

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
July 9, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Sophia Melton, a 4th grade student at Stonehouse Elementary and a resident of the Stonehouse District

E. PRESENTATIONS

1. National Night Out Proclamation
2. VDOT Quarterly Update

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoption
2. Contract Award - Replacement Ambulance - \$263,694

H. PUBLIC HEARING(S)

1. Ordinance Amendment - Chapter 3, Animal Laws - Prohibiting Dogs Running at Large in Packs
2. SUP-19-0010. Norge Dental Center Expansion

I. BOARD CONSIDERATION(S)

1. Z-19- 0007/MP-18- 0004. Forest Heights Proffer and Master Plan Amendments
2. Resolution of the Board of Supervisors of James City County, Virginia, Declaring its Intention to Reimburse Itself from the Proceeds of One or More Financings for Certain Costs of Capital Improvements
3. James City County Facility and Road Memorial Naming Policy

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Appointment to Community Action Agency Board of Directors
2. Appointment of Alternate to the Eastern Virginia Regional Industrial Facilities Authority
3. Appointment to the Comprehensive Plan Community Participation Team (CPT)

M. ADJOURNMENT

1. Adjourn until 4 p.m. on July 23, 2019 for the Work Session

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Pledge Leader - Sophia Melton, a 4th grade student at Stonehouse Elementary and a resident of the Stonehouse District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 3:30 PM

ITEM SUMMARY

DATE: 7/11/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: National Night Out Proclamation

ATTACHMENTS:

	Description	Type
	Proclamation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	6/28/2019 - 2:56 PM
Police	Rinehimer, Bradley	Approved	6/28/2019 - 2:56 PM
Publication Management	Burcham, Nan	Approved	6/28/2019 - 3:18 PM
Legal Review	Kinsman, Adam	Approved	7/1/2019 - 11:52 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 10:46 AM
Board Secretary	Purse, Jason	Approved	7/2/2019 - 11:10 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 11:42 AM

PROCLAMATION

NATIONAL NIGHT OUT - AUGUST 6, 2019

WHEREAS, for the 36th year, the National Association of Town Watch is sponsoring national community-building campaign on Tuesday, August 6, 2019, entitled “National Night Out”; and

WHEREAS, the National Night Out campaign provides an opportunity for neighbors in James City County to join over 38 million neighbors across 16,000 communities from all 50 states, U.S. territories and military bases worldwide; and

WHEREAS, National Night Out is an annual community-building campaign that promotes strong police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live and work; and

WHEREAS, neighbors in James City County assist the James City County Police Department through joint community-building efforts and support National Night Out 2019; and

WHEREAS, it is essential that all neighbors of James City County come together with police and work together to build a safer, more caring community.

NOW, THEREFORE, BE IT RESOLVED that I, Chairman of the Board of Supervisors of James City County, hereby proclaim the 6th day of August, 2019 as

NATIONAL NIGHT OUT

in the County of James City, Virginia, and urge all citizens of James City County to join the James City County Police Department in supporting the 36th Annual National Night Out.

IN WITNESS, WHEREOF, I hereunto set my hand and caused the seal of the County of James City, Virginia, to be affixed this 9th day of July, 2019.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

ITEM SUMMARY


DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Rossie Carroll, Williamsburg Residency Administrator, VDOT

SUBJECT: VDOT Quarterly Update

ATTACHMENTS:

	Description	Type
	Quarterly Report	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 3:37 PM

James City Board of Supervisor's Meeting

July 9, 2019

Maintenance Accomplishments (April 1 to June 30)

We have completed 796 of 974 maintenance work orders in from April 1st to June 30th with 178 outstanding (82% complete).

Drainage	73
Roadway	93
Vegetation	12

Residency Direct Line 757-253-5138

VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)**

A few highlights of the accomplishments are:

Swept News Rd, Rte 199, Rte 5, Monticello Ave, Brookwood Dr, Rte 30, and Rte 60

Slope mowed Rte 31 at Lake Drive

Patched pot holes throughout the County

Cleaned out Pipes in Seasons Trace, Neck O-Land Rd, St Georges Blvd, and Deer Springs Rd

County wide Mowing – Completed 2nd mowing cycle in early July, next mowing projected for late July

Current Projects

I-64 Widening Segment 2 (UPC 106665) Allan Myers

The I-64 Segment 2 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. Outside paved shoulders were widened from 10' to 12' west of Exit 243 due to the higher truck volumes. Ramp acceleration and deceleration lanes on I-64 were lengthened. Nine existing bridges in the corridor were rehabilitated and widened. The work zone speed limit of 55 mph has been removed and this project is substantially complete.

I-64 Widening Segment 3 (UPC 106689) Shirley

The I-64 Segment 3 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. The outside paved shoulders will be widened from 10' to 12'. Ramp acceleration and deceleration lanes on I-64 will be lengthened. Two bridges over Colonial Parkway and two bridges over Lakeshead Drive will be rehabilitated and widened. The two 900' long Queens Lake bridges will be replaced. Traffic has been switched in both directions. Work has begun on all bridges and center median work continues. The contract construction completion date is September 24, 2021, with an early completion incentive date of June 26, 2021.

UPC 113393 Joint Closure and Overlay to multiple Bridges in James City and Surry County

Scotland Ferry Wharf over James River (44 days) started; and Glass House Ferry (50 days). Work includes mill and overlay as needed with ancillary work between May and September 2019 with daily lane closures.

Plant Mix – (UPC 113401/113402 - 2019) Started

Rte 5 From Rte 199 to Carolina Boulevard

Rte 60 From York County Line to Newport News City Line

Rte 199 EB From Rte 5 to Brookwood Drive

Rte 712 Ferncliff Dr / Canterbury Hills Subdivision

Rte 713 Hermitage Rd / Canterbury Hills Subdivision

Rte 714 Surry Dr / Canterbury Hills Subdivision

Rte 1126 Nelms Lane / Deer Run Subdivision

Rte 1127 Lancaster Court / Deer Run Subdivision

James City Board of Supervisor's Meeting

July 9, 2019

Plant Mix – (UPC 113401/113402 - 2019) Started

Rte 1128 Greenbrier / Shellbank Woods Subdivision
Rte 1128 Fernwood / Shellbank Woods Subdivision
Rte 1130 Jameswood / Shellbank Woods Subdivision
Rte 1131 Maple Lane / Shellbank Woods Subdivision
Rte 1575 Messena Dr / Ware Creek Manor Subdivision
Rte 1576 Marmont Ln / Ware Creek Manor Subdivision
Rte 1577 Ney Ct / Ware Creek Manor Subdivision
Rte 1650 William Bedford / Chanco's Grant Subdivision
Rte 1651 Robert Hunt / Chanco's Grant Subdivision
Rte 1652 Richard Pace / Chanco's Grant Subdivision
Rte 1653 Richard Buck / Chanco's Grant Subdivision
Rte 1654 Richard Grove / Chanco's Grant Subdivision
Rte 1655 Francis Chapman / Chanco's Grant Subdivision
Rte 1656 Francis Chapman / Chanco's Grant Subdivision
Rte 1657 John Proctor / Chanco's Grant Subdivision

Longhill Road Widening (UPC 100921)

Longhill Road Project from Rte 199 to Olde Towne Rd. – Smart Scale project the Right of Way has been acquired and utility relocations have begun. Construction is advertised with completion in Fall of 2021.

Olde Towne Rd/Longhill Rd Turn Lane Improvements (UPC 108805) (Revenue Share FY 2017)

Improve the signalized Intersection of Olde Towne Road at Longhill Road and add turn lanes with added capacity. Project advertised and coordinated with Longhill widening project. The Longhill Road Widening will include the intersection improvements. This project will extend the existing right turn lane and the adjacent sidewalk.

News Road and Centerville Road (UPC 102944)

Increase safety and capacity at intersection of Centerville Rd. and News Rd by constructing a right turn lane on News Road, right and left turn lanes on Centerville Road and adding a new traffic signal. RW has begun with CN start in Nov 2019 for completion now in Nov 2020.

Skiffs Creek Connector (UPC 100200)

Construct 2 lane road connecting Rte 60 to Rte 143. Project is a Design Build process with anticipated award in early 2020 and completion in 2022.

Jamestown Ferry Boat (UPC 100947)

Powhatan – Trials identified a shaft vibration that was repaired and is better but we are requesting modifications to construction to minimize vibrations in the drive shaft. We are projecting a Fall arrival.

Bridge Replacement Rte 601 over Diascund Creek, Fed ID 10516 (UPC 98823)

Replace the bridge on Rte 601 with a one lane bridge. Currently in RW and a CN start of 2020.

