**

---

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

---

**PUBLIC HEARINGS**

Board of Supervisors:

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

July 8, 2008, 7 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Aaron Small, AES Consulting Engineers

Land Owner:

James City County

Proposal:

The applicant is requesting a height waiver from Section 24-535.9 of the Zoning Ordinance, to allow for the construction of fourteen 70-foot-tall athletic field lighting structures and ten 80-foot-tall athletic field lighting structures for new recreational fields at the 4th middle school and 9th elementary school site.

Location:

A portion of 5537 Centerville Road on the southeast side of Jolly Pond Road

Tax Map/Parcel No.:

3010100009

Parcel Size:

90± acres (which is currently part of the 675-acre Freedom Park parcel)

Zoning:

PL, Public Lands

Comprehensive Plan:

Park, Public, or Semi-Public Open Space

Primary Service Area:

Outside

**STAFF RECOMMENDATION**

Given the preservation of mature wooded buffers between adjacent properties and the recreation facilities, coupled with the site being surrounded by County-owned Freedom Park, the lack of a large number of residential developments in the area and the distance of the light poles from Jolly Pond Road (approximately 1,200 feet), staff believes the light poles should present a negligible visual impact to surrounding properties and uses. Additionally, no glare in excess of 0.1 iso-footcandles will be projected onto Jolly Pond Road. Finally, staff finds the proposal consistent with the requirements stated under Section 24-535.9 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

Staff Contact:

Leanne Reidenbach

Phone: (757) 253-6685

## **PROJECT DESCRIPTION**

Mr. Aaron Small of AES Consulting Engineers, on behalf of James City County, has requested a height limitation waiver from the Board of Supervisors to construct fourteen 70-foot-tall light poles and ten 80-foot-tall light poles which will be used to illuminate new recreation facilities (two softball fields, one baseball field, and four multiuse fields) at the 4th middle/9th elementary schools. On property zoned PL, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board of Supervisors. The proposed use for the schools and their associated recreation facilities has been previously approved for this site with SUP-0030-2007, so all that is in question with this application is the height of light poles for this facility. The site plan for these facilities is currently under review by the County and other reviewing agencies.

## **ANALYSIS**

Section 24-535.9 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

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

*Staff comment:* The school property is primarily surrounded by Freedom Park, a County-owned property, and the nearest residence is across Jolly Pond Road. Given the distance to the nearest property line (approximately 1,200 feet to Jolly Pond Road and 200 feet to Freedom Park), and the relatively small mass of the light poles, staff believes that the proposed light poles will not obstruct light from adjacent properties. Additionally, through increasing the height of the lights, the need for additional poles has been reduced and several of the same poles will be used to light two fields, also reducing the number of poles on-site.

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

*Staff comment:* Freedom Park is immediately adjacent to the property but, per the approved master plan, the only anticipated improvements in the vicinity of the school site include trails, a parking lot, and potential dog park, and there is a wooded buffer between the school site and Freedom Park area. Historic structures and interpretation areas are on the other side of Colby Swamp, more than 3,000 feet from the proposed recreational facilities. The iso-footcandle diagrams and lighting details indicate the lighting will be contained on the parcel associated with this application and previous SUP conditions require that no glare in excess of 0.1 footcandle be projected onto Jolly Pond Road and all fixtures be oriented away from the roadway. The proposed light fixtures are designed to reduce upward directed light, protecting the night skies surrounding the fields. The applicant proposes to use the same type of lighting (Musco Light Structure Green) as has been proposed and used for other areas of the Warhill Sports Complex and Matoaka Elementary School. A copy of the manufacturer's light details and photometric plans are included as an attachment for your review. Based on the submitted material, staff believes the proposed light poles will not impair the enjoyment of nearby historic attractions, areas of significant historic interest, and surrounding developments.

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

*Staff comment:* The Real Estate Assessments Division indicated there is no prior indication that the construction of light poles for a sports field will have a detrimental effect on surrounding property values.

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

property; and

*Staff comment:* The project is subject to full County review processes. Staff feels confident this will ensure the structure is adequately designed from a safety standpoint. Additionally, the Fire Department has reviewed the height limitation waiver application and has no objections to the request. Basic fire and rescue services will be provided from Fire Station No. 1 with backup from the other James City County fire stations.

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

*Staff comment:* Based on the current proposal and supporting information submitted by the applicant, staff believes the light poles, if constructed as proposed, will not unduly or adversely affect the public health, safety, or general welfare.

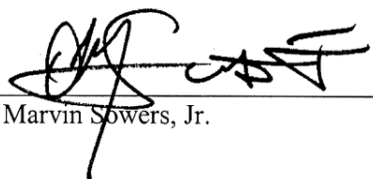
### **RECOMMENDATION**

Given the preservation of mature wooded buffers between adjacent properties and the recreation facilities, coupled with the lack of a large number of residential developments in the area and the distance of the light poles from Jolly Pond Road (approximately 1,200 feet), staff believes the light poles should present a negligible visual impact to surrounding properties and uses. In addition, staff finds the proposal consistent with the requirements stated under Section 24-535.9 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

---

Leanne Reidenbach

CONCUR:



---

O. Marvin Sowers, Jr.

LR/gb  
Hw-0003-2008

### **ATTACHMENTS:**

1. Location map
2. Photometric plan (under separate cover)
3. Manufacturer cut sheets
4. Resolution

## **RESOLUTION**

**CASE NO. HW-0003-2008. 4TH MIDDLE SCHOOL/9TH ELEMENTARY SCHOOL**

### **ATHLETIC FIELD LIGHTING**

WHEREAS, Mr. Aaron Small of AES Consulting Engineers on behalf of James City County has applied for a height limitation waiver to allow for the construction of fourteen 70-foot-tall and ten 80-foot-tall light poles; and

WHEREAS, all fields will be illuminated with Musco Light Structure Green outdoor sports lighting or other lighting of substantially equivalent or superior offsite spill light control characteristics; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-0003-2008; and

WHEREAS, the light poles will be located on property zoned PL, Public Lands, and is further identified as a portion of James City County Real Estate Tax Map No. 3010100009; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-535.9 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0003-2008 which permits the construction of fourteen 70-foot-tall and ten 80-foot-tall light poles in the general locations shown on the plan, drawn by AES titled "Sports Lighting Photometric Plan," and dated December 26, 2007.

