

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 9, 2015**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Cameron Rodgers, a 5th grade student at JBB Elementary School and resident of the Powhatan District

**E. PRESENTATIONS**

1. Historical Commission Annual Report

**F. PUBLIC COMMENT - Until 7 p.m.**

**G. CONSENT CALENDAR**

1. Minutes - March 10, 2015, Regular Meeting
2. Minutes - March 24, 2015, Work Session
3. Changes to Personnel Policies and Procedures Manual
4. FY 16 Budget Appropriations for Operation of the James City County Marina
5. Establishment of a Petty Cash Fund
6. FY 16 Budget Appropriations for Operation of the Little Creek Reservoir Park
7. Authorization to Hire Additional Personnel in FY 16

**H. PUBLIC HEARING(S)**

1. Case No. SUP-0013-2014, 104 Howard Drive. Grove Barber Shop
2. Adoption of the James City County Comprehensive Plan, "Toward 2035: Leading the Way"
3. Case No. Z-0008-2014/MP-0004-2014. The Village at Candle Station Rezoning and Master Plan Amendment
4. Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance - Article 1. In General. Administrative fees, Amendments and variation of conditions, and Submittal Requirements
5. Case No. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes



6. Case No. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

**I. BOARD CONSIDERATION(S)**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. PUBLIC COMMENT**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until 4 pm on June 23, 2015 for the Work Session



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Pledge Leader - Cameron Rodgers, a 5th grade student at JBB Elementary School and resident of the Powhatan District

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/28/2015 - 8:55 AM



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Historical Commission Annual Report

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Mr. Frank Abbott, Chairman of the Historical Commission, will give the Commission's Annual Report.

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/20/2015 - 3:32 PM



**ITEM SUMMARY**

DATE: 6/9/2015


TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Minutes Adoption

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**ATTACHMENTS:**

	Description	Type
	031015bos-mins	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/28/2015 - 8:57 AM



**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**March 10, 2015**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Girl Scout Troop 1422 - Stonehouse District

**E. PRESENTATIONS**

1. Williamsburg Area Arts Commission - Annual Report

Mr. Greg Lilly, Chair of the Williamsburg Area Arts Commission, addressed the Board giving a report of the annual grant season and the numerous activities of the Commission.

**F. PUBLIC COMMENT - Until 7 p.m.**

1. Mr. Richard Swanenburg, 4059 South Riverside Drive, addressed the Board regarding the Scenic River designation.

2. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board regarding the York River Stewardship Project and the Scenic River designation.

3. Mr. Berton Roth, 112 Winged Foot, addressed the Board regarding the County planning process.

4. Mr. Dave Jarman, 646 South Square, addressed the Board regarding the proposed County budget.

5. Mr. Frank Polster, 420 Hempstead Road, addressed the Board regarding stormwater and the proposed County budget.



## **G. CONSENT CALENDAR**

### **1. Street Dedication**

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

### **2. Support – York River Stewardship Project**

A motion to Defer was made by Kevin Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. Onizuk requested that this item be pulled from the Consent Calendar for further discussion. Mr. Hipple asked Mr. Michael Steen, Director of Education at the Waterman's Museum, to come forward and give the Board a presentation about this item.

Mr. Steen addressed the Board giving an overview of the York River Stewardship Project.

Mr. Kennedy questioned if the Board's endorsement would lead to legislation.

Mr. Steen stated no, the endorsement is for the study. The legislative component would come later after the study has been done. He stated once the study is complete, then the decision could be made as to whether or not to participate and request the legislation.

Mr. Onizuk stated that the resolution reads that the Board is endorsing the project in general, not just endorsing the study. He stated that he would want the resolution clarified. He stated that he would be supportive of holding a public hearing.

Mr. McGlennon stated that he is not sure that a public hearing is necessary at this point. He agreed with Mr. Onizuk about rewording the resolution to endorse the study. He stated that he is not aware of any instance where this designation has negatively impacted citizen's use of the rivers.

Ms. Jones stated that she has concerns over the Historic River designation, and the fact that another committee would have a say over what can and cannot be done on a historic river. She stated that she would support a public hearing on this item, as it needs careful consideration.

Mr. Hipple stated that he has concerns over adding another layer of control over what can and cannot be done on the river. He stated that all of the citizens have a vested interest in caring for and maintaining the river and the current standards seem to be good enough. He questioned the benefit to James City County of having this designation.

Ms. Jones requested a more thorough investigation into the Code regarding this matter and the benefits and consequences to the County.



Mr. Hill stated that for clarification, is the Board asking for a public hearing, or just to table this discussion for now until more research is done.

Mr. Hipple stated that he would like to see more public involvement in this issue.

## **H. PUBLIC HEARING(S)**

### **1. SUP-0013-2014, Grove Barbershop**

A motion to Defer was made by Mary Jones and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, Hipple, Kennedy, McGlennon, Onizuk.

Mr. Scott Whyte, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet. He stated that the applicant has requested another deferral of the application to allow more time to work out a shared parking agreement.

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

1. Mr. Randy O'Neil, 109 Sheffield Road, addressed the Board in support of the case.

2. Ms. Petra Nadal, 106 Indian Circle, addressed the Board in support of the case.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the case.

As no one else wished to speak, Mr. Hipple indicated that the Public Hearing would be left open until the June 9, 2015 meeting.

Ms. Jones made a motion to support the applicant's request for a deferral until the June 9, 2015 meeting. She also requested that staff work with the applicant regarding the parking situation and see what can be worked out.

## **I. BOARD CONSIDERATION(S)**

## **J. BOARD REQUESTS AND DIRECTIVES**

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. McGlennon made note of the loss of several citizens this week and expressed his condolences to the families.



Ms. Jones stated that on Friday, March 19, Williamsburg Area Transit Authority will be holding a public meeting at Jamestown Settlement.

Mr. Onizuk stated he attended a ribbon cutting for CrossFit at the Williamsburg Indoor Sports Complex. He addressed the citizen concerns regarding strategic planning, and he informed the citizens that the Board is working with Mr. Hill to develop a strategic plan.

Mr. Kennedy stated that potholes are popping up around the County due to the winter weather. He thanked Mr. Carroll for his cooperation and work on the roads around the County.

Mr. Hipple stated that he would like to see more citizens become engaged and come out to the Board meetings.

Mr. McGlennon stated that he would like to make a motion to reappoint Mr. John Hughes to a five-year term on the Chesapeake Bay/Wetlands Board expiring on March 31, 2020; to reappoint Ms. Elizabeth Peterson to the Clean County Commission for a term expiring on April 24, 2018; to reappoint Mr. Robert Marin to the Clean County Commission for a term expiring on March 11, 2018; and to appoint Mr. Ted Juraschek to fill the balance of a vacated term on the Peninsula Agency on Aging, Inc. which expires on September 30, 2015.

1. Reappointment - Chesapeake Bay Board/Wetlands Board
2. Reappointment - Clean County Commissioners
3. Appointment - Peninsula Agency on Aging, Inc.

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

##### **1. County Administrator's Report**

Mr. Hill stated that there will be a Neighborhood Leaders Forum tomorrow night at 6:30 p.m. at the Recreation Center. He stated that the main topic of discussion will be the proposed budget. He requested that all citizens participate in the 34th Annual Spring Clean Up. He stated that this meeting will be adjourned until the Joint Meeting between the City of Williamsburg, the Williamsburg-James City County School Board, and the Board of Supervisors at Legacy Hall at 1 p.m.

#### **L. PUBLIC COMMENT**

1. Ms. Betty Walker, 101 Locust Place, addressed the Board reading a statement for Ms. Marjorie Ponziani regarding the proposed County budget.

2. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to indexing the personal property tax rate.

3. Mr. Robert Cetola, 120 Rothinghams Way, addressed the Board in regard to quality of life verses legislative rezoning.



4. Mr. Sasha Diggs, 3612 Ironbound Road, addressed the Board in regard to rezoning the BASF property to build a resort and timeshares.

5. Ms. Petra Nadal, 106 Indian Circle, addressed the Board in regard to the Grove area and its revitalization.

6. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board in regard to the most recent Purchase of Development Rights (PDR)/Greenspace grant.

7. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board in regard to the proposed County budget and the PDR program.

8. Mr. Jay Everson, 103 Branscombe Boulevard, addressed the Board in regard to the proposed County budget.

9. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to community and children's health and education.

10. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to accountability on how the taxpayers' dollars are spent.

11. Ms. Linda Forrest, 6 Tim's Lane, addressed the Board in regard to Greensprings Mobile Home Park.

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until Joint Meeting on March 11, 2015 at 1 p.m.

A motion to Adjourn was made by Mary Jones and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 8:50 p.m., Mr. Hipple adjourned the Board.

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Bryan J. Hill  
County Administrator



**ITEM SUMMARY**

DATE: 6/9/2015


TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Minutes Adoption

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**ATTACHMENTS:**

	Description	Type
	032415boswork-mins	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2015 - 4:22 PM



**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORKSESSION MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**March 24, 2015**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. BOARD DISCUSSIONS**

**D. CLOSED SESSION**

1. Consideration of acquisition/disposition of a parcel/parcels of property for public use pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

A motion to Enter a Close Session was made by John McGlennon and the motion result was Passed.

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

At 4:01 p.m., the Board entered Closed Session.

At 5:55 p.m., the Board reentered Open Session.

2. Certification of Closed Session

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.

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

**E. ADJOURNMENT**

1. Adjourn until Regular Meeting at 6:30 p.m.



A motion to Adjourn was made by Mary Jones and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, Hipple, Kennedy, McGlennon, Onizuk.

At 5:58 p.m., Mr. Hipple adjourned the Board.

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Bryan J. Hill  
County Administrator

032415bosws-min



**ITEM SUMMARY**

DATE: 5/18/2015

TO: The Board of Supervisors

FROM: Angela Gilliam, Human Resource Director

SUBJECT: Changes to Chapter 5 of Personnel Policies and Procedures Manual

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Due to the Patient Protection and Affordable Care Act Chapter 5 of the County Personnel Policies and Procedures Manual must be updated

**ATTACHMENTS:**

	Description	Type
▣	Cover Memo Regarding Amendments to Chapter 5 of Policy Manual	Cover Memo
▣	Resolution to Amend Chapter 5 of Policy Manual	Resolution
▣	Proposed Changes to Chapter 5	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Human Resources	Gilliam, Angela	Approved	5/19/2015 - 8:36 AM
Publication Management	Burcham, Nan	Approved	5/19/2015 - 8:40 AM
Board Secretary	Fellows, Teresa	Approved	5/21/2015 - 2:34 PM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 1:51 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 1:52 PM



## MEMORANDUM

DATE: May 26, 2015

TO: The Board of Supervisors

FROM: Angela L. Gilliam, Director of Human Resources

SUBJECT: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

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Effective July 1, 2015, the County will be required to offer group health insurance coverage to eligible employees in compliance with the shared responsibility provision of Section 4980H of the Internal Revenue Code, enacted by the Patient Protection and Affordable Care Act.

Staff proposes revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual to reflect this mandated change. Revisions include updates to Section 5.2 Eligibility General and to Section 5.6.B.2 Eligibility and Cost.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.

ALG/nb  
Ch5PPPrevisions-mem

Attachments



**RESOLUTION**

**REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY PERSONNEL POLICIES**

**AND PROCEDURES MANUAL**

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, recommended revisions to Chapters 5.2 and 5.6 of the Personnel Policies and Procedures Manual bring the County into compliance with the shared responsibility provision of Section 4980H of the Internal Revenue Code, enacted by the Patient Protection and Affordable Care Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above and set forth in the staff memorandum are adopted effective July 1, 2015.

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

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of May, 2015.

Ch5PPPREvisions-res



## CHAPTER 5

### EMPLOYEE BENEFITS

Changes to Section 5.2, Eligibility – General

Changes to Section 5.6, Health Related Benefits



## Chapter 5 Employee Benefits

### Section 5.1    Policy - General

It is the policy of James City County to provide employee benefits that complement the County's values and strategic direction, that help meet certain needs of County employees and their families, and that help the County to attract and retain quality employees. The County strives to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees.

Given the range of benefits and eligibility requirements, the County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.

### Section 5.2    Eligibility – General

<b>Position Type</b>	<b>Benefit Eligibility</b>
Full-time regular and limited-term positions	All benefits available; VRS Plan 1, 2, or Hybrid eligibility depending on VRS service criteria; leave plan eligibility depending on VRS Plan 1, 2 or Hybrid;
Part-time regular and limited-term positions	Benefits available where specifically indicated in the policy; eligibility is dependent on date of hire into the part-time position and authorized annual hours
Temporary positions, on call positions, former employees, and retirees	Benefits available where specifically indicated in the policy
Other positions	Benefits eligibility varies by organization; contact the Human Resource Department.
Affordable Care Act Benefits Eligible	Eligible for group health insurance coverage in compliance with the shared responsibility provision of section 4980H of the Internal Revenue Code, enacted by the Patient Protection and Affordable Care Act

### Section 5.3    Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11



- J. Additional Information – Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical Leave Act itself and/or the appropriate areas of the Department of Labor web site.

Section 5.6    Health Related Benefits

- A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.
- B. Health Insurance
1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.
  2. Eligibility and Cost
    - a. Employees in full-time regular and limited-term positions and employees identified as eligible under the Affordable Care Act, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.
    - b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a Line of Duty Act injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage; however, the retiree may be eligible for a VRS Retiree Health Insurance Credit. See Sections 5.7.B.2.b and 5.7.C.3.
    - c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: John Carnifax, Director, Parks and Recreation

SUBJECT: FY 16 Budget Appropriations for Operation of the James City County Marina

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 12:21 PM
Board Secretary	Kinsman, Adam	Approved	6/2/2015 - 3:26 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 3:28 PM
Publication Management	Burcham, Nan	Approved	6/2/2015 - 4:11 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 4:15 PM
Board Secretary	Kinsman, Adam	Approved	6/2/2015 - 4:26 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 4:26 PM



## MEMORANDUM

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: John H. Carnifax, Jr., Director of Parks and Recreation

SUBJECT: FY 16 Budget Appropriations for Operation of the James City County Marina

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On June 1, the Department of Parks and Recreation assumed operations of the James City County Marina. In order for the Department to continue operations beyond July 1, additional revenue and expenses need to be appropriated to the FY 16 James City County budget that was adopted in April. Based on the historical data, staff anticipates that the revenue from boat slip rentals, ramp fees, gasoline sales, bike, and kayak rentals will cover all operation expenses, including staffing and general maintenance.

The proposed budget predicts \$270,000 in revenue and \$240,000 in expenses to continue providing the existing services to the customers of the marina. This budget can be amended at a future time should a decision be made on future operation or sale of the property.

Attached is a resolution authorizing an additional appropriation to the Department of Parks and Recreation's FY 16 budget for the revenue and expenses to operate the James City County Marina. Staff recommends approval of the attached resolution.

JHC/nb  
MarinaApprop-mem

Attachment



## RESOLUTION

### FY 16 BUDGET APPROPRIATIONS FOR OPERATION OF THE

#### JAMES CITY COUNTY MARINA

WHEREAS, James City County began operating the James City County Marina on June 1, 2015; and

WHEREAS, for operations to continue it is necessary to adjust the revenues and expenses in the approved FY 16 budget; and

WHEREAS, it is anticipated that there will be sufficient revenue from user fees associated with the existing services to cover all operating and routine general maintenance expenses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation of \$270,000 in revenue and \$240,000 in expenses to the FY 16 Parks and Recreation budget for the operation of the marina.

Revenue

Parks & Recreation	<u>\$270,000</u>
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Expenditures

Parks & Recreation	\$240,000
Contingency	<u>30,000</u>
	<u>\$270,000</u>

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

MarinaApprop-res



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: John Carnifax, Director, Parks and Recreation

SUBJECT: Establishment of a Petty Cash Fund

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**ATTACHMENTS:**

	Description	Type
📎	Memorandum	Cover Memo
📎	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 1:54 PM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 2:57 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 3:15 PM
Publication Management	Brockmann, Grace	Approved	6/1/2015 - 3:30 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 4:56 PM
Board Secretary	Kinsman, Adam	Approved	6/2/2015 - 3:25 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 3:27 PM



## MEMORANDUM

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: John H. Carnifax, Jr., Director of Parks and Recreation

SUBJECT: Establishment of a Petty Cash Fund

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In order to stay consistent with existing cash management procedures and policies, it is necessary for the Department of Parks and Recreation to establish a \$500 petty cash fund to be used at James City County Marina. This fund will improve customer service by providing staff with the necessary resources to handle all fee collection practices in an efficient and effective manner.

Attached is a resolution authorizing the establishment of a \$500 petty cash fund to be used by staff when collecting fees at James City County Marina. Staff recommends approval of the attached resolution.

JHC/nb  
JCCMarina-PettyCash-mem

Attachment



## RESOLUTION

### ESTABLISHMENT OF A PETTY CASH FUND

WHEREAS, the Department of Parks and Recreation continues to explore all opportunities to generate revenue through users fees; and

WHEREAS, it is necessary to accept cash and provide change to the users at James City County Marina that require an admission, sale of merchandise, or parking fee; and

WHEREAS, this collection of fees and cash management process must be consistent with James City County adopted policies and procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Treasurer to establish a \$500 petty cash fund to be used by County staff at James City County Marina sponsored by the Parks and Recreation Department.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

JCCMarina-PettyCash-res



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: John Carnifax, Director, Parks and Recreation

SUBJECT: FY 16 Budget Appropriations for Operation of the Little Creek Reservoir Park

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 12:21 PM
Board Secretary	Kinsman, Adam	Approved	6/2/2015 - 4:27 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 4:27 PM
Publication Management	Burcham, Nan	Approved	6/2/2015 - 4:31 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 4:31 PM
Board Secretary	Kinsman, Adam	Approved	6/2/2015 - 4:32 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2015 - 4:32 PM



## MEMORANDUM

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: John H. Carnifax, Jr., Director of Parks and Recreation

SUBJECT: FY 16 Budget Appropriations for Operation of the Little Creek Reservoir Park

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Head Hunters Incorporated, who had been operating Little Creek Reservoir Park since 2010, confirmed with staff on May 29 that he was not submitting a proposal to continue operating the park in July after his exiting lease expires. He also informed staff that his existing insurance was expiring on May 31, 2015 and in order for him to continue he would need to purchase additional insurance and he was not able to do so.

Parks and Recreation staff assumed operation of the park on June 1 and will continue to operate it through June in a limited capacity using existing budgeted funds. In order to continue County operation of the park, after July 1, the FY 16 Parks and Recreation budget will need to be amended to include an additional \$25,000 in revenue and \$55,000 in expenses to operate the park.

Attached is a resolution authorizing an additional appropriation to the Department of Parks and Recreation's FY 16 budget for the revenue and expenses to operate the Little Creek Reservoir Park. Staff recommends approval of the attached resolution.

JHC/nb  
LittleCreekApprop-mem

Attachment



## RESOLUTION

### FY 16 BUDGET APPROPRIATIONS FOR OPERATION OF THE

#### LITTLE CREEK RESERVOIR PARK

WHEREAS, James City County began operating the park on June 1, 2015; and

WHEREAS, it is necessary to adjust the FY 16 budget to include the expenses and revenue to operate the park; and

WHEREAS, it is anticipated that there will be sufficient revenue from user fees associated with the existing services to cover approximately 45 percent of the operating costs including personnel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation of \$25,000 in revenue and \$55,000 in expenses to the FY 16 Parks and Recreation budget for the operation of the Little Creek Reservoir Park.

<u>Revenue</u>	<u>\$25,000</u>
<u>Expenditures</u>	
Parks & Recreation	\$55,000
Contingency	<u>(30,000)</u>
	<u>\$25,000</u>

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

LittleCreekApprop-res



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: John Carnifax, Director, Parks and Recreation

SUBJECT: Authorization to Hire Additional Personnel in FY 16

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/9/2015 - 3:00 PM



## MEMORANDUM

DATE: June 9, 2015  
TO: The Board of Supervisors  
FROM: John H Carnifax, Jr., Director of Parks and Recreation  
SUBJECT: Authorization to Hire Additional Personnel in FY 16

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Due to recent changes in the operation of Little Creek Reservoir Park and the James City County Marina, it is necessary for the Department of Parks and Recreation to begin staffing and operating those two facilities.

Based on historical revenue data and barring no significant changes or weather related events, it is anticipated that the total revenue from both facilities will cover all operating expenses including the additional personnel.

I recommend adoption of the attached resolution to create one full-time position and appropriate an additional 7,246 hours in temporary hours to operate both facilities in FY 16.

JHC/gb  
AuthToHire-FY16-mem

Attachment



## RESOLUTION

### AUTHORIZATION TO HIRE ADDITIONAL PERSONNEL IN FY 16

WHEREAS, the Parks and Recreation Department will be operating the James City County Marina and Little Creek Reservoir Park in FY 16; and

WHEREAS, the staffing needs were not previously planned in the approved budget; and

WHEREAS, the revenue from both facilities should be sufficient to cover all operational expenses including the additional staffing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds one full-time position and an additional 7,246 temporary hours to the FY 16 Parks and Recreation Budget.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

AuthToHire-FY16-res



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Case No. SUP-0013-2014, 104 Howard Drive. Grove Barber Shop

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Exhibit
▣	Minutes for November 5, 2014 PC Meeting	Minutes
▣	Minutes for December 9, 2014 BOS Meeting	Minutes
▣	Un-approved Minutes for March 10, 2015 BOS Meeting	Minutes
▣	Master Plan entitled, "Conceptual Plan for Property in the name of G-Square, Inc."	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/22/2015 - 1:13 PM
Development Management	Murphy, Allen	Approved	5/22/2015 - 1:27 PM
Publication Management	Burcham, Nan	Approved	5/22/2015 - 4:24 PM
Board Secretary	Fellows, Teresa	Approved	5/26/2015 - 5:38 PM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 11:17 AM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 12:48 PM



**Special Use Permit-0013-2014. 104 Howard Drive, Grove Barber Shop  
Staff Report for the June 9, 2015. Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

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

November 5, 2014, 7:00 p.m.

December 9, 2014, 7:00 p.m. (Deferred)

March 10, 2015, 6:30 p.m. (Deferred)

June 9, 2015, 6:30 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Greg Granger

Land Owner:

G-Square Inc.

Proposal:

To restore and renovate the Grove Community Barber Shop

Location:

104 Howard Drive

Tax Map/Parcel No.:

5230100022

Parcel Size:

±0.10 acres

Existing Zoning:

R-2, General Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

With the proposed conditions, staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the proposed conditions.

Staff Contact:

W. Scott Whyte, Senior Landscape Planner II

Phone: 253-6867

**PLANNING COMMISSION RECOMMENDATION**

On November 5, 2014, the Planning Commission recommended approval of this application by a vote of 7-0.

**Proposed Changes Made Since the December 9, 2014 Board of Supervisors Meeting**

At the November 5, 2014 meeting, the Planning Commission emphasized proposed Special Use Permit (SUP) Condition No. 4, which requires the applicant to obtain a shared parking agreement prior to issuance of a Certificate of Occupancy. A shared parking agreement is necessary since the subject parcel is too small to accommodate required parking for the proposed use. At this time a shared parking agreement with the Old Capital Lodge has not been reached. The applicant is aware that implementation of the proposal is contingent upon this condition and has actively worked with the Lodge toward reaching an agreement. The Board approved the request for three month deferrals at the December 9, 2014 and March 10, 2015 meetings. Due to



difficulty in obtaining an agreement from 105 Howard Drive the applicant has decided to pursue a shared parking agreement with the owner of 115 Howard Drive. This parcel is located two lots to the east of 105 Howard Drive and would require the applicant to install a handicap parking space on-site at the barber shop. At this time an agreement has not been finalized.

### **PROJECT DESCRIPTION**

Mr. Greg Granger of Great Knights Inc. has proposed to renovate and restore the existing Grove Community Barber Shop building located at 104 Howard Drive. Barber shops and beauty parlors are a specially permitted use in the R-2, General Residential, zoning district. The applicant requested a review by the Development Review Committee (DRC) to gain a better understanding of any issues that needed to be addressed prior to submitting the SUP application. The DRC reviewed the application on September 24, 2014, and discussed with the applicant how they were planning to address parking, stormwater, and renovation of the existing building. The applicant has not been successful in obtaining a shared parking agreement with the Old Capital Lodge located at 105 Howard Drive; however, another alternative has emerged with the owner of the property located at 115 Howard Drive. This parcel is not directly across the street as is the Lodge, but located two lots to the east. Utilizing this location will require the applicant to install one handicap parking space on the barber shop parcel and construct six additional spaces on the proposed shared parking parcel. Once finalized, the agreement will allow the barber shop to utilize the newly constructed parking spaces as needed. The applicant plans to have up to two chairs with two employees. The parking requirement for a two chair barber shop is seven spaces. The applicant is proposing one gravel handicap space on-site and the applicant hopes to gain six additional spaces with the parking agreement. An existing billboard on-site is proposed to remain.

Staff recommends an SUP condition that a landscape plan is required for this project for landscaping of the new parking lot if constructed and to comply with all James City County landscape ordinance requirements for the building foundation. The applicant intends to use the existing foundation and walls of the building and renovate the roof and interior of the building. Due to the small size of this parcel, any redevelopment of the property that does not reuse the existing building and footprint would not be possible due to current ordinance setback and buffer requirements. Staff considers this project to be an adaptive redevelopment of an existing dilapidated and nonconforming building. According to the applicant, the community barber shop would primarily serve the surrounding neighborhood and the Grove area.

### **PUBLIC IMPACTS**

#### **Engineering and Resource Protection (ERP):**

**Staff Comments:** Staff has reviewed this application and has offered comments. ERP has asked for more information about the area of disturbance, drainage, and culvert sizing. Limiting the amount of impervious cover to less than 2,500 square feet would minimize costs otherwise associated with obtaining a land disturbing permit and providing stormwater, erosion and sediment control, and pollution prevention plans. If more than 2,500 square feet of disturbance is proposed, a land disturbing permit, erosion and sediment control, and pollution prevention plans will be required. The applicant is considering moving one or both parking spaces off-site to remain under the 2,500-square-foot threshold.

**James City Service Authority (JCSA) Staff Comments:** The site is located within the Primary Service Area (PSA) and it is served by public water and sewer. Staff has reviewed this application and has recommended preliminary approval of the plan and it was noted that the site is served by JCSA sewer and Newport News Waterworks water.

**Virginia Department of Transportation (VDOT) Comments:** Preliminary discussions with VDOT revealed that on-street parking spaces along Howard Drive would require substantial road improvements and would not be economically feasible. VDOT comments include entrance design, culvert sizing, and sight distance triangles at intersections. VDOT allows land uses which generate less than 50 vehicle trips a day, to apply for a Land Use Permit for private entrances rather than a need to construct a full-sized commercial entrance. Staff has determined that a barber shop would generate less than 50 vehicle trips a day.



**Building Safety and Permits (BSP) Staff Comments:** Staff has reviewed this application and has recommended approval of the plan.

### **COMPREHENSIVE PLAN**

The 2009 Comprehensive Plan Land Use Map designates this parcel as Low Density Residential. Recommended uses are single-family homes, duplexes, accessory units, cluster housing, and recreational areas, but schools, churches, and very limited commercial and community oriented facilities are also recommended upon meeting the Residential Development Standards listed below with staff analysis in *italics*:

- a. Complements the residential character of the area;  
*Staff finds that a community barber shop with only two chairs would complement the residential character of the Grove area. Staff finds the use would be compatible with the nearby residences and the lodge across the street.*
- b. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;  
*Staff finds that a barber shop with two chairs has the potential to create minimal additional vehicular traffic and noise in the neighborhood. Staff is concerned that impacts may occur during evening hours. However, with a limit of two chairs and operating hours that limit any impacts to traditional daytime business hours, staff feels these impacts will be mitigated with the proposed conditions.*
- c. Generally be located on collector or arterial roads at intersections;  
*The property is located at the intersection of Howard Drive and Pocahontas Trail and the access to the property is off Howard Drive. No vehicle access to Pocahontas Trail is proposed.*
- d. Provide adequate screening and buffering to protect the character of nearby residential areas; and  
*A landscape plan shall be required at the site plan stage of this project. The plan shall address impacts to adjacent neighbors with buffering and or screening of the building and land use from adjacent properties.*
- e. Generally intended to support the residential community in which they are located.  
*According to the applicant, a barber shop supports the needs of the community by providing a community barber shop that is within walking distance from many of its intended customers and will revitalize a community meeting spot.*

### **RECOMMENDATION**

With the proposed conditions, staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the proposed conditions.

On November 5, 2014, the Planning Commission recommended approval of this application by a vote of 7-0.

WSW/nb  
SUP0013-14GBarberShop

### **Attachments:**

1. Resolution
2. Location Map
3. Adopted minutes of the November 5, 2014, Planning Commission Meeting
4. Adopted minutes of the December 9, 2014, Board of Supervisors Meeting
5. Un-approved minutes of the March 10, 2015, Board of Supervisors Meeting
6. Master Plan entitled "Conceptual Plan for Property in the Name of G-Square, Inc."



## **RESOLUTION**

### **CASE NO. SUP-0013-2014. 104 HOWARD DRIVE, GROVE BARBER SHOP**

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Greg Granger has applied for an SUP to allow the renovation and restoration of the Grove Community Barber Shop (the "Development") located at 104 Howard Drive (the "Property"); and
- WHEREAS, the proposed Development is depicted on the plan prepared by LandTech Resources, dated October 3, 2014, and entitled "Conceptual Plan for Property in the name of G-Square, Inc." (the "Master Plan"); and
- WHEREAS, the proposed Development is located in its entirety on property zoned R-2, General Residential, further identified as James City County Real Estate Tax Map Parcel No. 5230100022; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0013-2014; and
- WHEREAS, the Planning Commission, following its public hearing on November 5, 2014, voted 7-0 to recommend approval of Case No. SUP-0013-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-0013-2014, as described herein, pursuant to the following conditions:

1. Master Plan. This SUP shall be valid for a barber shop and beauty parlor ("the Proposal") with up to two chairs in the existing structure on property located at 104 Howard Drive. No vehicular access to Pocahontas Trail shall be permitted.
2. Hours of Operation. Operating hours shall be limited to 7 a.m. to 7 p.m., seven days a week.
3. Lighting. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 16 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
4. Shared Parking Agreement. The owner shall provide offsite parking needed to satisfy off street parking requirements prior to the issuance of a Certificate of Occupancy. A shared parking agreement shall be submitted for the review and approval by the



Director of Planning or his designee in accordance with Section 25-55(b) of the Zoning Ordinance.

5. Signs. In addition to building face signage as permitted by the James City County Zoning Ordinance (the "Ordinance"), the Proposal shall be limited to one externally illuminated freestanding monument-style sign on the Property not to exceed six feet in height. All signage, content, and materials shall be in accordance with the Ordinance and shall be approved by the Director of Planning for consistency with this condition prior to the issuance of an approved sign permit.
6. Landscape Plan. A landscape plan shall be required that addresses all landscape ordinance requirements for landscape areas adjacent to buildings and screening and/or buffering any proposed parking spaces from adjacent properties. The landscape plan shall be submitted to the Director of Planning, or his designee, for review and approval and with such approved landscaping installed or guaranteed with a surety to the County prior to the issuance of a Certificate of Occupancy.
7. Commencement of Construction. Construction on this project shall commence within 36 months from the date of approval of the SUP or the SUP shall be void. Construction shall be defined as obtaining building permits, if applicable, and an approved Certificate of Occupancy.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

SUP0013-14GBarberShop-res



SUP-0013-2015

104 Howard Drive Grove Barber Shop





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

1. **ROLL CALL**

**Planning Commissioners**

**Present:**

Rich Krapf  
Tim O'Connor  
Chris Basic  
Robin Bledsoe  
George Drummond  
John Wright, III  
Heath Richardson

**Staff Present:**

Paul Holt, Planning Director  
Christopher Johnson, Principal Planner  
José Ribeiro, Senior Planner II  
Scott Whyte, Senior Landscape Planner II  
Leanne Pollock, Senior Planner II  
Maxwell Hlavin, Assistant County Attorney  
Allie Kotula, Assistant County Attorney

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. **PUBLIC COMMENT**

Mr. Krapf opened the public comment.

As no one wished to speak, Mr. Krapf closed the public comment.

3. **CONSENT AGENDA**

**A. Minutes from the September 3, 2014, Planning Commission meeting**

**B. Development Review Committee**

- i. C-0062-2014, Overhead Utility Waiver – 2307 Bush Neck Rd., Ryepatch Farm
- ii. C-0063-2014, The Settlement at Powhatan Creek Ph. 3 Utility Crossing
- iii. C-0073-2014, Five Forks Water Treatment LP4/LP5 Well Facility
- iv. SP-0082-2014, White Hall Sec. 1 Trail SP Amend
- v. C-0064-2014, New Town Shared Parking
- vi. SP-0083-2014, New Town Sec. 3&6 Block 21 Assisted Living Facility

Mr. George Drummond moved to approve the Consent Agenda.

In a unanimous vote, the Commission approved the Consent Agenda 7-0.



#### **4. REPORTS TO THE COMMISSION**

##### **A. Policy Committee**

Mr. O'Connor stated that the Policy Committee did not meet in October and therefore, there is no report. Mr. O'Connor stated that the next Policy Committee meeting would be held on November 13, 2014.

##### **C. Regional Issues Committee**

Ms. Robin Bledsoe stated that the Regional Issues Committee met on October 28, 2014. She reported that the main topic of discussion was the widening of Interstate 64. She reported that Mr. Sandy Wanner of Historic Triangle Collaborative provided an update on the activity regarding the main entrances to the corridors and that an international cycling event was scheduled for 2015. She further reported that the Chamber of Tourism Alliance was actively working on Christmas in Williamsburg 2014, that Dr. Patrick Risch of Sports Impact would provide an impact analysis on sporting events hosted in Greater Williamsburg, hired a communications and social media specialist and would hold a Virginia Hospitality and Travel Association Regional Tourism summit on November 6, 2014.

#### **5. PUBLIC HEARING CASES**

##### **A. Case No. SUP-0008-2014, Gilley Enterprises Equipment Storage**

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed equipment storage on a parcel of property located at 320 Neck-O-Land Road.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Being none, Mr. Krapf opened the public hearing.

Mr. Will Holt of the James City County Law Office of Kaufman and Canoles, 4801 Courthouse Street, stated that Edwin Gilley was also present and that he would be happy to answer any questions.

Mr. Krapf opened the floor to questions from the Commissioners.

Mr. Heath Richardson stated that the case was non-controversial and recommended forwarding to the Board of Supervisors for approval.

On a roll call vote, the Planning Commission voted to forward SUP-0008-2014, to the Board of Supervisors for approval by a vote of 7-0.

##### **B. Case No. SUP-0013-2014, 104 Howard Drive, Grove Barber Shop**

Mr. Scott Whyte, Senior Landscape Planner II, provided the Commission with a report on the proposed Grove Barber Shop on a parcel of property located at 104 Howard Drive.



Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

As there being none, Mr. Krapf opened the public hearing.

Mr. Charles Willis, 3 Croaker Circle, representing Elks Lodge, stated that they are opposed to the project due to parking issues.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf inquired if there were any additional parking agreements for the Grove Barber Shop.

Mr. Whyte stated that the applicant would have to provide that information for the original agreement was between applicant and the Old Capital Lodge. He further stated that he was not aware of any additional agreements.

Ms. Bledsoe inquired if there were any parking available in the proximity of the Grove Barber Shop.

Mr. Whyte stated that he was not aware of any additional parking and perhaps Mr. Granger could provide additional information regarding the parking issues.

Mr. Greg Granger stated that they were willing to meet with the Elk Lodge members to discuss the parking arrangements. He stated that should the members of the Elk Lodge deny them parking then they would have to withdraw the Special Use Permit for that would not allow them to move forward.

Mr. Tim O'Connor inquired of the number of parking spaces required for a one chair barber shop.

Mr. Whyte replied five parking spaces.

Mr. Chris Basic inquired if there were any additional exceptions or waivers within the ordinance that would accommodate for parking although the case was not at site plan level.

Mr. Paul Holt responded that two parking spaces would be a challenge even at the site plan level due to the amount of acreage on the parcel. He stated that there were other options that could be discussed with the applicant to try and make the barber shop successful.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. John Wright stated that the surrounding areas appear to have enough open spaces to accommodate for the required parking spaces.

Ms. Bledsoe moved to recommend approval of SUP-0013-2014, 104 Howard Drive, Grove Barber Shop.



On a roll call vote, the Planning Commission voted to recommend approval of SUP-0013-2014 with the conditions in the staff report by a vote of 7-0.

**C. Case No. Z-0006-2014/SUP-0015-2014, 3116 Ironbound Road, Branscome Building**

Mr. Ribeiro, Senior Planner II, stated that the case has been deferred to the December 3, 2014, Planning Commission meeting.

Mr. Krapf opened the public hearing.

Ms. Lisa Bates, 4509 Misty Court, representing Village Square Home Owner's Association (HOA), stated that the HOA has concerns regarding their BMP. She stated that the HOA was interested in what impacts the proposed project would have on their BMP.

Mr. Krapf stated that the case has been deferred to the December 3, 2014, Planning Commission meeting and the HOA had a month to review the case.

Mr. Krapf stated that the public hearing would remain open until the December 3, 2014, Planning Commission meeting.

**D. Case No. Z-0003-2014/MP-0003-2014, The Promenade at John Tyler Rezoning and Master Plan Amendment**

Mr. Chris Johnson, Principal Planner, presented the staff report on the proposed Promenade at John Tyler located on parcels of property located at 5294, 5299, 5303, 5304, 5307 and 5311 John Tyler Highway.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. Basic stated that he had a conversation with Mr. Geddy earlier in the day regarding Route 199 and Kings Way and during the community meeting that was scheduled on Monday, November 3, 2014.

Ms. Bledsoe stated that she had spoken with Mr. Geddy during the community meeting that was scheduled on Monday, November 3, 2014.

Mr. Wright stated that he had received a phone call from Mr. Geddy during the time he was out of town and was unable to make contact.

Mr. Heath Richardson stated that the La Fontaine HOA Board members contacted him and left a voicemail message. He stated that he returned their call and left a voicemail message but they never connected.

Mr. Tim O'Connor stated that he spoke with Mr. Geddy on Monday, November 3, 2014.



Mr. George Drummond stated that he received a phone call, but never had the opportunity to respond.

Mr. Krapf opened the public hearing.

Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman, 1177 Jamestown Road, representing the applicant Franciscus Homes, stated that Mr. Werner of Franciscus Homes and John Hopke of Hopke and Associates were present and would be happy to answer any questions.

Mr. Geddy presented a presentation regarding The Promenade at John Tyler Rezoning and Master Plan Amendment project.

Mr. Wright inquired as to when control of the property would be turned over to the homeowners.

Mr. Geddy replied that transfer would occur under the Condominium Act when 75 percent of the units were sold and/or time limits.

Mr. O'Connor inquired as to the ownership of Kings Way.

Mr. Geddy responded that James City County was the owner of Kings Way; it was dedicated on a subdivision plat many years ago as a public right-of-way. He stated that the County was not in the road business nor do they maintain roads, therefore, step two was never taken to address outstanding deficiencies and attempt to get VDOT to accept the road into the Commonwealth Secondary Road System.

Mr. O'Connor inquired if the playground that was discussed during the Development Review Committee meeting discussion would be part of the proposed project as it was not shown on the current master plan.

Mr. Geddy responded that would be an item for the community to decide. He stated that they created a number of parks where a playground could be constructed; however, there would be a clubhouse and pool.

Mr. O'Connor inquired if that was part of the current proposal.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the commercial component that was mentioned during the community meeting would be added to the property.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the commercial component would require clear cutting or would the trees remain.



Mr. Geddy responded that the existing vegetation of the commercial outparcels would not be touched until the land is developed.

Ms. Bledsoe stated that the applicant had taken on the responsibility of the VDOT punch-list and inquired if other persons or agencies were required to participate in the punch-list.

Mr. Geddy replied no.

Mr. Geddy stated that there were not any persons or agencies required to participate. He stated that they may call on other agencies for assistance.

Ms. Bledsoe inquired if there were any parties that could delay the punch-list.

Mr. Geddy replied no.

Mr. Wright inquired if the maintenance of the BMP would be shared between the applicant and The Riverside Medical Center.

Mr. Geddy confirmed.

Mr. Wright inquired if there would be an agreement for the shared maintenance of the BMP.

Mr. Geddy confirmed.

Mr. Richardson inquired as to why the project was not being phased.

Mr. Geddy replied that there were two reasons. First, the project was not a new mixed use development and second, that they were not able to commit to a time of development for the commercial component due to the project being market driven. He stated that Franciscus would be purchasing the site for The Promenade and that the existing outparcels owners would maintain ownership of the smaller portion closest to the street.

Mr. Geddy further stated that it was uncertain as to when the commercial portion would be developed.

Mr. Krapf inquired if the VDOT punch-list would be completed prior to the issuance of any Certificates of Occupancy for residential dwellings.

Mr. Geddy responded that the project would be bonded. He stated that the roads would not be brought into pristine condition only to be damaged by heavy equipment during construction, therefore, bonding the project to ensure the completion of the VDOT punch-list.

Mr. Krapf inquired as to why the public square which is part of the commercial outparcel development was not proffered.



Mr. Geddy responded that proffering of the public square could be tied in with the commercial development.

Mr. Wright inquired if the existing buffer between the development and Winston Terrace would remain in its natural state or have additional plantings.

Mr. Geddy responded that there may be a combination of both.

Mr. Wright inquired if that would be 50 feet.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the residents within that area would have access to the Williamsburg Crossing Trail.

Mr. Geddy replied that the applicant would be willing to provide connection to sidewalks within The Promenade on the condition that a proposed connection point was provided within Winston Terrace.

Mr. Basic stated that the shopping center was in decline and inquired if there were any vacancies and at what rate. He inquired if there were any vacancies which have occurred recently.

Mr. Geddy replied no.

Ms. Bledsoe stated that there were eighteen store front vacancies.

Mr. O'Connor requested that Mr. Geddy provide a summary of the Monday, November 3, 2014, Community meeting. He stated that it would be appreciated for those who were not able to attend.

Mr. Geddy responded that 20 to 30 people attended and they had a great exchange of information. He stated that many had a variety of questions and that they were answered to the best of their ability.

Ms. Joanie Lamberson, 307 Queens Crescent, representing the La Fontaine Home Owner's Association (HOA), stated that they were concerned that the development would not provide enough open space area within The Promenade.

Ms. Lamberson requested that the Planning Commission take into consideration the trash and recycling removal program while the project was in the planning stages. She stated that La Fontaine, Braemar Creek and Bristol Commons had very little space for trash compactors and recycling containers.

Ms. Lamberson expressed concerns regarding the narrowness of Kings Way. She stated that there were not any sidewalks for the elderly to walk on and sidewalks were a necessity especially having a proposed development within their proximity.



Ms. Annie McGrath, 309 Queens Crescent, yielded her time to speak.

Mr. Robert H. Puckett, Jr., 1407 Queens Crossing, representing the Board of Directors, expressed concerns regarding the maintenance of Kings Way. He stated that the stop light treadles were exposed and the drainage system which had not been maintained has contributed to the erosion of the road.

Mr. Puckett further stated that the owner of the shopping center is the responsible party for maintaining Kings Way and they were not interested in spending any money for maintenance.

Mr. Puckett expressed his concerns regarding Kings Way which would service 352 homes, a shopping center, a school, an outpatient surgical center and a medical center. He articulated the importance of maintaining Kings Way due to the increased number of children which would affect traffic.

Ms. Lianne Van de Ven, 104 Winston Drive, expressed concerns regarding the loss of utilizing Williamsburg Crossing Trail. She suggested paving the trail since many people use it to gain access to the shopping center.

Ms. Van de Ven inquired if the County had any methods of preventing the shopping center from declining any further.

Mr. Glen Farnsworth, 133 Winston Drive and co-owner of 131 Winston Drive, stated that the project met the ten percent green space requirement, however, that wasn't much considering the additional area needed for items such as curbside trash cans or community dumpster and recycling containers.