Croaker Road Four Lane Widening from Library to RT 60 (UPC 100920)

Widen road for increased capacity from Rte 60 to RTE 1647 Point O Woods Rd. Currently in PE with RW start in 2021 and CN start in 2023.

Sidewalk and Bikeway on Rte 60 from Croaker to Old Church Rd (UPC 17633)

Approximate 0.4 mile sidewalk and bike lane project to increase pedestrian and bikeway connectivity. Project is being coordinated with Croaker Road Widening. Currently the project is in Preliminary Engineering with projected start of construction in 2022.

SMART SCALE 20

Longhill Road Shared Use Path is approved for funding by the CTB.

Traffic Studies Completed

Route 602 (Fenton Mill Road) – Install No Parking this Side of Street across from 7-11

Rte 776 Lakeview Drive- Install No Dumping sign at end of road

Route 613 (News Rd) @ Route 615 (Ironbound Rd) – Install Lane Use signs

Route 601 (Barnes Road) – Speed Study recommends 35 mph speed limit

Route 30 (Rochambeau Drive) – Speed Study recommends retaining 55 mph speed limit

Route 199 (Hummelsine Parkway) – Sight distance review remove Holly Tree in median

Route 321 (Monticello Ave) @ Casey Blvd., Settler's Market Blvd., New Town Ave. and Courthouse St. – FYA Review recommends retaining current configuration.

Rte 5 @ 614 Roadway Safety Analysis – Currently reviewing safety improvements at this intersection.

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

- June 11, 2019 Regular Meeting

ATTACHMENTS:

	Description	Type
	061119 Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 3:27 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 11, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

Mr. Icenhour asked that everyone keep the Virginia Beach community in “minds and hearts” concerning the recent tragic events.

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Mariana Gaten, a 5th-grade student at Stonehouse Elementary and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

Mr. Icenhour noted prior to the presentations there would be a moment of indulgence as Mr. Stevens, County Administrator, addressed several items James City County had done to assist the people of Virginia Beach after the recent tragedy.

Mr. Stevens shared that several James City County department heads had reached out to their respective counterparts in Virginia Beach to offer assistance. He highlighted ongoing assistance from Emergency Management staff member Ms. Sara Ruch, revisiting security concerns and recommendations at County facilities, and continued support to Virginia Beach during the recovery process. He noted a Resolution of Support to the City of Virginia Beach for the Board’s consideration had been drafted. Mr. Stevens read the resolution.

Mr. Icenhour asked for a motion of Adoption for the resolution.

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

E. PRESENTATIONS

1. Eagle Scout Recognition

Mr. Icenhour recognized the young men of the community who had recently acquired the

ranking of Eagle Scout. He commented on the attributes of the ranking and acknowledged the County's support of citizens who made positive contributions within the community. Mr. Icenhour extended congratulations to the recipients and presented proclamations to each young man.

2. Historical Commission Essay Contest Awards

Mr. Dudley Parrish, Vice Chair of the Historical Commission, addressed the Board. He recognized two local high school students as the recipients of the James City County Historical Commission 2019 Student Essay Contest, Ms. Brianna McNulty and Mr. Jarel White. Mr. Parrish noted 2019 marked the 200-year anniversary of significant Virginia events, particularly in Jamestown, and the impact on history. He cited the criteria for the essay contest. Mr. Parrish stated the first place winner was Ms. McNulty of Warhill High School for her essay, "American DNA" and the second prize winner was Mr. White of Lafayette High School for his essay, "Women's Invaluable Involvement in the Establishment of Jamestown Settlement". Mr. Parrish noted the recipients were awarded certificates as well as \$300 and \$200, respectively as the winners. He expressed his appreciation for their involvement in the contest and the community.

3. New Police Officer Introduction

Police Chief Brad Rinheimer addressed the Board and introduced Officer Scott Roop.

4. Accreditation Presentation - Police Department

Sheriff Joe McLaughlin, member of the Virginia Law Enforcement Professional Standards Commission, addressed the Board. He noted accreditation was a voluntary process and detailed the time commitment to the process. Sheriff McLaughlin stated the process contained 190 standards and each accredited agency had to maintain those standards for a four-year period with an annual assessment. He complimented James City County Police Department with a 100% assessment and a perfect accreditation on this most recent review. Sheriff McLaughlin complimented the department for "walking the walk and talking the talk." He presented the accreditation certificate to Chief Rinehimer.

Chief Rinehimer thanked the Board, County Administration, County Attorney, and others for their support. He noted it was a team effort and thanked his team for its support and hard work.

F. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, addressed the Board regarding the Virginia Department of Transportation (VDOT) and its progress in areas previously noted. He noted there was more to be done by VDOT, particularly Route 199 and the jersey walls as well as drainage ditches. Mr. Fowler addressed taxes on gas with regard to state and federal use of those taxes and the expenditures associated with maintenance of local roads. He commented on a reduction of VDOT's workforce, the need for accountability regarding road upkeep, safety issues on flooded roadways, and other concerns.

Mr. Icenhour called for the next two speakers, Ms. Katie Reavis and Kerry Messer, but noted neither was present.

2. Mr. William Amos, 133 Roffingham's Way, addressed the Board regarding the Busch Gardens/Kingsmill issue. He noted his submission to the Board of an email and photograph regarding the ride at Busch Gardens. He further noted the attraction's height was not favorable to his property value or his neighbors. Mr. Amos stated the concern about "how high is high"

with a 600% height increase over the standard County Code allowance if this waiver was approved. He noted concerns with what other height increases would be allowed in the future and the Good Neighbor Policy.

3. Ms. Margaret Fowler, 406 River's Edge, addressed the Board regarding the Busch Gardens height waiver. She addressed the comment that Kingsmill residents "knew what they were getting when we bought there." She noted that was true when Busch Gardens put in rides and attractions below the treetop line and was open only several months out of the year. Ms. Fowler further noted that neither condition was the case currently. She stated Jamestown Island, its archaeological treasures, and the potential for world heritage status that was not evident when Busch Gardens opened the park in the 1970s. Ms. Fowler expressed similar concerns over the increased height allowances over time. She discussed the degradation of the viewshed and the power line issue. Ms. Fowler emphasized the value of the place and the historical impact of the area. She asked the Board to deny the waiver.

4. Mr. Ronald Kirkland, 1001-A Richmond Road, addressed the Board on behalf of the Williamsburg Hotel and Motel Association and in support of the Busch Gardens Height Waiver. He noted the successful partnership with County businesses and the significant financial contributions to the area.

5. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board on the three R's: reduce, reuse, and recycle. She stressed the importance of recycling and noted a handout that was available. She highlighted the upcoming recycling program the County was implementing and the proper way to recycle. She also thanked all the volunteers, Mr. and Mrs. Icenhour, and Mr. and Mrs. McGlennon for their participation at the June 1 Volunteer Appreciation Picnic. Ms. Boarman noted it was an honor to have Ms. Barbara Barnes as a guest at the picnic. She also noted the use of local businesses and their participation. Ms. Boarman thanked Mr. Robert Hodge from local Williamsburg radio station WMBG.

Ms. Sadler noted she found a plastic bottle behind her seat. She further noted she would recycle it. Ms. Sadler also thanked Ms. Boarman for all her efforts in helping keep the County clean.

6. Mr. Caleb Smith, 105 Pageland Drive, from the Honorable Congresswoman Elaine Luria's office, addressed the Board and thanked Mr. McGlennon for the invitation to speak. He introduced himself and noted the Peninsula office was open and available to assist constituents with any federal needs that ranged from passports to tax concerns and the Internal Revenue Service. Mr. Smith provided his phone number and address: 105 Professional Parkway, Yorktown, VA 23693/757-364-7634 and asked that people call for an appointment as he could be away at Board meetings and such. Mr. Smith encouraged people to contact him if they needed any assistance.

7. Mr. Neil Chalkley, 477 Neck-O-Land Road, President of the Williamsburg Hotel and Motel Association, addressed the Board in support of private investment. He encouraged the Board to vote in favor of the Busch Gardens height waiver to encourage growth in the County and the City of Williamsburg.

8. Ms. Suzy Cheely, Director for Design and Engineering for Busch Gardens and Water Country USA, addressed the Board with follow-up comments from the May 14, 2019, Board meeting. She restated the importance of bringing new guest experiences to the parks each year, positive impacts to Williamsburg and the County, as well as ensuring the right fit and maintaining a good neighbor principle as guiding fundamentals to business. She noted the 44-year bond with the community as an employer and taxpayer. Ms. Cheely noted at the Board's request that Busch Gardens' representatives had met with the Kingsmill Communities Services Association (KCSA) to follow up with sound meter readings results. She further noted Mr.