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 2008.

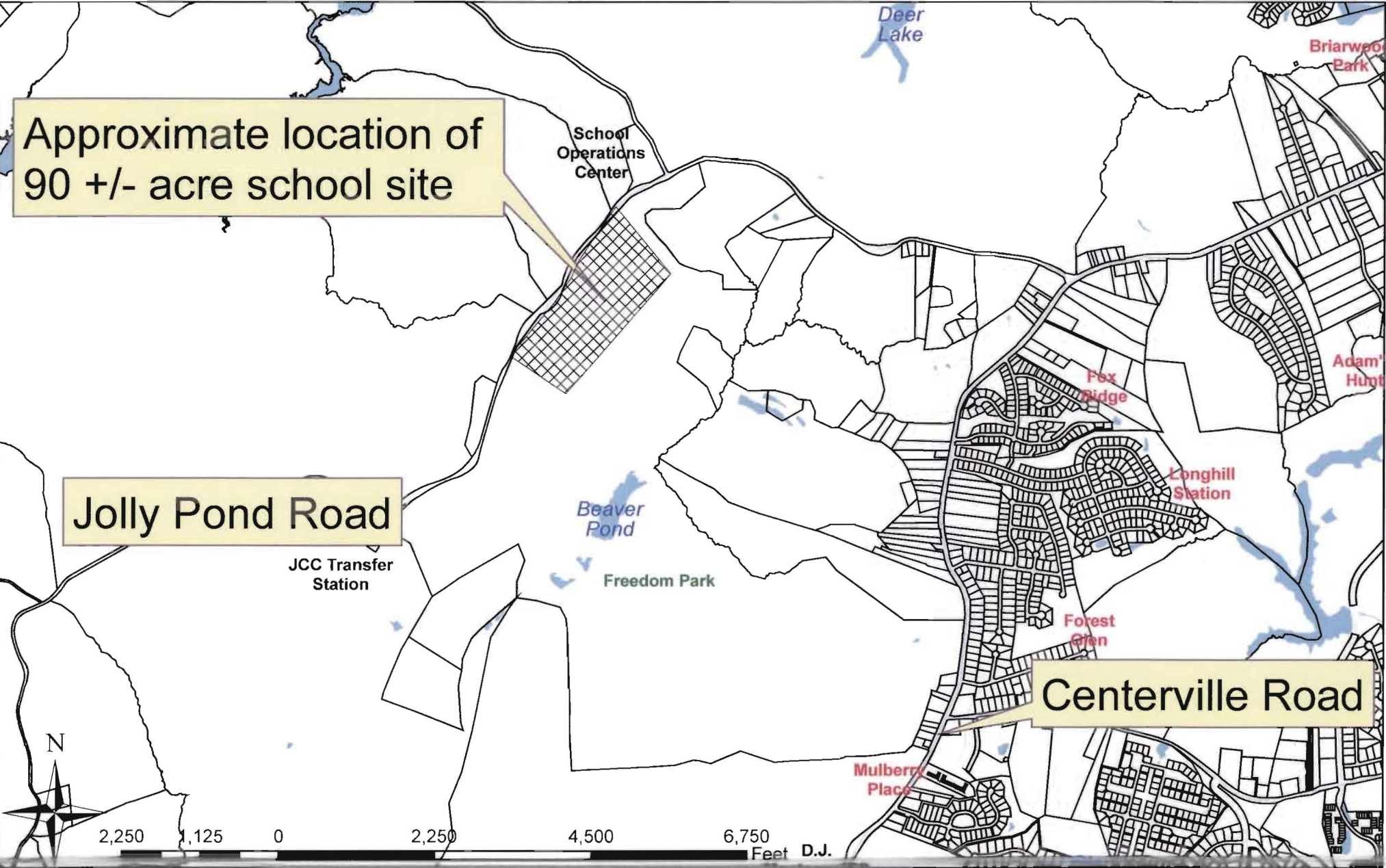
Hw-0003-2008\_res



# JCC-HW-0003-2008

## 4th Middle/9th Elementary School

### Athletic Field Lighting



# Light-Structure GREEN.

## Light-Structure Green™ System — still Five Easy Pieces™ plus:

### Improved Luminaire Efficiency

- 1. Reflector system:** More than 2000 photometric patterns provide optimal energy efficiency and minimal spill light for each project.
- 2. Visor System:** Several visor choices provide energy efficient light on the field and minimal spill light. The aerodynamics reduce wind load on the poles.
- 3. Side Shift Beam Control:** Beams can be adjusted within the luminaire horizontally as well as vertically. We can now custom fit the light to the corners.

### Smart Lamp™ Operating System

- 1. Lamp:** 30 years of lamp experience has taught Musco how to operate the lamp with less energy and extend its life with a system of timed power adjustments.
- 2. Geared tilt adjustment:** With a geared leveling mechanism, the lamp arc tube operates in the energy advantageous horizontal position.