Mr. Farnsworth stated that the applicant had not obtained ownership as of yet and the property would need to be rezoned to accommodate The Promenade. He stated that the traffic located at the intersection of Route 199 and Jamestown Road had become congested and the proposed project would increase those issues.

Mr. Farnsworth further stated that the cost of condominiums would remain the same in 30 years, however, townhomes and single family-dwellings appreciate and this would assist with tax revenue. He stated that townhomes would create more green space which would be a better community than what was being proposed.

Mr. Farnsworth stated that he was opposed to the project.

Ms. Bittina Manzo, 165 Winston Drive, expressed her concerns regarding the increase of traffic along Kings Way, John Tyler and Route 199.

Ms. Linda Cifelli, 134 Winston Drive, expressed her concerns regarding the increase of traffic along Jamestown Road and Route 199. She stated that she was opposed to the project.



Mr. John Waltner, 116 Winston Drive, stated that the building of houses in the area would be a good idea; however, he disagreed with the number of homes being proposed. He stated that he does not agree with the traffic study associated with the project.

Mr. Bill Bauernschmidt, 509 Neck-O-Land Road, representing the Greenwood Christian Academy, expressed his concerns regarding traffic issues related to the proposed project. He suggested having the entrance into Kings Way marked with a left hand turn lane and a right hand turn lane and/or straightaway.

Mr. Bauernschmidt suggested that small pilings be placed to prevent crossing over to the other lane. He further stated that they were interested in the placement of a school zone signs along Kings Way and a crosswalk from La Fontaine to the shopping center.

Mr. Robert Kramer, 109 Katheryn Court, expressed his concerns regarding the entrance into Kings Way. He stated that low density would be better for the community verses high density and he was against the proposed project.

Mr. Joe Parker, 127 Winston Drive, expressed concerns regarding drainage and visibility onto his property from the proposed project and traffic issues pertaining to Kings Way and Winston Terrace.

Ms. Sarah Dickson, 104 Katheryn Court, expressed concerns regarding drainage and traffic issues. She stated that low density would be better for the community verses high density. She suggested a drainage easement be constructed to ensure the well-being of their community.

A citizen from the audience inquired if the petition had been circulated.

Mr. Krapf stated that the Commissioners had received and reviewed the petition.

Ms. Gail Penn, 107 Braddock Road, stated that the aerial photograph in Mr. Geddy's presentation was not up-to-date; in fact, the area southwest of Riverside and La Fontaine had been clear cut to expand Marywood. She suggested preserving the shopping center prior to construction of more houses.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Richardson addressed staff regarding the student ratio estimating process and inquired how staff calculated the number of 35 students.

Mr. Johnson responded that the estimation of students generated by the proposed development was calculated using a worksheet developed by the County's Financial Management Services Department in conjunction with Planning Division. He stated that the calculation of students was generated based on the number and type of housing which was proposed and the number of students was an estimate.



Mr. Richardson inquired if VDOT were to adopt the maintenance of the thoroughfare would that include sidewalks, traffic lights, designated school zones, etc. or would the County have to lobby for those improvements of Kingsway to occur.

Mr. Johnson replied that the applicant had proffered to bring both Kings Way and Road A up to the standard to make them eligible for acceptance into the Secondary Road System. He stated that VDOT would review those roads at the time before they could be accepted into the Secondary Road System.

Mr. Richardson inquired if the Engineering and Resource Protection (E.R.P.) conducted a drainage study regarding the area of Riverside, existing communities and applicant's parcel.

Mr. Johnson stated that E.R.P. reviewed the master plan and community impact statement. He stated that E.R.P. would review the drainage should the project reach site plan status.

Mr. Johnson further stated that the developer would be responsible for engineering a drainage system to direct all runoff to appropriate areas.

Mr. Wright inquired if sidewalks or ditches would be included in the Road A improvements.

Mr. Johnson responded that staff would have to defer to the specific requirements and improvements contained on the VDOT punch-list. He stated that Kings Way does not have the capacity or the width to add a sidewalk.

Ms. Bledsoe stated that she was of the understanding that Kings Way could not be widened.

Mr. Johnson confirmed. He stated that the right-of-way width was limited and could not add additional lanes of traffic.

Mr. Johnson stated that the proffering of upgrades to the two roads, fixing the drainage issues, adding signage and pedestrian markings were all significant improvements over existing conditions.

Ms. Bledsoe agreed. She stated that the residents of La Fontaine were concerned about crossing the street during certain times of the day. She stated that painting a crosswalk would be advantageous to the residents of La Fontaine.

Ms. Bledsoe inquired if Kings Way and Road A would be turned over to VDOT should they be accepted into the Secondary Road System.

Mr. Johnson responded if Kings Way and Road A were brought up to eligibility and accepted by the County prior to being accepted into the Secondary Road System then VDOT would gain responsibility of the improvements and maintenance.

Ms. Bledsoe inquired if that was the goal.



Mr. Johnson responded that acceptance into the Secondary Road System would address a lot of the existing issues and accommodate the additional traffic the proposed development would add to Williamsburg Crossing and the surrounding road network.

Mr. O'Connor inquired if E.R.P. issued a bond amount.

Mr. Johnson replied that the bond amount would be calculated during site plan review following the review of the Erosion and Sediment Control plan.

Ms. Bledsoe inquired if school buses picked up children from La Fontaine Subdivision.

Mr. Johnson responded that the residents of La Fontaine mentioned that there was an existing bus stop at the intersection of Kings Way and Road A.

Ms. Bledsoe inquired if it would be detrimental to the residents should the bus continue further down the road.

Mr. Johnson responded that it would be the responsibility of the school division to determine the need for additional bus stops.

Mr. Krapf inquired of the applicant what roads would be utilized for ingress and egress of construction vehicles during development and vehicle routes that would be taken during phase construction.

Mr. Krapf also inquired if the units were as such for residents to take advantage of the recycling program and trash removal.

Mr. Geddy confirmed second inquiry. He responded that the construction traffic would utilize Kings Way and Road A.

Mr. O'Connor inquired if Mr. Hopke had any discussions with WATA regarding bus service.

Mr. Geddy responded that WATA had not been contacted, but there was an existing bus service into the site.

Mr. O'Connor inquired if Mr. Werner would be willing to install a bus shelter should WATA be willing to loop around from Road A into the shopping center

Mr. O'Connor addressed Mr. Hopke inquiring the height of the ten plexus buildings.

Mr. Hopke replied approximately 35 feet.

Mr. O'Connor inquired if taking into consideration the 50 foot buffer, would the top floor windows or terraces have a direct view into adjacent property owners' back yards.



Mr. Hopke responded that it would not be any different from constructing a two story house. He stated that the land slopes and by working with existing slopes would prevent constructing higher than necessary.

Mr. Basic stated that a request could be made to the Landscape Planner to inspect the existing buffer and add additional plantings in less dense areas of the buffer prior to issuing a Certificate of Occupancy.

Mr. Wright asked if the locations of the trash and recycling containers were planned within this development.

Mr. Werner stated that there would be designated areas within the community for residents to place their trash and recycling containers.

Mr. Wright stated that trash and recycling could occur on the same day.

Mr. Werner responded that communications with trash companies were conducted during the conceptual phase. He stated that the designated areas were drawn on the plan prior to development.

Mr. Richardson articulated his appreciation of the applicant and surrounding residents creating a forum to discuss all the concerns of the proposed project. He stated that the proposed development would invite teachers, police and fire personnel which would be beneficial to the County.

Mr. Richardson pondered the idea of what would occur should the 25 acres be developed in its current zoning, what traffic it would generate and what impact of larger townhomes would have on the inflow and outflow of traffic.

Mr. Wright stated that the County was in need of affordable housing. He inquired if it were possible to add a right turn lane into and out of Kings Way.

Mr. Holt stated that Route 199 had a limited access highway designation from the Virginia Department Transportation (VDOT) and there were existing easements in place which would prevent additional curb cuts.

Mr. Wright asked if contact could be made with VDOT to inquire the possibilities of adding a right turn lane. He stated that adding a right hand turn lane, without a stop sign, onto Route 199 would relieve traffic congestion.

Mr. Holt stated that the original master plan and original vision of the commercial site were designed with those existing entrances to accommodate the build out of the shopping center.

Mr. Krapf inquired if the Marywood expansion was taken into consideration when the traffic impact analysis was performed.



Mr. Holt stated that transportation engineers always include background growth and build-out of nearby residential neighborhoods and developments.

Ms. Bledsoe stated that she understood Mr. Parker's concerns regarding the drainage issues. She stated that she had concerns regarding the traffic dilemma and how the congestion would be addressed.

Ms. Bledsoe further stated that affordable housing was desperately needed within James City County for it had been discussed on numerous occasions.

Mr. Basic articulated his traffic concerns and the downward spiral of the shopping center. He stated that voting the application down creates more problems than solutions.

Mr. O'Connor expressed his gratitude towards Mr. Werner for proposing affordable housing and the residents of La Fontaine for their valuable comments and suggestions. He articulated the benefits of the proposed project.

Mr. Krapf stated that he agreed with the commissioners. He stated that the proposed rezoning would have fewer impacts than what the current zoning would create.

Mr. O'Connor noted that Mr. Werner was willing to provide a connection to the sidewalks within The Promenade into Winston Terrace; however, the trail appears to be lined across private property. He suggested not trespassing onto private property.

Ms. Bledsoe stated that she agreed.

Ms. Bledsoe moved to recommend approval for application Z-0003-2014/MP-0003-2014, The Promenade at John Tyler Rezoning and Master Plan Amendment, with the caveat that Mr. Geddy work with staff to develop a timing mechanism for the Public Square within the commercial outparcels.

Mr. O'Connor requested the installation of a bus shelter be included in the project should WATA approve an additional bus stop.

Mr. Holt stated that this application was not a Special Use Permit staff and the Planning Commissioners were not able to attach conditions. He stated that all of the proffers were offered voluntarily by the owner.

Mr. Werner stated that they were willing to work with staff regarding the timeline of the Public Square commercial outparcels and installation of a bus shelter should it be subject to WATA's approval.

On a roll call vote, the Planning Commission voted to recommend approval of Z-0003-2014/MP-0003-2014, and accept the voluntary proffers by a vote of 7-0.



**6. PLANNING DIRECTOR'S REPORT**

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

**8. COMMISSION DISCUSSION AND REQUESTS**

Mr. Krapf congratulated Mr. Wright and Mr. Richardson for successfully completing the 82<sup>nd</sup> Virginia Certified Planning Commission Program that was conducted in Roanoke, Virginia.

Mr. Krapf stated that the November coverage for the Board of Supervisors meeting would be Mr. O'Connor.

Mr. O'Connor stated that the Policy Committee CIP discussions may be postponed until after the first of the year. He stated that any submittals would be addressed at that time.

Ms. Bledsoe inquired if all submittals would be addressed at that time.

Mr. Holt stated that it would be after the School Board acts on their package.

Mr. O'Connor stated that a discussion had been to move the CIP process into the first quarter of the year which would allow the Schools time to submit their package prior to the Board of Supervisors retreat. He stated that the Boards of Supervisors retreat was typically between March and April timeframe.

**9. ADJOURNMENT**

Mr. Wright moved to adjourn.

The meeting was adjourned at approximately 9:26 p.m.

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Richard Krapf, Chairman

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Paul D. Holt, III, Secretary



**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF DECEMBER 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**ADOPTED**

**B. ROLL CALL**

**JAN 27 2015**

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

**Board of Supervisors  
James City County, VA**

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – James City County Youth Advisory Council Members led the Board and citizens in the Pledge of Allegiance.

At 7:03 p.m., Ms. Jones recessed the Board of Supervisors meeting in order to conduct the James City Service Authority Board of Directors meeting.

At 7:05 p.m., Ms. Jones reconvened the Board of Supervisors meeting.

**E. PRESENTATIONS**

**1. Chairman's Award – Citizen Group**

Ms. Jones presented the 2014 Chairman's Award to the Clean County Commission for its hard work and service to the community.

**2. Chairman's Award – Staff Member(s)**

Ms. Jones presented the 2014 Chairman's Award to Mr. Scott Brandt, Landscape Technician, for his hard work at numerous County facilities enhancing the natural beauty of the landscape.

Ms. Jones presented the 2014 Chairman's Award to Ms. Christina Spilde, Senior Groundskeeper, for her hard work and leadership of grounds crews that maintain the medians and roadways throughout the County.



3. FY 2014 Financial Statements

Ms. Leslie Roberts, of Dixon Hughes and Goodman, addressed the Board giving an overview of the FY 2014 financial audit. The FY 2014 financial statements were included in the Agenda Packet as a Reading File item.

4. Presentation by Delegate Brenda Pogge

Delegate Brenda Pogge was unable to attend the meeting; the presentation will be rescheduled for a later date.

**F. PUBLIC COMMENTS**

1. Mr. Richard Gould, 309 Archers Mead, addressed the Board regarding the Articles of Incorporation of Kingsmill.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the passing of Mr. John McDonald.

3. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board offering Christmas greetings.

4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the passing of Mr. McDonald.

**G. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones recognized the Planning Commission representative in attendance this evening, Mr. Tim O'Conner.

Ms. Jones expressed her condolences on the passing of Mr. McDonald and stated that he will be greatly missed by the community and the staff.

**H. CONSENT CALENDAR**

Mr. Onizuk made a motion to approve the Consent Calendar.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Minutes –

a. November 25, 2014, Regular Meeting



2. Grant Award – Williamsburg Health Foundation – \$1,789

**RESOLUTION**

**GRANT AWARD - WILLIAMSBURG HEALTH FOUNDATION - \$1,789**

WHEREAS, the Williamsburg Health Foundation has available funds to be used for the development of healthy community initiatives; and

WHEREAS, funds are needed to retrofit existing drinking fountains at the Warhill Sports Complex to also allow for sports bottle filling.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$1,789 grant amendment awarded by the Williamsburg Health Foundation to fund the water fountain project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

Revenue:

From the Williamsburg Health Foundation	<u>\$1,789</u>
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Expenditure:

Grant Account	<u>\$1,789</u>
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3. Grant Appropriation – Clerk of the Circuit Court – \$54,974

**RESOLUTION**

**GRANT APPROPRIATION – CLERK OF THE CIRCUIT COURT – \$54,974**

WHEREAS, the State Compensation Board has awarded a Technology Trust Fund grant to the Clerk of the Circuit Court totaling \$54,974; and

WHEREAS, the grant will be used for the replacement of computer equipment and records modernization; and

WHEREAS, no local match is required for this grant.

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



Revenue:

Revenue from the Commonwealth	<u>\$54,974</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$54,974</u>
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4. Contract Award – Roof Replacement Recreation Center – \$217,700

**RESOLUTION**

**CONTRACT AWARD – ROOF REPLACEMENT RECREATION CENTER – \$217,700**

WHEREAS, this project is necessary to replace a membrane roof that had reached its life span and was exhibiting leaks; and

WHEREAS, funds are available from the Capital Improvement Project accounts; and

WHEREAS, seven bids were considered for award and Starburst Construction was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$217,700 for the Roof Replacement Recreation Center to Starburst Construction, LLC.

5. Contract Award – Body Worn Cameras – \$110,151

**RESOLUTION**

**CONTRACT AWARD - BODY WORN CAMERAS - \$110,151**

WHEREAS, funds are available in the adopted FY 2015 / FY2016 budget for the purchase of body worn cameras and related equipment; and

WHEREAS, additional funding to outfit remaining designated personnel is anticipated through grant funding and future County budget funding requests for additional cameras, equipment, and licensing costs; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Atlantic Emergency Solutions as a result of a competitive sealed Invitation for Bid; and



WHEREAS, Police Department and Purchasing staff determined the contract specifications meet the County's performance requirements for body worn cameras, docking stations, warranties, and licensing and negotiated a price of \$110,151 with TASER International for body worn cameras, docking stations, warranties, and licensing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with TASER International for Axon body cameras, docking stations, warranties, and licensing in the amount of \$110,151.

6. Establishment of Full-Time Registered Nurse (RN) Position, Olde Town Medical and Dental Center (OTMDC)

### **RESOLUTION**

#### **ESTABLISHMENT OF FULL-TIME REGISTERED NURSE (RN) POSITON,**

#### **OLDE TOWNE MEDICAL AND DENTAL CENTER (OTMDC)**

WHEREAS, the James City Board of Supervisors has the authority to establish full-time County positons; and

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to establish a full-time Registered Nurse (RN) position at Olde Towne Medical and Dental Center (OTMDC) and has allocated funds for this position effective January 1, 2015.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of a full-time (2,080 hours/year) RN for OTMDC effective January 1, 2015.

7. Joint Public Safety/Public Service Radio Communications System – New Kent County

### **RESOLUTION**

#### **JOINT PUBLIC SAFETY/PUBLIC SERVICE RADIO COMMUNICATIONS SYSTEM –**

#### **NEW KENT COUNTY**

WHEREAS, the Counties of James City, York and Gloucester have organized under a Memorandum of Understanding to create and operate a regional public safety and public service radio communications system

WHEREAS, New Kent County has asked to be a part of that regional system and has agreed to provide a portion of the costs of upgrading the master site to accommodate them; and

WHEREAS, the regional system would otherwise have upgraded the master site without the New Kent contribution, at a higher cost, and the addition of New Kent County will improve coverage for James City County public safety operations in both eastern James City County and in the I-64 corridor in New Kent County; and



WHEREAS, the current Memorandum of Understanding needs to be reviewed and amended both in order to add New Kent County and to develop long-term financial strategies to maintain the current system and to evaluate alternatives to minimize the annual financial commitment of the participating partners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to negotiate and execute modifications to the Memorandum of Understanding as he determines necessary to add New Kent County to the regional system and to define and implement financial strategies to minimize the costs to the jurisdictional partners in the future.

BE IT FURTHER RESOLVED that the County Administrator is directed to incorporate within the fiscal year 2016 budget funds sufficient to provide for James City County's share of the necessary master site upgrades, estimated to be \$750,000.

## **I. PUBLIC HEARINGS**

### **1. Exemption from County Real and Personal Property Taxes – Peninsula Pastoral Counseling Center**

Ms. Sue Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board asking more specific questions regarding the services offered by the Counseling Center.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Ms. Jones asked Ms. Mellen to respond to the question raised by the citizen.

Ms. Mellen stated that she does not have specific information on services provided by the Counseling Center. She stated that it is a registered 501(c) organization and they submitted all of the required financial information to the County. She stated that they receive support from private contributions and from other religious organizations in the community.

Mr. McGlennon asked if staff knows who the principals are in the organization.

Ms. Mellen stated that Officers and Directors include the Reverend George Chioros, Reverend John David Ramsey, Mr. Boyd Duncan, Ms. Carol Seymour, Ms. Gynetha Conway, Ms. Christine Fragapane, Mr. William P. Gilbert, Reverend Shirley Smith Graham, Mr. Bill Ouzts, Sr., Mr. Junius Penn, Mr. Jim Pierce, Ms. Susan Piland, Mr. John D. Tressler, Sr., Reverend Rhonda Wheeler, Mr. Robert Beck, Dr. Brian C. McCormick, M.D., and Reverend Willard Maxwell.

Mr. McGlennon stated that he believes it would be helpful for the Board to know how many properties within the County meet these criteria so that perhaps the Board could revisit the criteria in the future. He stated that he noted in the memorandum that the County would not be providing these services if this organization did not exist. He mentions that only because normally the County supports organizations that provide services that the County would otherwise need to provide.



Mr. Onizuk echoed the comments made by Mr. McGlennon. He stated that having members of the organization in attendance at these public hearings would be beneficial so that they may answer any questions that arise regarding their services.

Mr. Onizuk made a motion to approve the ordinance.

Ms. Jones recognized the motion made by Mr. Onizuk, but stated that the Board can certainly table this case to allow for more information to be provided by staff.

Mr. McGlennon asked if that would affect anything regarding the timing of the exemption.

Mr. Hill stated that he did not believe so.

Ms. Jones stated that she would be supportive of a deferral.

Mr. Onizuk and Mr. McGlennon voiced their agreement.

Mr. McGlennon made a motion to defer the case until the first regular meeting in January, which would be January 13, 2015.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

2. Case No. SUP-0013-2014. 104 Howard Drive, Grove Barber Shop

Mr. Scott Whyte, Planner II, addressed the Board stating that the applicant has requested a deferral of the case. The Board's legislative deferral policy allows for a three-month deferral if approved by the Board.

Mr. Onizuk asked for the reasoning behind the requested deferral.

Mr. Whyte stated that the applicant needs to negotiate a shared parking agreement with the Old Capitol Lodge which is across the street from the subject property. As of this time, the applicant has not been successful in negotiating that agreement and is requesting more time to work on that agreement or investigate a different option for the required parking.

Ms. Jones stated that since the Public Hearing was advertised it needs to be held.

Mr. Whyte addressed that Board giving a summary of the staff report included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

As no one wished to speak, Ms. Jones stated that the Public Hearing would be left open if the requested deferral is approved.

Mr. McGlennon made a motion to defer the case until the March 10, 2015, regular meeting and to leave the Public Hearing open.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).



3. Case No. SUP-0008-2014. Gilley Enterprises Equipment Storage

Mr. Jose Ribeiro, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. Kennedy clarified that the purpose of this case is to correct a “non-conforming use.”

Mr. Ribeiro stated correct.

Mr. Kennedy questioned if this non-conforming use was discovered when the County was looking to purchase the PDR and did a site review.

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

Mr. Kinsman stated that prior to any Purchase of Development Rights (PDR) purchase; a baseline study of the property is performed. He stated that it is typically done by planning staff and includes a thorough walk-through of the property and an assessment of what is there and what is not. He stated that he did not have that baseline study in front of him at this time. He stated that he would be surprised if staff was not aware of the non-conformity.

Mr. Ribeiro stated that back in 2011 Mr. Gilley did apply for a home-occupation permit. At that time, Zoning determined that the commercial operations exceed the limits of a home-occupation permit and began working with Mr. Gilley to bring the commercial operations into compliance and would require a Special Use Permit (SUP).

Mr. Kennedy stated that it would have been nice to know what exactly was going on with this property back in 2013 when the PDR was approved for purchase.

Ms. Jones wondered if this issue was one of the reasons that it took 11 months for the PDR purchase to close.

As there were no other questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Gregory Davis, of Kaufman and Canoles, attorney for the applicant, addressed the Board regarding the application. Mr. Davis acknowledged that the baseline data report done prior to the PDR purchase did report the commercial vehicles stored on the property. It was at that time that staff recommended the application of an SUP to bring the equipment storage into compliance with the Zoning ordinance. In reference to the question regarding the closing of the PDR purchase, Mr. Davis stated that part of the delay was because the Virginia Department of Agriculture and Consumer Services (VDACS) got involved as providing part of the funding.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the case, stating that Mr. Gilley deserves to be allowed to continue the business that he understood would be allowed even with the Deed of Conservation easement.

3. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board stating that the storage of heavy equipment does not seem to be consistent with the Deed of Conservation easement.

4. Mr. William Bauernschmidt, 509 Neck-O-Land Road, addressed the Board stating that the map included with the presentation should be updated to reflect the proximity to Peleg’s Point.



5. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board in opposition to the case, stating that the SUP does not seem to be consistent with the Deed of Conservation easement.

6. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board in opposition to the case, stating the SUP does not conform to the Deed of Conservation easement purchased by the County through the PDR program.

7. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the perils of conservation easements.

As no one else wished to speak to the case, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution included in the Agenda Packet.

Ms. Jones stated that she does not support conservation easements and the PDR program. She stated that Mr. Gilley has had this small operation for many years. She stated that she will support this case tonight, but that she would like property owners to be very cognizant of the restrictions of conservation easements and PDRs.

Mr. Hipple stated that he knows the Gilley family has been on this property over 100 years. He stated that he does not want to see this turn into the situation that happened with Martha Boneta. He stated that this family has had this small commercial operation for many, many years. He believes that this is an opportunity to have both sides win, where a property is conserved and yet a small local business gets to continue its operations.

Mr. Onizuk stated that in his understanding, that the conservation easement that has been put on the property does not prevent the storage of heavy equipment on the property. He stated that he certainly does not want to overburden this citizen with unnecessary regulation because of a conservation easement. The issue at hand is that the heavy equipment storage does not comply with the Zoning ordinance, hence the application for the SUP. He is supportive of the case as the storage of the equipment is not in conflict with the conservation easement.

Mr. McGlennon stated that for clarification, the conservation easement accomplished significant purposes including the development of that land. He stated that the land was zoned for a rather large housing development as well as the land does not drain very well. A significant project was prevented by the easement that would have had much more serious consequences down the line. He stated that the commercial operation was in existence prior to the easement, was known at the time of the easement, and really has nothing to do with the easement. He stated that nothing is being changed regarding the commercial operation, other than to bring it into conformity.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

## **RESOLUTION**

### **CASE NO. SUP-0008-2014. GILLEY ENTERPRISES EQUIPMENT STORAGE**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific uses that shall be subject to a Special Use Permit ("SUP") process; and



WHEREAS, Mr. Gregory Davis has applied for an SUP to allow for the storage of heavy equipment on property located at 320 Neck-O-Land Road; and

WHEREAS, the proposed project is depicted on the plan prepared by LandTech Resources, Inc., dated May, 5, 2014, and entitled "Exhibit Showing Proposed Parcel 2 of the Properties of REGJAG, L.L.C & Leigh Ann Gilley" (the "Master Plan"); and

WHEREAS, the proposed project is located on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 4740100041; and

WHEREAS, the SUP shall also allow the use of an existing farm road and a 50-foot ingress and egress easement located on a parcel at 318 Neck-O-Land Road and further identified as James City County Real Estate Tax Map Parcel No. 4740100040 for ingress/egress of heavy equipment; and

WHEREAS, approval of this application indicates that the Board of Supervisors finds the proposed use to be consistent with the uses allowed by the Deed of Easement Agreement made between REGJAG, L.L.C and James City County and recorded by the Clerk of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 140006461 on April 22, 2014; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0008-2014; and

WHEREAS, the Planning Commission, following its public hearing on November 5, 2014, voted 7-0 to recommend approval of Case No. SUP-0008-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP-0008-2014, as described herein, pursuant to the following conditions:

1. This SUP shall be valid for the storage of construction equipment and vehicles on an area of up to 3,200 square feet (the "Proposal"), on a property located at 320 Neck-O-Land Road and further identified as James City County (JCC) Real Estate Tax Map No. 4740100041, as well as use of an existing farm road and a 50-foot ingress and egress easement located on a parcel at 318 Neck-O-Land Road and further identified as JCC Real Estate Tax Map No. 4740100040 for ingress/egress of such construction equipment (altogether referred to as the "Property"). Development of the Property shall be generally in accordance with the Master Plan, with such minor changes as the Director of Planning determines do not change the basic concept or character of the development.
2. No work associated with the Proposal, except for maintenance of equipment and vehicles, storage, and loading of materials on trucks shall be conducted at the Property.
3. Transportation of equipment to and from the construction equipment storage site shall be limited to 8 a.m.-5 p.m., Monday through Friday, except for occasional after-hours transportation related to storm damage work, snow removal jobs, and the like.
4. Storage of equipment and vehicles associated with the Proposal shall be contained within the 3,200-square-foot area as shown on the Master Plan.
5. No outdoor signage advertising the Proposal shall be allowed on the Property.
6. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his



designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.

7. An amendment to this SUP application shall be necessary should the number of vehicles and/or machinery associated with the Proposal exceed the storage capacity of the 3,200-square-foot area.
8. Prior to final site plan approval, a spill prevention and containment plan which addresses chemical handling, including but not limited to, oil, diesel and gasoline shall be submitted to the Engineering and Resource Protection Director and the Fire Chief for their respective review and approval.
9. No soil disturbance, parking, or storage of equipment or vehicles shall occur within 15 feet of an RPA buffer or areas designated by the Department of Conservation and Recreation as containing natural heritage resources.
10. A site plan shall be required for this Proposal. Final approval of the site plan must be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case Nos. Z-0003-2014/MP-0003-2014. The Promenade at John Tyler

Mr. Christopher Johnson, Principal Planner, provided a video presentation of the case and the staff report included in the Agenda Packet.

Mr. Onizuk stated that the primary concern that he has heard from residents along John Tyler Highway is traffic. He asked for clarification on the comparison of traffic analysis for commercial development verses residential development.

Mr. Johnson stated that King's Way Drive is the primary access for the current residents of LaFontaine and citizens going to the Riverside medical facility and would serve as the primary access to the proposed development. Currently, this portion of property being considered would allow for 240,000 square feet of additional non-residential development by-right under the current zoning. The Institute of Transportation Engineers Manual would suggest that non-residential development of that size would have significantly more vehicle trips and impacts associated with it than if it was developed for up to 204 residential units. On that basis, the only traffic improvement that is necessary for this application is a right hand taper off eastbound Route 5, John Tyler Highway onto King's Way Drive. The operational benefit of that right hand taper would not outweigh the cost associated with removing buffer in that area, would involve the relocation of a significant amount of utility lines, as well as the traffic signal at that location. Because of this, staff came to the conclusion that the operational benefit would not justify the expense of including the right hand taper in the proffer package as a warranted improvement. He stated that the applicant has agreed to the seven page punch-list of items and repairs required by VDOT in order to bring King's Way Drive and the proposed Road A into eligibility for inclusion in the State Secondary Road System.

Mr. Onizuk stated that he has heard concerns that the traffic on John Tyler and Route 199 is already significant in that area, and this development will only increase the traffic in that area.

Mr. Kennedy stated that many commercial developers have looked at this area over the years, and the overwhelming reason that no one has gone through with development is because there is not a cut-through to Route 199. The County has been told that VDOT will not put a cut-through there. That concern over ingress



and egress has essentially stopped commercial development in this area for years. He stated that the traffic concerns him even if it is only up to 204 residential units. He asked what would prevent the applicant from deciding not to go through with the commercial space in the plan and just put in more housing.

Mr. Johnson stated that the master plan shows those spaces as commercial. He stated that there could not be a by-right conversion of those spaces to residential. Changing those spaces would require Board approval.

Mr. Kennedy questioned the range for the affordable housing in the proposed plan.

Mr. Johnson stated that the Board's adopted Housing Opportunities Policy speaks to targeted price ranges at 30%-120% of area median income. In this area, that ranges from a low of \$99,875 to a high of \$381,981 which is a very wide range. He stated that legislative applications are judged against this policy to see if they will proffer 20% of the proposed development to be within this range. This applicant has proffered that all 204 proposed residential units will fall within that range and be affordable housing.

Mr. McGlennon asked if staff would have given a positive recommendation to any proposed development that did not include the improvements to King's Way Drive and Road A.

Mr. Johnson stated that to have any kind of development without the road improvements to make those roads eligible for the State Secondary Road System would be a challenge among staff.

Mr. McGlennon asked for an indication of which proffers exceeded the County's expectation in this proposed development.

Mr. Johnson stated that it would be the improvements to King's Way Drive and Road A, the drainage improvements that will contain run-off from Route 199 that is negatively impacting a stream behind the Winston Terrace Subdivision, and the 100% Affordable/Workforce Housing residential development.

Mr. Kennedy stated that he is concerned about the traffic and the neighboring residents if the shopping center is revitalized down the road, after this development is built. He also questioned if the existing shopping center had any proffers regarding architectural guidelines.

Mr. Johnson stated that the existing shopping center has the potential to add an additional 240,000 square feet of commercial development by-right.

Mr. Hipple asked if the project is an overall positive impact to the County.

Mr. Johnson stated that the Staff Report points out both the positives and the negatives of this project. He stated that it would be a fiscally negative impact as there would be more school children and traffic, but on balance with the proffers offered by the applicant including to improve the road and the architectural guidelines, there are more positives than negatives; which lead to staff's recommendation.

Mr. Hipple stated that from what he has read, this in-fill development seems to be more positive than negative, which does not seem to happen often with proposed residential developments. He stated that this proposed development seems to be fitting policies of this Board more so than others in the past.

Mr. Onizuk stated that there is a demand for homes in this price range here in the County. He stated that this price range will service a good percentage of citizens in the community that fall within the median income range; however it will not serve those that are at the lower end of the median range.



As there were no other questions for staff at this time, Ms. Jones opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, attorney for the applicant, addressed the Board giving an overview of the proposed project.

Mr. Onizuk asked for clarification of the number of residential units available by-right under the current zoning.

Mr. Geddy stated that the 198 residential units under the existing master plan were intended and allocated to La Fontaine property, which was developed to 160 residential units.

Mr. Onizuk stated that there is not 198 residential units remaining then.

Mr. Geddy stated correct.

Mr. Hipple asked about the buffer for the current neighborhoods.

Mr. Geddy stated that the property is heavily wooded with 20 foot evergreens at this point. The applicant intends to maintain a buffer of trees between the neighborhoods and transplant some of the existing trees into other areas as buffer.

Ms. Jones thanked the applicant and Mr. Geddy for holding the community meetings. She stated that the impacts on Winston Terrace need to be taken into consideration. She stated that some of the residents of Winston Terrace have asked about a fence being put in to separate the properties.

Mr. Geddy stated that the applicant has stated all along his willingness to install a fence, his intention though was to work that out during the site plan stage.

Ms. Jones stated that the other concern she has heard from Winston Terrace is that the pool on the proposed Master Plan will butt up to the back side of Winston Terrace and will be loud. Ms. Jones stated that in her opinion the pool would be served to be a more internal amenity on the property.

2. Mr. Russ Porter, 137 Winston Drive, addressed the Board in opposition to the proposed development because of the impacts on traffic on Jamestown Road and John Tyler Highway.

3. Ms. Elena Whitehead, 104 Hurst Street, addressed the Board in opposition to the proposed development stating that the price range is really not affordable for those residents that are really in need of housing.

4. Mr. Kimber Smith, 3051 Heritage Landing Road, addressed the Board in support of the proposed development as it will serve housing needs for citizens that is not currently available in the County.

5. Joan Lamberson, 307 Queens Crescent, President of the La Fontaine Homeowners Association, questioned the feasibility of the commercial buildings within the proposed development plan. She stated that La Fontaine is not overly opposed to the development plan except for the density and the traffic on King's Way.

6. Ms. Linda Cifelli, 134 Winston Drive, addressed the Board voicing her concerns over the traffic impacts of the proposed development.

7. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board voicing her concerns over quality of



life from this proposed development.

8. Mr. Chris Henderson, 101 Keystone, addressed the Board voicing his concerns over traffic impacts, but stated that the development could help revitalize Williamsburg Crossing Shopping Center.

9. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board echoing the concerns of density and traffic increases.

10. Ms. Petra Nadal, 106 Indian Circle, addressed the Board stating that development in the County is getting to close together and right on top of each other.

11. Ms. Johanna Van De Ven, 104 Winston Drive, addressed the Board requested that the Board defer action so that all stakeholders could negotiate a better plan.

At 10:10 p.m., Mr. Kennedy requested a brief recess, and Ms. Jones concurred.

At 10:20 p.m., Ms. Jones reconvened the Board.

12. Mr. Jim Whitehead, 4638 Hickory Signpost Road, addressed the Board agreeing with other stated concerns regarding density.

13. Ms. Anne Penn, 107 Braddock Road, addressed the Board stating that the Marywood Subdivision has actively building and those homes empty onto Jamestown Road as well. She opposed the development because of the density and traffic.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Onizuk stated that he has done a lot of research into the project and has spoken to many citizens. He has heard pros and cons, almost equally, from the citizens to whom he has spoken. He stated that he held a community meeting for the Jamestown District residents that live on the opposite of John Tyler Highway from the proposed development. He stated that at the end of the discussion, there was a hand vote done with 1/3 present in favor, 1/3 present in opposition, and 1/3 present were neutral. He stated from a land use perspective this proposal does make sense. He stated that if you reduce the density then the price would go up which would negate the intention of building affordable housing. He stated this proposal will offer housing prices that are not normally available in the County. He understands the concerns over traffic, the concerns over the shopping center, and the concerns over density. He stated that voting "no" will not change the current traffic issues or help the shopping center. He stated that he has worked very hard to communicate with the citizens of his district to understand their views on this proposal.

Mr. Kennedy stated that he does not believe that this proposal matches up with the other neighborhoods around it. He stated that he is not of the opinion that this proposal will help save the shopping center. He stated that this project will be a fiscal negative for the County. He does not believe that this proposal is a strong enough project to warrant the rezoning of the property. He stated that if this property came before the Board with a plan to revitalize the whole property and shopping center, then he would be much more supportive.

Mr. Hipple stated that this Board and previous Boards have asked for in-fill development, mixed use, affordability, and this project does all of that. He stated that he is concerned over the buffer to help protect the other neighborhoods, but the applicant has addressed that issue this evening. He stated that the Board needs to start laying out more specified direction on what should go in various parts of the County. The applicant has brought forth a proposal that seems to fit many of the things that the County has asked for. He understands the



concerns over traffic, but this plan will generate less traffic than if it was developed as a commercial center. He believes this proposal is an overall good fit for the property and the County.

Mr. McGlennon stated that all of the Board members approach these cases from different viewpoints. He stated that the County has grown rapidly over the last several years and it has not always been done smartly. He stated that when he looks at the map of this area, it looks too dense. He would like to see a proposal that scales back the development and density. He stated that businesses are not interested in this parcel, so if it is not residential, then it more than likely will not be commercial either. He does not believe that this project will save the shopping center. He believes that this project needs to be reevaluated to fit more into the nature and character of this community. He would prefer that the developer go back to the drawing board, but if not, then he will not be supportive of the proposal.

Ms. Jones stated that citizens need to know that the Board does listen to their comments. Everyone may not always agree, but the citizens are heard. She understands the concerns about the shopping center and traffic on Jamestown Road, John Tyler Highway, and Route 199. She stated that the County has heard from businesses and manufacturers that one of the things they look at is how much affordable housing is available for workers. She stated that the County needs more affordable housing options. She appreciates the history of Winston Terrace, and understands their concerns. She believes this project will revitalize that corner of Route 199 and John Tyler Highway. She stated her concerns over the density of the buffer and having the pool area abut the back side of Winston Terrace and asked that the developer take those concerns seriously. She believes that overall this project will be good for the community.

Mr. Onizuk stated that citizen input in the process early on can greatly impact a project and help alleviate some of these last minute concerns being raised. Better communication can lead to better plans and projects as well as fostering relationships with the neighboring communities.

Mr. Hipple made a motion to approve the resolution included in the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. Onizuk, Ms. Jones, (3). NAY: Mr. Kennedy, Mr. McGlennon, (2).

## **RESOLUTION**

### **CASE NOS. Z-0003-2014/MP-0003-2014. THE PROMENADE AT JOHN TYLER**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case Nos. Z-0003-2014/MP-0003-2014, for rezoning ±24.54 acres from B-1, General Business, to MU, Mixed Use, with proffers; and

WHEREAS, the proposed project is shown on Master Plan prepared by Clark Nexsen, entitled "The Promenade at John Tyler, James City County, Virginia" and dated October 6, 2014; and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 5, 2014, recommended approval by a vote of 7 to 0; and

WHEREAS, the properties are located at 5294 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220020; 5299 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220025; 5303 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No.



481220026; 5307 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220027; 5311 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220028; and 5304 John Tyler Highway and can be further identified as James City County Real Estate Tax Map No. 481220029.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-0003-2014/MP-0003-2014 and accepts the voluntary proffers.

**J. BOARD CONSIDERATION – None**

**K. PUBLIC COMMENTS**

1. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding a presentation done by Mr. Edward T. McMahon entitled “Nature, Agriculture, Economy and Community Character” available on the County’s Office of Economic Development webpage.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Virginia Association of Counties.

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

**1. County Administrator’s Report**

Mr. Hill thanked the citizens and the Board for their words regarding the passing of Mr. John McDonald. He congratulated the Department of Parks and Recreation Department for winning two awards from the Virginia Society of Recreation and Parks, the Rec It Out program won an award for best new program, and Mid County Park won an award for Best New Park. He reminded citizens that the Board of Supervisors will be adjourning tonight to its Organizational Meeting on January 2, 2015.

**M. READING FILE DOCUMENTS**

**1. Review of FY 2014 Financial Statements for James City County and James City Service Authority – Dixon Hughes Goodman, LLP – No Action Necessary**

**N. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon thanked staff and Mr. Hill for their support of the family of Mr. McDonald and he expressed his condolences on the loss of a dear friend. He stated that Mr. McDonald has left the County with a tremendous legacy.

Mr. Onizuk requested that the Board have a discussion on what the Board wants to have as a growth tool policy. He stated that staff and the Board currently use the Primary Service Area (PSA) as a growth tool, but it is in fact a utility policy. He believes that some other growth management plan needs to be in place instead of using the PSA. He hopes that the Board can have this discussion early next year and in conjunction with the Planning Commission and Planning staff.



Mr. Kennedy stated that he agrees with Mr. Onizuk, but the PSA needs refinement as well. He stated that more consistency with zoning would be beneficial as well. If a new growth tool is discussed, all the issues need to be considered.

Mr. Hipple wished everyone a Merry Christmas and a Happy New Year.

Ms. Jones wished everyone a Merry Christmas and a Happy New Year as well.

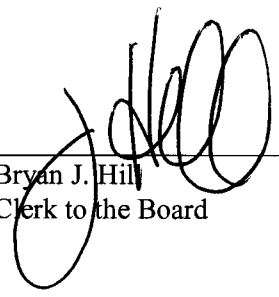
**O. CLOSED SESSION - None**

**P. ADJOURNMENT** – until 4 p.m. on January 2, 2015, for the Organizational meeting

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 11:27 p.m., Ms. Jones adjourned the Board.



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Bryan J. Hill  
Clerk to the Board

120914bos-min



**UN-APPROVED MINUTES  
JAMES CITY COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
COUNTY GOVERNMENT CENTER BOARD ROOM  
101 MOUNTS BAY ROAD  
WILLIAMSBURG, VA 23185  
MARCH 10, 2015  
6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**H. PUBLIC HEARINGS**

1. Case No. SUP-0013-2014, Grove Barbershop

A motion to Defer was made by Mary Jones and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

AYES: Jones, McGlennon, Onizuk, Kennedy, Hipple

Mr. Scott Whyte, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet. He stated that the applicant has requested another deferral of the application to allow more time to work out a shared parking agreement.

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

1. Mr. Randy O'Neil, 109 Sheffield Road, addressed the Board in support of the case and the business owner.

2. Ms. Petra Nadal, 106 Indian Circle, addressed the Board in support of the case.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the case and the business owner.

As no one else wished to speak, Mr. Hipple indicated that the Public Hearing would be left open until the June 9, 2015 meeting.