Jason Ross, Director of Noise and Vibration Engineering for the Vanasse Hangen Brustlin, Inc. (VHB) Boston office, had been contacted by Busch Gardens. Ms. Cheely said Mr. Ross then contacted local VHB staff to take sound meter readings at Kingsmill's Harrops Glen and Pierces Court to compare with the Navcon Engineering study readings. She noted Mr. Ross was able to attend the KCSA meeting and address residents' questions. She further noted Mr. Ross studied collected data from non-operating days as well as Memorial Day Sunday, which was historically one of the park's busiest operating days, and assured Busch Gardens that the resulting effects was slightly lower to its Kingsmill neighbors than those from Mach Tower and Verbolten. Ms. Cheely stated the previous engineering models were validated and conservative with no appreciable sound increase within Kingsmill with this attraction. She noted Busch Gardens appreciation to the Board for its consideration of this project.

9. Mr. Kevin Lembke, President of Busch Gardens Williamsburg and Water Country USA, addressed the Board regarding partnerships within the community. He highlighted redesigns of the attraction and finding the best compromise for all parties. He thanked the Board for its time and consideration of this waiver request.

G. CONSENT CALENDAR

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour asked the Board if there were any items to be pulled.

Mr. McGlennon responded that he had a disclosure on Item No. 8. He noted he was an employee of the College of William & Mary and this item represented a contractual arrangement involving the college and the County. Mr. McGlennon further noted he had no direct involvement with this project as a college employee and stated he felt he would have a fair and impartial judgment on the matter.

Ms. Larson asked about an overview of Item No. 9. She noted that item could be pulled if needed for further discussion.

Mr. Icenhour noted Item No. 9 would be pulled.

1. Minutes Adoption
2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$757
3. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$269
4. Grant Award - Virginia Fire Programs Fund Adjustment - \$14,402
5. Appropriation - FEMA Reimbursement - \$93,824
6. Contract Award - Freedom of Information Act Request Software Solution - \$102,328
7. Dedication of Streets in Sections 1 and 2 of the Windsor Ridge Subdivision
8. Relocation of Launchpad - The Greater Williamsburg Business Incubator

9. Memorandum of Agreement on Greater Williamsburg Partnership Transition into the Greater Williamsburg Chamber & Tourism Alliance

A motion to Approve was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Chris Johnson, Interim Director of Economic Development, provided an overview of Item No. 9 to the Board. He noted the Memorandum of Agreement before the Board was jointly drafted by the three localities of James City County, York County, and the City of Williamsburg. He further noted these localities formed the Greater Williamsburg Partnership. Mr. Johnson stated that the Greater Williamsburg Chamber & Tourism Alliance was undergoing reorganization as a result of Senate Bill 942. He noted the reorganization had divided the group into two separate entities, a Business Council and a Tourism Council. Mr. Johnson stated the memorandum recognized the restructuring and creation of the separate councils. He noted there were no funding changes, but rather an acknowledgment of the transition and authorization for the County Administrator to sign necessary documents.

H. PUBLIC HEARING(S)

Mr. Icenhour noted Mr. Tim O'Connor, Planning Commission representative, was present and would be available for comments during this section of the meeting.

1. Amendment of an Easement on 2511 and 2611 Forge Road and Acceptance of Easement on 2822 Forge Road

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Kinsman addressed the Board regarding the application from Mr. Woody Perry and Mr. Hawley Smith to amend an existing easement on 2511 and 2611 Forge Road in exchange for establishing a new easement on 2822 Forge Road. He noted he and Mr. Jason Purse, Assistant County Administrator, had set forth the details of that particular exchange as well as some easement restrictions.

Ms. Sadler asked if this was basically a "trade, in essence".

Mr. Kinsman noted the details were in the staff memorandum, but further noted acceptance would include some additional houses that were not permitted on 2511 and 2611 Forge Road in exchange for fewer houses that would normally be permitted at 2822 Forge Road and the establishment of a setback easement from Forge Road.

Mr. Icenhour opened the Public Hearing.

1. Mr. David Otey, 109 Peter Lyall, noted he represented Mr. Perry and Mr. Smith. He referenced Mr. Perry's development, Willow Pond Estates, and the adjacent property owned by Mr. Smith, which was to be extended to maintain the look of Willow Pond onto the Smith property. He noted the current easement only allowed for one house. He further noted the proposal would allow modification to the existing easement for more homes in exchange for a reduction in the number of permitted homes on the Meadows Farms property across the road.

2. Mr. Smith addressed the Board citing a love for the "farm ambience" in the Forge Road

area and an opportunity to contribute to the conservation and maintain the farm appeal of the area.

Mr. Icenhour closed the Public Hearing noting there were no more speaker cards. He then asked the Board for comments.

Mr. McGlennon noted this was a good opportunity to add to the scenic view on Forge Road. Mr. McGlennon supported the resolution and further noted criteria for the Purchase of Development Rights Program.

Mr. Hipple stated he loved Forge Road and wanted to maintain its rural and scenic look. He noted development pressure was everywhere, but this was a step forward in what the County was looking for in terms of rural character.

Ms. Sadler offered her support noting no additional tax funding was involved.

Ms. Larson noted her appreciation on the compromise across the properties and offered her support.

Mr. Icenhour was pleased at the lot reduction and preservation of the scenic buffer. He noted his support with this “win-win” situation.

2. Case No. SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion

A motion to Approve was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Thomas Leininger, Planner, addressed the Board noting Mr. Chase Grogg of LandTech Resources had applied for a Special Use Permit (SUP) to allow for expansion at the King of Glory Lutheran Church on 4897 Longhill Road. He detailed the specifics of the expansion request including a Longhill Road widening project and VDOT’s coordination with that project. Mr. Leininger stated the Planning Commission had approved this application by a 5-0 vote and staff recommended approval subject to the proposed conditions.

Mr. McGlennon asked if a traffic circle was part of the Longhill Road expansion at the Williamsburg Plantation.

Mr. Leininger confirmed yes.

Mr. McGlennon inquired if the church would utilize access onto the traffic circle.

Mr. Leininger confirmed yes and there would be two accesses.

Mr. O’Connor noted the Planning Commission’s vote was straightforward.

Mr. Icenhour opened the Public Hearing.

Mr. Icenhour closed the Public Hearing noting there were no speaker cards. He then asked the Board for comments.

Ms. Larson noted the church had expanded on several occasions. She further noted a healthy growth there. Ms. Larson expressed concern over traffic, but was hopeful the Longhill Road expansion would ease any traffic issues. She supported the SUP application.

Mr. McGlennon commended the church for its community work, particularly with a community resource center as part of the expansion plan.

3. Case No. Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments

A motion to Defer was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Thomas Wysong, Senior Planner, addressed the Board noting Mr. Doug Harbin of Wayne Harbin Builder, Inc., on behalf of the Salvation Army, had applied for a master plan and proffer amendment to allow for additional townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on the parcel. He detailed a history of the rezoning of Forest Heights and the proffer requirements. Mr. Wysong stated the Planning Commission had approved this application by a 4-1 vote with provisions on development building elevations and redesign guidelines for the storage facility. He noted the Planning Commission also recommended the Board of Supervisors not apply the mixed use construction phasing process for this project. Mr. Wysong noted the applicant had addressed the provisions and worked with staff. He further noted staff was unable to recommend approval subject to the proposed conditions due to non-alignment with the Board adopted Mixed Use Construction Phasing Policy.

Mr. McGlennon welcomed Mr. Wysong and inquired about areas of concern. He noted the phasing policy and the commercial aspect. He asked about the timeline.

Mr. Wysong explained up to 10% of the building permits of the residential units could be issued prior to commencement of any commercial construction. He noted then a Certificate of Occupancy must be issued for at least 25% of the commercial square footage as shown on the master plan prior to the issuance of any building permits for residential units above 50% of the total proposed units as shown on the master plan. Mr. Wysong further noted that since 2011 the master plan had shown the non-residential uses located on the Salvation Army and the phasing would be effective with this development phase.

Mr. McGlennon asked if the amendment, as currently proposed, would indicate the proffer would constitute totally affordable housing within the Housing Opportunity Policy. He cited the number of units and the cost to represent the low end of the spectrum.

Mr. Wysong noted a minimum of four units within a price range of \$93,138-\$212,618 met the policy criteria. He further noted the applicant had proffered four units for that range.

Mr. McGlennon asked about the next category of the 60-80% median income, which ranged from \$212,618-\$243,260. He inquired if four units were the minimum at this level also.

Mr. Wysong noted only three units at this level were required and the applicant had proffered for those units as well.