### Increased Durability, Assured Results

- 1. Die-Cast aluminum reflector housing:** Provides a rugged foundation for building and maintaining a sophisticated photometric unit.
- 2. Gasketing:** Improved material and gasket system design virtually eliminate "outgassing" and other contamination of the reflectors and lens.
- 3. Factory Assembled Luminaires:** The luminaire ships totally assembled: avoids contaminants, saves time, improves aiming accuracy.
- 4. Attaching Mechanism:** The factory assembled luminaire connects electrically and structurally to the crossarm with one simple attachment.
- 5. Factory Aiming:** Musco's well established service of factory aiming is even better with Light-Structure Green™... field changes can still be done.

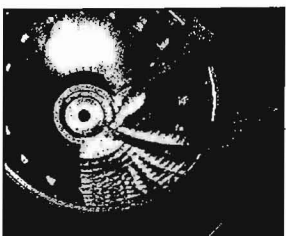
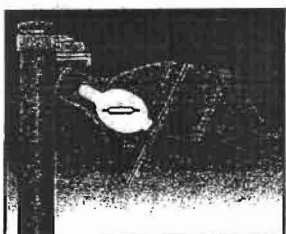
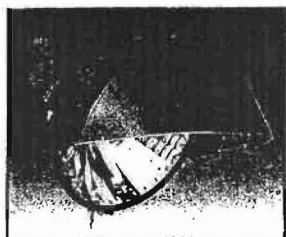
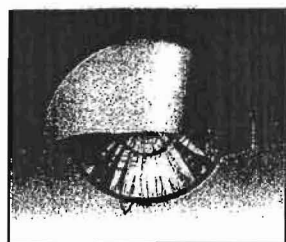
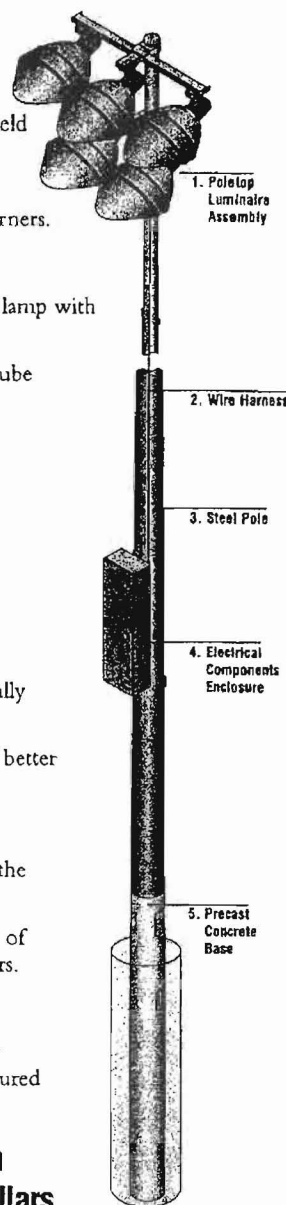
### Solid control and flexible management

- 1. Controls and monitoring:** This system, in one simple cabinet, included in the base price, saves energy and gives you a solid, flexible management tool.
- 2. Control Link Central™:** Real people at Musco, 24/7, support the operation of your lights... from office, field or home... benefits field users and neighbors.