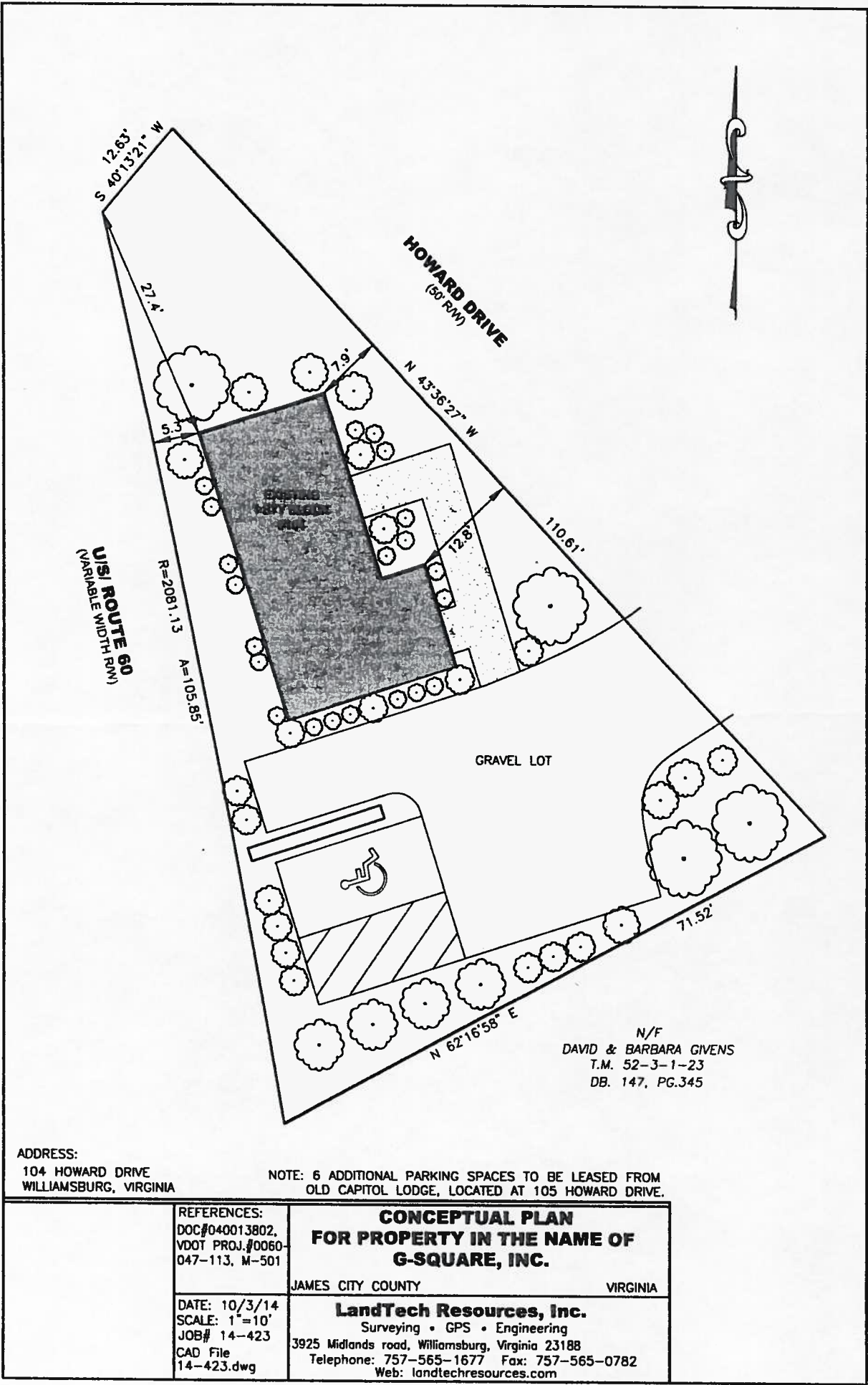
Ms. Jones made a motion to support the applicant's request for a deferral until the June 9, 2015 meeting. She also requested that staff work with the applicant regarding the parking situation and see what can be worked out.



PLANNING DIVISION

OCT 09 2014

RECEIVED





**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors









FROM: Tammy Mayer Rosario, Principal Planner; Robin Bledsoe, Planning Commission Chair

SUBJECT: Adoption of the James City County Comprehensive Plan, "Toward 2035: Leading the Way"

---

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

**ATTACHMENTS:**

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution
	Planning Commission Minutes	Minutes
	Errata Sheet	Backup Material
	Executive Summary	Backup Material
	Map T-1	Exhibit
	Table T-3	Exhibit
	Land Use Application Voting Sheet	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 12:00 PM
Development Management	Murphy, Allen	Approved	5/21/2015 - 2:02 PM
Publication Management	Burcham, Nan	Approved	5/21/2015 - 2:11 PM
Board Secretary	Fellows, Teresa	Approved	5/21/2015 - 2:32 PM
Board Secretary	Kinsman, Adam	Approved	5/29/2015 - 3:58 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM



## **MEMORANDUM**

DATE: June 9, 2015

TO: Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner  
Robin Bledsoe, Planning Commission Chair

SUBJECT: Adoption of the James City County Comprehensive Plan, *Toward 2035: Leading the Way*

---

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

### **WORK-TO-DATE**

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

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

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

### **ERRATA ITEMS**

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



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

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

## RECOMMENDATION

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

TMR/RB/gb  
2035CP-Adoption-mem

### Attachments:

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



## **RESOLUTION**

### **ADOPTION OF THE JAMES CITY COUNTY COMPREHENSIVE PLAN,**

#### **TOWARD 2035: LEADING THE WAY**

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



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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June,  
2015.

2035CP-Adoption-res



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

1. **ROLL CALL**

**Planning Commissioners**

**Present:**

Robin Bledsoe  
Rich Krapf  
Tim O'Connor  
Chris Basic  
George Drummond  
John Wright, III  
Heath Richardson

**Staff Present:**

Paul Holt, Planning Director  
Maxwell Hlavin, Assistant County Attorney  
Jason Purse, Zoning Administrator  
Tammy Rosario, Principal Planner  
Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Senior Planner II  
Leanne Pollock, Senior Planner II  
Roberta Sulouff, Planner I

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

2. **PUBLIC COMMENT**

Ms. Bledsoe opened the public comment.

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

3. **CONSENT AGENDA**

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

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

Mr. Rich Krapf moved to approve the consent agenda.

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

4. **REPORTS TO THE COMMISSION**

**A. Policy Committee**

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



## **B. Regional Issues Committee**

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

## **5. PUBLIC HEARING CASES**

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

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

Ms. Bledsoe opened the public hearing.

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

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

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

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

Ms. Bledsoe called for disclosures from the Commissioners.

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

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

Mr. John Wright moved to recommend approval.

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

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

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



Ms. Bledsoe called for disclosures from the Commissioners.

There were no disclosures.

Ms. Bledsoe opened the public hearing.

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

Mr. Chris Basic moved to recommend approval.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Ms. Bledsoe opened the public hearing.

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

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

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

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

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

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



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

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

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

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

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

Mr. Drummond moved to recommend approval.

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

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

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

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

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

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

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

Mr. Moore stated that it was behind the church.



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

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

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

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

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

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

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

Mr. Johnson confirmed.

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

Ms. Bledsoe opened the public hearing.

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

Ms. Bledsoe opened the discussion to the Commissioners.



Mr. Richardson moved to recommend approval.

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

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

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

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

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

Ms. Rosario confirmed.

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

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

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

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



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

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

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

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

Ms. Bledsoe opened the public hearing.

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

Ms. Bledsoe confirmed.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

Ms. Pollock stated that it is public information.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

## **6. PLANNING COMMISSION CONSIDERATION**

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

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

Mr. Krapf moved to approve the consideration item.

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

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

Mr. Richardson moved to approve the consideration item.



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

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

Mr. Wright moved to approve the consideration item.

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

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

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

Mr. Holt stated that was correct.

Mr. Wright moved to approve the consideration item.

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

**7. PLANNING DIRECTOR'S REPORT**

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

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

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



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

## **8. COMMISSION DISCUSSION AND REQUESTS**

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

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

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

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

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

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

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

## **9. ADJOURNMENT**

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

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

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Robin Bledsoe, Chairwoman

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Paul D. Holt, III, Secretary







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

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

**I. Executive Summary**

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

**II. Transportation (per VDOT comments)**

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

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

2. The Table of Contents and Appendix list will be revised to specifically reference the James City County/Williamsburg/York County Comprehensive Transportation Study as noted on pages T-8 and T-11. Existing Appendices A-D will be reordered.

3. Map T-1 (attached) was corrected to show Merrimac Trail as a Minor Arterial rather than a Principal Arterial.

4. On page T-11, fourth paragraph, a typographical error will be corrected.

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

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

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

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

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



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

- *Public Transportation – Recommends ITS investments in transit operations, customer amenities, service planning, security and maintenance/management for Williamsburg Area Transport*
- *Highway – Recommends expansion of Interstate 64 in two segments through York/James City County/Newport News:*
  - *New Kent County Line to Route 199 – 6 lanes*
  - *Route 199 to Jefferson – 8 lanes*

7. At the bottom of page T-10, the title will be changed as follows:

~~Transportation~~Future Planning

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

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

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

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

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

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



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

### III. Community Character

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

### IV. Land Use Text/Map

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

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

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



# Executive Summary

## The Purpose of the Comprehensive Plan

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

## Snapshot: Where We Have Been and Where We Are Today

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

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

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



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

## Vision of Where We Are Headed

### Citizen Commentary

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

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

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

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



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

## Population Projections

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

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

## Growth Management Strategies

### ***Past and Present***

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



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

#### Location of Growth

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

#### Timing and Impacts of Growth

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



## Moving Forward

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

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

## Responses to Other Significant Citizen Concerns

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

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



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



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

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

### Vision: Leading the Way

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

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

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

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



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



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

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

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

## Process, Implementation, and Evaluation of the Comprehensive Plan

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

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



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

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



James City County  
VDOT Roadway  
Functional Classification

LEGEND

-  Interstate
-  Freeway & Expressway
-  Other Principal Arterial
-  Minor Arterial
-  Major Collector
-  Minor Collector
-  Local

Prepared by HRTPO Staff, October 2014.

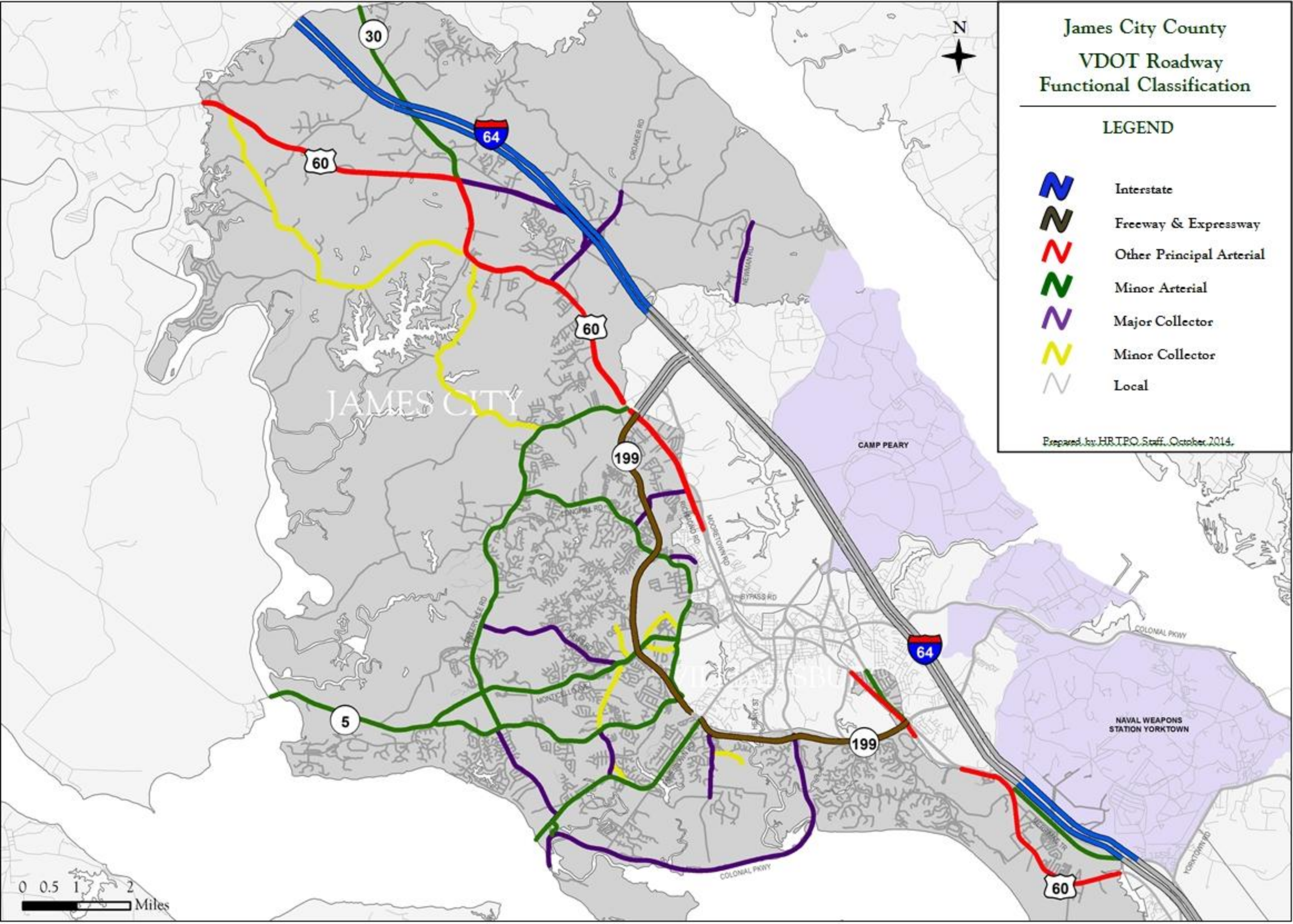




Table T-3

## James City County Current Projects

UPC	Name	Project Status	Funding Source	Estimated Total Cost
<b>Six Year Improvement Plan</b>				
104360	Access Management - Longhill Road at Olde Towne Road	Cancelled	Revenue Sharing	\$60,000
106195	Bridge Replacement - Jamestown Road over Powhatan Creek	Active	Bridge Funds	\$2,260,000
98823	Bridge Replacement - Route 601 (Hicks Island Rd) over Diascund Creek	Active	Bridge Funds	\$1,672,631
98810	Corridor Study - Mooretown Road Extension	Active	RSTP	\$400,000
98811	Corridor Study - Longhill Road	Complete	RSTP	\$500,000
102944	Intersection Improvements - Centerville Road at News Road	Active	CMAQ; Secondary	\$3,101,518
82961	Intersection Improvements - Monticello Ave. at News Road	Under Construction	Secondary; Primary;	\$3,814,517
102948	Intersection Improvements at Route 199 (Humelsine Pkwy)/Brookwood Road	Active	CMAQ	\$275,000
102947	Intersection Improvements-Route 199 (Humelsine Pkwy) Ramp at Richmond Road	Active	CMAQ; Secondary	\$729,915
17633/ 100920	Multi-Use Trail - Croaker Road/ Road Widening - Croaker Road	Active	CMAQ	\$19,441,000
13496/ 100200	New Roadway - Route 60 (Pocahontas Tr) Relocation/Skiffes Creek Connector (4-lane)	Active	RSTP	Alt. A-\$153,435,594 Alt. A1-\$135,200,000
104356	Roadway Reconstruction - Williamsburg West Subdivision Roads	Active	Revenue Sharing	\$892,000
105781	Roadway Reconstruction - Neighbors Drive	Active	Revenue Sharing	\$930,000
102980	Roadway Reconstruction - Pocahontas Tr. (Rt 60) Multimodal Corridor Upgrade	Active	RSTP; CMAQ	\$8,100,000
104327	Trail Access - Virginia Capital Trail at Monticello Ave/John Tyler Hwy	Active	Revenue Sharing	\$33,000
<b>Other Programmed Projects</b>				
101871	Roadway Reconstruction - Marclay Road (Airport Access Road)	Active	Access	\$987,000
100921	Road Widening - Longhill Road from Route 199 to Olde Towne Road	Active	Secondary; RSTP	\$19,800,000
97214	James River Elementary School Intersection Upgrade	Complete	SRTS	\$168,382
67134	Racefield Drive Paving	Complete	Rural Rustic; Secondary	\$181,104

CMAQ-Congestion Mitigation and Air Quality

RSTP-Regional Surface Transportation Program

SRTS-Safe Routes to School



2035 COMPREHENSIVE PLAN LAND USE APPLICATIONS VOTING SHEET

Date: 4/2/15

Case Number/ Name	Tax Parcels	Owner Requested Changes	Staff Recommendation	Motion	PCWG Vote								PCWG Feedback	Planning Commission Vote							Planning Commission Feedback
					Elizabeth Friel	Heath Richardson	John wright	George Drummond	Robin Bledsoe	Chris Basic	Tim O'Connor	Rich Krapf		Heath Richardson	John wright	George Drummond	Robin Bledsoe	Chris Basic	Tim O'Connor	Rich Krapf	
LU-0001-2014, 7809 Croaker Rd.	13401000016D, 1340100015, 1340100013	Neighborhood Commercial	Denial: leave parcel Low Density Residential	Approval: change Massie property and two adjacent properties (7819 and 7901 Croaker Road) to Mixed Use.	Y	Y	Y	Y	Y	Y	Y	Y	Ensure notification of adjacent property owners and public hearing signage for the two additional properties. Include language in the designation description about commercial uses of a Neighborhood Commercial scale, combined entrance off of Croaker Rd., interconnections among the three properties, buffering to residential area and aesthetics due to the proximity to the library.	Approval (no independent vote taken)							
LU-0002-2014, 8491 Richmond Rd.	1210100032	Mixed Use; PSA Expansion	Modified approval: change parcel to Rural Economy Support and expand PSA to include entire parcel	Deferral: pending discussions between JCSA and the Virginia Department of Environmental Quality	Y	Y	Y	Y	Y	N	Y	Y	Request to further consider designating the property Economic Opportunity and for staff and the applicant to continue discussions. Also consider keeping option open as to whether the Rural Economy Support designation needs to be inside the PSA.	Deferral (no independent vote taken)							
LU-0003-2014, 499 Jolly Pond Rd.	2240100007	Low Density Residential; PSA Expansion (portion of parcel)	Denial: leave parcel Rural Lands, outside PSA	Approval: expand PSA to include a portion of the property and change the designation to Low Density Residential	N	N	Y	Y	Y	Y	Y	N		N	Y	Y	Y	Y	Y	N	
LU-0004-2014, 4450 Powhatan Pkwy.	3830100001	Moderate Density Residential	Denial: leave parcel Low Density Residential	Denial: leave parcel Low Density Residential	Y	Y	Y	Y	Y	Y	Y	Y		Denial (no independent vote taken)							
LU-0005-2014, 133 Powhatan Springs Rd.	4620100009B	Limited Industrial	Modified Approval: change to Mixed Use as part of the Five Forks Mixed Use Area	Modified Approval: change to Mixed Use as part of the Five Forks Mixed Use Area	Y	Y	Y	Y	Y	Y	Y	Y		Approval (no independent vote taken)							
LU-0006-2014, 9400 Barnes Rd.	0440100014, 0440100015, 0440100013, 0440100012, 0430100017, 0440100009, 0440100008, 0440100003, 0440100002	Economic Opportunity, Community Commercial; PSA Expansion	Modified Approval: * change parcels south of interchange to Economic Opportunity; * leave 044010008, 044010009, and portion of 0430100017 Mixed Use; * change Low Density Residential portions of 0440100002, 044010003 and 0430100017 to Mixed Use; * bring entirety of 0430100017 into PSA	<u>Northern properties</u> - Approval: change all parcels to Mixed Use	Y	Y	Y	Y	Y	Y	Y	Y	Description language for this Mixed Use Area could include some residential for the southern properties up to a certain percentage of the overall development but it should be integrated into the rest of the site development as part of the master plan and should include a timing mechanism to balance residential and commercial/industrial development.	Approval of Land Use Designation change and deferral of PSA expansion (no independent vote taken)							
				<u>Southern properties</u> - Approval: change all properties to Economic Opportunity, Deferral of the PSA expansion: pending discussions between JCSA and the Virginia Department of Environmental Quality	N	Y	Y	Y	Y	Y	Y	Y									
LU-0007-2014, 8515 Pocahontas Trl. (Kingsmill and Woods Course)	5230100111, 5230100011A, 5230100011B	Low Density Residential	Modified approval: * change 8515 Pocahontas Trl. to Low Density Residential; * change 101 Busch Service Rd. to Park, Public or Semi-Public Open Space; * leave 8581 Pocahontas Trl. Limited Industrial	Modified approval: * change 8515 Pocahontas Trl. to Low Density Residential; * change 101 Busch Service Rd. to Park, Public or Semi-Public Open Space; * leave 8581 Pocahontas Trl. Limited Industrial	Y	Y	Y	Y	Y	Abstain	Y	Y		Y	N	Y	Y	Y	Abstain	Y	



Date: 4/2/15Date: 4/2/15



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Jose-Ricardo L. Ribeiro, Senior Planner II

SUBJECT: Case No. Z-0008-2014/MP-0004-2014. The Village at Candle Station Rezoning and Master Plan Amendment

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**ATTACHMENTS:**

	Description	Type
▣	Staff report	Staff Report
▣	Resolution	Resolution
▣	Attachment No.2 Location Map	Exhibit
▣	Attachment No.3 Unapproved minutes	Minutes
▣	Master Plan-Page 1	Exhibit
▣	Master Plan-Page 2	Exhibit
▣	Master Plan-Page 3 & 5	Exhibit
▣	Master Plan-Page 4	Exhibit
▣	Master Plan-Page 6	Exhibit
▣	Master Plan-Page 7	Exhibit
▣	Attachment No. 5 Exhibit showing revisions to adopted master plan	Exhibit
▣	Attachment No. 6 Approved architectural elevations	Exhibit
▣	Attachment No. 7. Revised architectural elevations	Exhibit
▣	Attachment No. 8. CIS	Exhibit
▣	Attachment No. 8. CIS Supplemental Materials	Exhibit
▣	Attachment No. 8. Design Guidelines	Exhibit
▣	Attachment No. 8. Fiscal Impact Analysis (part 1)	Exhibit
▣	Attachment No. 8. Fiscal Impact Analysis (part 2)	Exhibit



▢	Attachment No. 8. Traffic Study Update	Exhibit
▢	Attachment No. 9. Proffers	Exhibit
▢	Attachment No. 10. Table comparing approved and amended proffers	Exhibit
▢	Attachment No. 11. Landscape modification letter	Exhibit
▢	Attachment No. 12. Letter from Rebkee	Exhibit
▢	Attachment No. 12. Letter from Cross Walk Community Church	Exhibit
▢	Attachment No. 12. Letter from Mr. Jack Barnett	Exhibit
▢	Attachment No. 13 Housing Opportunities Policy (HOP)	Exhibit
▢	Attachment No. 13. Policy Guide (HOP)	Exhibit

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Rejected	5/21/2015 - 11:34 AM
Planning	Whyte, Scott	Approved	5/22/2015 - 9:40 AM
Planning	Holt, Paul	Approved	5/22/2015 - 2:45 PM
Development Management	Murphy, Allen	Approved	5/22/2015 - 3:09 PM
Publication Management	Burcham, Nan	Approved	5/22/2015 - 4:27 PM
Board Secretary	Fellows, Teresa	Approved	5/26/2015 - 5:38 PM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 2:56 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 3:15 PM



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

### **Staff Report for the June 9, 2015, Board of Supervisors Public Hearing**

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

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### **PUBLIC HEARINGS**

Planning Commission:

Planning Commission:

Board of Supervisors:

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

April 1, 2015, 7:00 p.m. (deferred by the applicant)

May 6, 2015, 7:00 p.m.

June 9, 2015, 7:00 p.m.

### **SUMMARY FACTS**

Applicant:

Mr. Timothy O. Trant, II, of Kaufman & Canoles, P.C.

Land Owners:

Candle Development, LLC; Candle Factory Building, LLC; Poplar Creek, LLC; NVR, INC; KLR Properties, LLC; Keith and Adrienne. McCarthy; Bryans C. Szostak; Ronica Leftwich; and John B. Barnett and Judith Barnett

Proposal:

A request to rezone  $\pm$  64.45 acres of land from MU, Mixed Use, with proffers to PUD, Planned Unit Development, with amended proffers and to rezone  $\pm$ 0.46 acres and  $\pm$ 0.11 acres from M-1, Limited Business/Industrial to PUD, Planned Unit Development, with proffers. The request includes an amendment to the adopted master plan to replace the  $\pm$ 90,000-square-foot assisted living facility and  $\pm$ 30,000 square feet of commercial/office area with 33 new single-family detached dwelling units and a  $\pm$ 60,000-square-foot self-storage area.

Location:

4100, 4102, 4104, 4106, 4108, 4110, 4112, 4114, 4116, 4118, 4120, 4122 Votive Drive; 4000, 4002, 4004, 4006, 4008, 4010, 4012, 4014, 4016, 4018, 4020, 4022 Luminary Drive; 7551, 7567, 7521, 7505 and a portion of 7559 Richmond Road

Tax Map/Parcel Nos.:

2321100034-2321100045; 2321100046-2321100057; 2321100001D, 2321100001E, 2321100001A, 2321100001C, 2321100002D, and 2321100003B, (no Real Estate address available)

Parcel Size:

$\pm$ 65 acres

Existing Zoning:

MU, Mixed Use, with proffers, and M-1, Limited Business/Industrial

Comprehensive Plan:

Low Density Residential, Mixed Use, and Conservation Area

Primary Service Area:

Inside

### **STAFF RECOMMENDATION**

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

Staff Contact:

Jose-Ricardo L. Ribeiro, Senior Planner II

Phone: 253-6890



## **PLANNING COMMISSION RECOMMENDATION**

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

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

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

### **PROJECT HISTORY & DESCRIPTION**

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

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

The area subject to the rezoning and master plan amendment application is located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607). The area is bounded on the south, east, and west by low-density residential developments zoned A-1, General Agricultural, (i.e., Toano Woods and Oakland Estates) and R-2, General Residential, (i.e., Norvalia). Adjacent properties to the north of the site and along Route 60 are zoned MU, Mixed Use, (i.e., CrossWalk Community Church, formerly known as the Williamsburg Music Theater) and M-1, Limited Industrial, (i.e., The Candle Factory commercial complex, CVS and Food Lion stores, and the Poplar Creek office park). The Village at Candle Station development is located within the Norge Community Character Area and therefore subject to the recommendations set forth by the 2009 Comprehensive Plan.



### **Previous Changes made to the adopted master plan**

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

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

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



Housing Category	Housing Type	Total Quantity	Pricing Type	Total Quantity	CIP: Schools	CIP: Others:	Water	Sewer	Stream Restoration	Total per Unit	Totals:
SFD <sup>1</sup>	Single Family	66 units	Market Price \$349,000	66 units	\$ 19,505	\$1,099	\$1,375	\$725	\$ 549	\$23,253	\$1,534,698
SFA <sup>2</sup>	Townhouse	142 units	Market Price \$249,000	100 units	\$5,550	\$1,099	\$1,039	\$725	\$ 549	\$8,962	\$896,200
HOP*	30-60% of AMI	100% reduction	\$116,213-\$188,124	17 units	\$0	\$0	\$0	\$0	\$ 549	\$549	\$9,333
	60-80% of AMI	60% reduction	\$188,124-\$228,647	15 units	\$2,220	\$439	\$415	\$290	\$549	\$3,913	\$58,695
	80-120% of AMI	30% reduction	\$228,647-\$358,605	10 units	\$3,885	\$769	\$727	\$507	\$549	\$6,437	\$64,370
											<b>±\$2,563,296</b>

**Table 1.0-Cash Contributions for community impacts**

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

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

## **CONTRIBUTIONS-PUBLIC IMPACTS**

### **Archaeology**

#### **Proffers:**

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

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

### **Environmental**

**Watershed:** Subwatershed 103 of the Yarmouth Creek Watershed

#### **Proffers:**

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

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



### ***Open Space***

Section 24-488 of the Zoning Ordinance requires that 35 percent of the gross area of any planned unit development district shall be retained in open space. This may include common open areas, perimeter open space, buffers between various uses or densities, public open space, recreation areas, easements, areas of steep slopes or slopes exceeding 25 percent gradient, and Resource Protection Areas (RPA) or historic sites. According to the master plan a total of 37.5 percent of the gross area of the site will be dedicated as open space, a slight increase from 37.2 percent provided as part of the previous approved master plan. Staff notes that this proposal offers  $\pm$  45.2 percent of the net developable area as open space.

### **Fiscal Impact:**

#### **Proffers:**

- Cash contributions of \$1,099 per dwelling unit (other than the 42 affordable/workforce dwelling units subject to proffer reductions according to HOP) on the property (total of  $\pm$ \$196,709) shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the property. The County may use these funds for any project in the County's capital improvements plan, which may include emergency services, off-site road improvements, future water needs, library uses, and public use sites.
- A Fiscal Impact Study (FIS) prepared for this development using the County's Fiscal Impact Worksheet and Assumptions (Attachment No. 8) was provided as part of the rezoning and master plan amendment application for this project. According to the study, the residential fiscal impact is negative at **\$166,789.25** while the commercial fiscal impact is positive at **\$30,173**. Therefore, the net final fiscal impact of this proposal is projected to be negative at **\$136,616.25**. By comparison, the net fiscal impact was estimated to be negative \$46,700 at build out in 2015 for the previous proposal, which included the assisted living facility and the commercial/office uses.

**Staff Comments:** The Director of Financial and Management Services (FMS) has reviewed the fiscal impact study and generally agrees that there will be a negative fiscal impact associated with this project.

### **Public Utilities**

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

#### **Proffers:**

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

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

### **Public Facilities**

#### **School Proffers:**

A cash contribution of \$19,505.34 per each single-family detached dwelling unit and \$5,550.16 for each single-family attached dwelling unit (other than the 42 affordable/workforce dwelling units subject to proffer reductions according to HOP) to mitigate the impacts from physical development and operation of the property [Proffer No. 5(a)]. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.

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

#### ***Student Projections:***

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



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

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

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

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

<sup>1</sup> Effective Capacity represents the “realistic and practical number of students that the school facility can accommodate.”

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

#### **Affordable and Mixed Cost Housing:**

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

**Table 3.0. Housing Opportunities Policy and AMI**

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

#### **Parks and Recreation**

##### **Proffers:**

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



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

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

## **Transportation**

### **Proffers:**

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

### **Traffic Counts:**

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

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

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



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

## **COMPREHENSIVE PLAN**

### **Land Use Map**

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

**Table No. 4.0-2009 Comprehensive Plan land use designation for The Village at Candle Station**

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

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

### ***Density***

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



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

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

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

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

### ***Norge Community Character Area***

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

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



### **LANDSCAPE BUFFER REDUCTION REQUEST**

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

### **PRIVATE STREETS**

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

### **RECOMMENDATION**

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

### **ATTACHMENTS:**

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

JR/gb

Z-08-14-MP04-14Village



## **RESOLUTION**

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

#### **REZONING AND MASTER PLAN AMENDMENT**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0008-2014/MP-0008-2014; and

WHEREAS, on behalf of various property owners, Mr. Timothy Trant has applied to rezone properties located at 7551, 7567 and a portion of 7559, 7521 and 7505 Richmond Road; 4000, 4002, 4004, 4006, 4008, 4010, 4012, 4014, 4016, 4018, 4020 and 4022 Luminary Drive; 4100, 4102, 4104, 4106, 4108, 4110, 4112, 4114, 4116, 4118, 4120, and 4122 Votive Drive and further identified as James City County Real Estate Tax Map Nos. 2321100001D, 2321100001E, 2321100001A, 2321100001C, 2321100002D, 2321100046, 2321100047, 2321100048, 2321100049, 2321100050, 2321100051, 2321100052, 2321100053, 2321100054, 2321100055, 2321100056, 2321100057, 2321100045, 2321100044, 2321100043, 2321100042, 2321100041, 2321100040, 2321100039, 2321100038, 2321100037, 2321100036, 2321100035, 2321100034, respectively, and a property identified as James City County Real Estate Tax Map No. 2321100003B (collectively, the "Properties") from MU, Mixed Use, with proffers to PUD, Planned Unit Development, with amended proffers and M-1, Limited Business/Industrial, to PUD, Planned Unit Development, with proffers. The request includes an amendment to the adopted master plan for Case No. Z-0003-2008/MP-0003-2008 to replace a ±90,000-square-foot assisted living facility and ±30,000 square feet of commercial/office area with 33 new single-family detached dwelling units and a ±60,000-square-foot self-storage area. As amended, the master plan shows a total of 208 dwelling units and approximately ±60,000 square feet of self-storage; and

WHEREAS, the Properties are designated Low Density Residential, Mixed Use, and Conservation Area on the 2009 Comprehensive Plan Land Use Map; and

WHEREAS, on May 6, 2015, the Planning Commission recommended approval of the application by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0008-2014/MP-0004-2014 described herein, and accepts the voluntary proffers.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the request to allow private streets as shown in the Master Plan for Case No. Z-0008-2014/MP-0004-2014.



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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

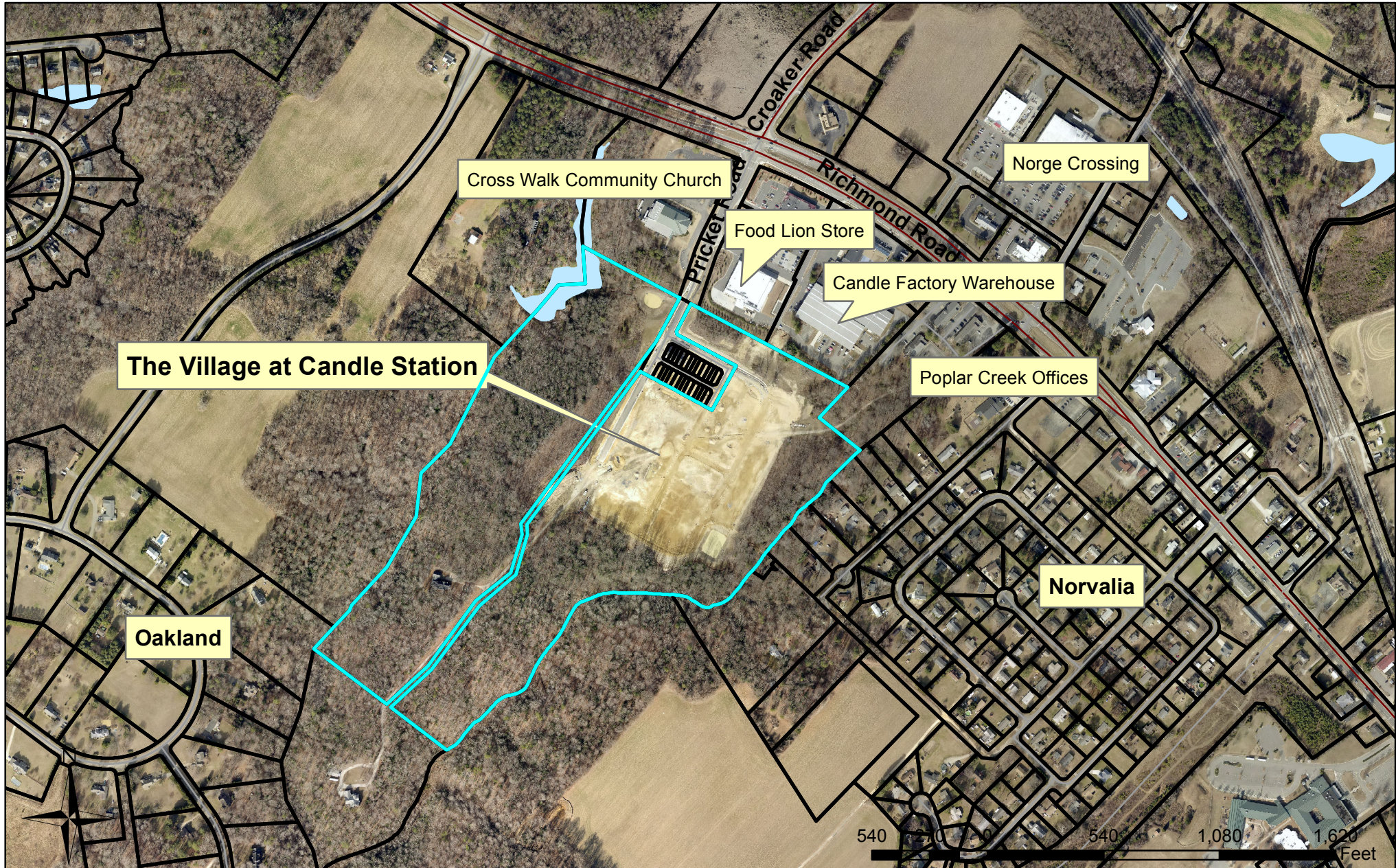
Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June,  
2015.

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



# JCC-Z-0008-2014/MP-0004-2014

## The Village at Candle Station





## **Unapproved Minutes of the May 6, 2015 Planning Commission Meeting**

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

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

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

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

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

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

Ms. Bledsoe called for disclosures from the Commissioners.

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

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

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

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

Ms. Bledsoe opened the floor for public comment.

Mr. Tim Trant, Kaufman & Canoles, PC, stated that he represents the applicant. Mr. Trant spoke on the history of the project and the rationale regarding the proposed changes. Mr. Trant noted that the approved assisted living facility, which was incorporated in the approved master plan to



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

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

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

Ms. Bledsoe opened the floor for discussion.

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

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

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

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

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

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



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

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

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

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

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

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

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



Ms. Bledsoe inquired about the buffer between project and the Norvalia community.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

Mr. Richardson inquired about the density.

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



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

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

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

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

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

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

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

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

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

Ms. Bledsoe opened the floor for Commission discussion.

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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



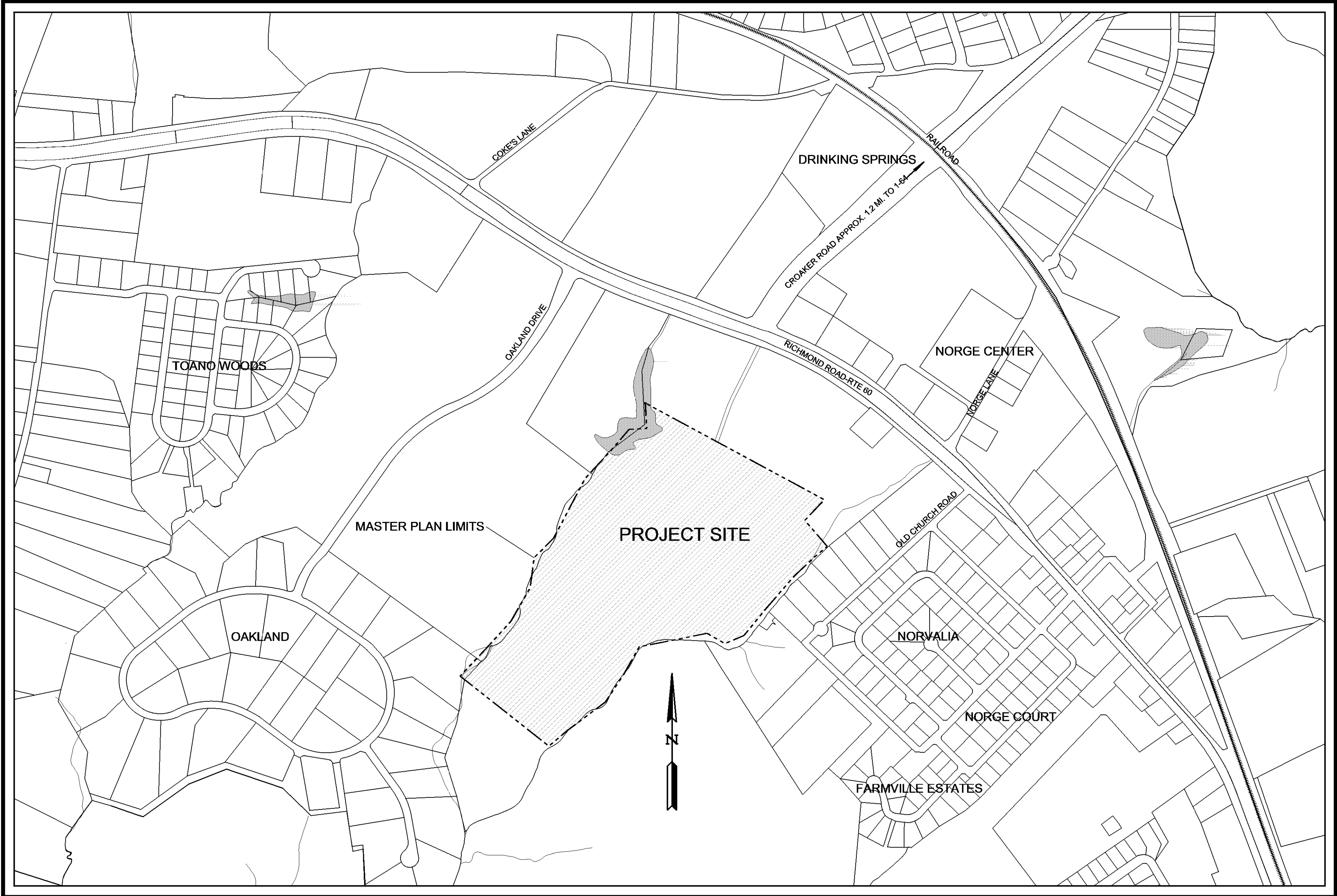
Bledsoe stated that she appreciates the flexibility and creativity of the developer to make the project something that is viable for both the developer and the community. Ms. Bledsoe stated that she would support the application.

Mr. Drummond moved to recommend approval.

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



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



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

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

AES PROJECT: W10059-02

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

AES

CONSULTING ENGINEERS

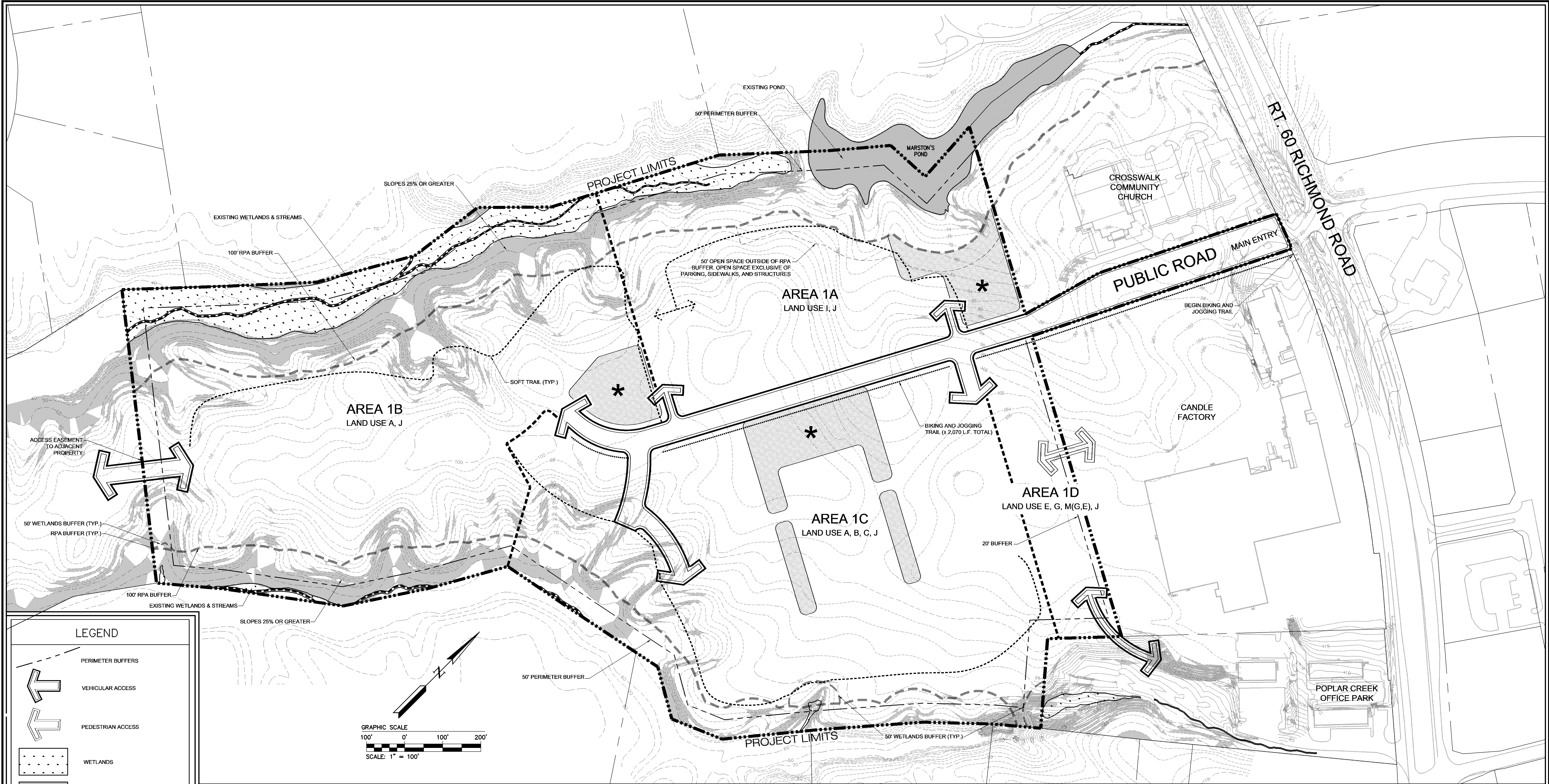
5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: (757) 253-0040  
Fax: (757) 220-8994  
www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula

INDEX OF SHEETS	
SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	APPROVED MASTER PLAN (2011 REZONING)
3	PROPOSED MASTER PLAN
4	APPROVED PLAN OF DEVELOPMENT (2011 REZONING)
5	ILLUSTRATIVE PLAN / PLAN OF DEVELOPMENT
6	CONCEPTUAL STORMWATER MANAGEMENT PLAN
7	CONCEPTUAL SANITARY SEWER AND WATER DISTRIBUTION PLAN

- General Notes for Rezoning**
- Parcel Numbers and Owners:  
  
Parcel #2321100034 - #2321100057  
NVR, INC.  
5360 Discovery Park Blvd., Suite 201  
Williamsburg, VA 23188  
Contact: Jeff Ambrose (757) 565-7661  
  
A portion of Parcel #2321100001A  
John Barnett  
7559 Richmond Road  
Williamsburg, VA 23188  
  
Parcel #2321100001D and Parcel #2321100001E  
Candle Development, LLC  
5800 Mooretown Road  
Williamsburg, VA 23188-1712  
Contact: Peter Henderson (757) 565-1090  
  
Parcel #2321100001C  
Candle Factory Building LLC  
5806 Mooretown Road  
Williamsburg, VA 23188-1712  
Contact: John B. Barnett, Jr., Chickasa  
  
Parcel #2321100002D  
Poplar Creek, LLC  
P.O. Box 8M  
Williamsburg, VA 23187-0341  
Contact: John B. Barnett, Jr., Chickasa
  - Parcel Numbers and Property Addresses:  
  
Parcel #2321100001A  
7559 Richmond Road  
Williamsburg, VA 23188  
  
Part of Parcel #2321100001D  
7551 Richmond Road  
Williamsburg, VA 23188  
  
Parcel #2321100001E  
7567 Richmond Road  
Williamsburg, VA 23188  
  
Parcel #2321100001C  
7521 Richmond Road  
Williamsburg, VA 23188  
  
Parcel #2321100002D  
7505 Richmond Road  
Williamsburg, VA 23188
  - Total area: approx. 64.91 acres.
  - Existing zoning: MU with Proffers
  - Proposed zoning: PUD with Proffers
  - Topographic information is based on a survey by AES Consulting Engineers.
  - Sheet 2, Environmental Inventory, indicates 25% slopes, soil inventory, wetlands, the approximate location of Resource Protection Areas (RPA) and associated buffers, and perennial stream determinations. For further information on the Environmental Inventory, refer to the Community Impact Statement.
  - Site lies within the Norge Community Character Area as described on the JCC Comprehensive Plan.
  - This project is located in Subwatershed 103 of the Yarmouth Creek Watershed Management Plan in James City County for which a watershed management plan was developed. To observe recommendations of this plan, a combination of structural best management practices, preservation of natural open space, and the use of special stormwater criteria are employed to: prevent further degradation of Yarmouth Creek, enhance groundwater recharge usually lost from land development, and to help preserve some of the natural hydrology of the site.
  - Curb and gutter streets are proposed.
  - All public streets within the development will be designed per applicable VDOT standards.
  - Private streets, if constructed, shall meet VDOT requirements per Section 24-528 (b) and (c) unless waived or modified as prescribed in paragraph (d), (1)-(5).
  - Private streets will comply with "Administrative Guidelines for Certification of Private Street Construction" program requirements at development plan stage.
  - No structures within the development shall exceed 60' in height.
  - This master plan seeks to amend JCC Case Master Plan MP-0003-2008 adopted by the Board of Supervisors on December 13, 2011.