Mr. McGlennon noted the remaining percentage ranged into the \$300,000s. He further noted the observation of that figure as affordable housing. He then addressed the question of how rentals would work as noted in the master plan.

Discussion ensued.

Mr. O'Connor addressed the Board noting the uniqueness of the master plan amendments and the number of property owners involved. He noted when the application first came before the Planning Commission, it was thought the Salvation Army would be involved. He further noted the Salvation Army had since relocated. Mr. O'Connor noted the Planning Commission's 4-1 vote, concern for maintaining the 80-20 for mixed use, and abundant retail in the Lightfoot corridor.

Mr. McGlennon asked about the Planning Commission's decision for setting aside the policy.

Mr. O'Connor noted the applicant's financing on the project addressed both a residential component as well as a commercial component with separate construction.

Mr. McGlennon questioned maintaining the consistency of County policy versus applicant convenience.

Mr. O'Connor noted the constraints of the master plan and allowing latitude to the applicant.

Mr. Icenhour opened the Public Hearing.

1. Mr. Geddy requested the Board approve the application.

2. Mr. Doug Harbin, 202 Landing Road, addressed the Board regarding his company's commitment to affordable housing and other housing projects within the County. He detailed the Forest Heights project and the opportunity to give back to the community. He addressed the strict mixed use policy and its impact on developers. Mr. Harbin noted his work with staff and various options for the development considering the 80-20 mix. He further noted the site was not suitable for retail so commercial options were not viable as that was a component of the mixed use zoning regulation. Mr. Harbin stated the plan embraces the County's vision for revitalizing a neighborhood and more affordable housing, met the intent of the mixed use zoning for the property, and had worked well with staff on the aesthetics of the storage facility. He asked the Board to approve the application noting the positives outweighed the negatives.

3. Mr. James Beavers, 232 Lakeview Drive, noted his association with Mr. Harbin and the affordable housing projects. He asked that the Board approve the application as this project would positively impact the community.

4. Mr. William Pritchard, 4005 Coronation, addressed the Board noting the attributes of the Harbins and their company. He noted his support and spoke favorably on the Forest Heights project.

5. Mr. Wayne Harbin, 4041 Coronation, addressed the Board noting "we want to give back to the community" and felt this project fell in line with the County's affordable housing needs. He noted the mixed use funding and the need to complete some residential building for the financing of the project.

6. Mr. Brad Harbin, 12401 Payne Estates Court, spoke about the storage facility on Route 60 and its appearance. He stated Mr. John Hopke of Hopke and Associates, Inc. had been involved in the design of the project.

Mr. Icenhour closed the Public Hearing and asked the Board for comments.

Mr. Hipple applauded the Harbins for their efforts and work in the community. He noted no one had spoken against the project and further noted it met with the County's vision for affordable housing. Mr. Hipple noted a reduction in local builders and financial impacts to County builders. He applauded the design and lent his support to the project.

Ms. Larson noted she had two concerns, but noted they were not with the builder. She said one concern was the mixed use and the storage facility. Ms. Larson said she did not feel the storage facility was what should go with the residential aspect and was questioning that option for the mixed use. She also expressed concern about the number of school children, citing a potentially low number.

Ms. Sadler commented this presented an affordable housing component that was greatly needed in the community and its location for accessibility. She addressed schools and future talks. She noted her support of the proposal.

Mr. McGlennon noted this was an unusual situation. He addressed policy and school attendance. He noted a need to minimize what the Board was approving and questioned if this project was intended to be a sale or a rental. He further noted if 20% of non-residential use was required, then identify what that use would be. Mr. McGlennon also requested information on identifying phasing policy implementation. He expressed concern if the project was right for this property.

Mr. Icenhour questioned staff about the balance of that community and the property owners in the mixed use. He felt there was no effective master plan for the whole community and instead was an incremental development based on what had been there from the start. He noted the mixed use had allowed for setbacks to improve the community. Mr. Icenhour expressed concerns for future owners and the commercial aspect of this property.

Mr. Paul Holt, Director of Community Development, noted this was a unique mixed use master plan and development, and not a Greenfield development. He further noted at that time, it was a County-initiated rezoning to be mixed use. He detailed property history as well as the Salvation Army property. Mr. Holt noted the size of the five long parcels and their use. He also noted no master plan component existed for those parcels, but said an action was required to establish a vision and criteria for the mixed use.

Mr. Icenhour asked if those were existing single-family homes.

Mr. Holt confirmed yes.

Mr. Icenhour asked how that impacted the overall mixed use area.

Mr. Holt noted it was an existing condition.

Mr. Wysong highlighted the 2011 rezoning master plan envisioned institutional use on the Salvation Army property. He noted the five existing residential lots and future thoughts on possibly reorganizing the property lines for future development. He noted based on the current master plan with those lots, he did not think the builder had contacted those homeowners regarding a larger "buildable envelope" there with new property lines. He detailed the acreage breakdown for the various uses.

Mr. Icenhour asked if the five lots were legally nonconforming.

Mr. Holt responded yes with regards to the mixed use.

Mr. Icenhour asked about the affordable housing policy and echoed Mr. McGlennon's concerns regarding sale versus rental. He noted questions about the affordability, soft second restrictions, and market value.

Discussion ensued.

Mr. Hipple noted this area had originally been designated mixed use to allow for roads in the Forest Heights. He questioned if this change had been good, why not keep with the change for the good of the next person looking to develop this area. He noted this seemed like the County was not following what had been asked of the public.

Mr. Holt responded “this was a zoning district that met the redevelopment needs that created opportunities and areas for improvements for the existing homeowners” in that area and infrastructure improvements. He noted this worked well with the Salvation Army’s plan at that time.

Mr. Hipple expressed concern that while it had worked well at the time, the master plan followed the land and not the Salvation Army. He noted the impact with new ownership.

Discussion ensued on the 80-20 ratio, storage facility plans for the designated acreage, and open space clarification.

Mr. McGlennon noted more information was needed for the open space area as well and the four individually owned lots.

Mr. Hipple asked how those four lots were in the master plan, but not owned by the County.

Mr. Icenhour asked if the five lot owners could develop commercially on the back end by-right of their respective properties since the area was designated mixed use. He questioned if that would be a master plan amendment.

Mr. Holt indicated the use land categories and noted if the uses were consistent with the existing master plan and met the requirements associated with the land then a rezoning amendment would not be needed.

Mr. Hipple asked about egress and ingress applications for the back of those lots.

Mr. Holt addressed this regarding the traffic analysis study and the applicant’s current plan to address traffic and future egress and ingress.

Discussion ensued.

Ms. Larson asked if additional storage units were placed on the property would the applicant need to come before the Board of Supervisors.

Mr. Holt noted he would research the use categories and get back to her and the Board.

Mr. Icenhour noted his concern about the inaccuracy of the school numbers, the density for mixed use, and affordable housing in relation to sales versus rentals.

Mr. Geddy addressed the zoning line for the five lots and noted those homes were legally residential designation. He added the dotted line on the back part was the institutional area. Mr. Geddy suggested more time to address some of the questions that had arisen. He noted a deferment until the next month.

Mr. McGlennon noted the deferment was an excellent idea as it allowed an opportunity to clarify some uncertainty.

Mr. Icenhour closed the Public Hearing.

At approximately 7:21 p.m., Mr. Icenhour recessed the Board for a short break.

At approximately 7:27 p.m., Mr. Icenhour reconvened the Board.

I. BOARD CONSIDERATION(S)

1. Case No. HW-19-0001. Busch Gardens Height Waiver 2019

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Roberta Sulouff, Planner, addressed the Board noting additional paper emails were before the Board members. She noted Mr. Anthony Loubier of VHB had applied for a height limitation waiver on behalf of SeaWorld Parks and Entertainment, LLC. She further noted the waiver was to permit construction of an attraction not to exceed a height of \pm 355 feet above finished grade, or \pm 435 feet above sea level. Ms. Sulouff detailed the Busch Gardens zoning district and the history of an additional informational meeting for Kingsmill residents and sound testing. She noted this waiver met the six criteria as determined in the County Code and referenced both the staff report and resolution for additional details.

Mr. McGlennon questioned the conditions of the height waiver and referenced Ms. Fowler's picture showing the Jamestown Island view of Busch Gardens. He asked Ms. Sulouff about the conclusion of the attraction's height not affecting historic vistas.

Ms. Sulouff referenced Criteria No. 3. She cited this attraction's visual impacts were limited by existing ones as opposed to a new attraction. She also noted several other attractions were already within the view scape of Jamestown Island.