### Ultimate guarantee

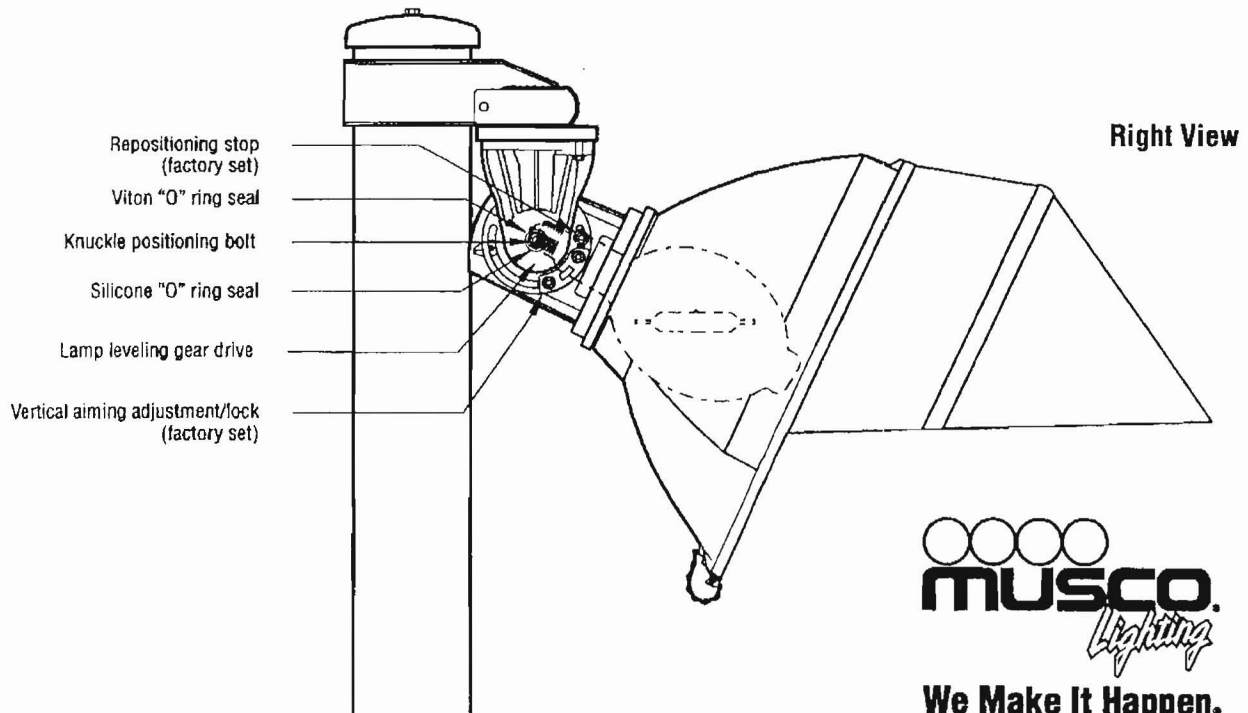
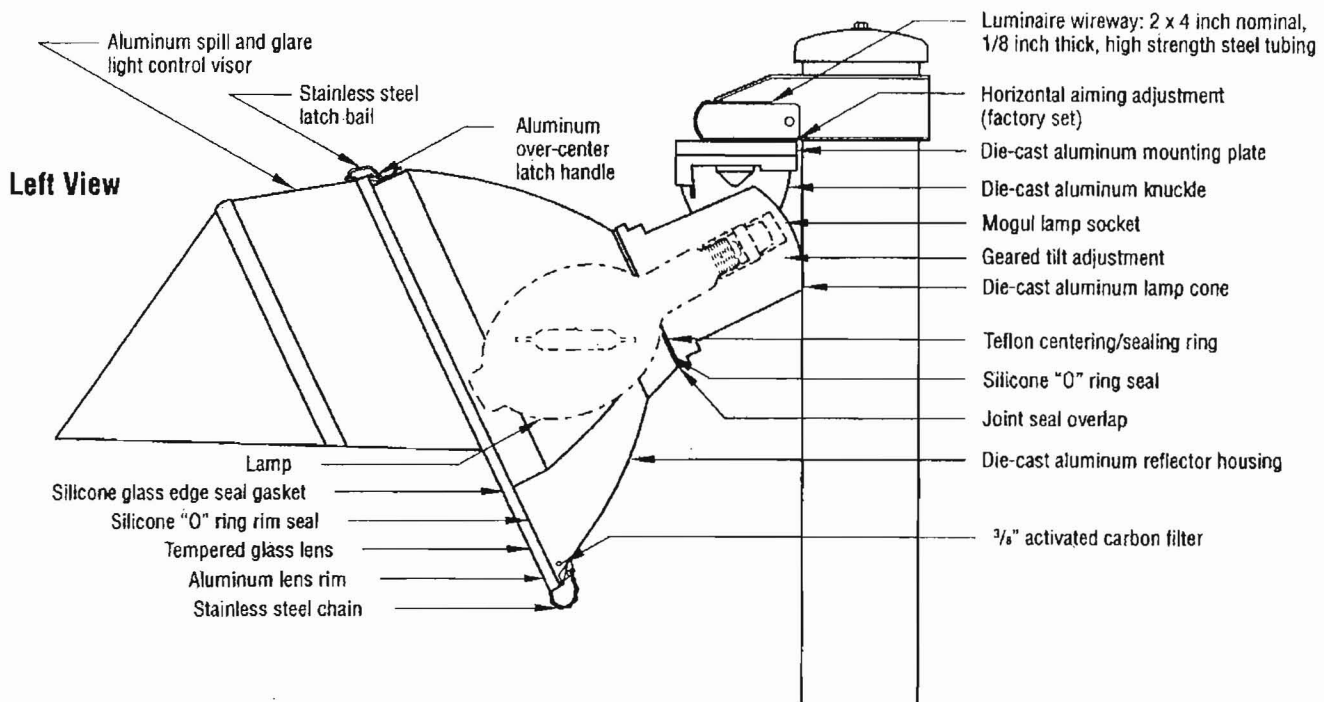
With **Green Generation Lighting**, Musco's Constant 25™ guarantees it all for 25 years, plus free relamping at the end of the lamps' rated life. All of this is assured by Musco's field service department and their technicians.

**Light-Structure Green™ is the result of more than a dozen inventions and innovations from more than 10 million dollars of research and capital investment by Musco.**



**We Make It Happen.**

800/825-6030  
www.musco.com  
e-mail: lighting@musco.com



**We Make It Happen.**

**800/825-6030**

[www.musco.com](http://www.musco.com)

[lighting@musco.com](mailto:lighting@musco.com)

Musco products referenced or shown are protected by one or more of the following U.S. Patents: 4450507; 4725934; 4729077; 4811181; 4816974; 4947303; 4994718; 5012398; 5075828; 5134557; 5161883; 5211473; 5229581; 5377611; 5398478; 5423281; 5426577; 5600537; 5707142; 5794387; 5800048; 5816691; 5856721; 6036338; 6203176; 6250596; 6340790; 6398392; 6446408; 6692142; D337168; D353797; D353911; D411096. Australia Patents: 708912; Canada Patents: 70479; 73755; 74939; 89366; 2009749; 2028850; 2027033; 2035014; 2060585; 2110014; 2204958; 2200511; 2200515; 2217872; 2378279. EPC Patents: 440531; 821776. Germany Patents: 69601867.5. Mexico Patents: 175863; 183225. New Zealand Patents: 307705; 333806. South Korea Patents: 405147. Other patents pending.

© 2005 Musco Lighting - SLA1

**SPECIAL USE PERMIT-0011-2008. Williamsburg Dog  
Staff Report for the July 8, 2008, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**7:00 p.m.; Building F Board Room; County Government Complex**

June 4, 2008, 7:00 p.m.  
July 8, 2008, 7:00 p.m.

**SUMMARY FACTS**

**Applicant:**

Mr. and Mrs. Matthew DiBiaso, The Williamsburg Dog

**Land Owner:**

Mr. Henry Branscome, Jr., John Tyler Commercial Center, L.L.C.

**Proposal:**

To operate a dog day care center with both indoor (5,000 square feet) and outdoor (3,500 square feet) use for between 30 and 40 dogs.