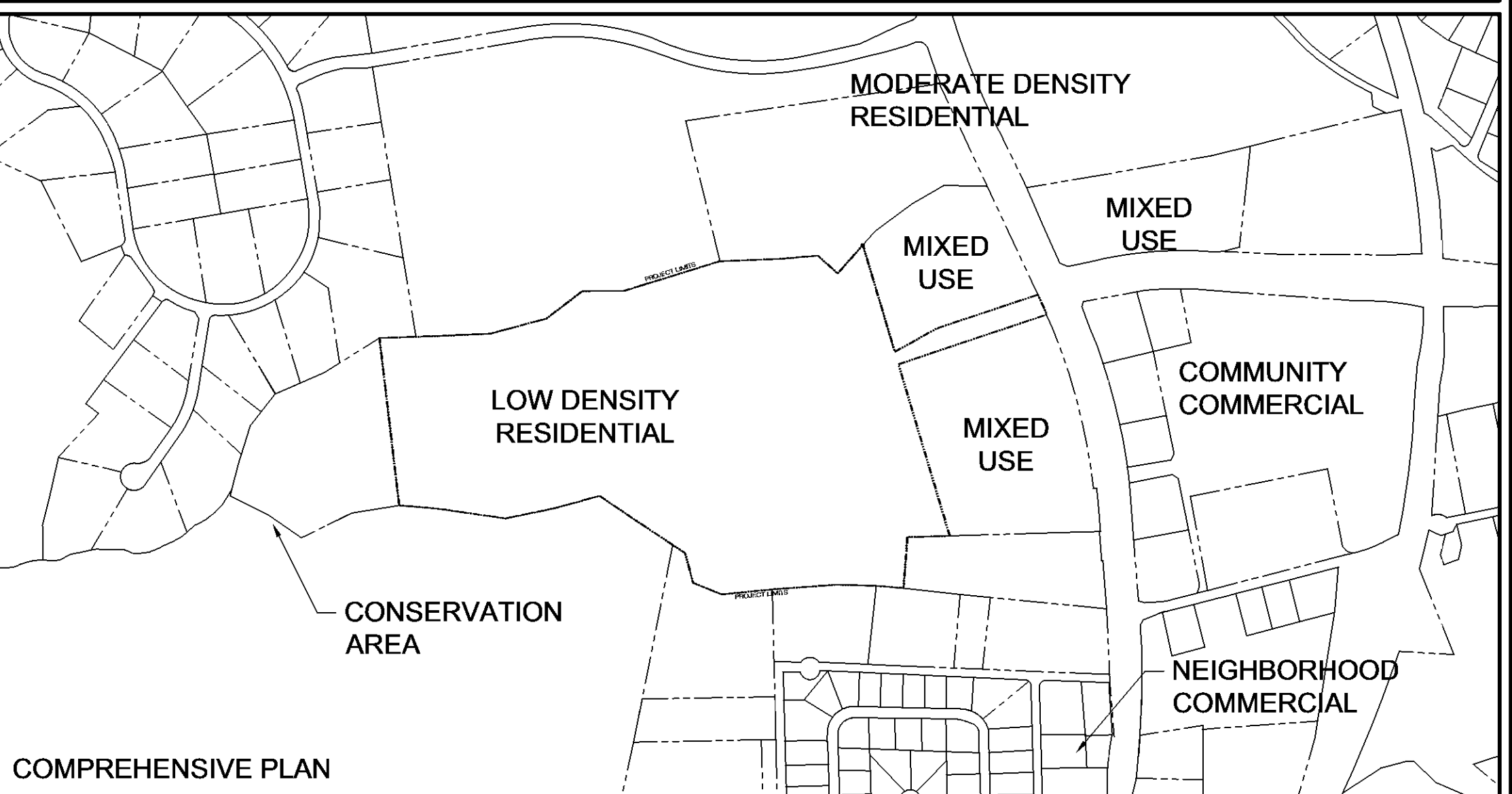
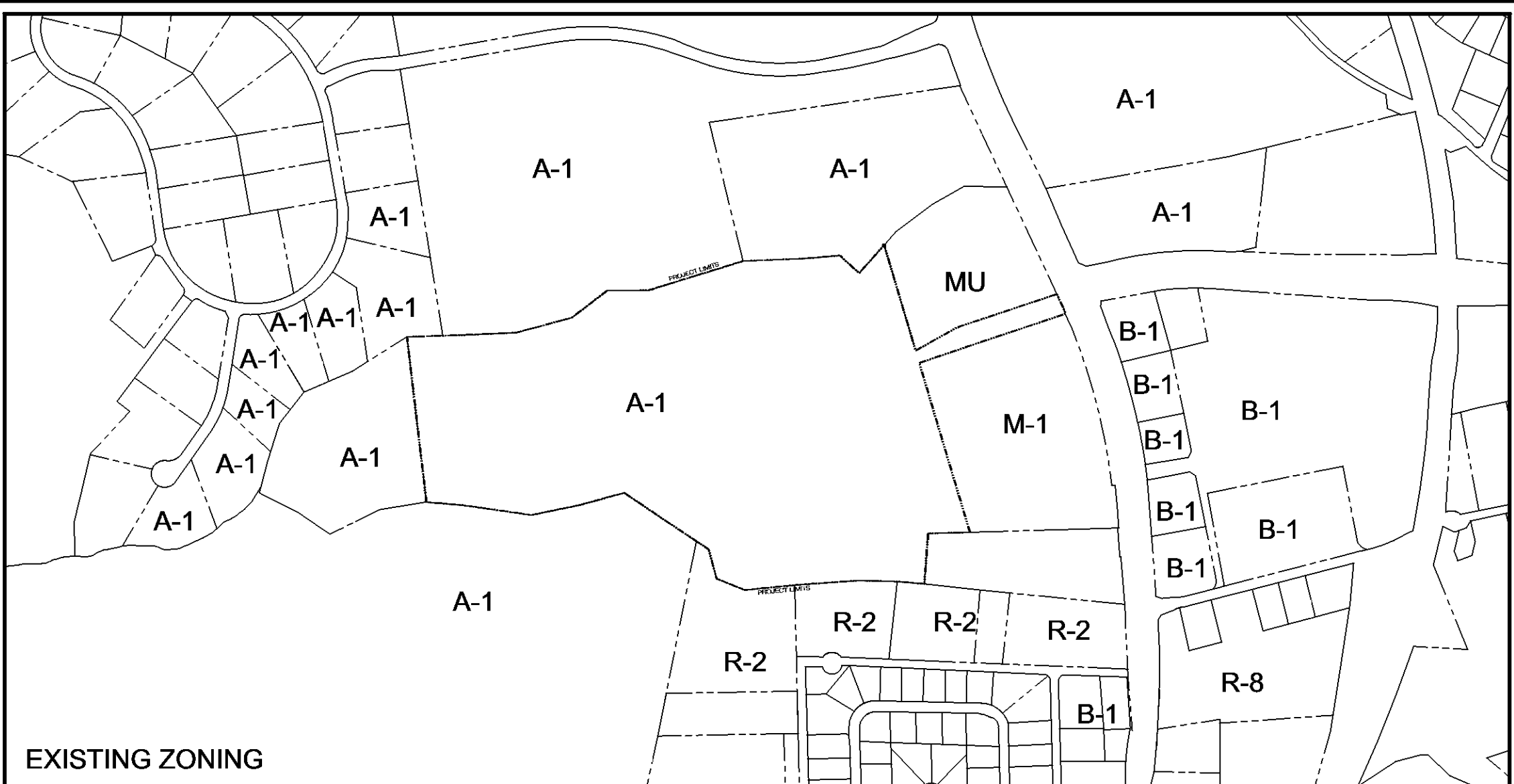




AREA TO BE REZONED TO M-U WITH PROFFERS								
LAND USE AREA	USE DESIGNATION	PROPOSED USE	AREA IN ACRES (±)	PERCENT OF TOTAL SITE	TOTAL UNITS	DENSITY PER GROSS ACRE	GFA SQ. FEET	MAX. FLOOR TO AREA RATIO
1	(SEE BELOW)	MIXED USE	64.45	100.0%	175*	2.71 DU/AC	N/A	N/A
1A	I, J	ASSISTED LIVING	12.92	20.1%	96	N/A	90,000	N/A
1B	A, J	RESIDENTIAL/RECREATION	23.45	36.4%	33	1.41 DU/AC**	N/A	N/A
1C	A, B, C, J	RESIDENTIAL/RECREATION	25.02	38.8%	142	5.68 DU/AC**	N/A	N/A
SUBTOTAL 1B, 1C	A, B, C, J	RESIDENTIAL/RECREATION	48.47	75.2%	175	3.61 DU/AC	N/A	N/A
1D	E, G, M(G,E), J	NON-RESIDENTIAL	3.06	4.7%	N/A	N/A	30,000***	0.23

\*DOES NOT INCLUDE ASSISTED LIVING UNITS.  
\*\*DENSITY CALCULATION BASED ON LAND USE AREA.  
\*\*\*20,000 S.F. COMMERCIAL, MAX.

DESIGNATED LAND USE KEY:  
A: SINGLE FAMILY DWELLING UNITS  
B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS  
C: ATTACHED STRUCTURES LESS THAN THREE STORIES AND CONTAINING MORE THAN FOUR DWELLING UNITS  
D: COMMERCIAL USES  
E: OFFICE USES  
F: INSTITUTIONAL OR PUBLIC USES  
G: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED  
H: MIXED USE WITH OFFICE AND COMMERCIAL USES  
I: OTHER STRUCTURES, FACILITIES OR AMENITIES  
J: NOTE: FOR APPROXIMATE LOCATIONS OF PUBLIC AND PRIVATE ROADS SEE SHEET 4.



No.	DATE	REVISION / COMMENT / NOTE	REVISED BY	REVIEWED BY

**AES**  
CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: (757) 253-0040  
Fax: (757) 220-8994  
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APPROVED 2011 MASTER PLAN  
THE VILLAGE AT CANDLE STATION  
MIXED-USE ZONING  
FOR  
Candle Development, LLC

Designed: JSP  
Scale: 1"=100'  
Project No: W10059-02  
Drawing No: 2 OF 7

Drawn: MRA  
Date: 11/14/14  
Project No: W10059-02  
Drawing No: 2 OF 7

STONEHOUSE DISTRICT | JAMES CITY COUNTY | VIRGINIA



SOIL No.	SOIL NAME	HYDROLOGICAL GROUP	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	GRAVEN-UCHEE COMPLEX	A/C	6-10%	0.32-0.37	3
15D	EMPORIA COMPLEX	C	10-15%	0.20-0.28	4
15F	EMPORIA COMPLEX	C	15-25%	0.20-0.28	4
15F	EMPORIA COMPLEX	C	25-50%	0.20-0.28	4
17	JOHNSTON COMPLEX	A/C	-	0.17-0.20	5
18B	EMPSVILLE FINE SANDY LOAM	B	2-6%	0.24-0.32	3
19B	KEMPSVILLE-EMPORIA FINE SANDY C	C	2-6%	0.24-0.32	3
20B	KENANSVILLE LOAMY FINE SAND A	A	2-6%	0.10-0.15	5
29A	SLAGLE FINE SANDY LOAM	C	0-2%	0.24	3
31B	SUFFOLK FINE SANDY LOAM	B	2-6%	0.17-0.28	4
34C	UCHEE LOAMY FINE SAND	A	6-10%	0.20-0.28	5

INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA" ISSUED IN APRIL, 1985, BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)  
0.23 AND LOWER - LOW ERODIBILITY  
0.23 TO 0.36 - MODERATE ERODIBILITY  
0.36 AND UP - HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

■

 DENOTES 25% OR GREATER SLOPES

▨

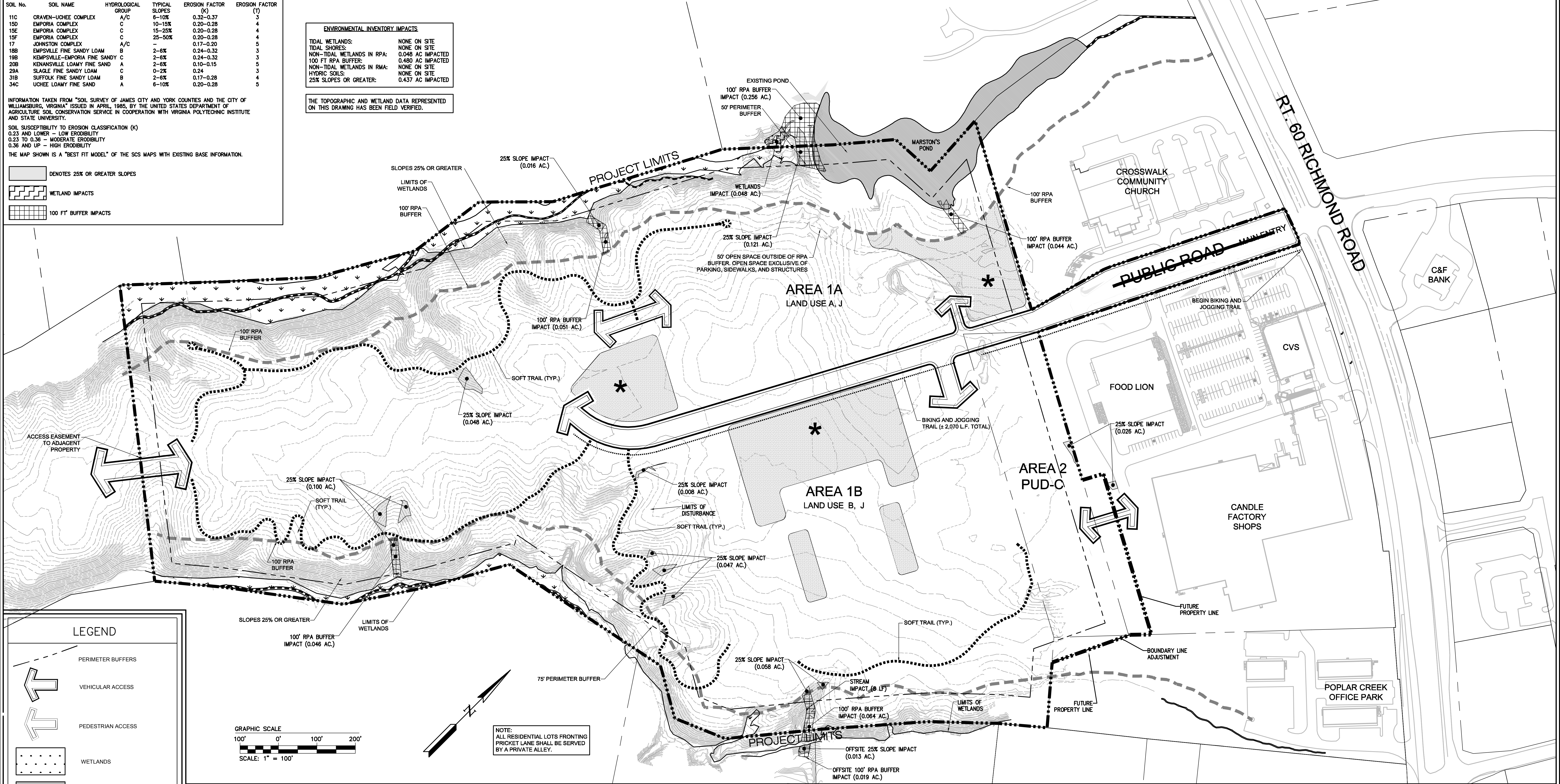
 WETLAND IMPACTS

▤

 100 FT' BUFFER IMPACTS

ENVIRONMENTAL INVENTORY IMPACTS	
TIDAL WETLANDS:	NONE ON SITE
TIDAL SHORES:	NONE ON SITE
NON-TIDAL WETLANDS IN RPA:	0.048 AC IMPACTED
100 FT RPA BUFFER:	0.480 AC IMPACTED
NON-TIDAL WETLANDS IN RMA:	NONE ON SITE
HYDRIC SOILS:	NONE ON SITE
25% SLOPES OR GREATER:	0.437 AC IMPACTED

THE TOPOGRAPHIC AND WETLAND DATA REPRESENTED ON THIS DRAWING HAS BEEN FIELD VERIFIED.



PERIMETER BUFFERS

VEHICULAR ACCESS

PEDESTRIAN ACCESS

WETLANDS

EXISTING POND

PERENNIAL STREAM

INTERMITTENT STREAM

100' RPA BUFFER

SLOPES 25% OR GREATER

OPEN SPACE WITH RECREATION AREAS NOTED

SOFT TRAILS (± 4,940 L.F. TOTAL)

BIKING AND JOGGING TRAIL (± 2,070 L.F. TOTAL)

LEGEND

PERIMETER BUFFERS

VEHICULAR ACCESS

PEDESTRIAN ACCESS

WETLANDS

EXISTING POND

PERENNIAL STREAM

INTERMITTENT STREAM

100' RPA BUFFER

SLOPES 25% OR GREATER

OPEN SPACE WITH RECREATION AREAS NOTED

SOFT TRAILS (± 4,940 L.F. TOTAL)

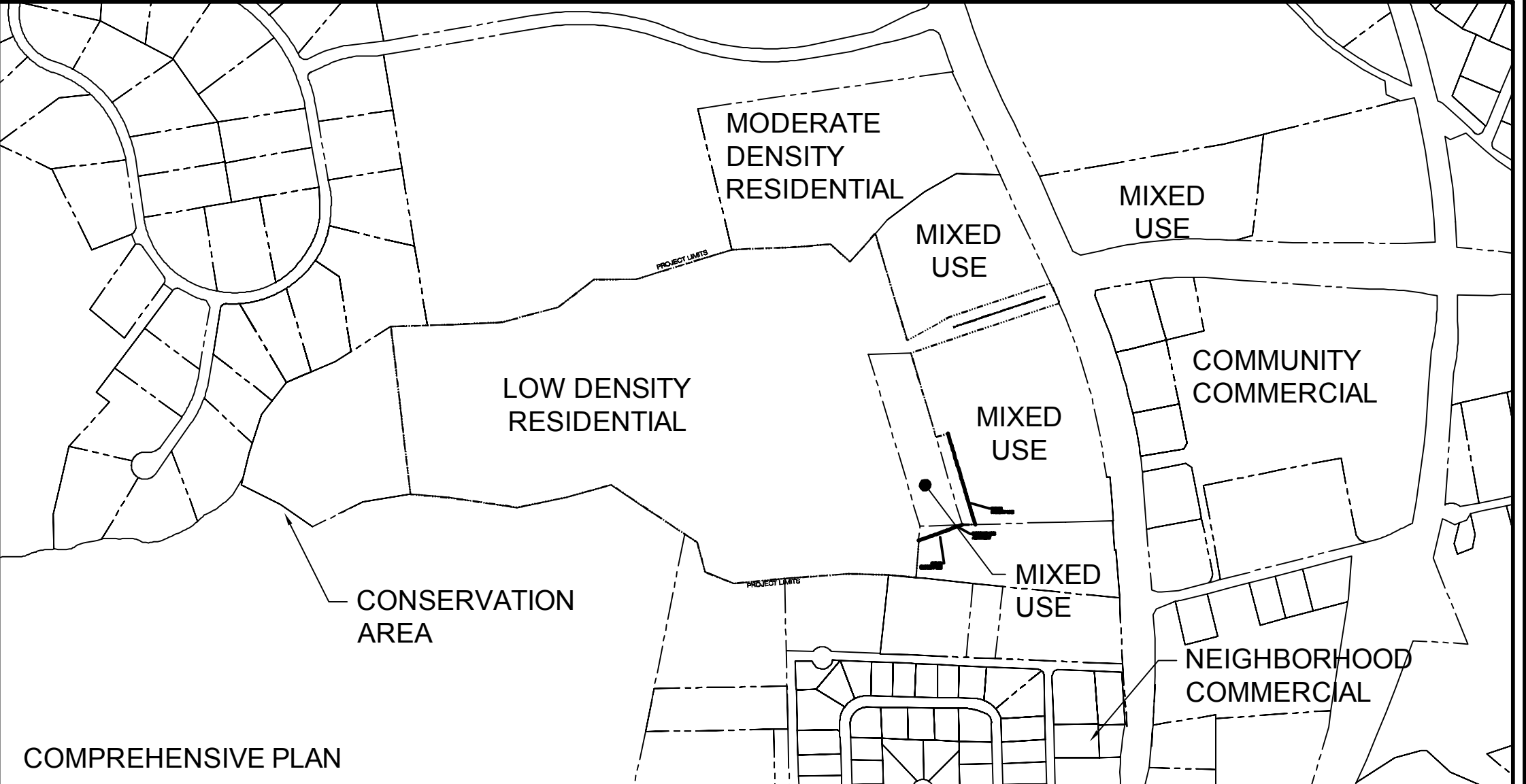
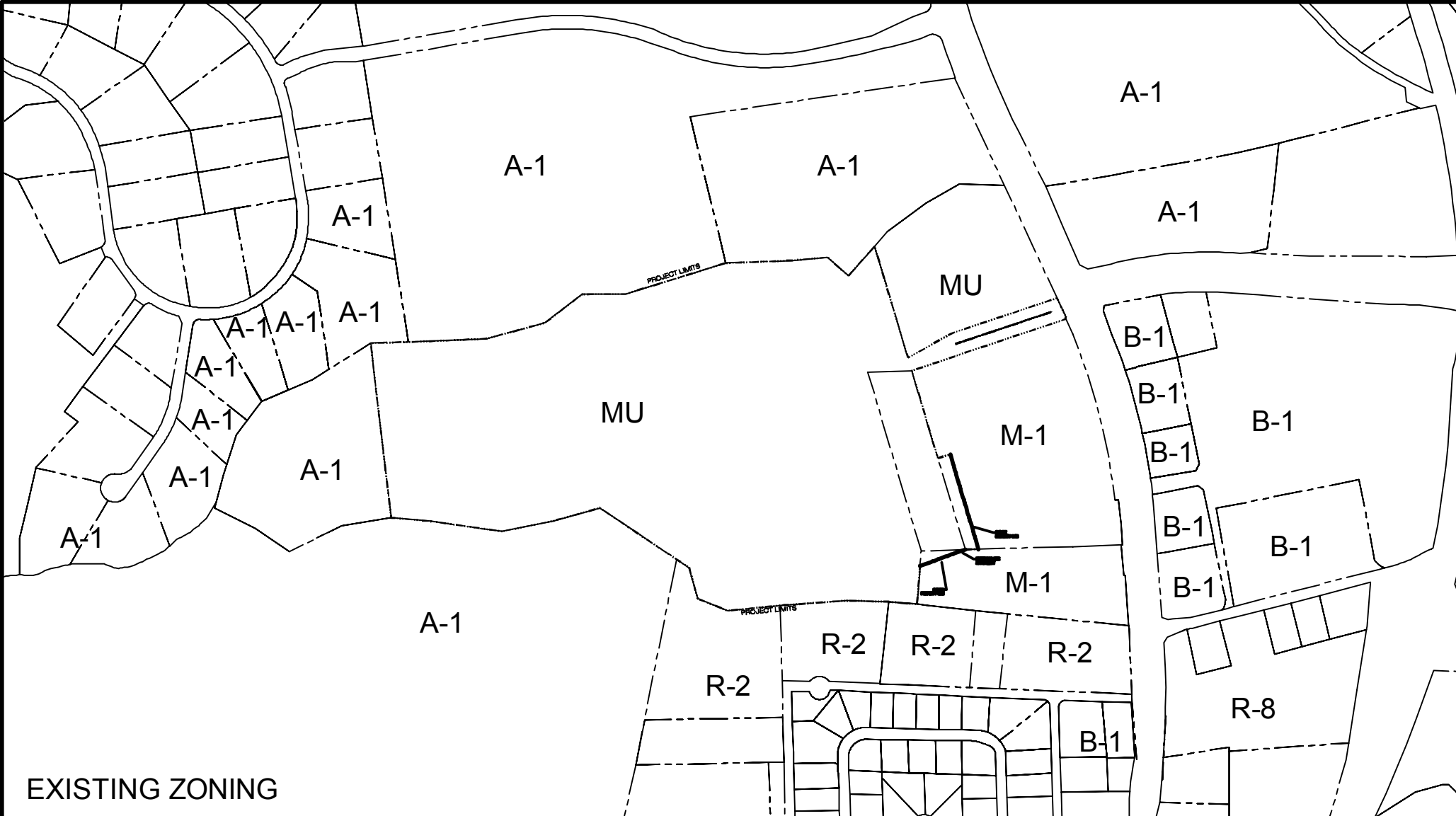
BIKING AND JOGGING TRAIL (± 2,070 L.F. TOTAL)

AREA TO BE REZONED TO PUD-R WITH PROFFERS								
LAND USE AREA	USE DESIGNATION (SEE BELOW)	PROPOSED USE	AREA IN ACRES (±)	PERCENT OF TOTAL SITE	TOTAL UNITS	DENSITY PER TOTAL ACRE	DENSITY PER NET ACRE	GFA SQ. FEET
PUD-R		PUD-R	61.19	95.3%	208	3.40 DU/AC	4.0***	N/A
*1A	A, J	RESIDENTIAL/RECREATION	36.43	56.5%	66	1.81 DU/AC**	N/A	N/A
1B	B, J	RESIDENTIAL/RECREATION	24.76	38.8%	142	5.25 DU/AC**	N/A	N/A
AREA 2 PUD-C	E,F,G	COMMERCIAL/WAREHOUSE	3.72	4.7%	N/A	N/A	N/A	±80,000

\* PROPOSED CHANGE WITH AMENDMENT.  
\*\* DENSITY CALCULATION BASED ON TOTAL LAND USE AREA.  
\*\*\* TOTAL PUD-R AREA DENSITY BASED ON GROSS ACRE PER SECTION 24-487

DESIGNATED LAND USE KEY:  
A: SINGLE FAMILY DWELLING UNITS  
B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS  
C: COMMERCIAL WAREHOUSE  
D: OFFICE  
E: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED  
F: OTHER STRUCTURES, FACILITIES OR AMENITIES  
X:

NOTE: FOR APPROXIMATE LOCATIONS OF PUBLIC AND PRIVATE ROADS SEE SHEET 4.



No.	DATE	REVISION / COMMENT / NOTE	REVISION BY	REVIEWED BY
1	3/11/15	REVISED PER JCC COMMENTS DATED FEBRUARY 2015	AMR	JAG

AES

CONSULTING ENGINEERS

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

Central Virginia

Middle Peninsula

PROPOSED MASTER PLAN  
THE VILLAGE AT CANDLE STATION

PUD-R ZONING  
FOR  
Candle Development, LLC

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Designed  
JAG

Drawn  
AMR

Scale  
1"=100'

Date  
11/14/14

Project No.  
W10059-02

Drawing No.  
3 OF 7



NET DEVELOPABLE AREA CALCULATION

DESCRIBED AREA	ACRES (±)	% OF TOTAL SITE
GROSS LAND AREA	64.91	100.0%
AREAS SUBTRACTED		
25% SLOPES OR GREATER	7.61	11.8%
WETLANDS, PONDS, AND STREAMBEDS	4.68	7.3%
<b>SUBTOTAL</b>	<b>12.29</b>	<b>19.1%</b>
<b>NET DEVELOPABLE AREA</b>	<b>52.76</b>	<b>80.9%</b>

PREVIOUS APPROVED MASTER PLAN

ACRES (±)	% OF TOTAL SITE
64.45	100.0%
7.61	11.8%
4.72	7.3%
12.33	19.1%
52.12	80.9%

DEVELOPABLE AREAS SUMMARY

	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF TOTAL SITE
NON OPEN SPACE AREAS	ROAD AND ALLEY RIGHT-OF-WAYS (ROW)	8.70	16.7%	13.5%
	RESIDENTIAL LOTS	17.63	33.8%	27.4%
	STORM WATER MANAGEMENT (MARSTON POND)	1.66	3.2%	2.6%
	BUILDINGS AND ASSOCIATED REQUIRED YARDS	0.60	1.1%	0.9%
	<b>SUBTOTAL</b>	<b>28.59</b>	<b>54.8%</b>	<b>44.4%</b>
OPEN SPACE (SEE HATCH)	OTHER OPEN SPACE IN NET DEVELOPABLE AREA (NOT PART OF ANY ADDITIONAL REQUIRED YARD)	24.17	45.2%	37.5%
	<b>SUBTOTAL</b>	<b>24.17</b>	<b>45.2%</b>	<b>37.5%</b>
	<b>TOTAL DEVELOPABLE ACRES</b>	<b>52.76</b>	<b>100.0%</b>	<b>81.9%</b>

PREVIOUS APPROVED MASTER PLAN

ACRES	% OF NET DEVELOPABLE	% OF TOTAL SITE
11.35	21.8%	17.6%
5.61	10.7%	8.7%
0.40	0.8%	0.6%
10.79	20.7%	16.8%
28.15	54.0%	43.7%
23.97	46.0%	37.2%
23.97	46.0%	37.2%
52.12	100.0%	80.9%

OPEN SPACE:  
PER JCC ORDINANCE SEC.24-488

35% OF THE GROSS AREA OF ANY PLANNED  
UNIT DEVELOPMENT DISTRICT SHALL BE  
RETAINED IN OPEN SPACE

LIMITS OF  
WETLANDS

100' RPA  
BUFFER

RESIDENTIAL AREA  
(MASTER PLAN AREA 1B)

100' RPA  
BUFFER

SOFT TRAIL (TYP.)

± 0.95 AC.  
CROSSWALK (TYP.)

± 2.70 AC.

± 1.16 AC.

100' RPA  
BUFFER

SOFT TRAIL (TYP.)

LIMITS OF  
WETLANDS

RESIDENTIAL AREA  
(MASTER PLAN AREA 1C)

SOFT TRAIL (TYP.)

VACATE  
PROPERTY LINE

BOUNDARY LINE  
ADJUSTMENT

FUTURE  
PROPERTY LINE

6,750 SF  
0.16 AC

NOTE:  
ALL RESIDENTIAL LOTS FRONTING  
PRICKET LANE SHALL BE SERVED  
BY A PRIVATE ALLEY.

PROPOSED IMPROVED  
LEFT TURN LANE

PROPOSED RIGHT TURN LANE AND TAPER  
WITH BIKE LANE PER PROFFERS

4-LANE ENTRANCE  
CONFIGURATION  
PER PROFFERS

CROAKER ROAD

RT. 60 RICHMOND ROAD

CROSSWALK  
COMMUNITY  
CHURCH

EX. CURB CUTS

EX. CURB CUT  
TO BE REMOVED

FOOD LION

CVS

COMMERCIAL AREA  
SELF STORAGE  
(MASTER PLAN AREA 2)

CANDLE  
FACTORY  
STORAGE

FUTURE  
PROPERTY LINE  
12974.09 SF  
0.30 AC

POPULAR CREEK  
OFFICE PARK

OLD CHURCH LANE RT. 723

GRAPHIC SCALE

100' 0' 100' 200'

SCALE: 1" = 100'

NOTES

SINGLE FAMILY-DETACHED (66 UNITS)  
SINGLE FAMILY-ATTACHED (142 UNITS)

208 TOTAL RESIDENTIAL UNITS ON 61.19 ACRES, DENSITY = 3.40 UNITS PER ACRE (BASED ON RESIDENTIAL LAND BAY AREAS)

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

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

No.	DATE	REVISION / COMMENT / NOTE	REVIEWED BY	DESIGNED BY
1	3/11/15	REVISED PER JCC COMMENTS DATED FEBRUARY 2015	AMR	JAG



5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: (757) 253-0040  
Fax: (757) 220-8994  
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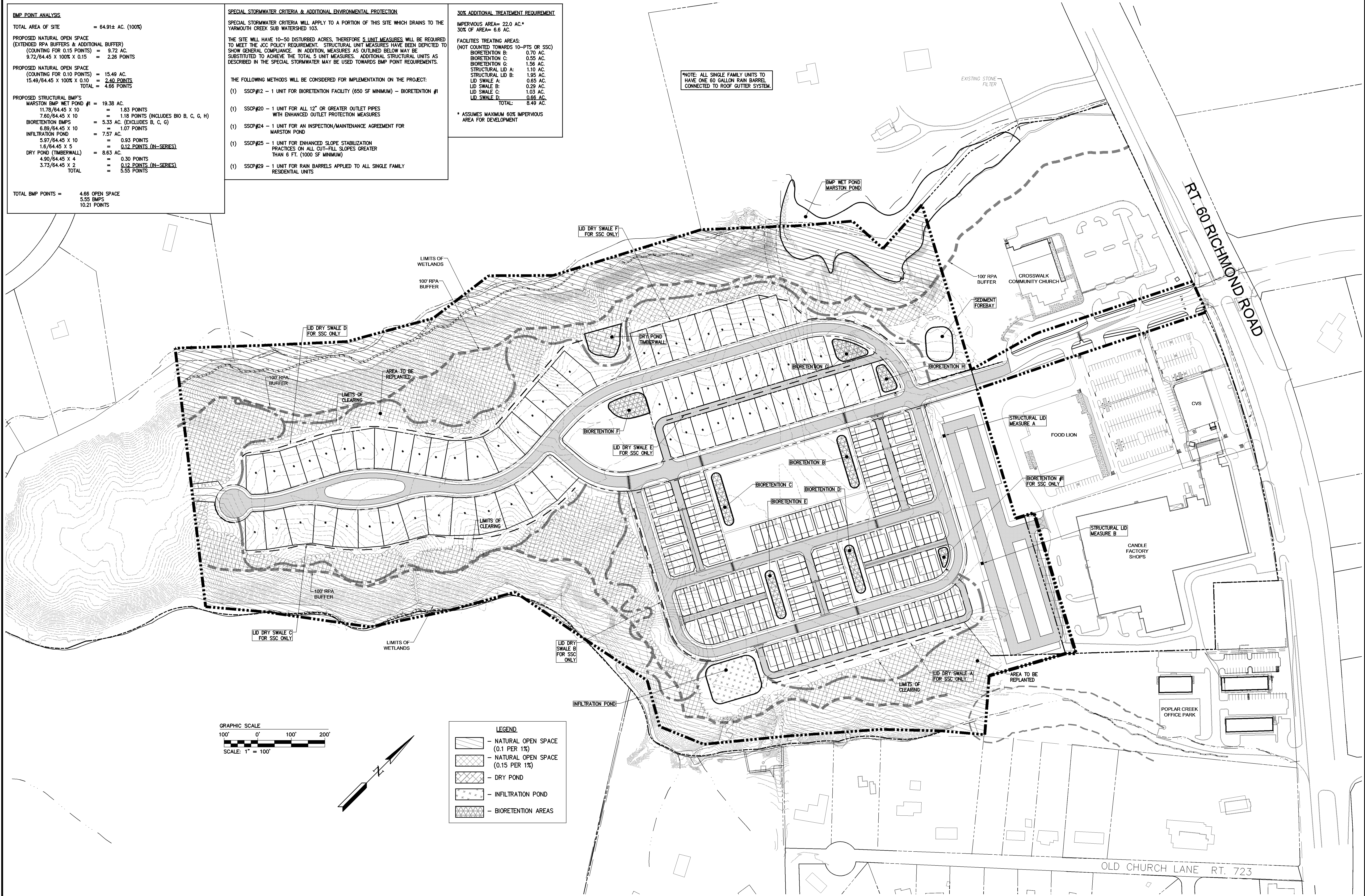
ILLUSTRATIVE PLAN / PLAN OF DEVELOPMENT  
BINDING PER SEC. 24-484(b)(4) & SEC. 24-515(b)(4)  
**THE VILLAGE AT CANDLE STATION**  
PUD-R ZONING  
FOR  
Candle Development, LLC  
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Designed JAG	Drawn AMR
Scale 1"=100'	Date 11/14/14
Project No. W10059-02	Drawing No. 5 OF 7









<b>BMP POINT ANALYSIS</b>	
TOTAL AREA OF SITE	= 64.91± AC. (100%)
PROPOSED NATURAL OPEN SPACE (EXTENDED RPA BUFFERS & ADDITIONAL BUFFER) (COUNTING FOR 0.15 POINTS)	= 9.72 AC. 9.72/64.45 X 100% X 0.15 = 2.28 POINTS
PROPOSED NATURAL OPEN SPACE (COUNTING FOR 0.10 POINTS)	= 15.49 AC. 15.49/64.45 X 100% X 0.10 = 2.40 POINTS
TOTAL	= 4.66 POINTS
PROPOSED STRUCTURAL BMP'S MARSTON BMP WET POND #1	= 19.38 AC. 11.78/64.45 X 10 = 1.83 POINTS 7.60/64.45 X 10 = 1.18 POINTS (INCLUDES BIO B, C, G, H)
BIORETENTION BMP'S	= 5.33 AC. (EXCLUDES B, C, G)
INFILTRATION POND	= 1.07 POINTS 5.97/64.45 X 10 = 0.93 POINTS 1.6/64.45 X 5 = 0.12 POINTS (IN-SERIES)
DRY POND (TIMBERWALL)	= 8.63 AC. 4.90/64.45 X 4 = 0.30 POINTS 3.73/64.45 X 2 = 0.12 POINTS (IN-SERIES)
TOTAL	= 5.55 POINTS
TOTAL BMP POINTS =	4.66 OPEN SPACE 5.55 BMP'S 10.21 POINTS

**SPECIAL STORMWATER CRITERIA & ADDITIONAL ENVIRONMENTAL PROTECTION**

SPECIAL STORMWATER CRITERIA WILL APPLY TO A PORTION OF THIS SITE WHICH DRAINS TO THE YARMOUTH CREEK SUB WATERSHED 103.

THE SITE WILL HAVE 10-50 DISTURBED ACRES, THEREFORE 5 UNIT MEASURES WILL BE REQUIRED TO MEET THE JCC POLICY REQUIREMENT. STRUCTURAL UNIT MEASURES HAVE BEEN DEPICTED TO SHOW GENERAL COMPLIANCE. IN ADDITION, MEASURES AS OUTLINED BELOW MAY BE SUBSTITUTED TO ACHIEVE THE TOTAL 5 UNIT MEASURES. ADDITIONAL STRUCTURAL UNITS AS DESCRIBED IN THE SPECIAL STORMWATER MAY BE USED TOWARDS BMP POINT REQUIREMENTS.

THE FOLLOWING METHODS WILL BE CONSIDERED FOR IMPLEMENTATION ON THE PROJECT:

(1) SSCP#12 - 1 UNIT FOR BIORETENTION FACILITY (650 SF MINIMUM) - BIORETENTION #1

(1) SSCP#20 - 1 UNIT FOR ALL 12" OR GREATER OUTLET PIPES WITH ENHANCED OUTLET PROTECTION MEASURES

(1) SSCP#24 - 1 UNIT FOR AN INSPECTION/MAINTENANCE AGREEMENT FOR MARSTON POND

(1) SSCP#25 - 1 UNIT FOR ENHANCED SLOPE STABILIZATION PRACTICES ON ALL CUT-FILL SLOPES GREATER THAN 6 FT. (1000 SF MINIMUM)

(1) SSCP#29 - 1 UNIT FOR RAIN BARRELS APPLIED TO ALL SINGLE FAMILY RESIDENTIAL UNITS

**30% ADDITIONAL TREATMENT REQUIREMENT**

IMPERVIOUS AREA= 22.0 AC.\*  
30% OF AREA= 6.6 AC.

FACILITIES TREATING AREAS:  
(NOT COUNTED TOWARDS 10-PTS OR SSC)

BIORETENTION B: 0.70 AC.  
BIORETENTION C: 0.55 AC.  
BIORETENTION G: 1.56 AC.  
STRUCTURAL LID A: 1.10 AC.  
STRUCTURAL LID B: 1.95 AC.  
LID SWALE A: 0.65 AC.  
LID SWALE B: 0.29 AC.  
LID SWALE C: 1.03 AC.  
LID SWALE D: 0.65 AC.  
TOTAL: 8.49 AC.