Mr. McGlennon thanked the Board, Busch Gardens, and the citizens for the additional time and meeting to discuss this item. He noted he and Mr. Jason Purse, Assistant County Administrator, had attended the meeting. He further noted three areas of potential concern. Mr. McGlennon stated one item was noise to which Busch Gardens had conducted noise studies that indicated minimal impact to the community. He addressed the second item of visibility to neighboring communities and the nature of the attraction. Mr. McGlennon noted the details of the attraction's design in terms of lights, width and length, as well as a lattice structure. He stated citizens' concerns on the dimensions. He noted the last item regarded the visual impact from Jamestown Island and any historical impact. Mr. McGlennon also commented on Busch Gardens' sensitivity to the area while pursuing technology. He mentioned the "broader experience" that affects residents and tourists on a year-round basis. He noted that everyone needed to be mindful to closely review future changes. He asked Mr. Holt about the process when this type of information and request was presented to staff.

Mr. Holt explained the staff administrative process was the submission of a detailed site plan from the applicant and engineering team. He noted that was then followed by the building permit. At both stages staff and ultimately Mr. Holt, as Director of Community Development and Planning, have to make consistent decisions with the Board's directives. He further noted that as final engineering and structural plans were developed for County plan approval and building permit issuance, then compliance with the Board's expectations as well as legislative conditions in place at that time were considered. Mr. Holt stated if the plans were not compliant, then there was a process in the County Code for consistency determination.

Mr. Hipple asked if this was the same process that Busch Gardens and the County went through for all height limitation waivers.

Mr. Holt confirmed yes.

Mr. McGlennon noted the difference here was the attraction's height. Mr. Icenhour asked the Board for comments.

Mr. Hipple noted the secrecy surrounding the details of the new attraction. He also commented on Busch Gardens as a good partner with James City County. He acknowledged limiting certain things limits a company's growth. Mr. Hipple noted caution on limitations, but acknowledged that the County and the company held each other to high standards.

Ms. Larson thanked everyone for their input. She commented on the deluge of feedback from fans of Busch Gardens amusement parks. She thanked Busch Gardens and the residents of Kingsmill for being good citizens.

Ms. Sadler echoed similar sentiments. She thanked the citizens for their input and Busch Gardens for all that it did for the community.

Mr. McGlennon supported the height waiver and noted he represented the constituency of both Kingsmill and the area around Busch Gardens.

Mr. Icenhour noted the 60-foot limit and adherence to it. He further noted the pros and cons of consideration of buildings or attractions that were higher than 60 feet. He expressed his support for the height waiver.

2. Contract Award - Consultant Services to Update the Comprehensive Plan and Complete Several Strategic Plan Initiatives - \$722,920

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Tammy Rosario, Principal Planner, addressed the Board regarding details of the contract award for the consultant services for the Comprehensive and Strategic Plans. She cited funding from the Planning Division's Fiscal Year 2019 and 2020 Professional Services budgets included this funding. Ms. Rosario noted the Evaluation Committee utilized criteria in the Request for Proposals and determined the EPR Team, comprised of EPR-PC, Michael Baker International, Clarion Consultants, and TichlerBise, Inc., was the most fully and highly qualified candidate. Ms. Rosario said staff recommended adoption of the contract award resolution for the four operational initiatives.

Mr. McGlennon inquired about the reevaluations of certain policies, particularly school capacity and some others.

Ms. Rosario noted the work from this Comprehensive Plan would help establish the foundation and assist in evaluation of those policies.

Ms. Larson asked about the cost from the previous time.

Ms. Rosario noted it was "apples and oranges" which reflected the scope of the plans, which was not as large as the plan update currently in review. She further noted in 2009 a major plan update for the Comprehensive Plan cost \$145,000. She stated this included other Strategic Plan updates.

Mr. Hipple asked if this included four initiatives.

Ms. Rosario confirmed yes.

Mr. Hipple noted “that’s a chunk of money.”

Ms. Larson questioned the consultant’s accountability and accuracy and what financial protection the County had in this case.

Ms. Rosario noted consultant contracts were done with milestones to monitor the success prior to payment. She commented that process had worked well in the past. She further noted if the consultant was not proceeding in an effective way with regards to scope and milestones, then the consulting services ceased.

Ms. Larson asked about the payment and the finalization with the Purchasing Department.

Ms. Rosario noted that was pending on the Board’s decision. She further noted the framework was associated with five phases and tasks and payout based on those deliverables.

Mr. Hipple asked if each of the four initiatives were equal payout. He calculated approximately \$180,000 per plan.

Ms. Rosario noted each initiative had a different cost level. She also noted this was an integrated process and harder to separate costs in some respects.

Mr. Hipple asked if this was only the consultant costs and not staff costs.

Ms. Rosario noted these were existing resources and the process used previously. She noted staff’s work on current and comprehensive planning tasks, advertising budget, but also noted that staff typically counted on consultants for these technical tasks.

Mr. Hipple asked if this much money had been spent on these four initiatives in the past.

Ms. Rosario noted “we’ve never undertaken something of this magnitude for a Comprehensive Plan.” She further noted the updating of the Comprehensive Plan would have transportation modeling included, but would also incorporate scenario planning, the cumulative impact and the fiscal impact modeling, and the integration of those elements had not been previously incorporated into the Comprehensive Plan process. She discussed implications of increasing the Primary Service Area and integration of all the different perspectives during individual land use applications as Ms. Rosario noted the anticipation of the Board’s desire to have that information.

Mr. Hipple asked if this would give the Board more options during the Comprehensive Plan.

Ms. Rosario confirmed yes.

Mr. Icenhour asked if anyone had additional questions for staff.

Mr. McGlennon approved the resolution noting the large amount of money, but he also indicated the four groups involved in the consulting contract represented a wealth of knowledge. He considered this a good investment.

Ms. Larson noted that point and stated that was a large sum of money. She further noted that following the completion with Purchasing, she wanted to know what metrics were being used, assurance of things being done, and the responsible party for monitoring the consultation

phases.

Mr. Purse noted that both Mr. Holt and Ms. Rosario had requested time at various work sessions on this topic. He noted a strong citizen component as well as Board input so he emphasized regular updates would be available.

Ms. Larson noted it was not just the Board that needed regular updates, but checkups that the consultant was providing regular updates.

Mr. Purse confirmed yes that was the case.

Mr. Hipple asked if the report, after Purchasing, would benefit by providing additional tools that had not been available previously. He noted potential questions from citizens about another report and what would be done with it.

Mr. Purse confirmed yes.

Ms. Sadler questioned where in the process the costs would show.

Mr. Purse noted staff received regular updates and invoices would show the percentages spent and what benchmarks of completion were to be done at those percentage points.

Ms. Sadler asked what if they did not complete those benchmarks.

Mr. Purse noted no payment if the benchmark was not been completed. He emphasized no lump payment was made until invoices and benchmarks were in sync.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler asked for follow-up on Mr. Jack Fowler's concerns, particularly regarding vegetative overgrowth across Verizon lines and property in the Richmond Road/Toano area.

Mr. Hipple noted he had nothing to discuss.

Ms. Larson acknowledged her appreciation for the City of Virginia Beach resolution as she extended her deepest condolences to the City. She also thanked the County for its support. Ms. Larson noted that she had visited the two open polling places in the Berkeley District. During her visit to Clara Byrd Baker Elementary School, she noted the principal was working in the hallway due to the volume of phone calls from concerned parents that the school building was open during the primary. Ms. Larson stated she then visited Matoaka Elementary School and there a James City County police officer told her that was his third school presence. She noted she received an email expressing concern for the open schools during the recent voting, which she further noted she forwarded to Mr. Stevens. Ms. Larson stated the County's Registrar had expressed concerns about the schedule. Ms. Larson noted the Presidential primary would take place in March and expressed a heightened awareness of parental concern for that time. She stated she and Ms. Sadler attended the Williamsburg Hotel and Motel Association meeting. She noted attendance at the Business Appreciation Event at the Williamsburg Winery. She further noted that event went well and was hosted by the Economic Development Authorities of James City County, York County, and the City of Williamsburg. Ms. Larson also noted she and Mr. Stevens toured the Virginia Peninsula Regional Jail. She commented on existing infrastructure that was probably part of the original jail construction and was in need of an update. She also noted her attendance at the annual Police Recognition with Mr. Hipple as the guest speaker. Ms. Larson noted graduation on Saturday and her attendance at the conference planning for Virginia Association of Counties in Richmond.

Mr. McGlennon noted the General Assembly's consideration of legislation to move the primary.

Ms. Larson also noted the change to open schools two weeks earlier, but commented March was still an issue.