**Location:**

3317 Venture Lane, Unit D

**Tax Map/Parcel No.**

4711300003

**Parcel Size**

3.222 acres

**Existing Zoning:**

B-1, General Business

**Comprehensive Plan:**

Mixed Use

**Primary Service Area:**

Inside

**RECOMMENDATION**

The applicant has requested deferral of this case until the August 12, 2008, Board of Supervisors meeting.

Staff Contact:

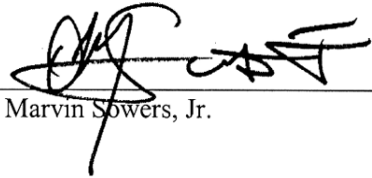
Leanne Reidenbach, Senior Planner

Phone: 253-6685

---

Leanne Reidenbach

CONCUR:

  
\_\_\_\_\_  
O. Marvin Sowers, Jr.

LR/nb

WmsbgDog\_070808

Attachment:

1. Deferral request letter.

# KAUFMAN & CANOLES

— | A Professional Corporation | —  
**Attorneys and Counselors at Law**

Timothy O. Trant, II  
757 / 259-3823

4801 Courthouse St.  
Ste 300  
Williamsburg, VA 23188  
757 / 259-3800  
fax: 757 / 259-3823  
totrant@kaufcan.com

July 2, 2008

**Via Hand Delivery & Facsimile (757) 253-6850**

Leanne Reidenbach  
Senior Planner  
James City County Planning Department  
101-A Mounts Bay Road  
Williamsburg, VA 23185

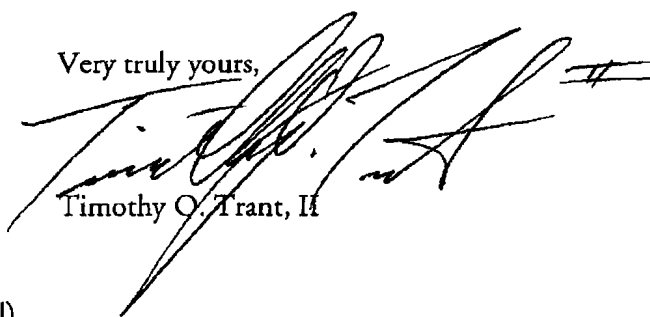
Re: *Matthew & Renee DiBiaso / The Williamsburg Dog, LLC*  
*James City County Case No. SUP-0011-2008*

Dear Leanne:

My firm has recently undertaken representation of the applicant in the above-referenced case, which case is scheduled to be presented to the James City County Board of Supervisors at its meeting on July 8, 2008. On behalf of our client, I hereby respectfully request deferral of the case to the August 12, 2008 Board of Supervisors meeting, in order to provide the applicant additional time to respond to the various comments received during the Planning Commission public hearing. The \$350 administrative fee associated with this deferral request will be submitted by the applicant under separate cover on or before July 25, 2008.

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

Very truly yours,



Timothy O. Trant, II

cc: Matthew & Renee DiBiaso (via U.S. Mail)  
Gregory R. Davis, Esq. (via hand delivery)  
Christopher M. Johnson (via hand delivery)

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

[www.kaufmanandcanoles.com](http://www.kaufmanandcanoles.com)

## M E M O R A N D U M

DATE: July 8, 2008

TO: The Board of Supervisors


FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Lease of Property at 5301 Longhill Road

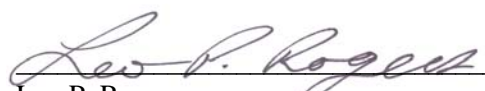
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At its meeting on June 10, 2008, the Board of Supervisors approved a Special Use Permit to allow the erection of a 138-foot-tall cellular tower and related structures on the property known as the James City-Williamsburg Community Center, located at 5301 Longhill Road and identified as James City County Real Estate Tax Map No. 3910100153 (the "Property"). Subsequent to the June 10 meeting, staff has worked with AT&T to develop a lease agreement and has come to an agreement in principle. The general terms of the lease agreement comport with other cellular tower lease agreements already in place in the County, and will net the County approximately \$40,000 in the first year.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute those documents necessary to enter into a lease with AT&T.

  
Adam R. Kinsman

CONCUR:

  
Leo P. Rogers

ARK/nb  
5301LonghillRd\_mem

Attachment

## **RESOLUTION**

### **LEASE OF PROPERTY AT 5301 LONGHILL ROAD**

WHEREAS, James City County owns a parcel of property located at 5301 Longhill Road and further identified as James City County Real Estate Tax Map No. 3910100153 (the "Property"); and

WHEREAS, at its meeting on June 10, 2008, the Board of Supervisors approved a Special Use Permit (the "SUP") for the erection of a 138-foot-tall wireless communication facility on the Property; and

WHEREAS, AT&T wishes to lease a portion of the Property in order to erect a wireless communication facility on the Property pursuant to the conditions contained in the SUP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute those documents necessary to lease approximately 900 square feet of property for the erection of a communication tower and related structures on the Property in accordance with SUP-0005-2008.

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 2008.