\* ASSUMES MAXIMUM 60% IMPERVIOUS AREA FOR DEVELOPMENT

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**AES**  
CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: (757) 253-0040  
Fax: (757) 220-8994  
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CONCEPTUAL STORMWATER MANAGEMENT PLAN  
THE VILLAGE AT CANDLE STATION

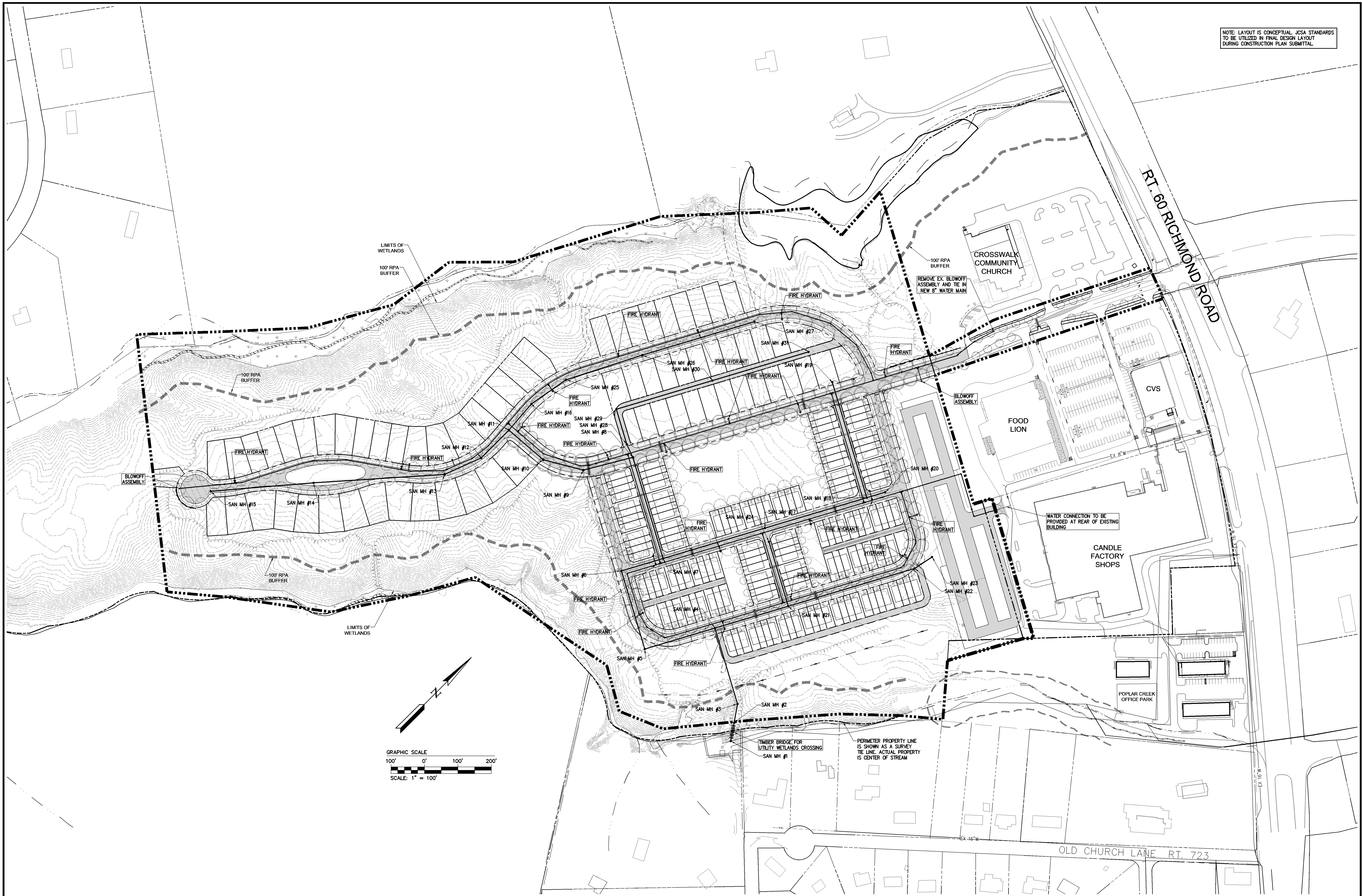
PUD-R ZONING  
FOR  
Candle Development, LLC

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Designed JAG	Drawn AMR
Scale 1"=100'	Date 11/14/14
Project No. W10059-02	Drawing No. 6 OF 7



NOTE: LAYOUT IS CONCEPTUAL. JCSA STANDARDS  
TO BE UTILIZED IN FINAL DESIGN LAYOUT  
DURING CONSTRUCTION PLAN SUBMITTAL.



1	3/11/15	REVISED PER JCC COMMENTS DATED FEBRUARY 2015			
No.	DATE	REVISION / COMMENT / NOTE			
				REVISED BY	REVIEWED BY



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Phone: (757) 253-0040  
Fax: (757) 220-8994  

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CONCEPTUAL SANITARY SEWER  
AND WATER DISTRIBUTION PLAN  
THE VILLAGE AT CANDLE STATION

PUD-R ZONING  
FOR  
Candle Development, LLC

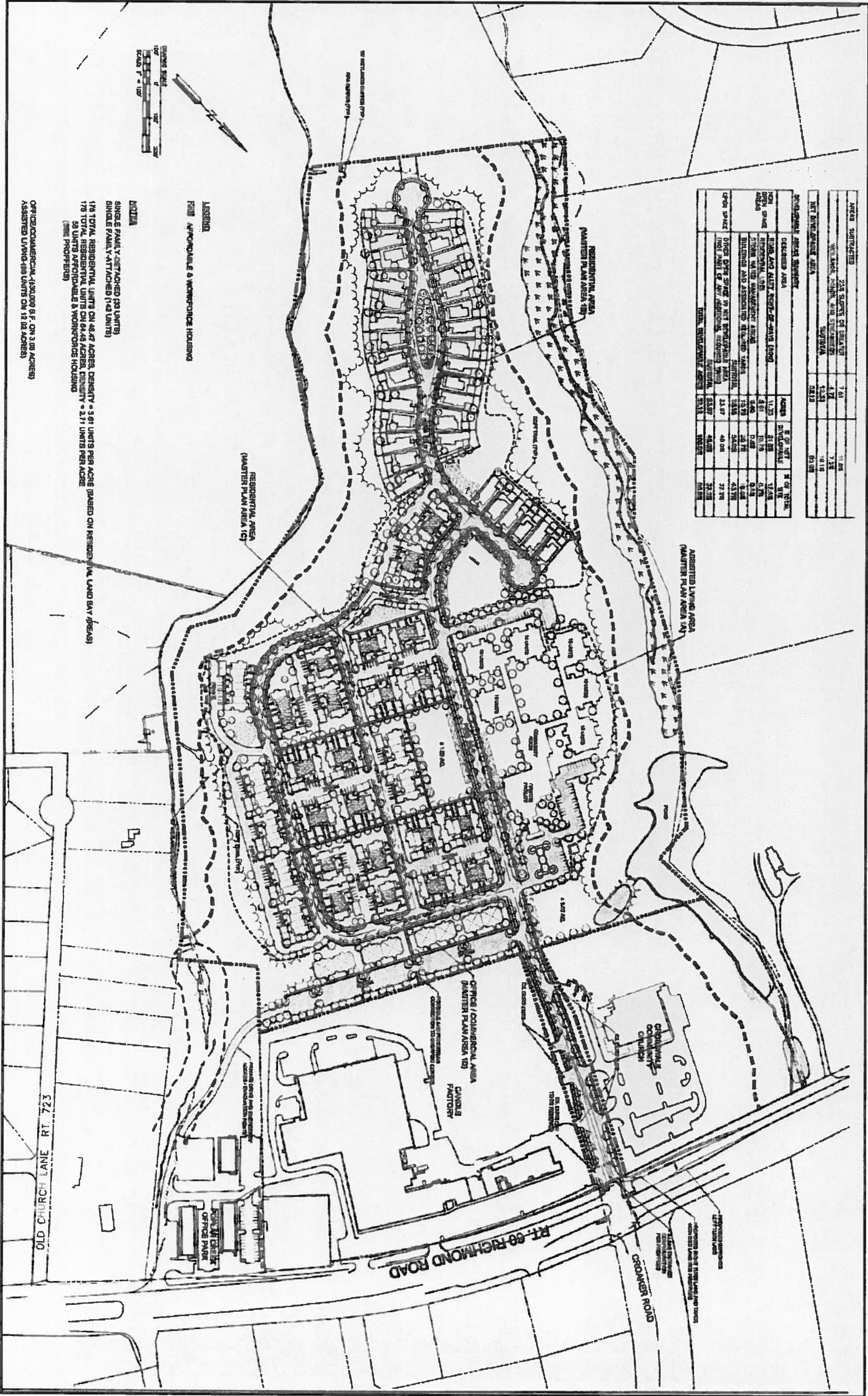
STONEHOUSE DISTRICT      JAMES CITY COUNTY      VIRGINIA

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Scale 1"=100'	Date 11/14/14
Project No. W10059-02	
Drawing No. 7 OF 7	

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





Revisions approved to the Master Plan for The Village at Candle Station (DRC meetings on January, March, August, and September of 2013)

AREAS SUBTRACTED	228 SQUARE FEET (GATED)	1.61	1.68
NET DEVELOPABLE AREA	12.23	0.18	12.41
NET DEVELOPABLE AREA	12.23	0.18	12.41

DEVELOPABLE AREAS	ACRES	SQ. FT.	SQ. FT. TOTAL
RESIDENTIAL AREA	11.23	481,776	1,123,776
OFFICE / COMMERCIAL AREA	1.00	43,560	43,560
INDUSTRIAL AREA	0.00	0	0
OPEN SPACE	0.00	0	0
TOTAL	12.23	525,336	1,167,336

Widening of some of the 33 single-family lots;

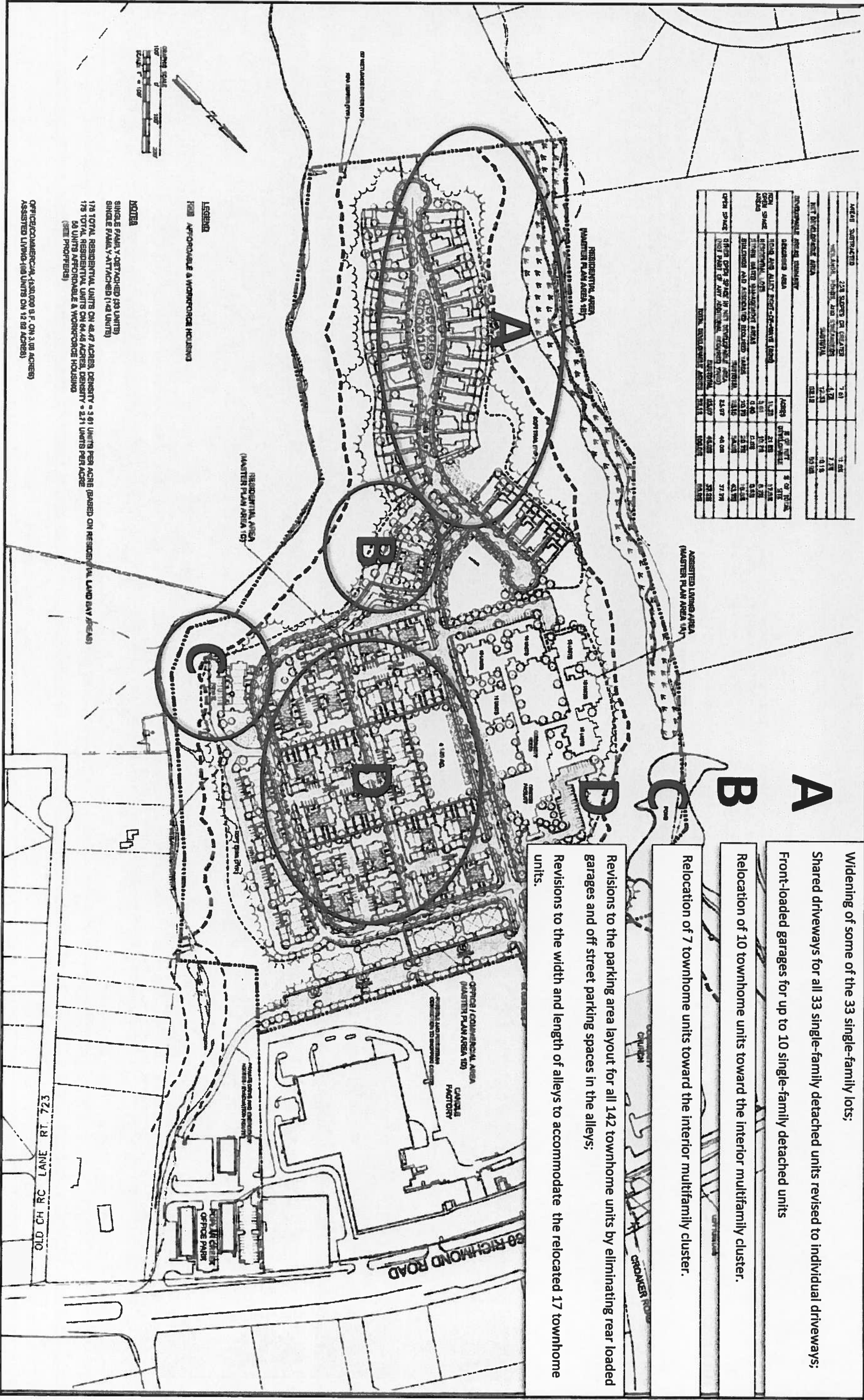
Shared driveways for all 33 single-family detached units revised to individual driveways;

Front-loaded garages for up to 10 single-family detached units

Relocation of 10 townhome units toward the interior multifamily cluster.

Relocation of 7 townhome units toward the interior multifamily cluster.

Revisions to the parking area layout for all 142 townhome units by eliminating rear loaded garages and off street parking spaces in the alleys;  
Revisions to the width and length of alleys to accommodate the relocated 17 townhome units.



**LEGEND**  
AFFORDABLE & WORKFORCE HOUSING

**NOTES**  
SINGLE FAMILY DETACHED (33 UNITS)  
SINGLE FAMILY ATTACHED (142 UNITS)  
176 TOTAL RESIDENTIAL UNITS ON 48.47 ACRES, DENSITY = 3.61 UNITS PER ACRE (BASED ON RESIDENTIAL LAND BAY AREAS)  
175 TOTAL RESIDENTIAL UNITS ON 44.45 ACRES, DENSITY = 3.94 UNITS PER ACRE  
50 UNITS AFFORDABLE & WORKFORCE HOUSING (SEE PROPERTIES)

OFFICE/COMMERCIAL (43,560 S.F. ON 1.00 ACRES)  
ASSISTED LIVING (100 UNITS ON 12.23 ACRES)









Guernsey  
Tingle  
Architects

# Candle Factory Development Patio Homes Detached





Guernsey  
Tingle  
Architects

# Candle Factory Development

## Patio Homes Detached





Guernsey  
Tingle  
Architects

# Candle Factory Development

## Patio Homes Attached





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Tingle  
Architects

# Candle Factory Development Patio Homes Attached - Alley View





# Candle Factory Development

## Patio Homes Attached





# Candle Factory Development

## Patio Homes Detached



# Community Impact Statement

## Rezoning and Master Plan Amendment

for

# THE VILLAGE AT CANDLE STATION

Prepared For  
Candle Development, LLC



November 2014  
AES Project Number: W10059-02

Revised April 2015

Prepared by:



CONSULTING ENGINEERS

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



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## **I. INTRODUCTION AND PROJECT DESCRIPTION**

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

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



**Exhibit 1 – Location Map**  
(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:

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

### III. PLANNING CONSIDERATIONS

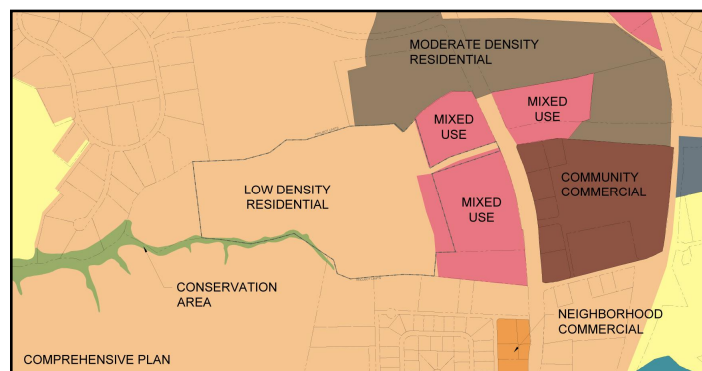
## A. Comprehensive Plan, Zoning and Density Discussion

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



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

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



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



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

#### B. Planning Criteria:

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

*1. Compatibility with adjacent neighborhoods: Compatibility with adjacent neighborhoods in terms of lot area, width and overall density.*

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

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

In addition to the required RPA buffers, The Village at Candle Station provides more than 15 acres of additional open space outside of the 100' RPA buffer at the perimeter of the development which serves not only to further buffer development from adjacent properties, but also to enhance environmental protection for the Yarmouth Creek watershed and satisfy a key provision of open space design principles by moving open space to the perimeter. Along the northeast property line a 50' landscaped buffer is provided as a transition to the developed Candle Factory site.



3. Environmental Protection: *Environmental protection-- better site design, low impact development techniques, turf management, HERS certification, LEED green building techniques, at least 25' construction setbacks from the RPA and water quality measures exceeding minimums.*

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

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

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

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

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



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

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

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

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

To reduce pavement footprints we have utilized the smallest acceptable radius for cul-de-sacs. To help minimize the impact of expanded parking some of the residential area stormwater runoff will be treated through bioretention filters and the use of pervious pavement rather than being piped directly to BMPs. A bio-retention strip is proposed within the roadway and along the ridgeline occupied by the single family attached patio homes.



b. Green building, home energy conservation and nutrient management practices will be considered in the development of The Village at Candle Station proffers. With regard to the suggested 25' construction zone setback from the RPA, the Master Plan shows that The Village at Candle Station lots have been pulled back from the RPA by as much as 150' to create the additional buffering discussed in BSD principle 2 above.

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

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

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

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

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



number of the two requirements.

**Park Land:**

SFD - 66 units @ 0.0039 acres/unit = 0.26 acres (No Monetary Proffer Alternative)

TMF - 142 units @ 0.0023 acres/unit = 0.33 acres (No Monetary Proffer Alternative)

**Required:** 0.59 acres

**Provided:** +/- 3 acres

**Playgrounds:**

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

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

**Required:** 0.16 playground

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

**Biking/Jogging Trails:**

SFD - 66 units @ 5.28 LF/ unit = 349 LF

TMF - 142 units @ 3.21 LF/ unit = 456 LF

**Required:** 805 LF of 8' wide, gravel or paved shared use path along one side of collector roads

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

**Courts or pool:**

SFD - 66 units @ 0.001 basketball courts/unit = 0.07 basketball courts

TMF - 142 units @ 0.00061 basketball courts/unit = 0.087 basketball courts

**Required:** 0.16 basketball courts

**Provided:** 1 Paved multi-purpose court

**Fields, Multiuse/ rectangular:**

SFD - 66 units @ 0.00065 fields/unit = .043 fields

TMF - 142 units @ 0.00038 fields/unit = .054 fields

**Required:** 0.097 fields

**Provided:** Multi-purpose fields

**C. Summary of Public Benefits**

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

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



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

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

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

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



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

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

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

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



#### A. Public Water Facilities

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

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

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

#### B. Public Sewer Facilities

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

#### C. Public Schools

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



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

### Student Projections

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

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

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

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

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

### D. Fire Protection and Emergency Services

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

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



#### E. Solid Waste

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

#### F. Utility Service Providers

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

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

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

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

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



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

- The property drains to unnamed tributaries of Yarmouth Creek, and lies within the upland Subwatershed 103 of the Yarmouth Creek Watershed.
- The project area resides on upland areas between two un-named tributaries of Yarmouth Creek
- The area currently contains a small, previously cultivated farm field; some forested areas; and commercial/retail establishments along Richmond Road.
- The project site largely consists of moderately well drained and poorly drained soils. Moderately well drained soils are largely positioned at the center of the property.

Stormwater management, conceptually, consists of two primary components:

1) Best Management Practices (BMP's) (one existing wet pond, an infiltration pond, a dry pond, and multiple bioretention facilities generally located in common green space areas) with the ability of providing stormwater management for approximately 70% of the development site; and

2) Natural open spaces, enhanced with increased widths to the 100-foot Resource Protection Area Buffer (RPA Buffer) on some portions of the site. Approximately 24% of the site is natural open space directly associated with Resource Protection Area (RPA) components and 100-foot wide RPA buffers. Additional buffer widths, located immediately adjacent to the 100-foot wide RPA buffer account for approximately 16% of the property. (Note: Stormwater management natural open space calculations use different baseline acreages and measurement criteria than those utilized to calculate open space detailed in the planning discussion and the two should not be compared)

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, a measure of stream channel protection for receiving stream and waterways, and water quality improvements mitigating the impacts of proposed development on the property.



As the Village at Candle Station property resides in the Yarmouth Creek Watershed, additional measures of watershed management are beneficial to protect the natural resource of the watershed, and prevent further degradation of the watershed's water quality. These measures, in the form of Special Stormwater Criteria (SSC), further enhance the quality of stormwater runoff from the development site and assist in the preservation of pre-development hydrology. Current investigations of the site and the proposed development of the site suggests the incorporation of bioretention designs, rain barrels for detached single family units, enhanced outfall designs, a retrofit of the existing stormwater management facility located at the site, and enhanced cut-fill slope protection/stabilization practices, and the possible inclusion of other water quality measures insure the goals of the Yarmouth Creek Watershed Plan are exceeded.

An analysis of the Stormwater management and BMP goals using the James City County BMP point system is included on the Master Stormwater Management Plan. The BMP Point System worksheet indicates a minimum total point value of 10.0 is achieved by the structural BMP's and the dedication of natural open space in wetlands and buffers.

In addition to the main structural BMP, five (5) SSC measures are required to meet minimum Special Stormwater Criteria (SSC) and an additional 30% of the developed site is to drain to a bioretention or dry swale not counting towards the required 10.0 points or SSC compliance per proffers. These items meet the intents of the Yarmouth Creek Watershed Management Plan.

Furthermore, additional measures will be installed to improve the water quality of the Yarmouth Creek Watershed "over and above" the recommendations of the Yarmouth Creek Watershed Plan. Water quality measures to be implemented include: bioretention facilities and dry swales at the rear of half of the single family detached lots not draining to a BMP; enhanced outlet protection at all pipe, channel, and BMP outfalls; enhanced cut/fill slope stabilization measure applied site-wide; stormwater management/storm sewer record drawing preparations. Please refer to the conceptual storm water management plan for the water quality calculation work sheet as well as the list of measures to be implemented.

In summary, with the preliminary analysis of The Village at Candle Station project, the stormwater management plan proposed will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the tendency of development to cause downstream erosion of receiving channels.



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

The proposed amendment results in a net reduction in anticipated traffic to and from the project site by a factor of approximately 50%. A memo update has been provided discussing how the changes to the master plan amendment will impact traffic. The original Traffic Impact Analysis was prepared by DRW Consultants, Inc. but was not included with this submittal; copies can be provided as requested.

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

While the County's fiscal impact worksheet (attached) projects a modest net decrease in the anticipated James City County revenues, we believe that the project should be considered as part of the larger The Village at Candle Station project area. The area immediately adjacent to Richmond Road fosters retail, office and other commercial business that should benefit from the addition of residential development immediately adjacent. Accordingly, we believe that the overall fiscal impact of this project is positive while providing a substantial affordable/workforce housing component.

## **IX. CONCLUSION**

In summary, The Village at Candle Station's Master Plan amendment is proposing the addition of 33 total residential units (33 single family units) to the existing master plan of development and up to 60,000 square feet of mini-storage. The proposed project abuts the recently renovated Candle Factory shopping center, combines new Planned Unit Development residential component containing innovative design features that satisfy Comprehensive Plan public benefit criteria for a moderate increase in residential density - while remaining under the low density residential development umbrella. Planning and redeveloping the site incorporates open space design principles, respects the environmental sensitivity of the Yarmouth Creek watershed, meets the intent of the Comprehensive Plan for low density residential development, compliments the Norge Community Character Area, and satisfies Planning Commission expectations for higher standards in new residential development design. Additional positive aspects of the proposed development include:

- Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.



- The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area.
- Proposed reduction in traffic from the original master plan development.
- The Planned Unit Development provides a total of over 24 acres in net developable open space per current James City County criteria.
- In recognition of environmental concerns, the Village at Candle Station master plan provides for an exceptional stormwater master plan; which includes additional natural/reforested open space between the developed area of the site and adjacent perennial streams and their associated 100' RPA buffers, additional Special Stormwater Criteria measures which increase water infiltration. All this serves to reduce uncontrolled runoff, improve downstream water quality and protect downstream channels from erosion meeting the goals of the Yarmouth Creek Watershed Study
- Proffers in accordance with the affordable and workforce housing policy
- Proffers in accordance with the school policy

This Community Impact Statement concludes that The Village at Candle Station, as planned and proffered will compliment the area and will positively impact neighboring residential communities and other adjoining properties as yet undeveloped and that James City County and the Norge Community will realize significant tangible public benefits with the approval of the Village at Candle Station Planned Unit Development.





# **Candle Factory Development**

## **Patio Homes Attached**





**Candle Factory Development**  
**Patio Homes Detached**







# The Village at Candle Station

## Design Guidelines

June 17, 2013  
Revised April 2015

Candle Development, LLC  
Williamsburg, Virginia 23188  
757-565-1090



prepared by:

**AES Consulting Engineers**  
5248 Olde Towne Road, Suite 1  
Williamsburg, VA 23188  
(757) 253-0040  
[www.aesva.com](http://www.aesva.com)

in association with

**Candle Development, LLC**  
P.O. Box BM  
Williamsburg, Virginia 23187  
757-565-1090



## Design Review Board

### 1.1 Goal

The Design Review Board for the Village at Candle Station is established to insure the quality and orderly development of the property. Each stage of development activity will be carefully monitored to assure compatibility with the Master Plan, proffers, and general consistency with the supplemental drawings submitted with the rezoning.

### 1.2 Basis for Approvals

To accomplish our objectives, the DRB reviews applications and design documents for any and all construction, called Improvements, including landscaping. Each application is evaluated on its own merits; however, the lot preparation, design elements, construction, and landscaping of each land use must be compatible with the community as a whole. The DRB does not seek to restrict individual creativity or preference, but rather to maintain standards for the overall community. The DRB will always keep in mind the aesthetic relationship between individual land uses, the impact to the natural environment, and the relationship to surrounding neighborhoods.

### 1.3 Authority

The authority of the DRB is set forth in the proffers. The DRB shall be appointed by the Developer until he no longer owns any additional land for development in the Village at Candle Station, or until such time as he may turn the responsibility over to The Association.

### 1.4 Members

The DRB shall consist of three or more members appointed by the Developer. Members may be added and removed at any time at the Developer's sole discretion. From time to time, the DRB may engage or consult with design professionals to render opinions on the merits of an application. The design consultants need not be members of the DRB. Consideration shall be given to include members with design/architectural qualifications and/or experience.

### 1.5 Responsibilities

- DRB approval is required for any and all Improvements prior to construction within the Village at Candle Station.
- The DRB shall meet regularly to review applications.
- The DRB shall determine if architectural styles and exterior architectural and landscaping designs are complimentary to the Norge Community Character Area.
- The DRB shall establish Criteria that seek harmonious relationships between neighboring structures and land uses and the natural features for the site.
- The DRB shall encourage the use of high quality modern construction materials that emulate materials used in historic applications.
- The DRB shall encourage the highest standards for quality construction.
- The DRB may establish fees and bonds in accordance with their objectives.
- The DRB may inspect dwellings and lots while under construction to assure compliance with the approved application and compliance with job site conditions and maintenance standards.
- The DRB shall notify any person who is in violation of the established design criteria for Candle Station and take whatever action is necessary to assure compliance.
- The DRB shall maintain copies of applications, design documents, and related records.
- The DRB may amend the criteria from time to time with the prior approval of the James City County Director of Planning and shall inform builders and owners of changes.
- The DRB shall assist the owner in determining that Level I Earthcraft Certification is achieved for all single family detached homes.



## 2. Design Guidelines - Introduction

In accordance with the proffers for Candle Factory these specific design guidelines for the Village at Candle Station have been prepared for use by the Design Review Board, to be established by Candle Development LLC. Design review and approval by the Board shall be for the purposes of insuring that this mixed use community will have an integrated character with strong unifying design elements including building and streetscape design, open space, and landscaping.

It is the purpose of the architectural standards set forth by these guidelines to ensure general consistency with the approved Master Plan (as amended by the James City County Development Review Committee), the supplemental materials submitted as part of the rezoning application for the Village at Candle Station mixed use development, and the design standards outlined in the James City County 2009 Comprehensive Plan for the Norge Community Character Area. With this in mind, the design of the Village at Candle Station shall encourage and promote the following:

- The architecture, scale, materials, spacing, and color of buildings shall complement the character of the Norge/Toano area.
- Off street parking and garages for attached town homes shall be located to the rear of buildings and accessed from alleys.
- Front entries shall be encouraged and shall include the use of front porches or covered stoops to enhance the village character and complement the streetscape. New landscaping should be of a type, size, and scale to complement the buildings and the site. The use of native plants, while not required, is preferred and encouraged.
- Signage should be of a scale, size, color, and materials to complement the area. Signage shall comply with Article II, Division 3 of the James City County Zoning Ordinance.
- Pedestrian and bicycle circulation should be encouraged.
- Within the community, tree-lined streets with sidewalks and pedestrian scale lighting, green spaces, and parks will link together, edged by a regulated arrangement of buildings forming the boundaries of a variety of pedestrian experiences.
- Town homes and other future land uses are to be good neighbors, relating to each other in making places within the neighborhood. The design of buildings should respond to the nature of the public open spaces and street types upon which they front. Building entrances, front yards, and porches shall orient toward the street or on to public open space in recognition of the greater community.

These guidelines, along with the oversight of a Design Review Board established by Candle Factory, LLC, will ensure a level of quality and consistency in the design of streets, open spaces, and buildings throughout the development.

A copy of the Design Review Board's approval shall accompany each building permit.

### 2.1 Street Design

The Village at Candle Station is organized by an interconnected system of streets, pedestrian ways, and open spaces. The streets, pedestrian ways, and open spaces are collectively known as the public realm and vary in character from large and small, natural to formal, and regular to irregular.

The entrance to the Village is from a partial boulevard street entering the site from Route 60/Richmond Road. Route 60 is a major thoroughfare through James City County and this roadway abuts commercial property and Crosswalk Community Church along the site's northern boundary. The community is buffered from this busy roadway by these non-residential areas. This main entry drive provides access to the residential areas.

All streets within Candle Station should be designed to encourage community interaction among neighbors. Street tree planting, in accordance with the James City County Streetscape Guidelines Policy, and pedestrian lighting shall be provided on both sides of the street allowing comfortable places to stroll day and evening. In instances where sidewalks are not provided on both sides of a street they shall be located along all building fronts.

The dimensions, general landscape requirements, traffic, and parking criteria of street rights-of-way are delineated



below. While all proposed street sections are intended to be public, private streets, when utilized shall be generally consistent with the adopted, amended, and binding Master Plan and will meet Virginia Department of Transportation (VDOT) Construction Standards (except geometric standards), and will be maintained by the Homeowners' Association. Build-to lines are established along all streets and open spaces and are noted in the sections.

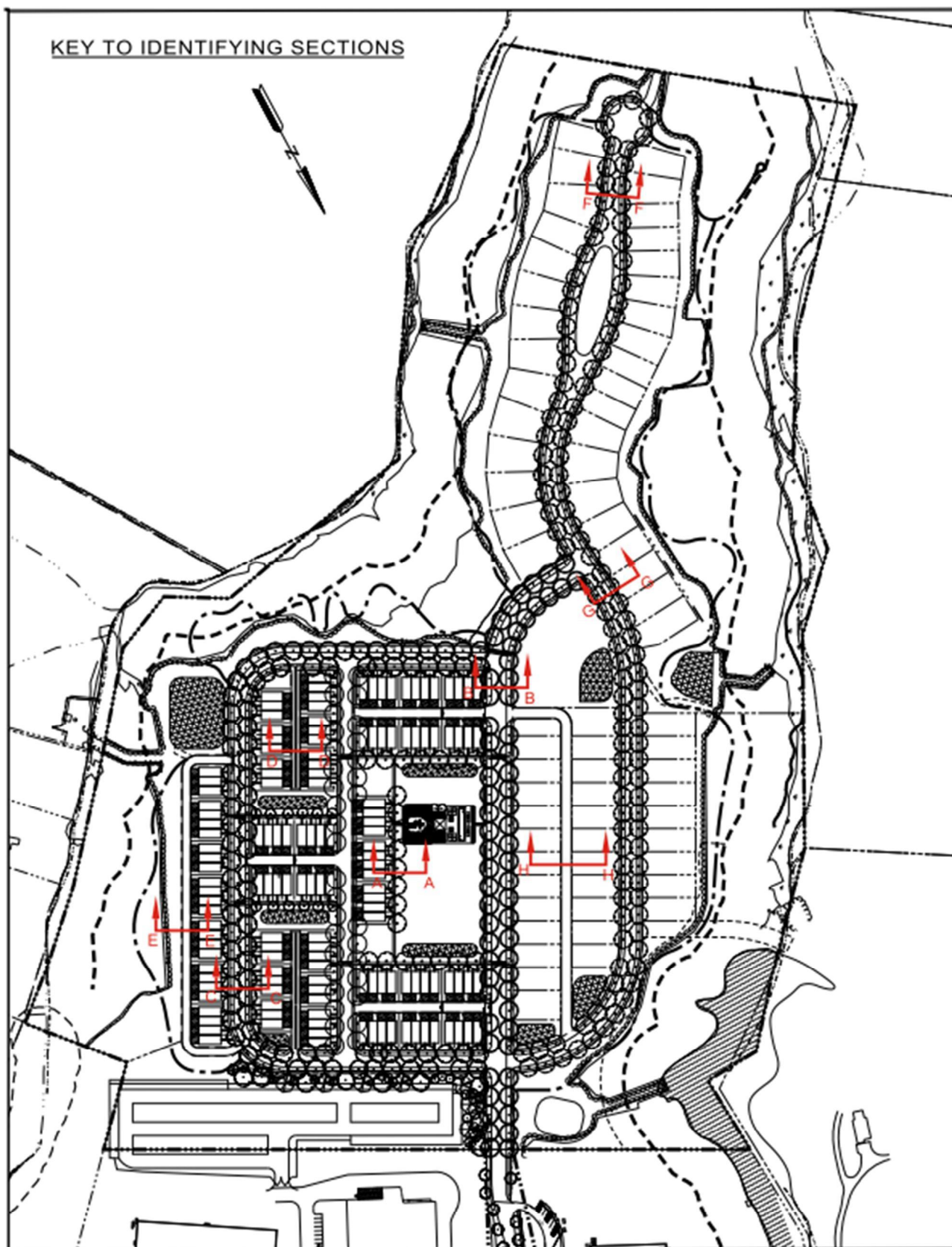
The following street and open space sections are proposed for the Village at Candle Station.

Key to Identifying Sections:

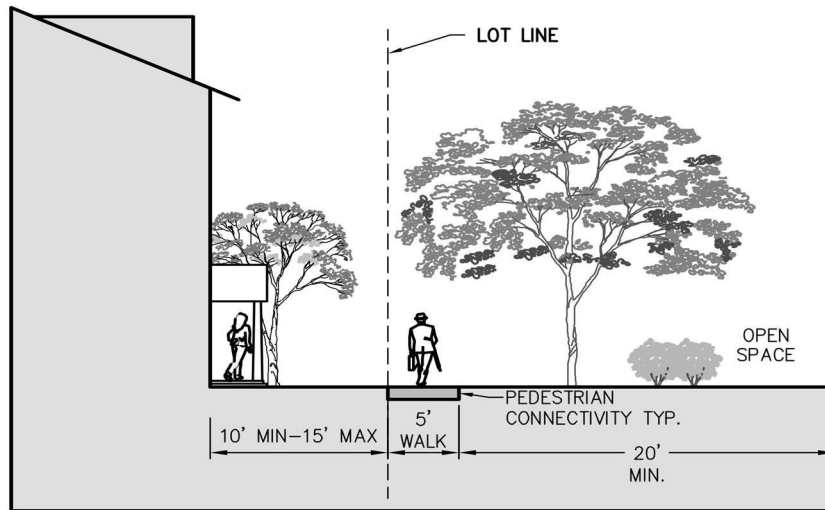
Section	AA	Town homes fronting on open space
Section	BB	Side of town homes fronting on public street with on street parking on both sides
Section	CC	Town homes fronting on private street
Section	DD	Town homes backing on alley on both sides
Section	EE	Town homes backing on alley and open space
Section	FF	Single family housing
Section	GG	Single family housing with front-loaded garages and 30' frontage zone
Section	HH	Single family alley loaded



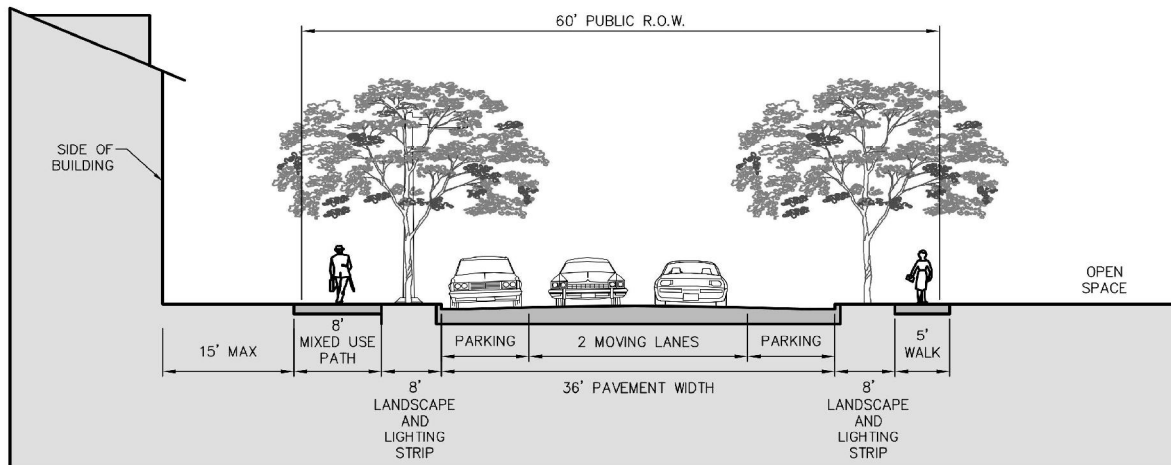
KEY TO IDENTIFYING SECTIONS





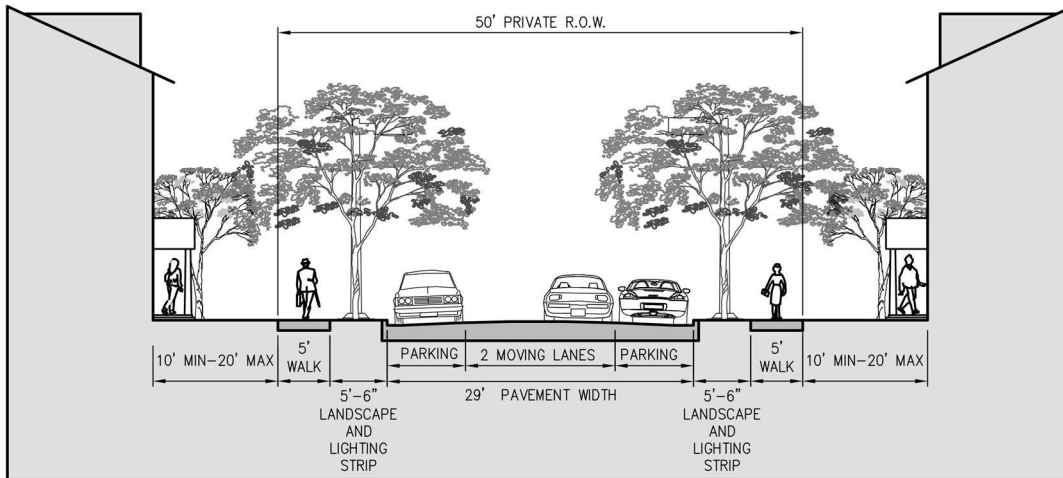


**SECTION 'A-A'**  
TOWN HOMES FRONTING ON OPEN SPACE  
NOT TO SCALE



**SECTION 'B-B'**  
SIDE OF TOWN HOMES FRONTING ON PUBLIC STREET WITH ON STREET PARKING ON BOTH SIDES  
STREET TREE AND STREET LIGHT LOCATION SUBJECT TO VDOT APPROVAL  
SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIPS)  
NOT TO SCALE

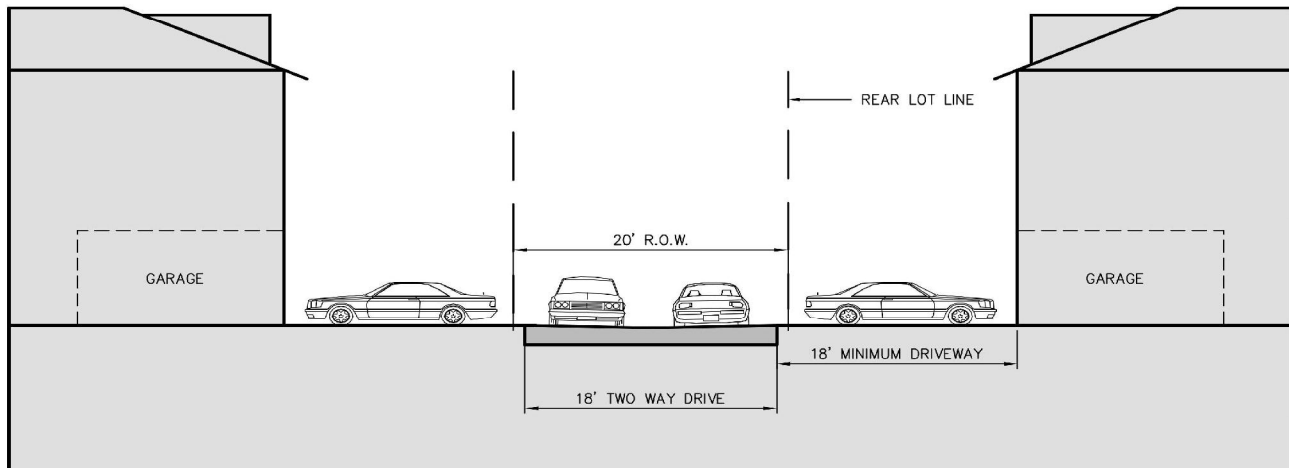




### SECTION 'C-C'

#### TOWN HOMES FRONTING ON PRIVATE STREET

SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH AS 29'-36' FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIPS)  
NOT TO SCALE