Mr. McGlennon mentioned the recent passing of several contributors to the community. He noted the passing of Mr. Edward Radcliffe, 97 years old, an active member of the Grove community. He also noted a memorial service for Mr. Bill Bryant, an editor for *The Virginia Gazette* and *The Daily Press*. Mr. McGlennon cited Mr. Bryant's involvement with County issues. He extended his congratulations to Ms. Kathy Hornsby as the recipient of the College of William & Mary's 2019 Prentis Award for her community service. He also attended the Town Hall meeting hosted by the Honorable Congresswoman Elaine Luria, the Clean the Bay Day event on June 1, the General Educational Development graduation for the Williamsburg-James City County Schools with Ms. Larson, the Warhill High School Community Garden Field Day on June 8, the National Association for the Advancement of Colored People Celebration of Scholars and \$35,000 of awards to young people in the community, and a working group on proffers.

Mr. Icenhour noted his fellow Board members covered his events.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Stevens announced Ms. Sharon Day had been selected as the Director of Financial Management Services. He cited her background and County involvement. He noted she had a schedule conflict and had to leave, but she would be present at a future meeting. He also noted the upcoming Jamestown Jams on June 28. Mr. Stevens stated James City County opened an account on Nextdoor, a social network, to share information with residents. He noted a message on recycling had been sent via Nextdoor. Mr. Stevens further noted this had been a suggestion from one of the County's supervisors and he appreciated it as a resource to communicate with residents. He stated the County's Department of Social Services would be hosting two workshops: Smart Money Management Workshop on June 13, 6-8 p.m., and Home Maintenance Workshop on June 20, 6-8 p.m. at the Human Services Building. Mr. Stevens noted the workshops were free for County residents, but asked that residents call 757-259-5340 to reserve a seat.

Mr. Icenhour noted that based on earlier discussion with the County Administrator and the County Attorney, he moved to amend the Closed Session agenda to add two items. He noted those items were: 1) discussion regarding the disposition of real property or discussion in an open meeting which would adversely affect the bargaining position of the public body, specifically the portion of Jolly Pond Road that crosses the Jolly Pond Dam in accordance with Section 2.2-3711(A)(3) of the Code of Virginia; and 2) consultation with legal counsel regarding specific legal matters requiring provision of legal advice by such counsel specifically to the contract to provide curbside recycling services in accordance with Section 2.2-3711(A)(8) of the Code of Virginia.

A motion to Add Items to the Closed Session Agenda was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

L. CLOSED SESSION

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 8:21 p.m., the Board entered Closed Session.

At approximately 10 p.m., the Board re-entered Open Session.

1. Certification of a Closed Session

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

2. Appointments - Historical Commission

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon made a motion to appoint Mr. Frank Abbott, Ms. Adrienne Carter, Mr. John Labanish, Mr. Alain Outlaw, and Mr. Stephen Phillips to the Historical Commission for terms that will expire on June 30, 2022.

3. Appointment - Thomas Nelson Community College Board

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon made a motion to appoint Ms. Mary Ann Maimone to the Thomas Nelson Community College Board for a term that will expire on June 30, 2023.

4. Staff Appointment - Middle Peninsula Juvenile Commission

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon made a motion to reappoint Ms. Sharon Day to a new term that will expire on June 30, 2023.

5. Staff Appointment - Colonial Group Home Commission

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon made a motion to appoint Ms. Rebecca Vinroot to a term that will expire on June 30, 2023.

6. Staff Appointment - Williamsburg Regional Library Board of Trustees

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon made a motion to appoint Mr. Jason Purse to a new term that would expire on June 30, 2023.

7. Property Acquisition Discussion

A motion to Adopt the resolution was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

8. Performance Review of the County Attorney and County Administrator

A motion to Authorize a Salary Increase of 3% for the County Attorney, Adam Kinsman, effective October 1, 2019, was made by John McGlennon, the motion result was Passed.

YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

M. ADJOURNMENT

1. Adjourn until 4 p.m., June 25, 2019, for the Work Session

A motion to Adjourn was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 10:02 p.m., Mr. Icenhour adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - Replacement Ambulance - \$263,694

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	6/26/2019 - 9:41 AM
Publication Management	Daniel, Martha	Approved	6/26/2019 - 9:48 AM
Legal Review	Kinsman, Adam	Approved	6/27/2019 - 10:11 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 10:45 AM
Board Secretary	Purse, Jason	Approved	7/2/2019 - 11:05 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 11:41 AM

MEMORANDUM

DATE: July 9, 2019
TO: The Board of Supervisors
FROM: Ryan T. Ashe, Fire Chief
SUBJECT: Contract Award - Replacement Ambulance - \$263,694

The Fiscal Year 2020 Capital Improvements Program budget includes funds for the purchase of a replacement ambulance.

The Fire Department, Fleet, and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to FESCO Emergency Sales as a result of a competitive sealed Invitation to Bid. The HGAC contract contains wording allowing other localities to purchase from the contract.

The HGAC Fire Service Apparatus cooperative contracts offer multiple vendors for rescue and fire apparatus. Base bid items are listed on the specific product pages. Almost all contracts include a wide array of additional configurations, optional equipment, and accessories that are available to allow localities to configure equipment/services to suit their unique requirements. These items were included with the contractor's bid/proposal response and are part of the recommended contract.

Fire Department technical staff researched the design, construction, and field performance of the Horton ambulance, worked closely with FESCO Emergency Sales to design a vehicle that will meet the Department's needs and negotiated a price of \$263,694 for a replacement ambulance. The cost of the contract is within the funds allotted.

The new ambulance is intended for Fire Station 2. Final placement may differ based on call volume and the condition of other units at the time of delivery. The Fire Department will shift a current ambulance to a reserve status and take the oldest reserve unit out of service. The former ambulance may be sold or used elsewhere in the County in a non-emergency capacity.

Staff recommends adoption of the attached resolution authorizing contract award to FESCO Emergency Sales in the amount of \$263,694 for the Horton ambulance.

RTA/md
CA-AmbulRepl-mem

Attachment

RESOLUTION

CONTRACT AWARD - REPLACEMENT AMBULANCE - \$263,694

WHEREAS, funds are available through the Fiscal Year 2020 Capital Improvements Program budget for the purchase of a replacement ambulance; 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 FESCO Emergency Sales as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for an ambulance and negotiated a price of \$263,694 with FESCO Emergency Sales for a Horton medium-duty ambulance.

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 FESCO Emergency Sales for a Horton ambulance in the amount of \$263,694.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN

HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2019.

CA-AmbulRepl-res

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Abby Fitzgerald, Legal Intern; Max Hlavin, Deputy County Attorney

SUBJECT: Ordinance to amend Chapter 3, Animal Laws to prohibit dogs running at large in packs, and include a \$100 civil penalty for such violations.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Ordinance	Ordinance
☐	Ordinance (Final)	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/24/2019 - 2:23 PM
Publication Management	Burcham, Nan	Approved	6/24/2019 - 2:28 PM
Legal Review	Kinsman, Adam	Approved	6/25/2019 - 10:37 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 10:46 AM
Board Secretary	Purse, Jason	Approved	7/2/2019 - 11:11 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 11:42 AM

MEMORANDUM

DATE: July 9, 2019

TO: The Board of Supervisors

FROM: Abby Fitzgerald, Legal Intern
Maxwell Hlavin, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 3, Animal Laws

Part 1-7 of the County's 2019 Legislative Program requested an amendment to Title 3.2 of the Code of Virginia (the "Virginia Code") to grant localities the authority to impose civil fines upon owners of dogs who allow the dogs to roam in packs of two or more while off the owner's property. Senate Bill 1367, enacted as Chapter 562 of the 2019 Acts of Assembly, amends the Virginia Code as requested. If adopted, this Ordinance would amend Chapter 3, Animal Laws, of the County Code to prohibit dogs from running at large in packs, and subject the owners or custodians to a civil penalty of \$100 per dog so found. An exemption in the County Code remains for dogs used for lawful hunting activity.

Staff recommends adoption of the attached Ordinance.

AF/MH/md
OrdAmndDogPks-mem

Attachment:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 3-10, PENALTIES; BY AMENDING AND RENAMING ARTICLE II, DOGS, DIVISION 1, IN GENERAL, SECTION 3-20, RUNNING AT LARGE PROHIBITED WITH NEW NAME RUNNING AT LARGE AND RUNNING AT LARGE IN A PACK PROHIBITED; AND BY AMENDING ARTICLE II, DOGS, DIVISION 1, IN GENERAL, SECTION 3-21, RUNNING AT LARGE PROHIBITED APRIL FIFTEENTH THROUGH JULY FIFTEENTH.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Article I, In General, Section 3-10, Penalties; and by amending Article II, Dogs, Division 1, In General, Section 3-20, Running at large and running at large in a pack prohibited; and Section 3-21, Running at large prohibited April fifteenth through July fifteenth.