5301LonghillRd\_res



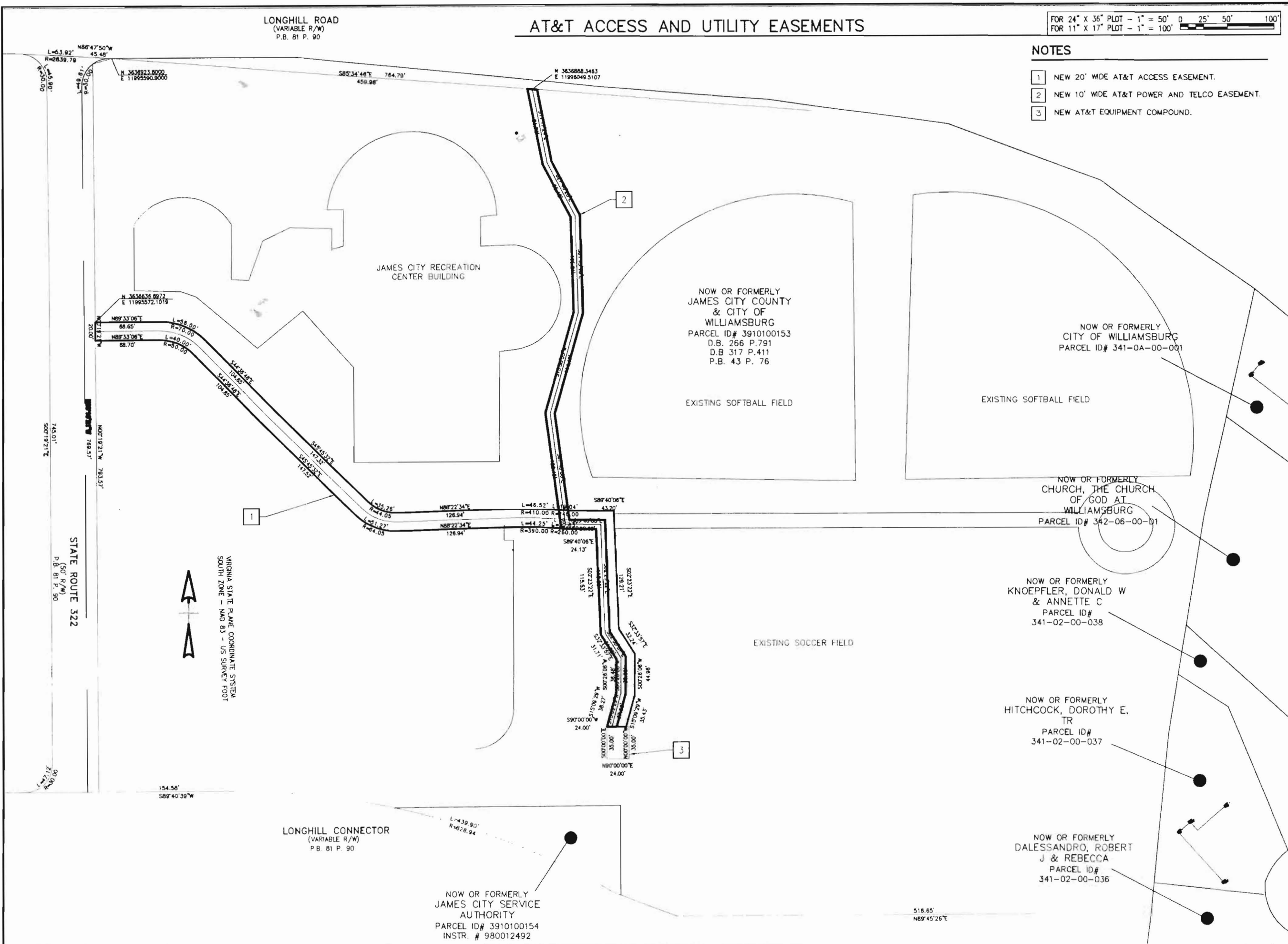
LONGHILL ROAD  
(VARIABLE R/W)  
P.B. 81 P. 90

# AT&T ACCESS AND UTILITY EASEMENTS

FOR 24" X 36" PLOT - 1" = 50'  
FOR 11" X 17" PLOT - 1" = 100'

## NOTES

- 1 NEW 20' WIDE AT&T ACCESS EASEMENT.
- 2 NEW 10' WIDE AT&T POWER AND TELCO EASEMENT.
- 3 NEW AT&T EQUIPMENT COMPOUND.



**at&t**  
LIBERTY PLAZA I  
4801 COX ROAD, SUITE 300  
GLEN ALLEN, VA 23060  
TEL: (804) 360-3511  
FAX: (804) 360-5793

**nsoro**  
It's just good business.  
2500 CUMBERLAND PKWY  
SUITE 100  
ATLANTA, GA 30339  
TEL: 404.541.1300  
FAX: 404.541.1078

**WW&A**  
warren williams & associates  
423 HARBOUR POINT  
SUITE 204  
VIRGINIA BEACH,  
VIRGINIA 23451  
(757) 450-2288

NO.	DATE	LEGAL DESCRIPTION
0	06/18/08	LEGAL DESCRIPTION
	BY: KMB	CHK: OWW APP'D: OWW

COMMONWEALTH OF VIRGINIA  
*O. Warren Williams, Jr.*  
O. WARREN WILLIAMS, JR.  
Lic. No. 37030  
6-19-08  
PROFESSIONAL ENGINEER

NF290B  
COMMUNITY  
CENTER  
LIGHTPOLE  
5301 LONGHILL ROAD  
WILLIAMSBURG, VA  
23188

DRAWN BY: KMB  
CHECKED BY: OWW  
DATE: 03/17/08  
COMM NO: NF290B

SHEET TITLE  
AT&T ACCESS AND  
UTILITY EASEMENTS

SHEET NUMBER  
**LD-1**



MEMORANDUM

DATE: July 8, 2008

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Revised Fiscal Year 2009 Virginia Department of Transportation (VDOT) Revenue Sharing Program Request

---

Based on the initial Fiscal Year (FY) 2009 program guidelines and guidance from the Virginia Department of Transportation (VDOT), staff recommended and the Board of Supervisors approved a resolution supporting an application for FY 2009 Revenue Sharing funds on February 26, 2008. The request sought \$1.0 million of revenue sharing funds (with a \$1.001 million County match) for three projects; Ironbound Road, Route 60 Relocation, and right-of-way landscaping. In March 2008, staff received a letter from VDOT requesting localities to postpone sending in their application because of anticipated changes to program guidelines by the 2008 Virginia General Assembly. Several significant changes were adopted by the General Assembly and VDOT has reissued its call for applications under the new guidelines, with revised applications due by August 1, 2008. Consequently, staff believes that the County's request should be modified to meet the new program guidelines.