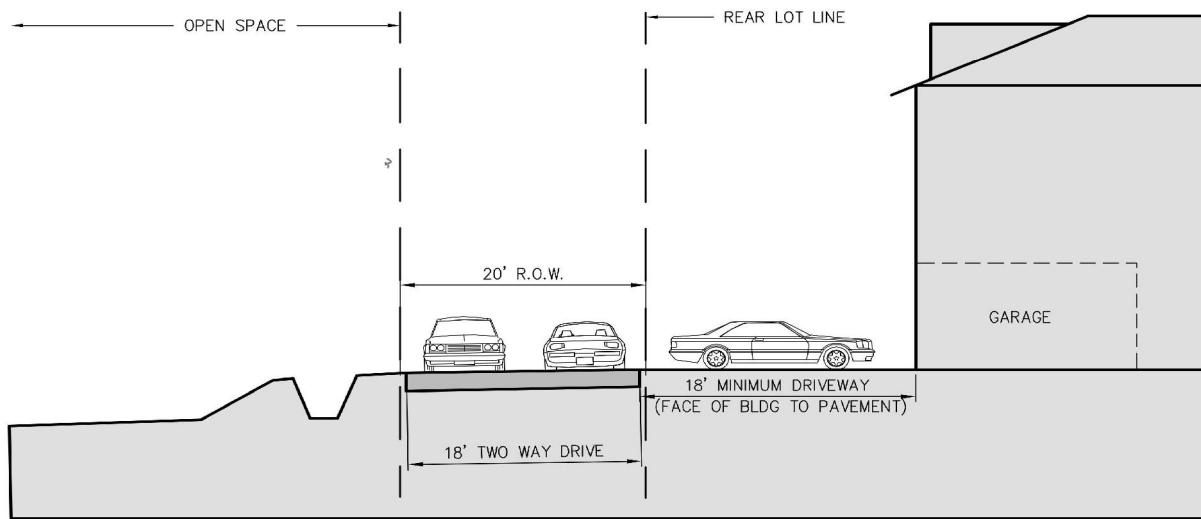


### SECTION 'D-D'

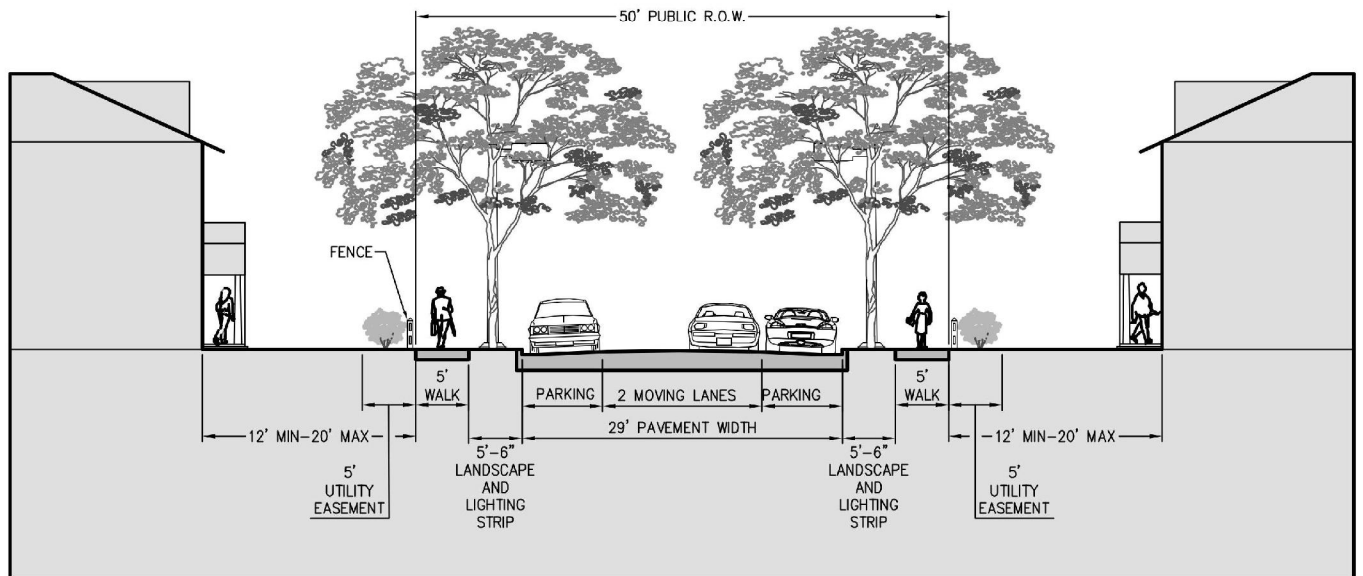
#### TOWN HOMES BACKING ON ALLEY ON BOTH SIDES

NOT TO SCALE



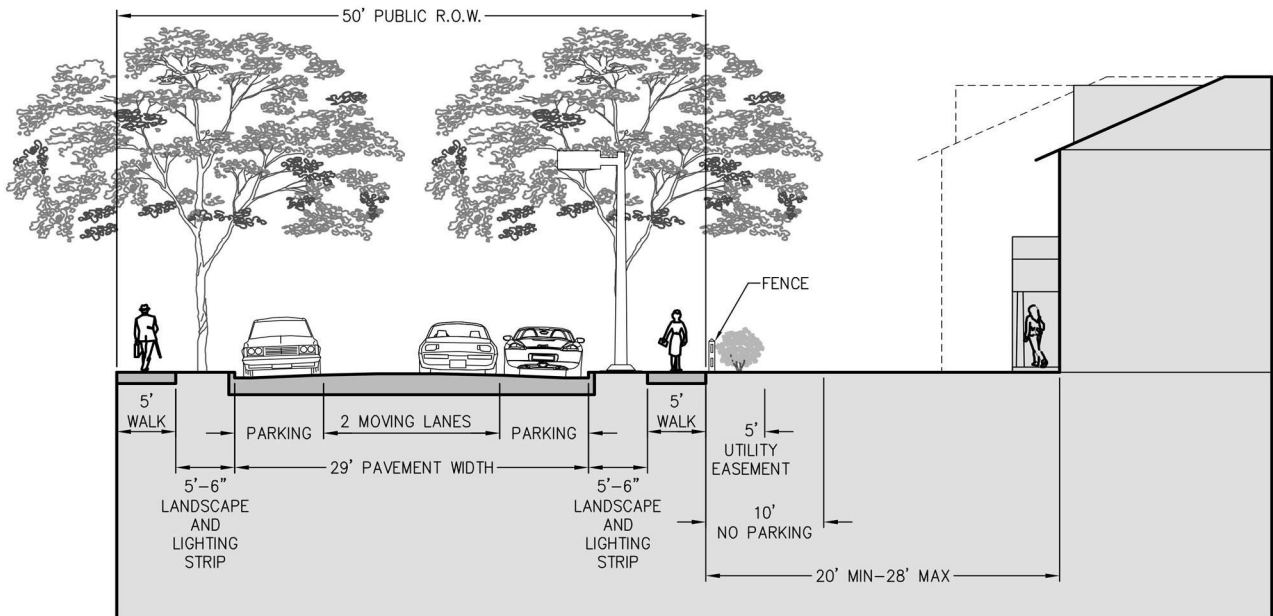


**SECTION 'E-E'**  
TOWN HOME BACKING ON ALLEY AND OPEN SPACE  
NOT TO SCALE



**SECTION 'F-F'**  
SINGLE FAMILY HOUSING  
STREET TREE AND STREET LIGHT LOCATIONS SUBJECT TO VDOT APPROVAL  
SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH AS 29'-36' FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIP)  
FENCE SHOWN IS REQUIRED PER SECTION 4.2 AND 5.1 OF THE DESIGN GUIDELINES  
NOT TO SCALE





### SECTION 'G-G'

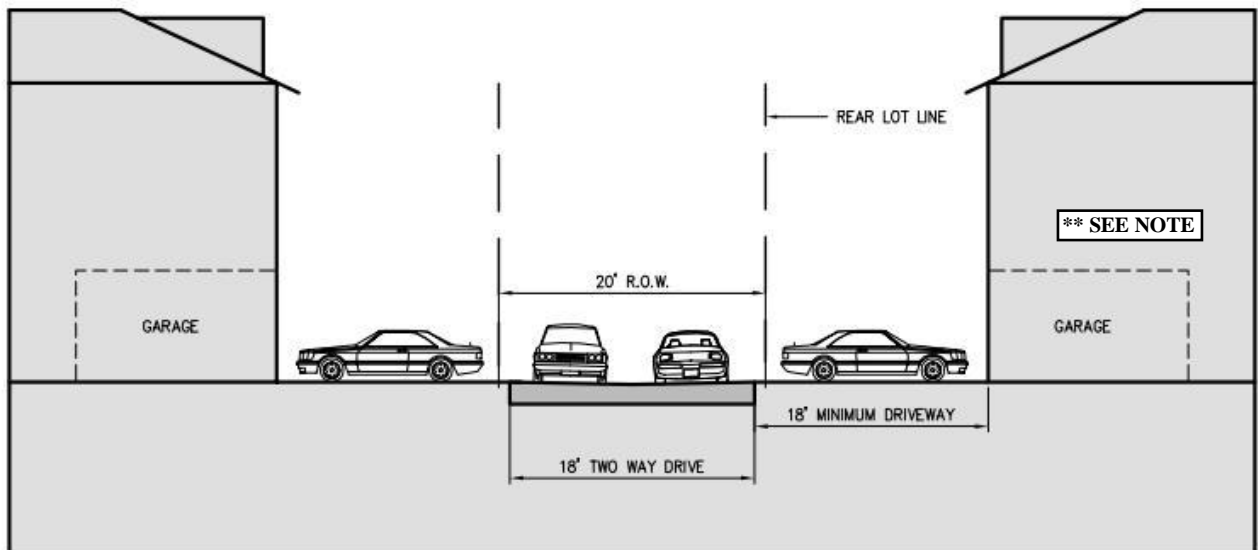
SINGLE FAMILY HOUSING WITH UP TO 10 FRONT LOADED GARAGES AND 10' NO PARKING ZONE

STREET TREE AND STREET LIGHT LOCATIONS SUBJECT TO VDOT APPROVAL

SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH FACE/CURB TO FACE/CURB DEPENDING ON AVERAGE DAILY TRIPS

FENCE SHOWN IS REQUIRED PER SECTION 4.2 AND 5.1 OF THE DESIGN GUIDELINES

NOT TO SCALE



### SECTION 'H-H'

SINGLE FAMILY BACKING ON ALLEY ON BOTH SIDES

**\*\*NOTE:** HOUSES FRONTING ON WICKS ROAD CAN ACCESS THE ALLEY OR WICKS WITH FRONT OR SIDE LOADED GARAGES.



### 3. Block Pattern

While the single family detached homes at the Village occupy a single street, the layout and blocks formed by the ring road now referred to as Luminary Drive are dictated by the entrance road, common open space and the wetlands and self-storage area bordering the site. The blocks within this area of the Village respond in depth and width to the unit types they accommodate. Where block faces within Luminary Drive exceed 300 feet they shall be further subdivided by distinct pedestrian ways, in areas exclusive of any lot, to provide additional neighborhood connectivity. No Blocks within the town home area should exceed 300-ft maximum without an alley or pedestrian pathway providing through-access to another street, pedestrian pathway or common open space. The intent of this block pattern design is to be consistent with the binding master plan as adopted by the Board of Supervisors and generally consistent with the supplemental materials and conceptual layouts which were included with the submittal.

#### 3.1 Block Orientation

##### a. To Streets

All streets are to have lots which orient townhouse fronts toward them. Mid-block lots will orient toward the street which passes in front of them. Corner lots should orient toward a minor residential street while presenting consistent architectural treatment to both street frontages.

##### b. To Open Spaces

Purposefully designed public open spaces, whether bordered by neighborhood streets or public sidewalks, should have blocks which orient houses toward them. Where open spaces intersect main residential streets, corner units may orient toward the main residential street or the open space. Where open spaces intersect side residential streets or lanes, lots, where possible, should orient toward the open spaces.

### 4. Building Type Standards

The architectural styles and building types employed at Candle Station shall be generally consistent with the approved and amended Master Plan and the supplemental materials submitted as part of the rezoning application for the Village at Candle Station. While no one architectural style is responsible for establishing the Norge community character, several examples of the Craftsman style, which was popularized from the turn of the Century until the 1930's, can be found in residences from Norge to Toano. Craftsman-revival styles have been used on contemporary commercial facilities in Norge. This architectural style is generally reflected in the supplementary drawings that accompanied the rezoning. The supplementary drawings were prepared to illustrate a cohesive design for the community through the use of similar architectural treatments throughout the development. These drawings were also intended to illustrate how to reduce the visual scale of larger multi-family and non-residential buildings by breaking the massing into a smaller scale with varied rooflines, entry elements, side wings, porches, and other techniques. The Craftsman style of architecture often includes such elements as the following:

- Generally lower pitched and gabled roofs *with a wide, unenclosed eave overhang*
- Porches *either full or partial width with roof supported by tapered or square columns with stone or brick bases that extended down to grade.*
- Partially paned doors (including garage doors)
- Multi-paned windows (e.g. 2 over 2; 3 over 1; 6 over 1, etc.)
- Earthy color palettes
- Single and often wider dormers
- Exposed rafter tails
- Knee braces *or decorative (false) beams* or brackets under wider eaves
- *Blank walls exceeding 15 linear feet are prohibited on sides of end units.*
- *Fenestration minimum/maximum (20/70) for each unit façade and each end unit.*
- *8ft/9ft (Minimum/maximum) floor heights.*



- 20ft Minimum lot/unit width on SFA's; 50ft Minimum lot width on SFD's

#### 4.1 Townhomes –

- A. Height:
  - a. Townhomes will generally be elevated to a minimum of 16" above grade at the front of the home.
  - b. Minimum: 1-1/2 Story
  - c. Maximum: 3 stories above grade
- B. Frontage and Setbacks:
  - a. Frontage Zone:
    - i. Minimum Setback: 10'
    - ii. Maximum Setback: 20'
  - b. Side Setback:
    - i. Corner lot to street
      - 1. 5' minimum (with no encroachments) from exterior property line.
    - ii. Building to Building Spacing
      - 1. Minimum: 10'
      - 2. Maximum: 20'
  - c. Rear Setback:
    - i. Minimum Setback: 0' with no encroachment into buffers and 18' from an alley right-of-way for garages integral to the main body of the townhome structure.
- C. Permitted Encroachments:
  - a. The following items may encroach beyond the frontage zone (4.1Ba) a maximum of 10':
    - i. Porches
    - ii. Stoops
    - iii. Raised Front Entries
    - iv. Terraces with Garden Walls
  - b. The following items may encroach beyond all setbacks a maximum of 5' (as long as minimum building code separations are maintained):
    - i. Awnings
    - ii. Roof overhangs
    - iii. Bay windows
    - iv. Balconies
    - v. Chimneys
    - vi. Foundations
    - vii. Mechanical equipment\*
      - \*Note: Mechanical Equipment shall be screened from view utilizing fencing and/or landscaping.
- D. Parking:
  - a. A minimum of 2.5 spaces per townhome shall be provided. This can be achieved by both off-street (on lot) and on-street parking.
  - b. No driveway is required if there is no garage.

NOTE: There shall be no more than 4 contiguous units in a single grouping of townhomes. End units, where facing a street, public green, or public right of way shall be so designed and landscaped so as to create a pleasing façade and logical relationship to those public areas.



## 4.2 Single Family Detached Buildings

### A. Height

- a. All homes must be elevated a minimum of 16" above grade at the front of the home.
- b. Minimum: 1 story at front elevation
- c. Maximum: 2 story at front elevation

### B. Frontage and Setbacks:

- a. Frontage Zone:
  - i. Side Load Units
    1. Minimum Setback: 12'
    2. Maximum Setback: 20'
  - ii. Front Load Units
    1. Minimum Setback: 20' (No vehicles permitted in first 10' of setback)
    2. Maximum Setback: 28' (No vehicles permitted in first 10' of setback)
- b. Side Setback:
  - i. Corner lot to street
    1. 15' minimum
  - ii. Building to Building
    1. As governed by Virginia Building Code (USBC)
- c. Rear Setback:
  - i. Minimum Setback
    1. Main Structure: 10'
    2. Accessory Structures: 5'

### C. Permitted Encroachments:

- a. The following items may encroach beyond the frontage zone (4.1,B,a) a maximum of 10':
  - i. Porches
  - ii. Stoops
  - iii. Raised Front Entries
  - iv. Terraces with Garden Walls
- b. The following items may encroach beyond all setbacks a maximum of 5' (as long as minimum building code separations are maintained):
  - i. Awnings
  - ii. Roof overhangs
  - iii. Bay windows
  - iv. Balconies
  - v. Chimneys
  - vi. Foundations
  - vii. Mechanical equipment\*

### D. Parking

- a. A minimum of 2 spaces shall be provided. This can be achieved by both off-street (on lot) and on-street parking.
- b. No parking will be allowed in the frontage zone with the exception of front load units as described above (4.2, B, a, ii).
- c. NO MORE THAN 50% OF THE SINGLE FAMILY UNITS IN CANDLE STATION SHALL HAVE FRONT LOADED GARAGES.
- d. No Driveway is required if there is no garage.

### E. Frontage Treatment

- a. All Single Family Homes shall have a picket fence 36-42" tall made of white vinyl or PVC.
- b. The picket fence shall be located within 4' of the sidewalk along the frontage of the lot (Per sections 4.2 and 5.1)



#### 4.3 Self Storage

SECTION RESERVED

#### 5. Visual Character

##### 5.1 Edge Definition and Screening



Fences, buildings, walls, and hedges have been a traditional means to physically and visually separate properties while serving to define street edges and parking areas or to conceal undesirable views into service areas, thus enhancing the pedestrian experience. Because neighbors, in essence, share these means, consideration should be taken in their placement and design.

a. General Provisions

Fences and walls, when utilized, shall be architecturally consistent with the residential neighborhood design. Walls are to be made of stuccoed concrete block or brick. Residential fences and privacy screens are to be made of wood pickets or PVC lumber/ Non-residential fences should be wrought iron, painted steel or pre-fabricated vinyl board. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities. A uniform fence style or styles, approved by the DRB, shall be required along the right of way within the single family detached area. A uniform fencing and/or landscaping treatment, approved by the DRB, shall be required along rights of way within the townhome area.

Fences, walls, and hedges are often used to help define property boundaries or screen private activities. Fences and walls, when employed, are to be a maximum height of 6' except those located along public rights-of-way or forward of the main body of a structure, which are to be a maximum of 3-½' in height.

## 5.2 Architectural Expression

The following descriptions and recommendations shall apply to all buildings in the Village at Candle Station.

Articulation is expressed through two devices: building massing and architectural elements. Buildings with large profiles should be designed to appear smaller through the articulation of the overall massing as a collection of component masses. The use of architectural elements such as bays, balconies, porches, loggias, and arcades add interest to building facades and aid in relating the scale of any building to human dimensions. Roofs may be articulated through the use of projecting gable ends, cross gables, hipped sections, and a variety of dormer conventions. Each of these devices adds character and interest to the buildings which, in turn, reinforces the village character intended by these guidelines.

There shall be an adequate variety of architectural elements along street facades to distinguish individual dwellings and land uses while remaining stylistically consistent within the entire Community.

Below is a list of standard architectural requirements applicable to all houses in the Village at Candle Station.

A. Exterior Walls:

- a. Exposed concrete foundation walls higher than 1.5' and facing a street shall be screened with landscaping.
- b. Exterior walls (excluding foundation) shall be covered with one of the following approved materials:
  - i. Brick
  - ii. Stone (Natural or Manufactured Synthetic Stone)
  - iii. Horizontal Lap Siding
  - iv. Vertical Siding:
    1. Board and Baton
    2. Shingle or "Shake" Style
- c. Horizontal lap siding, vertical siding and shingles shall be manufactured with vinyl or cementitious materials.
- d. Front facades shall require brick, stone or a mixture of siding materials with vertical/horizontal siding elements.



- e. No more than three wall materials listed in (A,b) may appear on any individual townhome unit or single family detached dwelling.
- f. No Full brick or full stone veneers are allowed, to help reinforce the Craftsman revival style.

B. Roofs, Flashing, Gutters and Downspouts:

- a. Materials:
  - i. The following materials are approved for roofing in the Village at Candle Factory:
    - 1. Painted Standing Seam Metal
    - 2. Copper
    - 3. Architectural (Dimensional 25 year or greater) Asphalt Shingles
    - 4. Architectural (Dimensional 25 year or greater) Fiberglass Shingles
  - ii. The following flashing materials are approved in the Village at Candle Factory:
    - 1. Copper
    - 2. Lead Coated Copper
    - 3. Pre-finished Metal
    - 4. Synthetic Poly Material (kick out flashing)
  - iii. Gutters and Downspouts will be prefinished Galvanized Aluminum and must match the trim color of the house.
- b. Roof Pitch
  - i. Principle Roofs:
    - 1. Front Gabled, hipped, Cross Gabled and Side Gabled with a slope of 4:12 to 12:12.
  - ii. Secondary Roofs:
    - 1. Shed with minimum slope of 2:12
  - iii. Flat Roofs:
    - 1. Permitted when accessible from and interior space or in the form of a special rooftop element. Must have parapets, balustrades, or railings.
    - 2. Parapets must be horizontal
  - iv. Dormers:
    - 1. May be Gabled or Shed in fashion

C. Porches and Stoops:

- a. Porches and/or covered stoops shall be provided on all townhomes and single family detached units.
- b. Minimum Sizes:
  - i. Townhomes: All stoops to be- 5' wide x 4' deep
  - ii. Single Family Detached: 5' wide x 4' deep

D. Openings:

- a. The following provisions apply to non-residential buildings only:
  - i. Horizontal dimensions of opening may not exceed the vertical dimension
  - ii. Paned windows
  - iii. All masonry shall be appropriately detailed in a load-bearing configuration
  - iv. Windows shall be no closer than 30" from the building corners.
- b. Windows
  - i. Windows for the Single Family Detached and Townhome units will be Single-Hung Low-E Windows with a 2/2 grill pattern



- ii. Bay Windows are incorporated into some of the Townhome elevations. These will be box-style bays wrapped with PVC or Synthetic Material (No Wood). The bay windows will have standing seam metal roofs of the type mentioned in (5.2,b).
    - c. Shutters and Exterior Window Treatment
      - i. Shutters may be constructed of Wood or Vinyl
      - ii. Where shutters are used on Townhomes, Synthetic "Shutter Dogs" will be required in accordance with the approved building elevations.
      - iii. Windows on the front elevation of siding veneers that do not have shutters must have a vinyl or PVC 1x4 trim, in accordance with the approved architectural elevations.
    - d. Doors
      - i. Doors may be constructed of the following approved materials:
        - 1. Wood
        - 2. Fiberglass
        - 3. Metal Clad Wood
        - 4. Painted Metal
        - 5. Glass Panes
      - ii. Townhome and Single Family Dwellings will have Partially Paned Fiberglass Front Entry doors.
      - iii. Sliding Glass doors are allowed on the rear of homes.
    - e. Garage Doors
      - i. Garage doors will be constructed of Steel.
      - ii. The garage doors will be painted to match one of the approved exterior trim colors:
        - 1. White
        - 2. Beige
      - iii. All Single Family Detached Garage Doors will have glass in the top panels with simulated divided light.
      - iv. Single Family detached homes will have garage door hardware consisting of the following:
        - 1. Decorative Hinges
        - 2. Decorate Pulls
      - v. Townhomes will have garages that face the alley way, and thus will be permitted to be full steel doors without lights (glass panels).
- E. All exterior trim must be wrapped in aluminum or PVC Composite (Fypon, Synboard). Wood is not acceptable.
- F. Repetition:
- a. House models with the same elevations shall not be located adjacent to or directly across from each other on the same street. The same color schemes may not be used adjacent to, directly across from or diagonally across from each other.
- G. Driveways:
- a. Driveways shall be constructed of one of the following approved materials:
    - i. Brushed Concrete
    - ii. Exposed Aggregate
    - iii. Stamped Concrete
    - iv. Brick or Stone Pavers



H. Exterior Lighting & Fixtures:

- a. Exterior light fixtures shall be limited to incandescent lights at entrance, at garage doors, one exterior front post lamp, low intensity landscape or driveway lights and eave mounted floodlights directed completely within the owner's lot area.
- b. Post lamps of traditional design, appropriate to the style of the house, are required in each front yard. Post lamps shall be hot-wired "photo-cell"; control switches are not permitted in the home.

All single family detached homes in Candle Station shall achieve Earth Craft House Virginia certification at Earth Craft House Certified Level I.

6. Landscape and Open Space Standards

6.1 General requirements

The general requirements for street landscape standards are established by the street sections provided in these guidelines. Landscaped open spaces should have emphasis placed on their edges either with buildings or plantings to create outdoor rooms. Public open spaces (parks, squares, and greens) are required to be bordered by streets or building walls along at least 50% of their perimeter.

a. Streets

Streets within the residential portions of Candle Station are to be planted per the street with trees spaced a maximum of 40' o.c. Shade/Canopy type trees are the preferred tree type for all streets; however, minor trees reaching a mature height of 30' and ornamental trees may be used on all streets adjacent to buildings, along the edges of parking areas, on one way streets, within greenways, and in public open spaces. At a minimum the streetscape shall conform to the James City County Streetscape Policy.

b. Parking Areas

Any parking areas within the self storage portions of the project shall be landscaped to minimize visual intrusion to the adjacent lots and common areas. These areas shall be designed to incorporate pedestrian scale lighting fixtures and drive aisles shall be planted in a similar manor as streets (noted above). The small, discretely placed parking areas located within the residential area should be landscaped with an appropriate mix of trees, shrubs, and groundcovers to enhance their serviceability and to minimize visual intrusion to adjacent lots and common areas. Landscaping shall be in conformance with standards set forth in the James City County Zoning Ordinance, modifications to the Ordinance requirements shall be handled as outlined in the Ordinance by the James City County Planning Director. Sidewalks are encouraged to provide connectivity to open spaces, adjacent streets, and to residential units.

- c. Landscaping of attached structures shall contain landscaping per James City County Ordinance standards; but, may be considered for modifications to these standards on a case by case basis, according to the special needs of each building or block subject to review and approval by the James City County Planning Director. The Director may, at its discretion, grant modifications to minimum landscaped perimeters when provisions are made for the addition of street furnishings such as benches, tables, and chairs, or additional planters, when larger individual landscaped areas are provided, or where neighborhood architectural and paving details and finishes are determined to be of such a quality that offset the need for additional landscaping.

6.2 Neighborhood Parks / Open Spaces



Park spaces will be primarily defined by the residential architecture and the street trees and landscaping defining its edges. The parks shall be designed to serve both the residential area and visitors driving, walking, or bicycling on the mixed use path. The detailed design of open spaces shall include existing and proposed landscape areas and hardscape development that encourages pedestrian circulation around the perimeter of the main open spaces and connectivity to the adjacent streets. These public spaces will provide opportunities for neighborhood gatherings and activities. Park areas in total shall be designed to meet or exceed the James City County Parks and Recreation design standards and the proffers approved with the rezoning.

ATTACHMENTS:

- (1) Proposed examples of town home and single family detached units
- (2) Typical Building Sketches (supplementary drawings to the rezoning)





**Candle Factory Development  
Patio Homes Attached**



**Candle Factory Development  
Patio Homes Detached**





## **Candle Factory Development Patio Homes Attached**



## **Candle Factory Development Patio Homes Attached - Alley View**





## **Candle Factory Development**

### **Patio Homes Attached**



## **Candle Factory Development**

### **Patio Homes Detached**



Version 12.6.12



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

## FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at (757) 253-6685 or [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)

- 1a) PROPOSAL NAME Village at Candle Station
- 1b) Does this project propose residential units? Yes ☒ No ☐ (if no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes ☒ No ☐ (If no, skip Sec. 3)

### Fiscal Impact Worksheet Section 2: Residential Developments

- 2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	66	Apartment	
Townhome/Condominium/Single Family Attached	142	Manufactured Home	
Total Dwelling Units	208		

Are any units affordable? Yes ☒ No ☐ (If yes, how many?) 42

### Residential Expenses – School Expenses

- 2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached	66	0.40	26.4
Townhome/Condo/Attached	142	0.17	24.14
Apartment		0.31	
Manufactured Home		0.46	
Total	208		50.54



2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
50.54	\$5920.16	\$2176.06	<b>\$8096.22</b>	\$ 409,182.96

#### **Residential Expenses - Non-School Expenses**

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
208	<b>2.19</b>	455.5

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per-Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
455.5	<b>\$640.98</b>	\$ 291,979.21

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$ 409,182.96	\$ 291,979.21	<b>\$ 701,162.17</b>

#### **Residential Revenues**

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached	66	\$ 349,000.00	\$ 23,034,000.00
Townhome/Condo/Multifamily	142	\$ 249,000.00	\$ 35,358,000.00
Total:		N/A	\$ 58,392,000.00

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate below.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 58,392,000.00	<b>0.0077</b>	\$ 449,618.40



2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$ 449,618.40	0.15	\$ 67,442.76

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$ 449,618.40	.09	\$ 40,465.66

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	\$2000/acre (prorated)	\$

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non-HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
		.0077	\$

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

<b>Total Residential Revenues</b>	\$ 557,526.82
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2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
701,162.17	557,526.82	\$ (143,635.35)

### **Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments**

#### **Commercial and Industrial Expenses**

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? 1  
(include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).



3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$ 2,100,000	0.0045	\$ 9,345.00

#### **Commercial & Industrial Revenues**

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. *Estimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
+/- 60,000 SF of Mini-Storage	2,100,000.00
Total:	\$

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
2,100,000	0.0077	\$ 16,170.00

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
Mini Storage	\$1,850,000	0.01	\$18,500
		0.01	
		0.01	
Total:	\$1,850,000	N/A	\$ 18,500

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
Total:		N/A	\$ 0



3g) **TOTAL SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

<b>Tax Type</b>	<b>Projected Gross Sales</b>	<b>Sales Tax Rates</b>	<b>Sales Taxes Paid</b>
Retail Sales	\$404,000	<b>0.01 of Gross Retail Sales</b>	\$4,040
Prepared Meals		<b>0.04 of Prepared Sales</b>	
Hotel, Motel		<b>0.02 of Gross Sales*</b>	
<b>Total:</b>	<b>N/A</b>	<b>N/A</b>	<b>\$ \$4,040</b>

\* Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) **TOTAL BUSINESS LICENSES FEES PAID.** Estimate each business element's total gross sales. *Multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

<b>Proposed Business Name(s)</b>	<b>Business Type* (see exhibit sheet)</b>	<b>Projected Total Gross Sales</b>	<b>Business License Rate</b>	<b>Annual Business License Fees Paid</b>
	Professional Services		<b>0.0058</b>	
	Retail Services	\$404,000	<b>0.0020</b>	\$808
	Contractors		<b>0.0016</b>	
	Wholesalers		<b>0.0005</b>	
	Exempt*		<b>No fee due</b>	
	Other Services		<b>0.0036</b>	
	<b>Total</b>	<b>N/A</b>	<b>N/A</b>	<b>\$ 808</b>

3i) **TOTAL COMMERCIAL AND INDUSTRIAL REVENUES.** *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

<b>Total Commercial and Industrial Revenues</b>	<b>\$ 39,518</b>
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3j) **COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

<b>Total Commercial Expenses</b>	<b>Total Commercial Revenues</b>	<b>Total Commercial Fiscal Impact</b>
\$9,345.00	\$39,518	\$ 30,173

3k) **TOTAL PROPOSED FISCAL IMPACT.** *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

<b>Residential Fiscal Impact</b>	<b>Commercial Fiscal Impact</b>	<b>Total Proposed Fiscal Impact</b>
\$(155,714.90)	\$30,173	\$(125,541.90)



### **Fiscal Impact Analysis Worksheet Section 4: Current Land Use**

#### **Current Residential Use** (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached		Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units	0		

#### **Residential Expenses - School Expenses**

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached		0.40	
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total	0	N/A	

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	\$8096.22	\$

#### **Residential Expenses - Non-School Expenses**

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	2.19	\$

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$640.98	\$



4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$ 0	\$	\$

### Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
7551 Richmond Road - Parcel ID 2321100001D (36.82 AC.)	\$ 1,220,600.00
7567 Richmond Road - Parcel ID 2321100001E (26.28 AC.)	\$ 1,204,400.00
	\$
Total:	\$ 2,425,000.00

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$2,425,000.00	.0077	\$ 18,672.50

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$18,672.50	0.15	\$ 2,800.88

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$18,672.50	.09	\$ 1,680.53

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

<b>Total Current Residential Revenues</b>	\$ 23,153.90
---	--------------

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
0	\$23,153.90	\$ 23,153.90



4m) FINAL RESIDENTIAL FISCAL IMPACT. *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(143,635.35)	\$23,153.90	\$ (166,789.25)

### **Current Commercial Use**

**Current Commercial Expenses** (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties?  
 0 (include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

### **Current Commercial Revenues**

5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.



Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

\* Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$
-----------------------------------	----

5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$ \$30,173



5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
		\$

5k) FINAL FISCAL IMPACT. *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
\$(166,789.25)	\$30,173	\$(136,616.25)

### **Fiscal Impact Worksheet Section 6: Phasing**

#### **Residential Phasing**

6a) *Copy and paste* the residential phasing template from the accompanying Excel sheet to the page below.

#### **Commercial Phasing**

6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

#### **Final Phasing Projections**

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

### **Fiscal Impact Worksheet Section 7: Employment**

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.



## **DEFINITIONS AND ASSUMPTIONS**

**Apartment** – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

**Assessment Value** – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

**Buildout** – All data and assumptions reflect the fiscal impact of the proposal at buildout.

**Commercial Expense Rate** – The commercial expense rate uses the proportional valuation method (see below) to determine individual business expenses. Under that method, businesses are collectively responsible for contributing 15% of the non-school budget (\$ 10,391,694). Dividing this portion of the budget by the total commercial real estate in the County (\$2,060,690,000) gives a commercial expense rate of 0.0045. This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses, incurring greater County expenses.

**Condominium** – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

**Contractor** - Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys, or highways, any excavation of earth, rock, or other materials, any construction of sewers, and any installation of interior building components.

**Direct Impact** – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools, and, as such, does not make a determination whether any type of development “should” happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic, or non-budget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the State, remain uncouncted.

**Dwelling** – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, and tourist cabins.

**Exempt** – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes, and gasoline sales.



**Fees & Licenses** – All fees collected by the County, including business & professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses, and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

**Fiscal Impact Analysis** – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

**Fiscal Impact Worksheet** – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

**Non-School Expenses** – Non-school expenses include all FY10 non-school budget spending. Non-school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

**Manufacturing** – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances, or purposes.

**Market Value** – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

**Manufactured Home** – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation, after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

**Phasing** – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after Board of Supervisors approval.

**Professional Services** - Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture,



law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

**Proportional Valuation Impact** – Proportional valuation impact assumes that a proposed residential or commercial project’s fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City’s proportional valuation is calculated using the County’s Real Estate Mapping GIS program. The program calculated a aggregate property assessment value of \$13,763,228,800 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$2,060,690,000. Dividing the commercial value by the total value shows that commercial and industrial properties compose 15% of the total property tax base, and are responsible for 15% of County non-school expenses. This results in residential development being responsible for Schools impacts and 85% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees, and licenses into account. As 15% of the tax base, businesses contribute 15% for all County non-school expenses. As 85% of the tax base, residents contribute 85% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

**Per-Business Expense Rate** – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

**Per Capita Evaluation Method** – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

**Per Capita** – Per capita calculations divide each department’s spending, minus fees and State contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

JCC Population 2010	Dwelling Units 2010
66048*	30221**

\*US Census 2010 Population Count

\*\*JCC Codes Compliance Division Housing Unit Count + Apartment Count

**Per Student** – Per student calculations divide County contributions to WJCC Schools, minus State educational contributions, by the total number of K-12 students living in James City and also



attending WJCC Schools. Total students are determined from Williamsburg James City County Schools 2009-2010 School Year enrollment reports.

**Per Business** – Per business calculations divide each departments spending, minus fees and State contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

<b>Total Number of JCC Businesses</b>	<b>5400*</b>
<b>Percentage of Property Tax Assessments</b>	<b>15%**</b>

\*James City County Commissioner of the Revenue

\*\*Commercial impacts are calculated on a proportional variation process

**Proffer** – pProffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

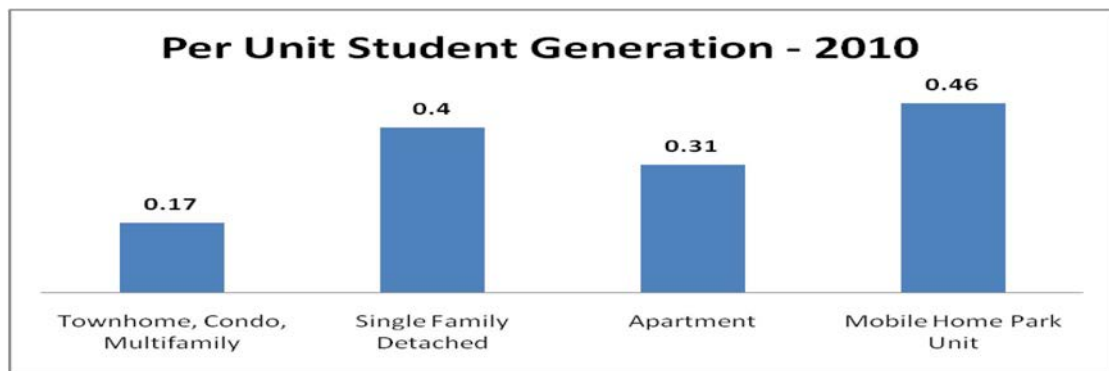
**Retail Services** – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses, and other uses.

**Single Family Detached Dwelling** – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

**State Contributions** – The State contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

**Student Generation Rate** - The student generation rate the number of students produced by a individual dwelling unit per year. Different domestic units produce students at different rates. Using WJCC enrollment figures, an address was found for WJCC student residing in James City County. Using the James City County Real Estate Division's Property Information map on the James City County website, the number of students from each subdivision was determined. Using the Real Estate Division's Real Estate Parcel Count, the number of improved lots in each neighborhood was determined. Total students from each neighborhood were divided by the total number of units from that neighborhood to determine the average number of students per housing unit. The student generation numbers for 256 subdivisions were determined this way, along with the same method for counting students from apartments and manufactured home parks.





**Townhome** –In a structure containing three or more dwelling units, a dwelling unit for single family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.



### Phasing - Residential Phasing

6a) When will proposed residential units be built?

Total Units Proposed		208					
	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout	
Homes Built	50	45	45	35	33	208	
Total Res Exp	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17		
Per Unit Exp	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$	3,370.97
Total Res Exp	\$ 168,548.60	\$ 151,693.74	\$ 151,693.74	\$ 117,984.02	\$ 111,242.07	\$	701,162.17
Total Res Rev	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82		
Per Unit Rev	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$	2,680.42
Total Res Rev	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$	670,104.35
Per Unit Impact	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$	690.55
Res Impact	\$ 40,093.57	\$ 76,177.78	\$ 112,262.00	\$ 140,327.50	\$ 166,789.25	\$	(166,789.25)

### Phasing - Commercial Phasing

6b) When will proposed commercial units be built?

Total New Businesses		1	
	Year 1	Year 2	Buildout
Bus Built	0.5	0.5	1
Bus Exp	\$ 9,345.00	\$ 9,345.00	
Per Bus Exp	\$ 9,345.00	\$ 9,345.00	
Year Bus Exp	\$ 4,672.50	\$ 4,672.50	
Bus Rev	\$ 16,170.00	\$ 16,170.00	
Per Bus Rev	\$ 16,170.00	\$ 16,170.00	
Year Bus Rev	\$ 8,085.00	\$ 8,085.00	
Bus Impact	\$ 3,412.50	\$ 6,825.00	



6c) What is the final phasing projection?

	Year 1		Year 2		Year 3		Year 4		Year 5		Buildout
Res Impact	\$	40,093.57	\$	76,177.78	\$	112,262.00	\$	140,327.50	\$	166,789.25	\$ 166,789.25
Bus Impact	\$	3,412.50	\$	6,825.00	\$	6,825.00	\$	6,825.00	\$	6,825.00	
Final Impact	\$	43,506.07	\$	83,002.78	\$	119,087.00	\$	147,152.50	\$	173,614.25	

#### Employment

7a) How many full-time equivalent jobs (FTE) will be generated from the proposal? What will be the average payroll?

	Business	FTE Jobs Generated	Average Payroll
1	mini-storage	2	\$ 40,000.00
2			\$ -
3			\$ -
4			\$ -
5			\$ -
6			\$ -





## MEMORANDUM

TO: Jason Grimes, P. E.  
FROM: Dexter R. Williams, P. E.  
SUBJECT: Candle Factory Traffic Forecast Update  
DATE: October 21, 2014

### **2008 VS. 2014 PROPOSED TRIP GENERATION**

The original version of the Candle Factory Ch. 527 traffic study was dated Nov. 10, 2008 and a supplement was dated December 11, 2008. Table 1 on enclosed Exhibit A shows trip generation for the Candle Factory in the 2008 original and supplement traffic studies. This included five land uses: single family residential, condo/townhouse, office, retail and assisted living. Trip Generation, 7th Edition, (TG7) published by the Institute of Transportation Engineers (ITE) was the trip generation source at that time.

Table 2 on Exhibit A shows trip generation for the proposed development in Candle Factory. Office, retail and assisted living are no longer included. The proposed development has 68 single family residential units and 172 condo/townhouse units. Trip Generation Manual, 9th Edition, (TGM9) published by ITE is the current trip generation source used in Table 2

The proposed change in land use is a reduction in trip generation for almost all components. Only AM exiting traffic is increased, and then by only 9%. AM total traffic is down 35%, PM total traffic is down 58% and daily traffic is down 51%.

### **RIGHT TURN LANE WARRANT: RT. 60 EASTBOUND AT CROAKER ROAD**

Enclosed Exhibit B shows the right turn lane warrants from the 2008 traffic studies. The 2015 peak hour traffic in the 2008 traffic studies warranted a full width right turn lane with taper but not by a great margin.

Enclosed Exhibit C shows the right turn lane warrants for 2015 with the proposed Candle Factory development trip assignments. Only a right turn taper is required with the reduction in traffic as proposed. The results are also affected by the elimination of commercial traffic which had a higher distribution assignment to the eastbound right turn on Rt. 60 at Croaker Road.

### **POPLAR CREEK INTERCONNECTION**

The 2008 traffic studies did not include any interconnection between Candle Factory and Poplar Creek. The elimination of that connection has no effect on traffic study results to date.



		LAND USE CODE		WEEKDAY TRIP GENERATION						
			SQ.FT., OTHER UNITS	AM PEAK HOUR			PM PEAK HOUR			DAILY
VALUE	LAND USE		Enter	Exit	Total	Enter	Exit	Total		
TABLE 1 - 2008 TRIP GENERATION - TRIP GENERATION, 7TH EDITION										
avg. rate-adj. st.	Single-Family	210	33 units	6	19	25	21	12	33	316
avg. rate-adj. st.	Condo/Townhouse	230	142 units	11	51	62	50	24	74	832
eq.-adj. st.	Gen. Office Building	710	20,000 sq. ft.	46	6	52	17	84	101	386
pk.gen.-avg.	S.C./Spec. Ret.	820	10,000 sq. ft.	24	15	39	66	71	137	1520
avg. rate-adj. st.	Assisted Living	254	192 occ.bed	23	9	32	29	27	56	526
TOTAL:				110	100	210	183	218	401	3580

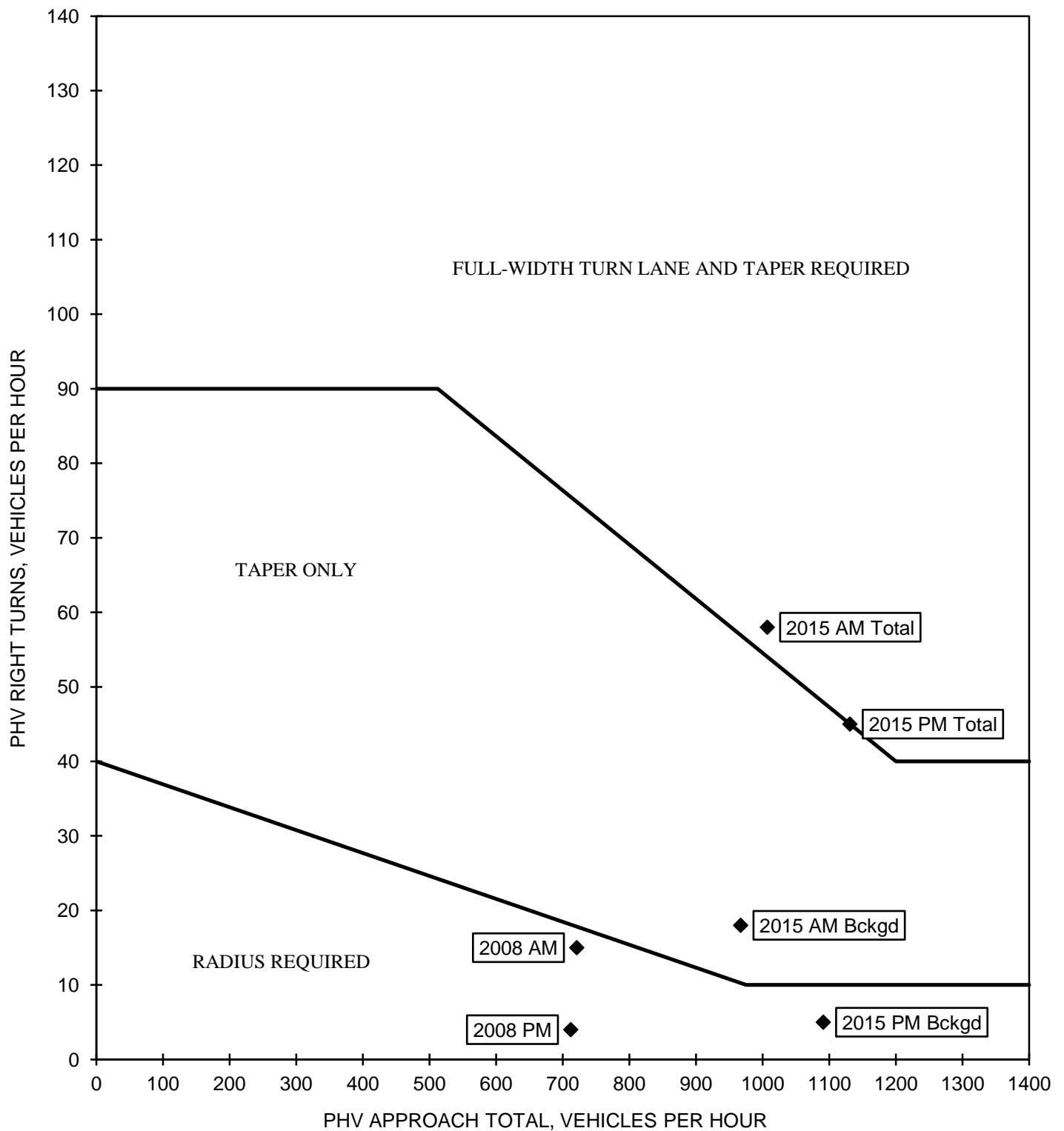
<b>TABLE 2 - 2014 PROPOSED TRIP GENERATION - TRIP GENERATION MANUAL, 9TH EDITION</b>										
eq.-adj. st.	Single-Family	210	68 units	14	43	57	47	27	74	737
eq.-adj. st.	Condo/Townhouse	230	172 units	14	66	80	63	31	94	1031
<b>TOTAL:</b>				<b>28</b>	<b>109</b>	<b>137</b>	<b>110</b>	<b>58</b>	<b>168</b>	<b>1768</b>

**Note:**

Additional plan changes made since the study by DRW Consultants have been made. The changes reduce the total number of residential units to 208 and have added approximately 60,000 sf of self-storage to the plan. The changes result in a further reduction in traffic than what is presented in the October memo, resulting in a Total Daily Volume of less than 1720 trips -- still less than half of the original projected traffic volume.