Chapter 3. Animal Law

Article I. In General.

Sec. 3-10. Penalties.

- (a) Unless otherwise specified, any violation of a provision of this chapter shall constitute a Class 4 misdemeanor, punishable by a fine of up to \$250.00.
- (b) Payment of the annual dog license fee required by this chapter subsequent to a summons to appear before a court for failure to pay such fee within the time specified in section 3-38 shall not operate to relieve the owner from the penalties provided.
- (c) Civil penalties:
 - (1) A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:
 - a. Not displaying a current county dog license:
 - i. First offense \$20.00
 - ii. Second offense \$30.00
 - iii. Third and subsequent offenses \$40.00
 - b. No current rabies vaccination:
 - i. First offense \$30.00
 - ii. Second offense \$45.00
 - iii. Third and subsequent offenses \$60.00
 - c. *Dog found running at large in a pack:*
 - i. *Each offense \$100.00*

Article II. Dogs

Division 1. In General

Sec. 3-20. Running at large ~~and running at large in a pack~~ prohibited.

- (a) Dogs shall not run at large in the county except in those areas zoned A-1, General Agricultural; provided, however, even within A-1 areas dogs shall not run at large in: (1) platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks, or (2) in that geographic area generally bound to the north by the Colonial Heritage and Liberty Crossing neighborhoods, to the south by Centerville Road, to the west by Jolly Pond Road, and to the east by the Liberty Crossing neighborhood and the Lightfoot Marketplace shopping center located at 6401 Richmond Road, which area is more specifically designated on the map dated June 12, 2018 and titled "Restricted area in County Code 3-20(a)."
- (b) For purposes of this section, "at large" shall mean roaming, or running ~~or self hunting~~ off the ~~premises~~ *property* of the owner or custodian and not under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner. *A dog shall be deemed to be "running at large in a pack" if it is running at large in the company of one or more other dogs that are also running at large.*
- (c) Any dog observed or captured while unlawfully running at large shall be disposed of in accordance with sections 3-45 through 3-47.
- (d) For any dog identified as to ownership, if such dog is captured and confined by the animal control officer or other officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.
- (e) *The owner or custodian of any dog found while running at large in a pack shall be subject to a civil penalty in accordance with this Chapter.*

Sec. 3-21. Running at large prohibited April fifteenth through July fifteenth.

- (a) Notwithstanding section 3-20 above, dogs are prohibited from running at large in the county in each calendar year during the period from April fifteenth to July fifteenth. During this time all dogs shall be kept on a leash or under direct control of the owner to ensure that the dog is not roaming, ~~or~~ running ~~or self hunting~~ off the property of the owner.
- (b) The provisions of subsections (b), (c), ~~and~~ (d), ~~and~~ (e) of section 3-20 shall be likewise applicable to this section.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa Fellows
Deputy Clerk to the Board

VOTES	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2019.

OrdAmndDogPks-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 3-10, PENALTIES; BY AMENDING AND RENAMING ARTICLE II, DOGS, DIVISION 1, IN GENERAL; SECTION 3-20, RUNNING AT LARGE PROHIBITED WITH NEW NAME RUNNING AT LARGE AND RUNNING AT LARGE IN A PACK PROHIBITED; AND BY AMENDING ARTICLE II, DOGS, DIVISION 1, IN GENERAL, SECTION 3-21, RUNNING AT LARGE PROHIBITED APRIL FIFTEENTH THROUGH JULY FIFTEENTH.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Article I, In General, Section 3-10, Penalties; and by amending Article II, Dogs, Division 1, In General, Section 3-20, Running at large and running at large in a pack prohibited; and Section 3-21, Running at large prohibited April fifteenth through July fifteenth.

Chapter 3. Animal Law

Article I. In General.

Sec. 3-10. Penalties.

- (a) Unless otherwise specified, any violation of a provision of this chapter shall constitute a Class 4 misdemeanor, punishable by a fine of up to \$250.00.
- (b) Payment of the annual dog license fee required by this chapter subsequent to a summons to appear before a court for failure to pay such fee within the time specified in section 3-38 shall not operate to relieve the owner from the penalties provided.
- (c) Civil penalties:
 - (1) A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:
 - a. Not displaying a current county dog license:
 - i. First offense \$20.00
 - ii. Second offense \$30.00
 - iii. Third and subsequent offenses \$40.00
 - b. No current rabies vaccination:
 - i. First offense \$30.00
 - ii. Second offense \$45.00
 - iii. Third and subsequent offenses \$60.00
 - c. Dog found running at large in a pack:
 - i. Each offense \$100.00

Article II. Dogs

Division 1. In General

Sec. 3-20. Running at large and running at large in a pack prohibited.

- (a) Dogs shall not run at large in the county except in those areas zoned A-l, General Agricultural; provided, however, even within A-l areas dogs shall not run at large in: (1) platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks, or (2) in that geographic area generally bound to the north by the Colonial Heritage and Liberty Crossing neighborhoods, to the south by Centerville Road, to the west by Jolly Pond Road, and to the east by the Liberty Crossing neighborhood and the Lightfoot Marketplace shopping center located at 6401 Richmond Road, which area is more specifically designated on the map dated June 12, 2018 and titled "Restricted area in County Code 3-20(a)."
- (b) For purposes of this section, "at large" shall mean roaming; or running off the property of the owner or custodian and not under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner. A dog shall be deemed to be "running at large in a pack" if it is running at large in the company of one or more other dogs that are also running at large.
- (c) Any dog observed or captured while unlawfully running at large shall be disposed of in accordance with sections 3-45 through 3-47.
- (d) For any dog identified as to ownership, if such dog is captured and confined by the animal control officer or other officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.
- (e) The owner or custodian of any dog found while running at large in a pack shall be subject to a civil penalty in accordance with this Chapter.

Sec. 3-21. Running at large prohibited April fifteenth through July fifteenth.

- (a) Notwithstanding section 3-20 above, dogs are prohibited from running at large in the county in each calendar year during the period from April fifteenth to July fifteenth. During this time all dogs shall be kept on a leash or under direct control of the owner to ensure that the dog is not roaming; or running off the property of the owner.
- (b) The provisions of subsections (b), (c), (d), and (e) of section 3-20 shall be likewise applicable to this section.

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-19-0010. Norge Dental Center Expansion

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Master Plan	Backup Material
▣	Traffic Analysis	Backup Material
▣	Unapproved Minutes of the June Planning Commission	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/21/2019 - 5:27 PM
Development Management	Holt, Paul	Approved	6/21/2019 - 5:28 PM
Publication Management	Burcham, Nan	Approved	6/24/2019 - 7:38 AM
Legal Review	Kinsman, Adam	Approved	6/24/2019 - 11:44 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 10:46 AM
Board Secretary	Purse, Jason	Approved	7/2/2019 - 11:11 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 11:42 AM

**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion
Staff Report for the July 9, 2019, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Adam Pratt of Kaufman & Canoles, P.C.
Land Owner:	Johnston Development, LLC
Proposal:	To expand the existing dental facility, expand parking lot, and add a new storage building.
Locations:	7450 Richmond Road 127 Peach Street
Tax Map/Parcel Nos.:	2320100018 2320100017
Project Acreage:	± 2.33
Zoning:	A-1, General Agriculture
Comprehensive Plan:	Low Density Residential
Primary Service Area: (PSA)	Inside
Staff Contact:	Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission:	June 5, 2019, 6:00 p.m.
Board of Supervisors:	July 9, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal is consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding zoning and development.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed Special Use Permit (SUP) and conditions to the Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its June 5, 2019 meeting, the Planning Commission recommended approval of this SUP. The Planning Commission recommended removing Condition No. 6 proposed by staff, which requires the construction of a bike lane along the front of the property in accordance of the Adopted Regional Bikeways Master Plan prior to issuance of a Certificate of Occupancy for the Expansion by a vote of 6-0.

CHANGES SINCE PLANNING COMMISSION

None.

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.

**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion
Staff Report for the July 9, 2019, Board of Supervisors Public Hearing**

PROJECT DESCRIPTION

Mr. Adam Pratt of Kaufman & Canoles, P.C., has applied on behalf of Norge Dental Center for an SUP amendment to expand the existing 10,500-square-foot building by 3,000 square feet. With the expansion of the building, the applicant has also proposed additional parking spaces and a 2,400-square-foot storage building. According to the applicant, the building expansion will allow for six to eight more treatment rooms. The site currently has 44 parking spaces. The Master Plan proposes 25 additional parking spaces for a total of 69 spaces.