As under the previously issued guidelines, the VDOT Revenue Sharing Program provides an opportunity for the County to receive up to an additional \$1.0 million for road improvements for FY 2009. The program requires a dollar-for-dollar match by the County toward improvements to the local road system. However, the new FY 2009 guidelines contain the following significant changes:

1. Funds are intended to be used for small, immediately needed improvements or to supplement funding for larger projects.
  2. Funded projects shall be initiated in such a fashion where at least a portion of such funds have been expended within two subsequent fiscal years of allocation; any revenue sharing funds not initiated after subsequent fiscal years may be reallocated by VDOT.
  3. Landscaping projects are no longer eligible.
  4. All requests for funding must be accompanied by a prioritized listing of specified projects, identification of who will administer the projects and more project details including estimated cost.
  5. Funds will continue to be allocated according to four tiers, with each tier fully funded before allocating funds to a lower tier. However, tier funding criteria have changed.
- Tier 1 criteria provides funds to projects that are administered by the locality. Local administration must include all remaining phases of an existing project. Under the Virginia General Assembly legislation, localities can request VDOT to provide certain services on a reimbursement basis and VDOT may agree based on resource availability. However, staff understands that this provision does not supersede the requirement that projects be locally administered and that VDOT services will be limited. If the locality requests VDOT to administer the project, it will be re-evaluated for tier assignment and funding availability may be affected. To give localities time to get ready to undertake project administration, implementation of Tier 1 criteria has been postponed until FY 2010. Consequently, the next tier, Tier 2, will be given highest funding priority for FY 2009 (This tier was previously Tier 2 in FY 2008).

- Tier 2 criteria provides funds to localities that commit more local funds than the amount of Revenue Sharing funds requested. The additional funds must be spent prior to any new Revenue Sharing funds (This tier is similar to the FY 2008 Tier 1 criteria with the exception that it no longer favors projects where the locality commits more than \$1.0 million in local funds).
- Tier 3 criteria provides funds when the allocation will accelerate an existing project on either VDOT's Six-Year Improvement Program or the locality's capital plan. (Tier 3 is unchanged from FY 2008).
- Tier 4 criteria includes any other projects that have a matching allocation from the locality. (Tier 4 is unchanged from FY 2008).

Recommendations:

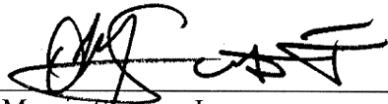
Given the revised Revenue Sharing Program guidelines, staff and VDOT recommend that the Board no longer request FY 2009 funds for the Ironbound Road, Route 60 and highway landscaping projects. VDOT and staff do not believe that these projects will adequately meet the revised FY 2009 criteria, especially Criteria 1, 2, and 3 identified above. VDOT staff has been very clear that the FY 2009 Program will favor projects that can be completed within two fiscal years.

Historically, Revenue Sharing funds have been a valuable resource to supplement major projects (i.e., Ironbound Road and Route 60 Relocation). Additionally, while the County has a number of other ongoing projects that could use additional funding (i.e., Monticello Avenue Corridor Project) as well as other unmet needs, some of which were identified on the Secondary Roads Candidate List presented to the Board on April 22, 2008, the new guidelines present a major obstacle to obtaining funds for those projects due to the time needed for their project design, right-of-way acquisition and construction. Staff understands that without amendment by the General Assembly these changes will apply to future Revenue Sharing applications, placing the County at a distinct disadvantage or in a position to have to more proactively undertake portions of project administration such as preliminary engineering and right-of-way acquisition. Consequently, while staff is recommending that the Board applies for FY 2009 Revenue Sharing funds; staff has also included some recommended language in the attached resolution expressing concerns about the recent revisions to the Program.

In consultation with VDOT, very few projects could be identified that are believed to be able to meet the revised Program guidelines. The majority of those identified were not previously identified as a need by the Board or staff. Consequently, staff is recommending that the Board request FY 2009 Revenue Sharing funds for only one project: the reconstruction of Old News Road. The project is currently on the Secondary Road Plan recently adopted by the Board on May 13, 2008, with a preliminary engineering date of FY 2012 and a construction date of FY 2013. Revenue Sharing would accelerate the project start date to FY 2009. This will give the County an opportunity to assess its highway needs during the Comprehensive Plan and decide whether to lobby the Virginia General Assembly to revise the Revenue Sharing Program guidelines for FY 2010, and/or undertake the necessary engineering using County resources on more needed highway projects.

The attached resolution supports an application for Revenue Sharing funds for the Old News Road reconstruction project between Monticello Avenue and Powhatan Parkway. The resolution indicates the County's intent to participate in the FY 2009 Revenue Sharing Program at a local cost of \$250,000. For FY 2009, this would total \$485,000 (\$235,000 State, \$250,000 County). The adopted budget identifies \$1.001 million for the County's match. VDOT Tier 1 criteria for FY 2009 favors projects where the locality commits more local funds than the requested Revenue Sharing funds; the project also addresses Tier 2 criteria by accelerating an existing project and committing more money than the required local match.

Staff recommends approval of the attached resolution.

  
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O. Marvin Sowers, Jr.  
CONCUR:

\_\_\_\_\_  
William C. Porter, Jr.