# Guidelines for Right Turn Treatments 4 - Lane Highway



Source: VDOT Road Design Manual, Vol. 1, Page C-16, Figure C-1-9

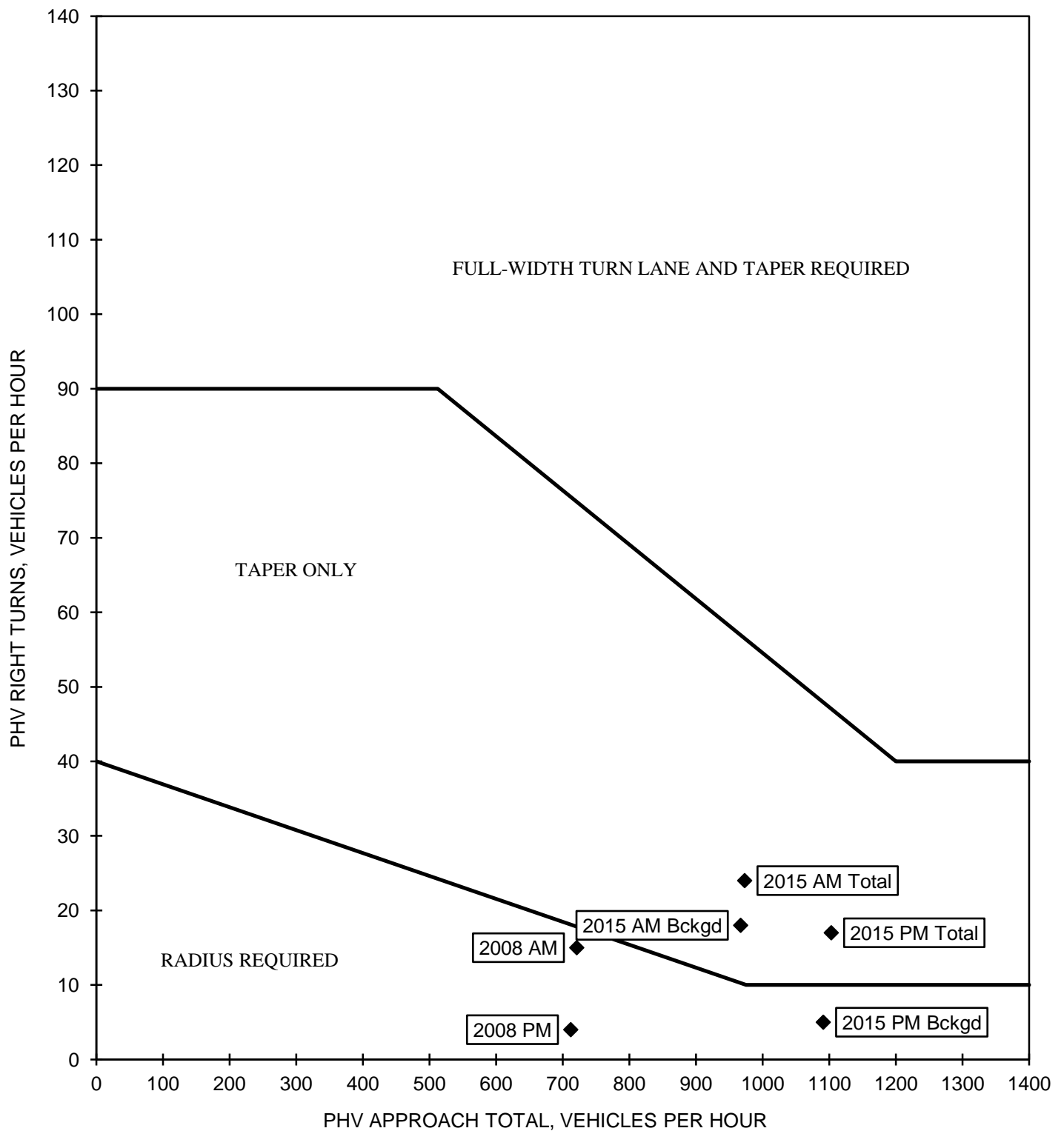
VDOT RIGHT TURN LANE WARRANT  
FOUR LANE ROAD  
EASTBOUND RT. 60 RICHMOND ROAD AT CROAKER ROAD  
2008 TRAFFIC STUDIES

DRW Consultants, LLC  
804-794-7312

Exhibit B



# Guidelines for Right Turn Treatments 4 - Lane Highway



Source: VDOT Road Design Manual, Vol. 1, Page C-16, Figure C-1-9

VDOT RIGHT TURN LANE WARRANT  
FOUR LANE ROAD  
EASTBOUND RT. 60 RICHMOND ROAD AT CROAKER ROAD  
2014 PROPOSED CANDLE FACTORY DEVELOPMENT

DRW Consultants, LLC  
804-794-7312

Exhibit C



		LAND USE CODE	SQ. FT. OTHER UNITS	WEEKDAY TRIP GENERATION						
LAND USE	AM PEAK HOUR			PM PEAK HOUR						
	Enter			Exit	Total	Enter	Exit	Total		
									DAILY	
TABLE 3 AES CONSULTING ENGINEERS..... MODIFICATIONS FOR CURRENT PLAN										
	Single Family									
		210	66 Units	12	38	50	42	24	66	632
	Condo/Town	230	142 Units	11	51	62	50	24	74	832
	Self Storage	151	60,000	5	4	9	8	8	16	150
				28	93	121	100	56	156	1614

\*\* Note: Self Storage will have access from multiple points along the commercial frontage of Route 60 and will not have access from internal to the residential phase



## THE VILLAGE AT CANDLE STATION

### PROFFERS

THESE PROFFERS are made this 21<sup>st</sup> day of April, 2015 by CANDLE DEVELOPMENT, LLC, a Virginia limited liability company (together with its successors in title and assigns, the "Candle"), CANDLE FACTORY BUILDING, LLC, a Virginia limited liability company ("CFB"), POPLAR CREEK, LLC, a Virginia limited liability company ("PC"), NVR, INC., a Virginia corporation, doing business as Ryan Homes ("NVR"), KLR PROPERTIES, LLC, a Virginia limited liability company ("KLR"), KEITH A. MCCARTHY and ADRIENNE D. MCCARTHY (collectively, "McCarthy"), BRYAN C. SZOSTAK ("Szostak"), RONICA LEFTWICH ("Leftwich"), and JOHN B. BARNETT, JR. and JUDITH BARNETT, individually and as Trustees of the John B. Barnett Jr. and Judith L. Barnett Living Trust dated June 2, 2011 (the "Barnetts").

### RECITALS

A. Candle, CFB, PC, NVR, KLR, McCarthy, Szostak, Leftwich, and Barnetts (collectively, "Owner") are the owners of that certain property (the "Property") located in James City County and more particularly described on Exhibit A attached hereto.

B. The Property is now zoned Mixed Use with proffers and M-1. The Property is designated Low Density Residential, Mixed Use, and Conservation Area on the County's Comprehensive Plan Land Use Map.



C. The Owner has submitted to the County an application (the “Application”) to rezone the Property from Mixed Use with proffers and M-1 to Planned Unit Development with proffers.

D. Owner has submitted to the County a master plan entitled “PROPOSED MASTER PLAN THE VILLAGE AT CANDLE STATION”, Drawing No. 3 of 7, prepared by AES Consulting Engineers, dated November 14, 2014, last revised March 11, 2015 (the “Master Plan”) for the Property in accordance with the County’s Zoning Ordinance. The Master Plan is on file with the County in the Office of the Director of Planning.

E. Owner has submitted to the County design guidelines entitled “THE VILLAGE AT CANDLE STATION DESIGN GUIDELINES”, prepared by AES Consulting Engineers, dated June 17, 2013, last revised April 2015 (the “Design Guidelines”). The Design Guidelines are on file with the County in the Office of the Director of Planning.

F. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Planned Unit Development.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended (the “Virginia Code”), and the County’s Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

#### CONDITIONS

1. **Density.** The number of residential dwelling units (“Dwelling Units”) located on the Property shall not exceed 208 Dwelling Units.



2.     **Owners Association.** There shall be organized a property owner's association (the "Association") for the residential development of the Property in accordance with Virginia law in which all residential property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized separate owner's associations for individual neighborhoods within the Property in which all owners in the neighborhood, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to the County Attorney for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for residential development of any portion of the Property. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, if any, sidewalks, and all other common areas (including open spaces) under the jurisdiction of the Association and shall provide the Association with authority to (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement and enforce a water conservation standards and nutrient management plan as provided herein.

3.     **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 for, subsequently, enforcing such standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be submitted to JCSA for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property.

(b) In the design phase, Owner shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection from the surface water ponds or other rainwater collection devices and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

4. **Housing Opportunities.** Development of the Property shall be done in a manner



consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning (the "HOP") to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that affordable and workforce Dwelling Units provided may be located anywhere within the Property in areas designated for residential development. With respect to affordable and workforce Dwelling Units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the HOP or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the Dwelling Unit to assure the Dwelling Unit continues to meet the requirements of the HOP. In addition, each deed to an affordable or workforce for sale Dwelling Unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the Dwelling Unit. All affordable or workforce Dwelling Units provided pursuant to this Proffer shall be sold to persons whose incomes fall within the qualifying income ranges used to determine the prices under the HOP.

**5. Cash Contributions for Community Impacts.**

(a) A contribution of \$19,505.34 for each single-family detached Dwelling Unit and of \$5,550.16 for each single-family attached Dwelling Unit constructed on the Property shall be made to the County for the mitigation of impacts on County schools.

(b) A contribution of \$1,099 for each Dwelling Unit constructed on the Property shall be made to the County for the mitigation of impacts on emergency services, off-site road improvements, future water needs, library uses, and public use sites.



(c) A contribution of \$1,375.00 for each single-family detached Dwelling Unit and of \$1,039.00 for each single-family attached Dwelling Unit constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's potable water system.

(d) A contribution of \$725.00 for each Dwelling Unit constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system.

(e) A contribution of \$549.50 for each Dwelling Unit constructed on the Property shall be made to the County for off-site stream restoration or other environmental improvements in the Yarmouth Creek watershed.

(f) A one-time contribution of an amount equal to \$2.10 multiplied by the total estimated daily sanitary sewage discharge from each non-residential building constructed on the portion of the Property shown on the Master Plan as "MASTER PLAN AREA 2" (the "PUD-C Area") shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system. The County shall not be obligated to issue a certificate of occupancy for a non-residential building constructed on the PUD-C Area until the contribution prescribed in this subsection (f) has been paid.

(g) A one-time contribution of \$32,970 shall be made to the County for off-site sidewalks. The County shall not be obligated to issue certificates of occupancy for more than 87 Dwelling Units on the Property until the contribution prescribed in this subsection (g) has been paid.

(h) Notwithstanding any other provision of these Proffers, the contributions described in subsections (a) through (e) above shall be reduced by the applicable percentage set



forth in the HOP for affordable and workforce Dwelling Units provided on the Property in accordance with the HOP.

(i) The contributions described in subsections (a) through (e) above shall be payable for each Dwelling Unit on the Property prior to issuance of a certificate of occupancy for such Dwelling Unit.

(j) The contribution(s) paid in each year pursuant to this Section and Section 6(e) shall be adjusted annually beginning January 1, 2016 to reflect any increase or decrease for the preceding year in the Index. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in subsections (a) through (e) of this Section and Section 6(e). The adjustment shall be made using Section 98, Comparative Costs Multipliers, Regional City Averages of the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

**6. Entrances; Traffic Improvements.**

(a) The existing private driveway at the Route 60/Croaker Road intersection shall be reconstructed to a public road with a four lane road section (provided, however, that the County may require a fifth lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such additional lane) at the Route 60 intersection and tapering to a two lane section. The northbound Croaker Road approach to the Croaker Road/Route 60 intersection shall include a left turn lane with 200 feet of storage, a through lane



(provided, however, that the County may require a through/left turn lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such through/left turn lane) and a right turn lane.

(b) At the intersection of Route 60 and Croaker Road, a 200 foot right turn taper with shoulder bike lane from east bound Route 60 into the Property shall be constructed.

(c) At the intersection of Route 60 and Croaker Road, the eastbound Route 60 left turn lane shall be extended to have 200 feet of storage and a 200 foot taper.

(d) The improvements proffered hereby shall be constructed in accordance with Virginia Department of Transportation (“VDOT”) standards and shall include any related traffic signal improvements or replacement, including signal coordination equipment, at that intersection. The improvements listed in subsections (a) through (c) shall be completed or guaranteed (“Guaranteed”) in accordance with Section 15.2-2299 of the Virginia Code prior to final approval by the County of the first site plan for development of any portion of the Property.

(e) Within 180 days after issuance by the County of the 135th building permit for construction of Dwelling Units on the Property, Owner shall pay to VDOT the costs, not to exceed \$10,990, of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of that signal and the signal at the Croaker Road/Route 60 intersection.

(f) Subject to the prior approval of VDOT and when the sidewalk has been constructed on the north side of Route 60 at the Croaker Road/Route 60 intersection to receive pedestrians, Owner shall install or pay the costs of installation of crosswalks across Route 60, a median refuge island, signage and pedestrian signal heads at the intersection (“Pedestrian Improvements”). The County shall not be obligated to issue building permits for more than 100



Dwelling Units on the Property until either (i) the Pedestrian Improvements have been installed, or (ii) Owner has guaranteed the installation of such Pedestrian Improvements.

7. **Connections to Adjacent Properties.** Owner shall provide pedestrian and vehicular connections between the Property and the adjacent property (Tax Parcel 2321100001F) generally as shown on the Master Plan. The plans, location and materials for such connections shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property. The connections shall be either (i) installed or (ii) Guaranteed prior to final approval by the County of the first site plan for development of any portion of the Property.

8. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy or, with the permission of VDOT, the plantings (meeting County standards for plant size and spacing) may be installed in the adjacent VDOT right-of-way. The streetscape improvements shall be shown on development plans for the portions of the Property proposed for development and shall be submitted to the County Director of Planning for approval in connection with the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Street trees shall be located no farther than 10 feet from the edge of pavement, subject to VDOT approval. Streetscape improvements shall be either (i) installed within 6 months after the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property, or (ii) Guaranteed prior to the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property.



9. **Recreation.** The following recreational facilities shall be provided on the Property:

- (a) Approximately 3.65 acres of parkland;
- (b) 1 centrally located, shared playground at least 2,500 square feet in area with at least five activities either in composite structures or separate apparatus;
- (c) 1 picnic shelter of at least 625 square feet;
- (d) A minimum 8 foot wide, concrete or asphalt shared use path along one side of the entrance road approximately 0.36 of a mile in length and an additional approximately 0.94 of a mile of soft surface walking trails generally as shown on the Master Plan;
- (e) 1 paved multi-purpose court approximately 50' x 90' in size; and
- (f) 1 graded multi-purpose field which will be at least 200' x 200' in size.

The exact locations and design of the facilities proffered in this Section and the equipment to be provided at such facilities shall be shown on development plans for the portions of the Property in which such facilities are located, which development plans shall be submitted to the County Director of Planning for approval for consistency with this proffer prior to the County's approval of a site plan for development of such portions of the Property. Such facilities shall be constructed at the time of the construction of the phase of the development in which such facilities are located as shown on the development plans for the Property.

10. **Archaeology.** If required by the County Director of Planning, a Phase I Archaeological Study for the entire Property shall be submitted to the County Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the County Director of Planning for all sites in the Phase I study that are



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

**11. Design Guidelines and Review; Sustainable Building.**

(a) The Property shall be developed substantially in accordance with the Design Guidelines. Owner shall submit a supplement to the Design Guidelines for Area 2, as shown on the Master Plan, to the County Director of Planning for review and approval for consistency with these Proffers, the Design Guidelines, and the Master Plan in connection with



the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Owner shall establish a Design Review Board to review all residential building plans and residential building elevations for conformity with the Design Guidelines. The Design Guidelines may be amended from time to time provided that such amendments do not alter the basic character and intent of the Design Guidelines and provided that such amendments are approved by the County Director of Planning for consistency with this proffer upon the recommendation of the Design Review Board.

(b) All single-family detached Dwelling Units shall achieve EarthCraft House Virginia certification at the EarthCraft House Certified (Level I) level. Owner shall provide a copy of each certification to the County Director of Planning within one year of the issuance of a certificate of occupancy for such Dwelling Unit.

**12. Sidewalks.** There shall be sidewalks installed on at least one side of each of the public streets on the Property, which sidewalks may be installed in phases as adjacent Dwelling Units are constructed. Sidewalks shall be installed prior to issuance of any certificates of occupancy for adjacent Dwelling Units. The sidewalk design shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County Director of Planning of the any site plan for development of the Property where sidewalks are required.

**13. Curb and Gutter.** Streets (but not the private alleys) within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified by the County Director of Planning along those segments of street, including entrance roads, where structures are not planned.



14. **Master Stormwater Management Plan.** Owner has submitted to the County a master stormwater management plan for the Property (“Stormwater Plan”) which is on file with the County in the Office of Engineering and Resource Protection and includes facilities and measures necessary to meet the County’s 10 point stormwater management system requirements and the special stormwater criteria applicable in the Yarmouth Creek watershed (“SSC”) and, in addition, including additional low impact development (“LID”) measures to treat stormwater from 30% of the impervious areas on the Property, which additional LID measures are over and above those necessary to meet the 10 point and SSC requirements. The Property shall be developed in general conformity with the Stormwater Plan. The Stormwater Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer.

15. **Nutrient Management Plan.** The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office (“VCEO”) or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the “Nutrient Plans”) for all common areas within the Property and each individual single-family lot shown on each subdivision plat of the Property. The Nutrient Plans shall be submitted to the County Director of Engineering and Resource Protection for review and approval for consistency with this Proffer prior to the issuance of the building permits for more than 25% of the Dwelling Units shown on the subdivision plat. Upon approval of the Nutrient Plans by the County Director of Engineering and Resource Protection,



the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Nutrient Plans. The Owner shall provide a copy of the individual Nutrient Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final Dwelling Unit on the Property and every 3 years thereafter, a turf management information seminar shall be conducted for the Association. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants. The County Director of Engineering and Resource Protection shall be provided evidence of the seminars taking place by submitting to the County Director of Engineering and Resource Protection a seminar agenda and or minutes thereof no later than 10 days after each seminar.

16. **Private Streets.** All private streets, if any, and alleys on the Property shall be maintained by the Association. The owner responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County Director of Planning shall be provided evidence of the deposit of such maintenance fee prior to issuance of certificates of occupancy for Dwelling Units served by the relevant private street.

17. **Water and Sanitary Sewer Master Plan.** Owner has submitted to JCSA a water and sanitary sewer master plan for the Property ("Water/Sewer Plan") which is on file with the County in the Office of the General Manager of JCSA. The Property shall be developed in



general conformity with the Water/Sewer Plan. The Water/Sewer Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to JCSA for review and approval for consistency with this Proffer.

**18. Route 60 Median Landscaping.** Subject to VDOT approval, Owner shall install landscaping as provided herein in the portion of the Route 60 median beginning at the Route 60/Croaker Road intersection and extending eastward 800 feet. The landscaping shall consist of 20 street trees at least 125% of the caliper size requirements prescribed in the County's Zoning Ordinance. A landscape plan for the median shall be submitted to the County Director of Planning with the initial site plan for development on the Property for review and approval for consistency with this proffer and the County's Streetscape policy. The median shall be planted or the planting Guaranteed prior to the County being obligated to issue building permits for buildings located on the Property.

**19. Crosswalks.** Subject to VDOT approval, Owner shall provide a crosswalk across Croaker Road from Tax Parcel 2321100001B to Tax Parcel 2321100001F and crosswalks providing access to the two internal parks on the Property both in the locations generally as shown on the Master Plan at the time the final layer of pavement is placed on the segment of Croaker Road where the crosswalks are located.

**20. Boundary Line Adjustment.** Prior to final site plan or subdivision plan approval for development of Area 2 shown on the Master Plan, Owner shall submit to the County Director of Planning for review and approval a boundary line adjustment plat consistent with the Master Plan for Area 2.



21. **Master Plan.** The Property shall be developed generally as shown on the Master Plan. Development plans may deviate from the Master Plan as provided in Section 24-23 of the Zoning Ordinance.

22. **Headings.** All section and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

23. **Delegation of Subsequent Approvals.** The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

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

25. **Conflicts.** In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts as otherwise provided by law.



26. **Successors and Assigns.** This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

27. **Void if Application not Approved.** In the event that the Application is not approved by the County, these Proffers shall be null and void.

28. **Amended and Restated.** These Proffers amend, restate, and supersede all prior proffers accepted by the County regarding the Property.

[SIGNATURES LOCATED ON SUCCEEDING PAGES]



[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

CANDLE DEVELOPMENT, LLC

By: [Signature]  
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF York, to-wit:

The foregoing instrument was acknowledged this 24<sup>th</sup> day of April 2015,  
by Pete Henderson as manager of Candle Development, LLC.

[Signature]  
NOTARY PUBLIC

My commission expires: 11/30/18  
Registration No.: 7600737





[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

CANDLE FACTORY BUILDING, LLC

By: [Signature]  
Pete Henderson, Manager

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

The foregoing instrument was acknowledged this 24<sup>th</sup> day of April, 2015,  
by Pete Henderson as manager of Candle Factory Building, LLC.

[Signature]  
NOTARY PUBLIC

My commission expires: 11/30/18  
Registration No.: 7600737





[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

POPLAR CREEK, LLC

By: [Signature]  
Pete Henderson, Manager

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

The foregoing instrument was acknowledged this 24<sup>th</sup> day of April, 2015,  
by Pete Henderson as manager of Poplar Creek, LLC.

[Signature]  
NOTARY PUBLIC

My commission expires: 11/30/18  
Registration No.: 7600737.





[SIGNATURE PAGE TO PROFFERS]

NVR, INC.

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this 2nd day of April,  
by JEFF AMBROSE as VICE PRESIDENT of NVR, Inc.

[Signature]  
NOTARY PUBLIC

My commission expires: 6-30-2015.

Registration No.: 7146383.





[SIGNATURE PAGE TO PROFFERS]

KLR PROPERTIES, LLC

By: Kimberly L. Roller  
Kimberly L. Roller, Managing Member

By: NVR, Inc., Attorney-In-Fact

By: [Signature]  
Name: Jeff Ambrose

Title: Vice President

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

The foregoing instrument was acknowledged this 24 day of April 2015,  
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-  
in-fact for Kimberly L. Roller, as Managing Member of KLR Properties, LLC.

[Signature]  
NOTARY PUBLIC

My commission expires: 5/31/19  
Registration No.: 7149229

Kelly Lynn Wroten  
NOTARY PUBLIC 7149229  
Commonwealth of Virginia  
My Commission Expires May 31, 2019



[SIGNATURE PAGE TO PROFFERS]

Keith A. McCarthy  
Keith A. McCarthy

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

Adrienne D. McCarthy  
Adrienne D. McCarthy

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

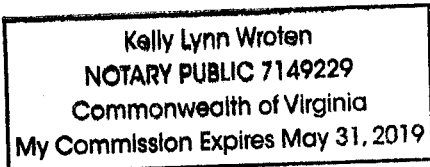
STATE OF VIRGINIA AT LARGE.  
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 24 day of April 2015,  
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-  
in-fact for Keith A. McCarthy and Adrienne D. McCarthy.

[Signature]  
NOTARY PUBLIC

My commission expires: 5/31/19

Registration No.: 7149229





[SIGNATURE PAGE TO PROFFERS]

Bryan C. Szostak  
Bryan C. Szostak

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

STATE OF VIRGINIA AT LARGE .

CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 24 day of April 2015,  
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-  
in-fact for Bryan C. Szostak.

Kelly Lynn Wroten  
NOTARY PUBLIC

My commission expires: 5/31/19  
Registration No.: 7149229

Kelly Lynn Wroten  
NOTARY PUBLIC 7149229  
Commonwealth of Virginia  
My Commission Expires May 31, 2019



[SIGNATURE PAGE TO PROFFERS]

Ronica Leftwich  
Ronica Leftwich

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

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

The foregoing instrument was acknowledged this 24 day of April 2015,  
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-  
in-fact for Ronica Leftwich.

Kelly Lynn Wroten  
NOTARY PUBLIC

My commission expires: 5/31/19  
Registration No.: 7149229

Kelly Lynn Wroten  
NOTARY PUBLIC 7149229  
Commonwealth of Virginia  
My Commission Expires May 31, 2019



[SIGNATURE PAGE TO PROFFERS]

John B. Barnett, Jr.  
John B. Barnett, Jr.

John B. Barnett, Jr.  
John B. Barnett, Jr., Trustee

Judith Barnett  
Judith Barnett

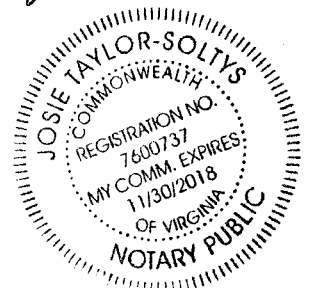
Judith Barnett, Trustee  
Judith Barnett, Trustee

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

The foregoing instrument was acknowledged this 24<sup>th</sup> day of April, 2015,  
John B. Barnett, Jr. and Judith Barnett, individually and as trustees of the John B. Barnett, Jr. and  
Judith L. Barnett Living Trust dated June 2, 2011.

Josie Taylor-Soltys  
NOTARY PUBLIC

My commission expires: 11/30/2018  
Registration No.: 7600737.





**EXHIBIT A**  
Property Description

Parcel D1

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel D1 as shown on a certain plat entitled "PLAT OF SUBDIVISION ON THE PROPERTY OWNED BY JOHN B. BARNETT JR., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 6, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No.

and

Parcel E

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel E as shown on a certain plat entitled "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OWNED BY JOHN B. BARNETT JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 4, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 060013607.

Including, all those certain lots, pieces, or parcels of land lying and being in the County of James City, Virginia, and known and designated as Lot Numbers 34 - 57 and the private right-of-ways of Luminary Drive, Tealight Drive, and Votive Drive as shown on that certain plat entitled "PLAT OF SUBDIVISION, VILLAGE AT CANDLE STATION, PHASE 1, LOTS 34 - 57", a subdivision of the property of Candle Development, LLC, James City County, Virginia, made by AES Consulting Engineers, Williamsburg, Virginia August 8, 2014, and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Virginia, on September 10, 2014 as Instrument Number 140014744.

County Tax Parcel Numbers: #2321100001D, #2321100001E #2321100034, #2321100035, #2321100036, #2321100037, #2321100038, #2321100039, #2321100040, #2321100041, #2321100042, #2321100043, #2321100044, #2321100045, #2321100046, #2321100047, #2321100048, #2321100049, #2321100050, #2321100051, #2321100052, #2321100053, #2321100054, #2321100055, #2321100056, #2321100057, and #2321100003B

And

A portion of Parcel A, County Tax Parcel #2321100001A, containing a total of approximately 1.764 acres:



ALL THAT CERTAIN PORTION OF PARCEL "A", TAX MAP PARCEL #(23-2)(11-1A), SITUATE, LYING AND BEING IN THE POWHATAN DISTRICT OF THE COUNTY OF JAMES CITY, VIRGINIA, CONTAINING A TOTAL OF 76,820 SQUARE FEET± OR 1.764± ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60; A CORNER OF PARCEL "B", NOW OR FORMERLY OWNED BY CROSSWALK COMMUNITY CHURCH, INC., TAX MAP PARCEL #(23-2)(11-1B); THENCE IN A EASTERLY DIRECTION AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S70°01'07"E, 573.20' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 14.83' TO A POINT; THIS BEING THE TRUE POINT OF BEGINNING (P.O.B.) AND THE NORTHWESTERN CORNER OF PARCEL "A" OF THE PROPERTY DESCRIBED HEREON.

THENCE FROM SAID TRUE POINT OF BEGINNING, SAID POINT BEING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "E" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 25.14' TO A POINT; A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "D" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE LEAVING SAID CORNER AND RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S26° 33'06"W, 399.43' TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 583.96' AND AN ARC LENGTH OF 71.64' TO A POINT; THENCE S19° 31'22"W, 247.60' TO A POINT, THENCE S36° 52'20"W, 2358.01' TO A POINT; THENCE N51° 43'03"E, 25.01' TO A POINT; THENCE N36° 52'20"E, 2353.58' TO A POINT; THENCE N19° 31'22"E, 243.78' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 608.96' AND AN ARC LENGTH OF 74.71' TO A POINT; THENCE N26° 33'06"E, 396.79' TO THE AFORESAID TRUE POINT OF BEGINNING;

THAT PORTION OF PARCEL "A" AND THE PROPERTY DESCRIBED HEREON IS MORE PARTICULARLY SHOWN ON THAT CERTAIN PLAT ENTITLED, "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OF JOHN B. BARNETT, JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC.", DATED APRIL 4, 2006, REVISED MAY 5, 2006 AND DULY RECORDED AT THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA AS INSTRUMENT #060013607.



And

That certain portion of James City County Tax Parcel 2321100001C to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

And

That certain portion of James City County Tax Parcel 2321100002D to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.



Proffers	Original/approved Proffers	Revised Proffers
1. Density	175 dwelling units and 96 assisted living units	208 dwelling units
2. Owners Association	Home Owners Association and Commercial Association	Minor changes. A commercial Association is no longer proffered
3. Water Conservation	Water Conservation standards	Minor revisions
4. Affordable/Workforce Housing	<p>A total of 58 units were proffered as affordable/workforce housing:</p> <ul style="list-style-type: none"> <li>• 5 units offered at \$160,000;</li> <li>• 5 units offered at \$ 190,000; and</li> <li>• 48 units offered at \$225,000</li> </ul>	<p>A total of 42 units are proffered as affordable/workforce housing in accordance with the Housing Opportunities Policy (HOP):</p> <ul style="list-style-type: none"> <li>• 17 units offered at a price range of \$116,213-\$188,124;</li> <li>• 15 units offered at a price range of \$188,124-\$228,640; and</li> <li>• 10 units offered at a price range of \$228,640-\$358,605</li> </ul>
5. Cash Contribution for Community Impacts	Cash contributions for school in accordance with Board of Supervisors Policy. Cash contributions for other public uses, JCSA water and sewage systems and stream restoration.	Cash contributions for school in accordance with Board of Supervisors Policy. Cash contributions for other public uses, JCSA water and sewage systems and stream restoration. All these contributions have been updated.
6. Entrances; traffic improvements	Improvements to the Croaker/Richmond Road intersection	Elimination of a 200 foot taper from the east bound Richmond Road due to change in land uses. Minor changes.
7. Connections to adjacent properties	Provision of pedestrian and vehicular connections with adjacent property	Minor changes
8. Streetscape Guidelines	Provision of streetscape improvements	Minor changes
9. Recreation	Recreation amenities provided in accordance with the Parks and Recreation Master Plan	Minor changes
10. Archaeology	Provision of archeological studies	Minor changes
11. Design Guidelines and Review; Sustainable Building	Provision of a design guideline for the property	Design guidelines have been revised to incorporate proposed changes
12. Sidewalks	Installation of sidewalks on at least one side of each of the public streets on the Property	Minor changes



13. Curb and Gutter	Provision of curb and gutter on all streets in the development (except for private streets)	Minor changes
14. Master Stormwater Management Plan	Provision of a master stormwater management plan	Minor changes
15. Nutrient Management Plan	Provision of a nutrient management plan	Minor changes
16. Private Streets	Provision of private streets (alleys) on the property	Minor changes
17. Development Phasing	Providing a maximum number of lots/units to be developed each year after approval of the rezoning application in 2011	Removed as it no longer applies. All 175 units can be developed at this point.
18. Water and Sanitary Sewer Master Plan	Provision of a water and sanitary sewer master plan	Minor changes
19. Route 60 Median Landscaping	Installation of landscaping in a portion of Route 60	Minor changes
20. Crosswalks	Provision of crosswalks across Croaker Road and certain internal areas	No changes
21. Phasing of Residential Development Based on Assisted Living Facility	Allowing building permits for no more than 87 dwelling units until a temporary or permanent certificated of occupancy is issued for the assisted living facility	Removed as an assisted living facility is no longer part of this development.
22. Boundary Line Adjustment	N/A	Submittal of a boundary line adjustment consistent with the master plan
23. Master Plan	The property shall be developed as shown on the master plan	Minor changes
24. Phased Clearing	The property shall be developed in phases in accordance with the approved plans for the development	Removed as it no longer applies.
25. Headings	N/A	New proffer
26. Delegation of Subsequent Approvals	N/A	New proffer
27. Severability	If a part of legal document is found to be unenforceable it does not alter the rest of the	Minor changes



	document	
28. Conflicts	N/A	New proffer
29. Successors and Assigns	N/A	New proffer
30. Void If Application not Approved	N/A	New proffer
31. Amended and Restated	N/A	New proffer



April 24, 2015

*Transmitted Electronically*

Mr. Paul Holt  
Planning Director  
James City County Planning Department  
101-A Mounts Bay Road  
Williamsburg, Virginia 23187

**RE: Village at Candle Station**  
**James City County Case # - MP-0004-2014, Z-0008-2014**

Dear Paul:

Division 14 of the Zoning Ordinance, Planned Unit Development Districts, states that a 75' perimeter buffer shall be maintained from property lines adjoining a different zoning district to a PUD. Paragraph (b), Waiver Provisions, provides a mechanism for waivers to this buffer requirement when adjoining properties are zoned for commercial or industrial uses and are designated general business, limited industrial, or general industrial on the Comprehensive Plan.

These conditions exist on the Candle Station property and the adjacent properties abutting the property and fronting on Route 60, Richmond Road. AES, on behalf of Candle Development, LLC respectfully requests a waiver to section 24-492, paragraph (a), peripheral buffers, (2) commercial. The accompanying exhibit shows a 10' buffer between the proposed self-storage facility and the loading and service area behind the adjacent Food Lion parcel. A property line adjustment is proposed between the self-storage facility and the Candle Factory Storage facility where the buffer is reduced to zero. In this case, the two properties are under the same ownership and access to the self-storage facility is provided from the Candle Factory Storage side. To the east, a narrow strip of the site is adjacent to more land connected to the Poplar Creek Office Park land zoned M-1. The 260 feet of buffer here is proposed at a 20' width. While this waiver request proposes the removal of approximately 72,000 sq. ft. of landscaped area, Candle Development LLC has agreed to provide landscaping (trees and shrubs) in amounts comparable to those required in buffers, between the residential portion of Candle Station and the proposed self-storage facility and in other public open space throughout the village.



In conclusion and per paragraph (b), Waiver Provisions 1., The zoning and comprehensive plan designation of these adjoining properties are compatible with the proposed self-storage facility. 2., The compatibility of the adjoining land uses reduces the need for buffering, and 3., The reduced buffers will be replaced with significantly enhanced landscaping between the residential portion of the Village at Candle Station and the self-storage facility. Additional landscaping is also proposed between the Village at Candle Station and the properties along Old Church Lane to the east of the site, and in other public spaces within the community.

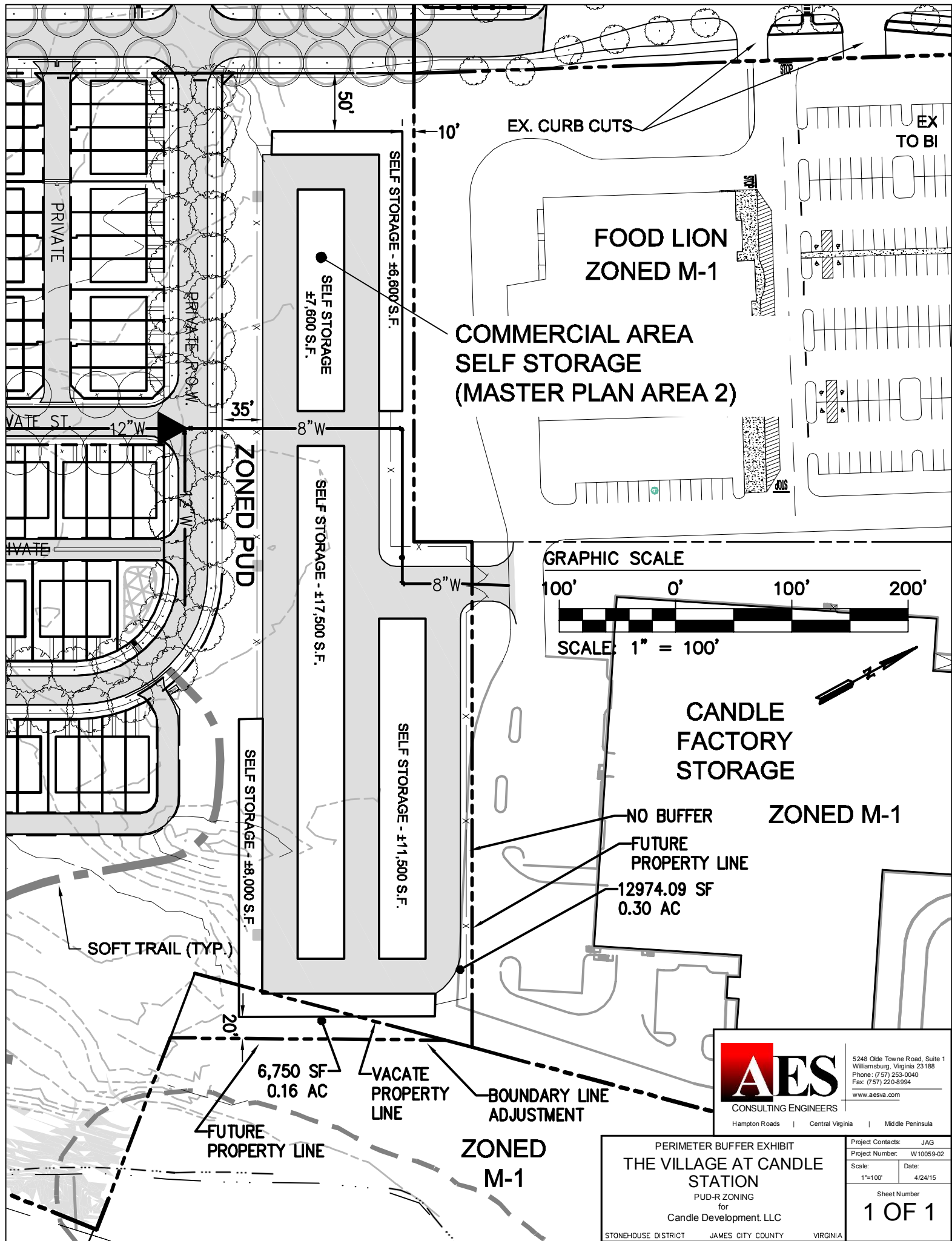
Sincerely,

AES Consulting Engineers

James S. Peters  
Senior Landscape Architect  
James.peters@aesva.com

JSP:jar





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

Hampton Roads | Central Virginia | Middle Peninsula

**PERIMETER BUFFER EXHIBIT**  
**THE VILLAGE AT CANDLE STATION**

PUD-R ZONING  
for  
Candle Development LLC  
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10059-02
Scale:	1"=100'
Date:	4/24/15
Sheet Number	1 OF 1



May 4, 2015

VIA EMAIL: Jose.Ribeiro@jamecitycountyva.gov

James City County Board of Supervisors & Planning Commission  
c/o: Planning Department  
attn: Jose Ribeiro  
101-A Mounts Bay Road  
Williamsburg, VA 23185

RE: The Village at Candle Station Rezoning and Master Plan Amendment

Dear Board of Supervisors, Planning Commissioners, and Planning Staff:

My company owns and developed the Candle Factory Shopping Center at the entrance to The Village at Candle Station. We are very much in favor of the proposed rezoning and master plan amendment and asked that you please approve the proposal. When we contracted to purchase the property and develop the Food Lion and CVS Pharmacy it was a part of a master development plan that is dependent on the success and viability of the residential development associated with The Village at Candle Station. I think Mr. Henderson is wise to abandon the concept for an assisted living facility and office/retail located behind the Food Lion.

The senior care market place has been in a state of flux over the last few years with changes in our nation's health care laws, the associated financial models for providing end of life care, and society's evolving philosophy on the best model for delivering such care. From my vantage point, a stand-alone assisted living facility is no longer an economically viable land use for the project. Likewise, retail and office vacancy rates in the project area have risen in recent years and, combined with the lack of visibility that the commercial space would have behind the Food Lion, it is my sense that its viability would be severely challenged.

In contrast, adding approximately 30 new single-family residences will enhance the demographics that support our shopping center and the broader commercial corridor, it will reduce traffic on the road serving the development, establish a more homogenous residential character for the project, and enhance the overall success and viability of the master development plan which includes the commercial space along Richmond Road and has very positive combined fiscal impact that cannot be separated from the residential component. The self-storage element is in high demand and will place a low intensity, low profile use as an improved buffer and transition between the Food Lion and the townhomes. Routing the traffic associated with the self-storage project through the Candle Factory makes perfect sense and further protects the character of The Village at Candle Station.

I ask that you please support the proposal and thank you for your consideration.

Sincerely,

Robert W. Hargett





April 15, 2015

James City County Board of Supervisors & Planning Commission  
i/c Jose Ribeiro  
101 – A Mounts Bay Road  
Williamsburg, Virginia 23185

**RE: The Village at Candle Station Rezoning and Master Plan Amendment**

Dear Supervisors, Planning Commissioners, and Planning Staff:

The leadership of CrossWalk Church supports the above-captioned rezoning and master plan amendment. When Mr. Henderson approached us in the early 2000's with his concept for redevelopment of the existing retail center and development of the land behind it, we thought it was a great use of the property and felt that it fit well with our aspirations for the area. At that time, we had a vision for the church to sponsor the development of an assisted living facility. We discussed this concept with Mr. Henderson and he was very gracious in working with us to accommodate that vision into his master plan and to support us in the pursuit of that project. But after Mr. Henderson obtained a rezoning, we were never able to arrive at a position to follow through with our plans for an assisted living facility on the site. So he worked hard with two different brokerage firms to try to find another entity to develop an assisted living facility there, but to no avail.