OMS/nb  
VDOTRevd09\_mem

Attachments

## **RESOLUTION**

### **REVISED FISCAL YEAR 2009 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)**

#### **REVENUE SHARING PROGRAM REQUEST**

- WHEREAS, the Board of Supervisors of James City County by resolution on February 26, 2008 supported its application to the Fiscal Year (FY) 2009 Revenue Sharing Program in accordance with VDOT's application deadline; and
- WHEREAS, the 2008 Virginia General Assembly subsequently revised the FY 2009 Revenue Sharing Program criteria necessitating reconsideration of said application; and
- WHEREAS, upon consideration of the revised Revenue Sharing Program criteria, the Board of Supervisors of James City County desires to submit an amended application requesting \$235,000 of Revenue Sharing funds through VDOT to the FY 2009 Revenue Sharing Program; and
- WHEREAS, the County will allocate \$250,000 to match the Revenue Sharing Program funds; and
- WHEREAS, the combined County and State funding totaling \$485,000 is requested to be used to fund the reconstruction of Old News Road; and
- WHEREAS, the Revenue Sharing Program has historically been a very valuable resource to address James City County's most important highway improvement needs; and
- WHEREAS, the revised FY 2009 Revenue Sharing Program criteria now places significant and unnecessary constraints on project scale and on expenditure timelines.
- NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that the FY 2009 Revenue Sharing Program has been substantially changed to where its ability to address many of the most critical highway needs of James City County or of its citizens has been substantially impaired.
- NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, that since said Revenue Sharing Program will significantly improve the safety of Old News Road, the Board of Supervisors hereby supports this application for an allocation of \$235,000 through the FY 2009 Revenue Sharing Program and will contribute \$250,000.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July,  
2008.

VDOTRev09\_res

MEMORANDUM

DATE: July 8, 2008

TO: The Board of Supervisors

FROM: Steven W. Hicks, Acting Assistant County Administrator

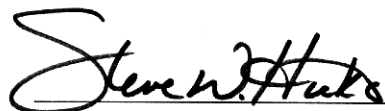
SUBJECT: Requesting a Change in the Limited Access Line of Route 199 to Accommodate Improvements to the Route 199/Route 60 Interchange

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As a result of the proposed development for Quarterpath at Williamsburg, a change is needed to improve geometry of the ramps in the northwest quadrant of the Route 199/Route 60 interchange and to accommodate additional traffic generated. Changing of the limited access line requires approval by the Commonwealth Transportation Board (CTB) after a recommendation from the Virginia Department of Transportation (VDOT) Hampton Roads District Office. Attached are a proposed resolution and the Timmons Plan that is noted in the resolution. The Timmons Plan shows the needed change to the limited access line on Route 199.

The Route 199/Route 60 interchange is located in James City County. The County staff has been working with the City of Williamsburg and VDOT's Hampton Roads District, and collectively supports the requested limited access line change. The Williamsburg City Council passed a similar resolution at its June 12, 2008, regular meeting in support of the limited access line change. Both resolutions will be submitted to VDOT for CTB anticipated approval.

Staff recommends approval of the resolution requesting VDOT and the CTB to change the Route 199 limited access line at the Route 199/Route 60 interchange.

  
Steven W. Hicks

SWH/nb  
Rt199AcsChg\_mem

Attachments

## **RESOLUTION**

### **REQUESTING A CHANGE IN THE LIMITED ACCESS LINE OF ROUTE 199 TO**

### **ACCOMMODATE IMPROVEMENTS TO THE ROUTE 199/ROUTE 60 INTERCHANGE**

- WHEREAS, Riverside Healthcare Association, Inc. has initiated construction plans for the development of Quarterpath at Williamsburg located in the City of Williamsburg and James City County; and
- WHEREAS, Riverside Healthcare Association, Inc., having identified certain existing deficiencies in the functioning of the Route 199/Route 60 interchange, has expressed a desire to enhance said functioning to correct existing traffic management issues and to better accommodate for its anticipated development of the Quarterpath at Williamsburg project, and has offered to pay for improvements to the interchange that necessitates a change in the Route 199 limited access line; and
- WHEREAS, Riverside Healthcare Association, Inc. has paid for the development of a plan of improvements to the Route 199/Route 60 interchange that includes extension of Loop B and Ramp B of the interchange in accordance with the design criteria of A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO) and shown on “Route 199 and Route 60 Interchange (Ramp B and Loop B) Designed Per Minimum AASHTO Criteria” by the Timmons Group, dated May 8, 2008, (i.e., the Timmons Plan); and
- WHEREAS, the proposed extension of Loop B and Ramp B requires an expansion of the Route 199 limited access area; and
- WHEREAS, Riverside Healthcare Association, Inc. has agreed to donate the land required for the extension of Loop B and Ramp B, and the expansion of the Route 199 limited access area; and
- WHEREAS, the required expansion of the Route 199 limited access area does not change the limits of limited access control on Route 199 or Route 60, and there is no reduction in limited control by the Commonwealth, nor is there any new break in limited access; and
- WHEREAS, the Timmons Plan for the Route 199/Route 60 interchange will alleviate existing traffic problems and interchange function deficiencies, and accommodate planned development on the Route 60 corridor in James City County which includes Quarterpath at Williamsburg; and
- WHEREAS, all costs of constructing the Timmons Plan will be paid by Riverside Healthcare Association, Inc., with no expense to the Commonwealth to provide this appreciable enhancement for the traveling public.

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

does hereby request approval of the change in limited access to accommodate the Timmons Plan, including any subsequent modifications thereto as may be jointly approved by the Williamsburg City Manager and the James City County Administrator for improvements to the Route 199/Route 60 interchange.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation and the Commonwealth Transportation Board to proceed expeditiously with review of this privately funded improvement to the Route 199/Route 60 interchange.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 2008.

Rt199AcsChg\_res