So we believe that the alternative version of the plan being proposed with single-family homes and self-storage uses is a good concept that will reduce the overall density of the project, improve the aesthetics, create a more cohesive residential neighborhood, reduce traffic, and provide expanded storage services for nearby residents and small business owners which services are in high demand. We regret that we were not able to make our dream of an assisted living facility on the property a reality. But we think the proposed plan represents a fantastic alternative that will allow Mr. Henderson's project to be successful and will enhance the character of our area.

Sincerely,

*Mark Morrow*

Rev. Mark Morrow  
Pastor



May 15, 2015

Board of Supervisors  
James City County

RE: Village at Candle Station ("the Village") rezoning

John & Judith Barnett of 7559 Richmond Road, Williamsburg, VA (James City County) are submitting this letter because we will be unable to attend the June 9, 2015 Board meeting. Our house and property are adjacent to the land being developed for the Village. Our names are listed as owners on the application documents but we want to state that we are not financially vested in any way with the project. We own a flag lot that provides us access to Richmond Road through the Village development.

We feel the Village at Candle Station project aligns with the current Norge Community character. Henderson, Inc. and Ryan Homes have gone back to the drawing boards several times to assure that the design of the housing units will be a good fit. The first building that is now fully occupied has been well received. The planned recreational green space will be a wonderful addition for residents to enjoy the outdoors with their families. We look forward to the new walking trails and sidewalks as we frequently walk to the neighborhood businesses.

The Norge Community Character of the early 1900s disappeared with the four-laning of Richmond Road around 1970, but Norge has grown with the times. It now has a plethora of neighborhood resources, businesses and services available to residents. A unique benefit for the new residents of the Village is within walking distance, there are currently: 2 banks, 2 pharmacies, 2 grocery stores, 4 churches, a post office, fitness center, restaurants, dry cleaners, nail/hair salons, Tractor Supply, dentist, lawyers, among others. Public transportation is readily available as well as easy access to I64 for commuting. The JCC library is within a half mile and hopefully a proposed footbridge will offer pedestrian access soon. As long-time residents, we certainly appreciate the close proximity of all of these things. Increased utilization by new residents with the existing businesses will certainly have a positive impact on the Norge community's economy.

Of note should be the significant acreage zoned mixed use on the north side of Richmond Road as it intersects with Croaker Road has been standing idle for decades. There is no question that the availability of potential employees and customers in such close proximity to this property would provide added incentive for commercial growth, thereby increasing the tax base.

Pete Henderson and his family are conscientious, community minded residents and business owners. They have kept the best interests of all parties involved, especially surrounding property owners, in this development as a priority.

I have lived on this same property for over 50 years, raised my family here, owned and operated Williamsburg Soap and Candle and the Music Theatre, and have enjoyed an extraordinary personal and business relationship with the Norge community. My wife and I feel that this project will be an asset to Norge and fully support the current proposed plans. We encourage the Board of Supervisors' positive vote for moving forward with the proposed rezoning and changes.

JJ







## RESOLUTION

### HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

#### 1. Definitions

- a. Affordable Housing. Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. Workforce Housing. Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).



2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development's proposed dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.
- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:



Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.

6. Procedures

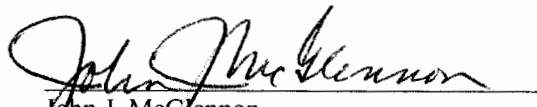
- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions<sup>1</sup>, which shall be calculated and made available on an annual basis by the County.
  - i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development (“OHCD”) shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
  - ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.

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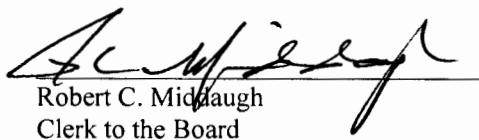
<sup>1</sup> The prices shall be established based on payment of 30 percent of household income toward housing cost.



- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
ICENHOUR	<u>X</u>	___	___
KALE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

ZO-07-09-10\_res2



## **Housing Opportunities Policy Guide**

In November 2012, the James City County Board of Supervisors adopted a Housing Opportunity Policy to recognize the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of the County's Area Median Income (AMI). Staff recommends reviewing the Policy in full, but has also developed the guidance below to assist in its application. It is important to first understand that the Policy is geared toward two types of housing, affordable and workforce - these terms are defined in the Policy.

The Policy is applicable in all rezoning applications that include a residential component. The Guide is intended to be a helpful resource in understanding how the policy is implemented and it includes all applicable annual cost basis updates.

### **Step 1**

Determine the number of units that would be expected to be affordable and workforce in your proposed development. The Policy states that at least 20 percent of a development's proposed units should be offered for sale/rent at prices targeted at households earning 30 to 120% of AMI, and further specifies percentages targeted at the AMI in certain components of that overall range, as follows:

Units targeted to (percent of AMI):	Minimum percent of the development's proposed dwelling units expected
30 percent – 60 percent	8
Over 60 percent - 80 percent	7
Over 80 percent – 120 percent	5

This means that if a 60 unit development were proposed, 12 units should be targeted to the overall AMI range, and that within this, 5 units would be targeted to 30 – 60% of AMI, 4 units targeted to 60 – 80% of AMI, and 3 units targeted to 80 – 120 % of AMI. (Should standard rounding conventions yield numbers that do not add up to the 20%, or would result in more than the 20%, the number of units in each category shall be determined by the Planning Director.)

### **Step 2**

The "targeted to" prices will be provided by the County's Office of Housing and Community Development based on the definitions in the Policy. Each year, these numbers will be updated. These prices can be used to guide for any proffers that are offered. In **2014**, these numbers are as follows:

Units targeted to (percent of AMI):	Price range (Minimum – Maximum)
30 percent – 60 percent	\$99,436 – \$173,376
Over 60 percent – 80 percent	\$173,377 – \$242,386
Over 80 percent – 120 percent	\$242,387 - \$380,407

The step 2 conclusion shows that for a developer wishing to pursue a 60 lot development, the Policy would look for 5 of the units to be offered at prices between \$99,436 and \$173,376, for 4 of the units to be offered at prices between \$173,377 and \$242,386, and for 3 of the units to be offered at prices between \$242,387 and \$380,407. In terms of any proffers that are offered, the text could be written to reference the price that will be posted by OHCD via the annual updates provided in this guide.

### **Other Considerations**

#### ***Cash Proffers in Relation to the Affordable and Workforce Units***

For the targeted affordable and workforce units, the Board of Supervisors included a reduced expectation of cash proffers in the Housing Opportunities Policy. Examples of typical cash proffers offered in association with development proposals are amounts for schools, water and sewer improvements, and other public facility and infrastructure capital improvement program items. The Policy includes a specific reduction for each of the component AMI ranges, as follows:



Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent - 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

Based on the reduction amounts specified above, for a 60 unit development that is offering 12 affordable and workforce units as described above, 5 of the units would not be expected to be associated with any cash proffers, 4 could be associated with 40% of the amount otherwise being offered, and 3 could be associated with 70% of the amount otherwise being offered.

#### ***Affordable and Workforce Unit Retention Period***

The Policy specifies certain provisions intended to retain the benefit of affordable and workforce units over time – please see the Policy for further information.

#### ***In-lieu Contribution to the Housing Fund***

The Policy also includes provisions for the payment of contributions in-lieu of a commitment to build and offer units for sale as described above. The amount consists of two components added together – the unit price and the median lot cost price.

#### ***Unit Price***

The unit price is a set amount that will be recalculated each year by OHCD using the structure set forth in the Policy. For **2014**, the unit prices calculated by OHCD are as follows:

Units targeted to (percent of AMI):	Unit Cash-in-lieu amount
30 percent – 60 percent	\$118,800
Over 60 percent – 80 percent	\$118,800
Over 80 percent – 120 percent	\$138,600

For a developer wishing to pursue a 60 lot development, the Policy would look for cash in-lieu amounts for the 5 units of \$594,000 (\$118,800 each), for the 4 units of \$475,200 (\$118,800 each), and for 3 units of \$415,800 (\$138,600 each), for a total of \$1,477,800. Please note that a developer can choose pursue a combination of built units and cash-in-lieu, so long as the overall and AMI component percentages are met.

#### ***Median Lot Cost Price***

The unit price figure described above would be added to the development's anticipated median lot cost price for each of in-lieu units. (The median lot cost is intended to reflect the land and infrastructure costs to create a buildable lot, not the price at which the lot will be offered for sale.) Using the example 60 lot development described above, if the anticipated median lot cost was \$80,000, the total for this component of the in-lieu calculation would be \$960,000 (\$80,000 times 12). As noted above, the developer can choose to pursue a combination of built units and cash-in-lieu, so long as the overall and AMI component percentages are met.

Again using the example 60 lot development described above, the total cash-in-lieu amount (assuming all 12 units would be in-lieu) would be \$2,437,800 (unit price cost of \$1,477,800 plus lot cost price of \$960,000).

#### ***Other Procedural Notes***

The last section of the Policy provides important procedural information including details on required assurances, which should be carefully reviewed and reflected in any proffered language, as appropriate.

*This guide last updated on: February 6, 2014*



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Christopher Johnson, Principal Planner

SUBJECT: Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance - Article 1. In General. Administrative fees, Amendments and variation of conditions, and Submittal Requirements

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Staff Report
☐	Ordinance	Ordinance
☐	Unapproved minutes from the April 16, 2015, Policy Committee meeting	Backup Material
☐	Unapproved minutes from the May 6, 2015, Planning Commission meeting	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 11:42 AM
Development Management	Murphy, Allen	Approved	5/21/2015 - 2:02 PM
Publication Management	Burcham, Nan	Approved	5/21/2015 - 2:17 PM
Board Secretary	Fellows, Teresa	Approved	5/21/2015 - 2:33 PM
Board Secretary	Kinsman, Adam	Approved	5/29/2015 - 4:13 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM



## **MEMORANDUM**

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: Christopher Johnson, Principal Planner

SUBJECT: Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance – Article I. In General. Administrative fees, Amendments and variation of conditions, and Submittal requirements

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Due to changes in the Code of Virginia and in how the County processes legislative applications, staff is proposing two minor changes to the Zoning Ordinance.

First, the Code of Virginia was changed in 2009 to allow proffer amendments that do not affect conditions of use or density to bypass a public hearing process otherwise required by Section 24-13 of the County Code before consideration of adoption by the Board of Supervisors. Since that time, staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to poll the Board of Supervisors informally prior to processing the request as a rezoning application. In order to provide a measure of clarity to the process for such requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of a written proffer amendment request that does not need a public hearing as determined by the Board of Supervisors.

Second, beginning in December 2014, all documents and materials included on a Board of Supervisors agenda have been required to be submitted in an electronic format. In order to provide a measure of clarity to the process for the public, staff is proposing amendments to the submittal requirements section of the County Code to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda.

### **RECOMMENDATION**

Staff recommends the Board of Supervisors approve the attached ordinance amendments. At its April 16, 2015 meeting, the Policy Committee voted 2-0 to recommend approval of the proposed amendments. At its May 6, 2015 meeting, the Planning Commission voted 7-0 to recommend approval of the proposed amendments.

ZO-3-15ArticleGeneral-mem  
CJ/gb

### **Attachments:**

1. Ordinance
2. Unapproved minutes from the April 16, 2015, Policy Committee meeting
3. Unapproved minutes from the May 6, 2015, Planning Commission meeting



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, THAT CHAPTER 24, ZONING, IS HEREBY AMENDED AND REORDAINED BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, SECTION 24-23, SUBMITTAL REQUIREMENTS.

**Chapter 24**

**ARTICLE I. IN GENERAL**

**Sec. 24-7. Administrative fees.**

(a) Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	\$1,200.00 plus \$75.00 per acre, not to exceed \$15,000.00
a. Rezoning or proffer amendments which require a public hearing	\$1,200 plus \$75.00 per acre, not to exceed \$15,000.00
b. Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density	200.00
(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a., above.)	
(2) Applications for Special use permits:	
a. Generally (General special use permits processed with a rezoning shall pay a rezoning fee only)	\$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot	100.00
c. Family subdivision under section 24-214	100.00
d. Amendment to a special use permit	400.00
e. Wireless communications facilities under division 6	1,500.00
(3) Master plan review:	
a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only)	200.00



- b. Revision of approved plan:
  - 1. Residential Cluster ..... 75.00
  - 2. R-4, PUD, Mixed Use ..... 150.00
- (4) Site Plan Review:
  - a. Administrative review:
    - 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
  - b. Planning commission review:
    - 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
  - c. Amendment to an approved plan:
    - 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
    - 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.
  - d. Zoning administrator and fire department review only, \$20.00.
  - e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.
- (5) Sign permits, \$5.00 per square foot of gross sign area.
- (6) Appeals to the board of zoning appeals, \$500.00.
- (7) Application for a height limitation waiver to the board of supervisors, \$200.00.
- (8) Application for administrative variance, \$250.00.
- (9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.
- (10) Conceptual plan review, \$25.00.
- (11) Zoning verification request, \$100.00.



- (12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

(b) Payment of any permit fees established in section 24-7 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

#### **Sec. 24-20. Amendments and variations of conditions.**

(a) Conditions proffered and accepted as part of an amendment of the zoning ordinance shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) *Except as provided in subsection (c),* ~~There~~ *there* shall be no amendment or variation of *proffered* conditions created pursuant to the provisions of this article until after a public hearing before the board of supervisors which shall be advertised pursuant to section 24-13 of this chapter.

*(c) Where an amendment or variation of proffered conditions is requested pursuant to Virginia Code § 15.2-2302(A), and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirement for a public hearing under any statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions. Written notice of such application shall be provided by the applicant to any landowner subject to such existing proffered conditions in the manner prescribed by Virginia Code § 15.2-2302(H).*

#### **Sec. 24-23. Submittal requirements.**

(a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.

- (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
- a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and



- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
  - c. Environmental information shall be submitted in accordance with the environmental constraints analysis for legislative cases; and
  - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
  - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
  - f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and
  - g. An environmental inventory in accordance with the James City County natural resource policy; and
  - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
  - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
  - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
  - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;



- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

Type of Development	Area Designation
Single family	<b>A</b>
Multi-family dwellings containing up to and including four dwelling units	<b>B</b>
Multi-family dwellings containing more than four dwelling units	<b>C</b>
Apartments	<b>D</b>
Commercial uses	<b>E</b>
Wholesale and warehouse uses	<b>F</b>
Office uses	<b>G</b>
Light industrial uses	<b>H</b>
Institutional or public uses	<b>I</b>
Areas of common open space, with recreation areas noted	<b>J</b>
Structures containing a mixture of uses	<b>M*</b>
Other structures, facilities or amenities	<b>X</b>

\*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

- 1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
- 2. Significantly alter the distribution of recreation or open space areas on the master plan;
- 3. Significantly affect the road layout as shown on the master plan;
- 4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.



If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

(3) Any other submittal requirement which may be required by this chapter.

(4) An application and fee in accordance with section 24-7 of this chapter.

(b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezonings” policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.

*(c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the “Electronic Submittal Requirements for Legislative Applications” policy, as approved by the planning commission.*

~~(c)~~(d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

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

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk of the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.



## **Unapproved Minutes of the April 16, 2015 Policy Committee Meeting**

### **ZO-0003-2015, Article I, In General –Administrative fees, Amendment and variations of conditions and Submittal requirements**

Mr. Chris Johnson gave an overview of the changes proposed to the ordinance. Mr. Johnson stated that due to changes in the State Code and the way the County processes legislative applications, in 2009 the State Code was amended to allow proffers amendments that do not affect conditions of use or density to bypass the public hearing process otherwise required by County Code prior to consideration for adoption by the Board of Supervisors. Mr. Johnson stated that staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to informally poll the Board of Supervisors prior to processing the request as a rezoning application. Mr. Johnson stated that in order to provide a measure of clarity to the process for future requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of written proffer amendment requests that do not require a public hearing as determined by the Board of Supervisors.

Mr. Johnson stated that the other change proposed in this amendment is to the submittal requirements portion of the ordinance. Mr. Johnson stated that since December 2014, all document materials included in the Board of Supervisors agenda have been required to be submitted in an electronic format. Mr. Johnson stated in order to provide clarity to the process for the public, development community and applicants, staff is proposing this amendment to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda. Mr. Johnson stated that staff recommends the Policy Committee recommend approval of the draft amendment to the Zoning Ordinance to the Planning Commission.

Mr. Holt stated that the most recent example of a proffer amendment that did not require a public hearing would have been the Gatehouse Farms case.

Mr. Johnson stated that the Gatehouse Farms case was to eliminate proffer conditions that no longer applied to the property because there was going to be no recreation facility on that property. Mr. Johnson stated before the Gatehouse Farms case the Stonehouse case was the other application processed in this manner. Mr. Johnson stated that the Toano Trace proffer amendment case came in under a similar request but was determined by the Attorney's Office to affect the condition of use of the property and therefore had to be processed as a public hearing case.

Mr. Johnson stated that with this amendment staff would be able to point to a place in the ordinance that describes the process and lays out the guidelines and two directions the Board of Supervisors could take and would point to a fee structure if the case dictates that a public hearing is required.



Mr. Wright stated that this would also be beneficial to the Planning Commission.

Mr. Johnson stated that anything that clarifies a process would be beneficial to the public and everyone else involved in handling such a request in the future.

Mr. Wright asked if the amendment would decrease the Planning Division's workload.

Mr. Johnson stated that it would not decrease staff's workload but would clarify expectations and eliminate undocumented requirements and procedures.

Mr. Holt stated that there is a process in State Code that says this process can be done; however, the County Code does not describe the process.

Mr. Wright asked if for the submittal requirements, would a standard software be used.

Mr. Holt stated that it would be in PDF format. Mr. Holt stated that all of the different software products export to PDF. Mr. Holt stated that staff would provide the companies with the website that they can submit the documents to so it will not be any additional legwork or custom software for the applicant.

Mr. Wright stated that it would be a benefit to the applicant and staff.

Mr. Johnson stated that for the small applicant who does not have that range of experience staff would continue to help scan materials in for submittal.

Mr. O'Connor asked if paper copies would still be required.

Mr. Johnson stated that paper copies would still be required because staff still has to send out copies to agencies for review and paper copies make it easier to review/discuss a plan around a table.

Mr. Holt stated that for example at DRC staff may still need to have a big plan to review out in front of everyone but in the future we may be able to reduce the amount of paper copies if we have the technology to support review of plans that way.

Mr. O'Connor stated that he prefers having paper copies when reviewing documents.

Ms. Tammy Rosario stated that having a paper plan allows for easier notations.

Mr. O'Connor stated that it is easier to see the whole picture when the big plan is spread out in front of you.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).



## **Unapproved Minutes of the May 6, 2015 Planning Commission Meeting**

### **Case No. ZO-0003-2015, Zoning Ordinance Amendments, Article I. In General**

Mr. Christopher Johnson, Principal Planner, provided a report on two proposed ordinance amendments related to the processing of legislative applications. Mr. Johnson stated that the first amendment was to incorporate an amendment to State Code which would allow proffer amendments that do not affect conditions of use or density to bypass a public hearing process otherwise required by County Code before consideration of adoption by the Board of Supervisors. Mr. Johnson stated that such requests currently require County Administration to informally poll the Board of Supervisors prior to processing the request as rezoning applications. Mr. Johnson stated that in order to provide a measure of clarity to the process, the proposed amendments would add an administrative fee and outline the submittal requirements and administrative procedures for processing a written proffer amendment request that does not need a public hearing as determined by the Board. Mr. Johnson stated that beginning in December 2014, all documents and materials included on a Board of Supervisors agenda have been required to be submitted in an electronic format. Mr. Johnson stated that the amendment to the submittal requirements is necessary to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda.

Ms. Bledsoe opened the public hearing.

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

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

Mr. Wright if the change in submittal requirements would place a cost burden on the applicant.

Mr. Johnson stated that the applicant would still provide the appropriate number of paper copies for transmittal to the reviewing agencies and would require the submittal of the documents in PDF format when they have the ability to do so. Mr. Johnson stated for smaller applicants without that capability, staff can scan the documents in the required format.

Mr. Wright moved to recommend approval of the ordinance amendment.

On a roll call vote, the Planning Commission recommend approval of ZO-0003-2015 by a vote of 7-0



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: Case No. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

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**ATTACHMENTS:**

	Description	Type
📎	Memo	Cover Memo
📎	Ordinance	Ordinance
📎	Policy Committee Minutes	Minutes
📎	Planning Commission Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 3:15 PM
Development Management	Murphy, Allen	Approved	5/21/2015 - 3:30 PM
Publication Management	Burcham, Nan	Approved	5/21/2015 - 3:48 PM
Board Secretary	Fellows, Teresa	Approved	5/21/2015 - 3:49 PM
Board Secretary	Kinsman, Adam	Approved	5/29/2015 - 4:14 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM



## MEMORANDUM

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

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During the 2014 and 2015 Legislative sessions, amendments to the State Code were passed that need to be incorporated into the Zoning Ordinance. The proposed changes deal with the definition of agriculture and agritourism, changes to other definitions of uses in A-1, as well as identifying which uses are permitted by-right or require a Special Use Permit (SUP).

More specifically, HB 1089, SB 51, and SB 430 were all approved in 2014; and SB 1272 was approved in 2015. State code language associated with the new legislation is attached and summaries of the new legislation are as follows:

HB 1089- Clarifies the definition of agricultural products.

SB 430- The bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery. Limited breweries may be located on a farm and use agricultural products that are grown on the farm in the manufacture of their beer.

SB 51- Protects certain activities as part of agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities, including: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with State law, and other customary activities. Localities are prohibited from subjecting these listed activities to a special use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating any sound produced by these listed activities. This bill is identical to HB 268.

SB 1272- Similar to the limited brewery legislation referenced above (SB 430) but this bill contains specific language for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) use agricultural products grown on the farm in the manufacture of its alcoholic beverages.

In acknowledgement of these changes in State code, the A-1 ordinance (Attachment No. 2) has been updated to include the following:

- Inclusion of “agritourism activities” as an accessory use in the agricultural section
- Change of “fish farming and aquaculture” to a permitted use (with processing of these products remaining an SUP)
- Inclusion of “agricultural operation,” “production agriculture” and “silviculture activity” to the use list
- Addition of “Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands” as a permitted use



- Deletion of “Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet” from permitted uses
- Deletion of “Wayside stands for sale of agricultural products over 500 square feet in area” from SUP uses
- Addition of “Limited farm brewery” as a permitted use
- Addition of “Limited farm distillery” as a permitted use
- Addition of “Small-scale alcohol production” as an SUP use

The Definitions section of the Zoning Ordinance has been amended to include the associated definitions (Attachment No. 3).

Small-scale alcohol production includes micro-brewery, micro-distillery, and micro-winery type uses. Often times micro-breweries are accompanied by restaurants and tap rooms. Staff included small-scale alcohol production as an SUP in A-1 in order to allow potential micro-brewery style uses that would like to expand beyond an accessory farming operation if the impacts can be mitigated through the legislative process. Restaurants and taverns are currently SUP uses in A-1 as well.

#### **Other miscellaneous proposed changes**

During the last update to the residential districts (2012), staff amended the definition and use list name for group homes based on a change in the State Code definition. A similar change is proposed in the A-1 ordinance during this update. Similarly, there has historically been some overlap between what constitutes a group home and what constitutes a “retreat,” as listed in the A-1 ordinance. Staff has included a new definition that clarifies the retreat use, and given the extent of potential impacts, staff recommends making retreat a use that requires an SUP.

Finally, the use list was amended in general to represent the “Use category” chart format that appears in the residential and commercial zoning districts, as amended during the last comprehensive ordinance update in 2012.

#### **Recommendation**

Staff recommends the Board of Supervisors approve these amendments to the zoning ordinance.

#### **Planning Commission Recommendation**

At its May 6, 2015 meeting, the Planning Commission voted 7-0 to recommend approval of these amendments. They also requested a definition of “Silvicultural Activities” be included in section 24-2. Staff included that definition in the attached ordinance.

At its April 16, 2015 meeting, the Policy Committee voted 2-0 to recommend approval of these amendments.

JP/nb  
ZO-04-15DefinitionAmend-mem

#### **Attachments:**

1. Ordinance
2. Approved minutes from the April 16, 2015, Policy Committee meeting
3. Unapproved minutes from the May 6, 2015, Planning Commission meeting



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING AND RENAMING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; AND BY DELETING SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending and renaming Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; and by deleting Section 24-213, Uses permitted by special use permit only.

**Chapter 24**

**ARTICLE I. IN GENERAL**

**Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**A**

*Agritourism Activity - Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.*

*Agricultural Operation - Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits or vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.*

**L**

*Limited Farm Brewery - Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided the brewery is located on a farm where agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. Limited Farm Brewery does not include a restaurant or tap room operations, but may include the sale or tasting of beer during regular business hours within the normal course of business. The sale of beer-related items that are incidental to the sale of beer is also permitted.*

*Limited Farm Distillery - Distilleries that manufacture no more than 36,000 gallons of alcohol per calendar year, provided the distillery is located on a farm where agricultural products used by such distillery in the manufacture of its alcohol are grown on the farm. Limited Farm Distillery does not include a restaurant or tap room operations, but may include the sale or tasting of alcohol during regular business hours within the normal course of business. The sale of distillery-related items that are incidental to the sale of alcohol is also permitted.*

**P**

*Production Agriculture or Silviculture Activity - The bona fide production or harvesting of agricultural products as defined in section 3.2-6400 of the Code of Virginia, including silvicultural products, but shall not*



*include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of non-agricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.*

## R

*Retreat - A private or secure place of refuge and education. A retreat can include temporary, short-term residential facilities, recreational amenities, and educational activities (e.g. for job training and life skills). Retreat facilities must be voluntary in nature, and are different from group homes, which must be licensed by the Department of Behavioral Health and Development Services. A caretaker must be present when guests/lodgers are on-site.*

## S

*Silvicultural Activities - Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation.*

*Small-scale Alcohol Production - Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.*

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

##### **Sec. 24-212. Permitted uses *Use list*.**

~~In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:~~

~~Accessory apartments, attached, in accordance with section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.~~



~~Greenhouses, commercial.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Houses of worship and cemeteries accessory hereto.~~

~~Intensive agriculture as herein defined.~~

~~Manufactured homes that are on a permanent foundation.~~

~~Nurseries.~~

~~Off-street parking as required by section 24-54.~~

~~Petroleum storage on a farm as an accessory use and not for resale.~~

~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Retreat facilities.~~

~~Single-family detached dwellings.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as an accessory use to a farm.~~

~~Timbering in accordance with section 24-43.~~

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

(Ord. No. 31A-88, § 20-29, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-162, 6-19-95; Ord. No. 31A-165, 9-18-95; 31A-169, 5-28-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-257, 11-22-11; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14)



**~~Sec. 24-213. Uses permitted by special use permit only.~~**

~~In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.~~

~~Accessory apartment, detached, in accordance with section 24-32.~~

~~Adult day care centers.~~

~~Airports and landing fields, heliports or helistops and accessory uses.~~

~~Animal hospitals, veterinary offices and kennels.~~

~~Automobile graveyards.~~

~~Automobile repair and service.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Beauty and barber shops.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).~~

~~Contractors' warehouses, sheds and offices.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Day care and child care centers.~~

~~Dinner theaters and dance halls as an accessory use to a restaurant or tavern.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.~~



~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.~~

~~Farm equipment sales and service.~~

~~Farmers' markets over 2,500 square feet in area.~~

~~Feed, seed and farm supplies.~~

~~Fire stations, rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage.~~

~~Gift shops and antique shops.~~

~~Golf courses and country clubs.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse racing tracks.~~

~~Horse show areas, polo fields.~~

~~Hospitals and nursing homes.~~

~~Hunting preserve or club, rifle or pistol range, trap or skeet shooting.~~

~~Lodges, civic clubs, fraternal organizations or service clubs.~~

~~Lumber and building supply stores.~~

~~Manufacture and sale of wood products.~~

~~Manufactured home parks in accordance with the special provisions of article IV.~~

~~Medical clinics.~~



~~Petroleum storage, other than on a farm for farm use or accessory for a residence.~~

~~Post offices and public buildings generally.~~

~~Professional offices of not more than 2,000 square feet with no more than one office per lot.~~

~~Race tracks for animals or vehicles, including racing courses for power boats.~~

~~Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways, and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Rest homes for 15 or more adults.~~

~~Restaurants, taverns.~~

~~Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.~~

~~Retail sales of plant and garden supplies.~~

~~Retail shops associated with community recreation facilities.~~

~~Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.~~

~~Schools, libraries, museums and similar institutions, public or private.~~

~~Seminaries.~~

~~Slaughterhouses.~~

~~Solid waste transfer stations.~~

~~Storage and repair of heavy equipment.~~

~~Storage, stockpiling and distribution of sand, gravel and crushed stone.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~



~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Two-family dwellings.~~

~~Upholstery shops.~~

~~Utility substations.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.~~

~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

~~Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.~~

~~Wayside stands for sale of agricultural products over 500 square feet in area.~~

~~Wineries, with accessory commercial facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartment, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.</i>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults.</i>	<i>P</i>	



	<b>Group homes or residential facilities for nine or more adults.</b>		<b>SUP</b>
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Day care and child-care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed, and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP



Greenhouses, commercial.	P	
Home occupations, as defined herein.	P	
Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
Horse racing tracks.		SUP
Horse show areas, polo fields.		SUP
Hospitals and nursing homes.		SUP
House museums.	P	
Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
Lumber and building supply stores.		SUP
Medical clinics.		SUP
Nurseries.	P	
Off-street parking as required by section 24-54.	P	
Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
Race tracks for animals or vehicles, including racing courses for power boats.		SUP
Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
Rental of rooms to a maximum of three rooms.		SUP
Rest homes for fewer than 15 adults.	P	
Rest homes for 15 or more adults.		SUP
Restaurants, taverns.		SUP
Retreat facilities.	P	SUP
Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
Retail sales of plant and garden supplies.		SUP
Retail shops associated with community recreation facilities.		SUP
Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
Slaughter of animals for personal use but not for commercial purposes.	P	
Slaughterhouses.		SUP
Small-scale alcohol production.		SUP
Tourist homes.		SUP
Upholstery shops.		SUP



	<i>Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.</i>		SUP
	<del>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</del>	P	
	<del>Wayside stands for sale of agricultural products over 500 square feet in area.</del>		SUP
Agricultural Uses	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, <b>including agritourism activities</b>, as defined in section 24-2.</i>	P	
	<i>Fish farming and aquaculture, <b>but shall not include the processing of such products.</b></i>	P	SUP
	<i>Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.</i>	P	
	<i>General agriculture <b>operation, production agriculture or silviculture activity</b>, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.</i>	P	
	<i><b>Limited farm brewery.</b></i>	P	
	<i><b>Limited farm distillery.</b></i>	P	
	<i>Intensive agriculture as herein defined.</i>	P	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	P	
	<i><b>Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.</b></i>	P	
	<i>Storage and repair of heavy equipment as an accessory use to a farm.</i>	P	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	P	
	<i>Wineries, with accessory commercial facilities.</i>		SUP
Civic Uses	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, as defined herein.</i>	P	
	<i>Fire stations, rescue squad stations, volunteer or otherwise.</i>		SUP
	<i>Houses of worship and cemeteries accessory hereto.</i>	P	
	<i>Lodges, civic clubs, fraternal organizations or service clubs.</i>		SUP
	<i>Post offices and public buildings generally.</i>		SUP



	<i>Schools, libraries, museums and similar institutions, public or private.</i>		<i>SUP</i>
	<i>Seminaries.</i>		<i>SUP</i>
<i>Utility Uses</i>	<i>Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.</i>	<i>P</i>	
	<i>Communication towers over 35 feet in height.</i>		<i>SUP</i>
	<i>Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations.</i>		<i>SUP</i>
	<i>Tower-mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		<i>SUP</i>
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.</i>		<i>SUP</i>
	<i>Utility substations.</i>		<i>SUP</i>
	<i>Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.</i>		<i>SUP</i>
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	<i>P</i>	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		<i>SUP</i>
	<i>Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.</i>	<i>P</i>	
<i>Open Uses</i>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	<i>P</i>	
	<i>Timbering in accordance with section 24-43.</i>	<i>P</i>	



<i>Industrial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)</i>		<i>SUP</i>
	<i>Manufacture and sale of wood products.</i>		<i>SUP</i>
	<i>Solid waste transfer stations.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment.</i>		<i>SUP</i>
	<i>Storage, stockpiling and distribution of sand, gravel and crushed stone.</i>		<i>SUP</i>

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

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk of the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

ZO-02-15DefinitionAmend-ord



## **Unapproved Minutes of the April 16, 2015 Policy Committee Meeting**

### **ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes**

Mr. Jason Purse stated that there were a number of State Code changes made in the legislative sessions in 2014 and 2015. Mr. Purse stated that the County is taking care of all of the changes in one group including the ones in 2015 that are going to be enacted in July. Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that housekeeping changes were made to the aquaculture/fish farming and wayside stands sections. Mr. Purse stated that limited farm brewery and limited farm distillery are the main additions to the ordinance. Mr. Purse stated that this adds a production component to the on-site farming, meaning that if you have an active farm and are growing the materials that you can use to make beer or distill a product as a permitted use. Mr. Purse stated that the ordinance limits it to only allowing a tasting room associated with the limited brewery. Restaurants or tap rooms would still require a special use permit. Mr. Purse stated that staff also proposed adding small scale alcohol production as a special use permit, which would allow a brewery type use where material was not grown onsite.

Mr. Wright inquired whether the required permits were still required for serving alcohol in these situations.

Mr. Purse stated that it would still be required.

Mr. Wright asked if the group home provision would be allowed in New Town.

Mr. Purse stated that it would be allowed in New Town per the State Code. Mr. Purse stated that the State Code says that the County cannot prevent this type of group home. Mr. Purse stated that there were some examples of group homes in Kingsmill, for example.

Mr. O'Connor stated that an HOA is violating state law if they have it written into their by-laws that this type of group home is not permitted. Mr. O'Connor asked if it was eight unrelated people plus caretakers.

Mr. Paul Holt stated that it is eight people plus a resident caretaker.

Mr. Purse read the State Code.

Mr. Purse stated that you have to be licensed for a very specific type of group home and not all group homes qualify for this.



Mr. Holt stated that HOAs are allowed to limit other types of group homes but not this one.

Mr. O'Connor stated that it is defined in the State Code and is an exception. Mr. O'Connor asked if the language needed to be defined specifically as eight or fewer adults plus caretakers.

Mr. Purse stated that staff did not want to get too wordy in the use list but the definition in the ordinance clarifies the specifics.

Mr. O'Connor stated that he would like to avoid any confusion by making it as clear as possible.

Mr. Purse stated that staff had not run into any problems given the definition.

Mr. Maxwell Hlavin stated that the State Code definition would trump the ordinance if it came to any questions.

Mr. O'Connor asked about fish farming and aquaculture and if harvesting is considered a part of the farming activity.

Mr. Purse stated that if a farmer were to harvest the fish it would be a part of the farming activity, bringing it to shore would be part of the farming activity, but you cannot process it or package it.

Mr. Holt stated that a farmer could harvest the fish and take it to the front of their property and sell it as a whole fish through a wayside stand but they could not can, package or process the fish.

Mr. O'Connor stated that there would not be a problem with having a truck come and pick up the fish to haul them away.

Mr. Holt stated that was correct.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).



## **Unapproved Minutes of the May 6, 2015 Planning Commission Meeting**

### **Case No. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes**

Mr. Jason Purse, Zoning Administrator, provided a report on the proposed amendments to incorporate amendments to the State Code that were passed during the 2014 and 2015 Legislative sessions of the General Assembly. Mr. Purse stated that the proposed changes deal with the definition of agriculture and agri-tourism, changes to other definitions of uses in A-1, as well as identifying which uses are permitted by-right or require a special use permit. Mr. Purse stated that small-scale alcohol production includes micro-brewery, micro-distillery, and micro-winery type uses. Mr. Purse noted that micro-breweries are often accompanied by restaurants and tap rooms. Mr. Purse stated that small-scale alcohol production has been included as a SUP in A-1 in order to allow potential micro-brewery style uses that would like to expand beyond an accessory farming operation if the impacts can be mitigated through the legislative process. Mr. Purse noted that restaurants and taverns are currently SUP uses in A-1 as well. Mr. Purse further stated that during the last update to the residential districts the definition and use list name for group homes based on a change in the State Code definition. Mr. Purse noted that a similar change is proposed in the A-1 ordinance during this update. Mr. Purse further stated that a new definition has been included that clarifies the difference between group home and retreat. Mr. Purse stated given the extent of potential impacts, staff recommends making retreat a use that requires a special use permit.

Ms. Bledsoe opened the public hearing.

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

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

Mr. Basic inquired if there was no longer a limit on the size of wayside stands.

Mr. Purse stated that there was no limit on size for the sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation.

Mr. Drummond inquired if the change related to wayside stands applied only to the A-1 district.

Mr. Purse confirmed.



Ms. Bledsoe inquired if an SUP would be required.

Mr. Purse stated that it would be a permitted use but that it would have to be a product produced on the property.

Mr. Basic inquired if the County would be able to require adequate parking.

Mr. Purse stated that staff would need to look in greater detail at how the ordinance changes might relate to site plan requirements.

Mr. Wright inquired if the State Code would supersede any other regulations that limit the number of people in a group home.

Mr. Purse stated that the group home would have to meet the State Code definition of a group home and adhere to those requirements.

Mr. Wright inquired if there is a square footage requirement.

Mr. Purse stated that the square footage requirements would fall under the licensing through the Virginia Department of Social Services.

Mr. O'Connor inquired if it might be necessary to further define "silviculture products" under the definition of "Production Agriculture or Silviculture Activity."

Mr. Purse stated that there is a definition in State Code and that staff would determine if that definition could be incorporated.

The Commission confirmed that that definition from State Code for "silviculture products" should be incorporated in the ordinance.

Mr. Richardson moved to recommend approval of the ordinance amendment with the added definition for "silviculture products."

On a roll call vote, the Planning Commission recommend approval of ZO-0004-2015 by a vote of 7-0.



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: Case No. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

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**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Ordinance	Ordinance
▣	Policy Committee Minutes	Minutes
▣	Planning Commission Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 3:16 PM
Development Management	Murphy, Allen	Approved	5/21/2015 - 3:29 PM
Publication Management	Burcham, Nan	Approved	5/21/2015 - 3:47 PM
Board Secretary	Fellows, Teresa	Approved	5/21/2015 - 3:49 PM
Board Secretary	Kinsman, Adam	Approved	5/29/2015 - 4:07 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM



## MEMORANDUM

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

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Micro-breweries are currently a permitted use in the B-1 and M-1 zoning districts. During the past year, staff has received a number of applications for additional types of craft producers, such as distilleries and producers of mead. While some applicants are able to tailor their proposals to be considered under the micro-brewery use, staff is proposing a new use, "small-scale alcohol production" which will allow increased flexibility in allowing these uses. Micro-brewery is a specific production process, and this new term will encompass additional techniques for producing alcohol. As proposed "small-scale alcohol production" would include micro-brewery, micro-distillery, and micro-winery type uses. A new definition has also been created, as referenced under ZO-0004-2015. For reference, the language is proposed as follows:

*Small-scale Alcohol Production-Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.*

While this proposed new use would allow for additional flexibility for multiple types of alcohol production, it is not anticipated to have any additional impacts over the use as it currently exists; therefore, small-scale alcohol production is added as a permitted use in the attached ordinance amendments.

### **Recommendation**

Staff recommends the Board of Supervisors approval of these amendments to the zoning ordinance.

### **Planning Commission Recommendation**

At its May 6, 2015 meeting, the Planning Commission voted 7-0 to recommend approval of these amendments.

At its April 16, 2015 meeting, the Policy Committee voted 2-0 to recommend approval of these amendments.

JP/nb  
ZO-02-15SmallScaleAlProd-mem

Attachments



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; AND DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 10, General Business District, B-1, Section 24-390, Use list; and Division 11, Limited Business/Industrial District, M-1, Section 24-411, Uses list.

Chapter 24  
ARTICLE V. DISTRICTS  
DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

**Sec. 24-390. Use list.**

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, <del>and taverns and micro-breweries</del>	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	<i>Small-scale alcohol production</i>	<i>P</i>	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP



## ARTICLE V. DISTRICTS

### DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

#### Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Restaurants, tea rooms, coffee shops, <del>and taverns and micro-breweries</del> , not to include fast food restaurants	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	<i>Small-scale alcohol production</i>	<i>P</i>	
	Tattoo parlors		SUP
	Taxi service	P	



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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk of the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
KENNEDY	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.

ZO-02-15SmallScaleAIProd-ord



## **Unapproved Minutes of the April 16, 2015 Policy Committee Meeting**

**ZO-0002-2015, Article V, Division 10, General Business, B-1 and Division 11, Limited Business/Industrial, M-1**

Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that microbreweries were taken out of the ordinance and replaced with the small scale alcohol production as a permitted use to remain consistent.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).



## **Unapproved Minutes of the May 6, 2015 Planning Commission Meeting**

### **Case No. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition**

Mr. Purse provided a report on the proposed ordinance amendment to add the use “small-scale alcohol production” as a permitted use in the B-1, General Business, and M-1, Limited Business/Industrial to allow increased flexibility in allowing uses such as distilleries and producers of mead. Mr. Purse noted that the current term “micro-brewery” is a specific production process and this new term will encompass additional techniques for producing alcohol. Mr. Purse stated that as proposed “small-scale alcohol production” would include micro-brewery, micro-distillery, and micro-winery type uses.

Ms. Bledsoe opened the public hearing.

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

Mr. Krapf moved to recommend approval of the ordinance amendment.

On a roll call vote, the Planning Commission recommend approval of ZO-0002-2015 by a vote of 7-0



**ITEM SUMMARY**

DATE: 6/9/2015


TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT:

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**ATTACHMENTS:**

	Description	Type
	Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 2:38 PM



## MEMORANDUM

DATE: June 9, 2015

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

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The following is a summary of activities that took place May 20, 2015 through June 2, 2015:

### May 20, 2015 (Wednesday)

- Attended Colonial Williamsburg event
- Attended Benefits Fair
- Met with J4C

### May 21, 2015 (Thursday)

- Attended Hampton Roads Planning District Commission, Hampton Roads Transportation Planning Organization Retreat, and Hampton Roads Transportation Accountability Commission with Supervisors Michael Hipple and Mary Jones
- Attended LEAD Historic Triangle with Adam Kinsman, Assistant County Administrator

### May 22, 2015 (Friday)

- Met with Adam Kinsman, Assistant County Administrator
- Attended meeting with an Economic Development prospect

### May 26, 2015 (Tuesday)

- Met with Angie Gilliam, Director of Human Resources
- Attended Board of Supervisors Work Session
- Attended Board of Supervisors meeting

### May 27, 2015 (Wednesday)

- Met with Davenport and Sue Mellen, Director of Financial and Management Services

### May 28, 2015 (Thursday)

- Tour of Owens-Illinois with Russell Seymour, Director of Economic Development
- Met with a citizen and Supervisor John McGlennon
- Met with Mr. McGurk
- Met with Supervisor Jim Kennedy
- Attended 2015 Business Appreciation event



County Administrator's Report

June 9, 2015

Page 2

May 29, 2015 (Friday)

- Attended Coffee with the County Administrator staff event
- Met with Deputy Hardin
- Met with Karen Riordan, President of Alliance, for an upcoming event in New Town
- Met with Sandy Wanner, HTC Director
- Met with Terry Hall, York County Chief of Emergency Communications; Brad Rinehimer, Police Chief; Tal Luton, Fire Chief; and Adam Kinsman, Assistant County Administrator
- Met with Doug Powell, JCSA Manager
- Attended Grove Community Block Party at Abram Frink Jr. Community Center

June 1, 2015 (Monday)

- Attended New Employee Orientation
- Met with Carl Lum, Busch Gardens Williamsburg President
- Met with Sue Mellen, Director of Financial and Management Services
- Met with Angie Gilliam, Director of Human Resources
- Met with Renee Dallman, Senior Communications Specialist

June 2, 2015 (Tuesday)

- Met with Digby Solomon, Editor of The Virginia Gazette

BJH/nb

CAReport060915-mem



**ITEM SUMMARY**

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Adjournment

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/28/2015 - 8:56 AM