The proposal will require a boundary line adjustment between 7450 Richmond Road, the location of the existing business, and 127 Peach Street, located behind this property. 7450 Richmond Road will be increased from 1.51 acres to 2.33 acres and 127 Peach Street will be decreased from 4.10 acres to 3.29 acres.

The project will be developed in phases. Phase 1 will include the construction of 25 parking spaces and the storage building. Per the Zoning Ordinance, a waiver is required for the addition of parking spaces beyond 120% the required amount. Parking for a dental/medical office is seven spaces per practitioner, or one space per 250 square feet, whichever is greater. This facility has five dentists and the parking requirement would be 35. Based on the existing square footage, the Zoning Ordinance requires 42 spaces with a maximum of 51 spaces. During the site plan stage, the proposed 69 parking spaces would require a parking waiver from the Planning Director. If the Planning Director does not approve the parking waiver, the applicant may reduce the amount of parking or appeal the Planning Director's decision to the Development Review Committee. The applicant has indicated that additional parking is needed based on the current and anticipated demand and to avoid queueing on Richmond Road.

PLANNING AND ZONING HISTORY

- On December 11, 2001, Case No. SUP-0021-2001 was approved by the Board of Supervisors to allow for the construction of a 10,500-square-foot dental office with 44 off-street parking spaces.

SURROUNDING ZONING AND DEVELOPMENT

- Properties directly across from the subject parcel are zoned B-1 General Business and are designated Neighborhood Commercial on the 2035 Comprehensive Plan Land Use Map.
- The property to the northwest is zoned R-8, Rural Residential and designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.
- Properties to the southeast and northeast are zoned A-1, General Agriculture, and are designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.
- The property is surrounded by St. Olaf's Catholic Church, a private residence, and across from a mix of private residential and commercial development.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services:

Streets:

The new building expansion is expected to have an average of 488 vehicle trips per day and 50 vehicle trips in the PM peak hour. A traffic analysis provided by the applicant states that the necessary

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.

**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion
Staff Report for the July 9, 2019, Board of Supervisors Public Hearing**

improvements are already in place (a left-turn lane and a right-turn taper) and no further improvements are needed.

The Virginia Department of Transportation (VDOT) has reviewed this application and stated that the entrance is adequate for the use. VDOT has recommended approval.

The most recent traffic count along Richmond Road from Croaker Road to Lightfoot Road is 19,481 trips. The 2035 Volume Projected for Richmond Road (Route 60) from Croaker Road to Norge Elementary School is 39,110 daily trips. The Level of Service will remain A-C.

The Regional Bikeways Master Plan calls for a bike lane along Richmond Road. This item has been addressed in staff's proposed SUP Condition No. 6. The applicant is objecting to Condition No. 6 and has not included a bicycle accommodation, per the Board of Supervisors adopted policy and per the Ordinance requirement, on the Master Plan.

To be consistent with the Adopted Regional Bikeways Master Plan, staff does not recommend approving the Master Plan without a bike lane for this proposal. There is an existing bike lane along eastbound Route 60 from Croaker Road to the Mt. Vernon United Methodist Cemetery. The planned expansion of Croaker Road will include bike lanes and a multi-use path to create more connectivity. This project also includes a bike lane along a portion of Richmond Road, which will bring the corridor a step closer in creating more connectivity for bicycles. As more properties plan along Richmond Road, bike lanes would be required as well. When development occurs in the County, certain improvements are required. In the case of sidewalks and bike lanes, each piece constructed in step with development helps to create a network that provides improved mobility and accessibility. In the

absence of this approach, achieving these improvements means relying on the expenditure of limited public funds.

Fire:

- Fire Station 1 on Forge Road serves this area of the County, approximately 2.2 miles from the Norge Dental Center.

Utilities:

- Project receives public water and sewer. The James City Service Authority (JCSA) has reviewed the application and had no objection.
- The existing Water Conservation agreement associated with approved Case No. SUP-0021-2001 was deemed acceptable by JCSA staff for this proposal.

Environmental:

Watershed: Powhatan Creek

Stormwater and Resource Protection reviewed and approved the SUP application and does not have any comments or concerns with the Master Plan.

Cultural/Historic:

- This project site has been previously disturbed and no impact on cultural or historic resources are expected.

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.

**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion
Staff Report for the July 9, 2019, Board of Supervisors Public Hearing**

Nearby and Surrounding Properties:

- Enhanced landscaping is required along all side and rear property lines as stated in Attachment No. 1, Condition No. 3.

COMPREHENSIVE PLAN

The site is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Low Density Residential describes areas within the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. Additionally, parcels designated Low Density Residential have natural characteristics such as terrain and soils suitable for residential development.

Recommended uses are divided into three different groups. Group 2 includes schools, places of public assembly, very limited commercial, and community-oriented facilities. Staff finds the use consistent with the Group 2 recommended uses.

Group 2 uses should complement the residential character of the area, have traffic, noise, lighting, and other impacts similar to surrounding residential areas and generally be located on a collector or arterial road. This application complements the residential character and acts as a transitional use between the commercial and residential areas.

The property is located along a Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet. This application does not propose any changes to the existing landscaping in this parcel's CCC buffer, which was addressed in previous SUP conditions.

With the proposed conditions, staff finds that any impacts to adjacent properties would be mitigated.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed SUP and conditions.

TL/nb
SUP19-10NorgeDntl

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Traffic Analysis
5. Unapproved June 5, 2019 Planning Commission Minutes

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.

RESOLUTION

CASE NO. SUP-19-0010. NORGE DENTAL CENTER EXPANSION

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

WHEREAS, Norge Dental Center is located at 7450 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2320100018 (the "Property") and will also be located at 127 Peach Street, further identified as James City County Real Estate Tax Map Parcel No. 2320100017; and

WHEREAS, on behalf of Norge Dental Center, Mr. Adam Pratt of Kaufman & Canoles, P.C., has applied for an SUP to allow for a 3,000-square-foot expansion of the medical clinic, expanded parking lot, and storage building to the existing 10,500-square-foot Norge Dental Center; and

WHEREAS, the Planning Commission, following its public hearing on June 5, 2019, recommended approval of Case No. SUP-19-0010 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-19-0010 as described herein with the following conditions:

1. Master Plan: This SUP shall apply to property consisting of a parcel located at 7450 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2320100018, and a 0.81-acre portion of a parcel located at 127 Peach Street, further identified as James City County Real Estate Tax Map Parcel No. 2320100017 (together, the "Property"). The SUP shall be valid for the 10,500-square-foot existing medical clinic (the "Clinic") and up to 3,000 square feet of expansion to the Clinic (the "Expansion"), associated parking, and a storage building. All final development plans shall be consistent with the Master Plan entitled, "Norge Dental Center" prepared by LandTech Resources, dated January 23, 2019 (the "Master Plan") with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Subdivision: Prior to final site plan approval for the Expansion, a plat of subdivision shall be recorded for the Property to allow the Clinic and the Expansion to be on one parcel of property.
3. Architectural Review: Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the Expansion and the storage building. The design and materials of the Expansion shall be consistent with the Clinic and the architectural elevations, titled "Dr. Johnston Office Concept

Elevations” dated September 14, 2001, and submitted with Case No. SUP-0021-2001, as determined by the Planning Director. The design and materials of the storage building shall be consistent with the architectural description noted on the Master Plan, as determined by the Planning Director. Any exterior alterations to the Clinic shall remain consistent with existing design and materials as determined by the Planning Director.

4. Landscaping: Prior to final approval of the initial site plan, the Planning Director shall review and approve a landscaping plan for the Property. The landscaping plan and narrative exceed the planting standards of the general landscaping section, Section 24-98 of the Zoning Ordinance and shall include, a minimum 15-foot-wide landscape buffer shall be provided along all side and rear property lines.
5. Water Conservation: Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Bicycle and Pedestrian Accommodations: In accordance with the adopted Regional Bikeways Master Plan, a bike lane shall be constructed along the Property’s Richmond Road frontage, and the bike lane shall be shown on the initial site plan and guaranteed in a manner acceptable to the County Attorney prior to site plan approval. The bike lane shall be installed prior to issuance of a Certificate of Occupancy for the Expansion.
7. Commencement of Construction: If construction of the Expansion has not commenced within 36 months from the issuance of the SUP, the SUP shall only be valid for the Clinic. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations for the Expansion.
8. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the SUP issued herein as part of Case No. SUP-19-0010 shall replace and supersede the SUP issued in Case No. SUP-0021-2001, which shall no longer exist or have any effect.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

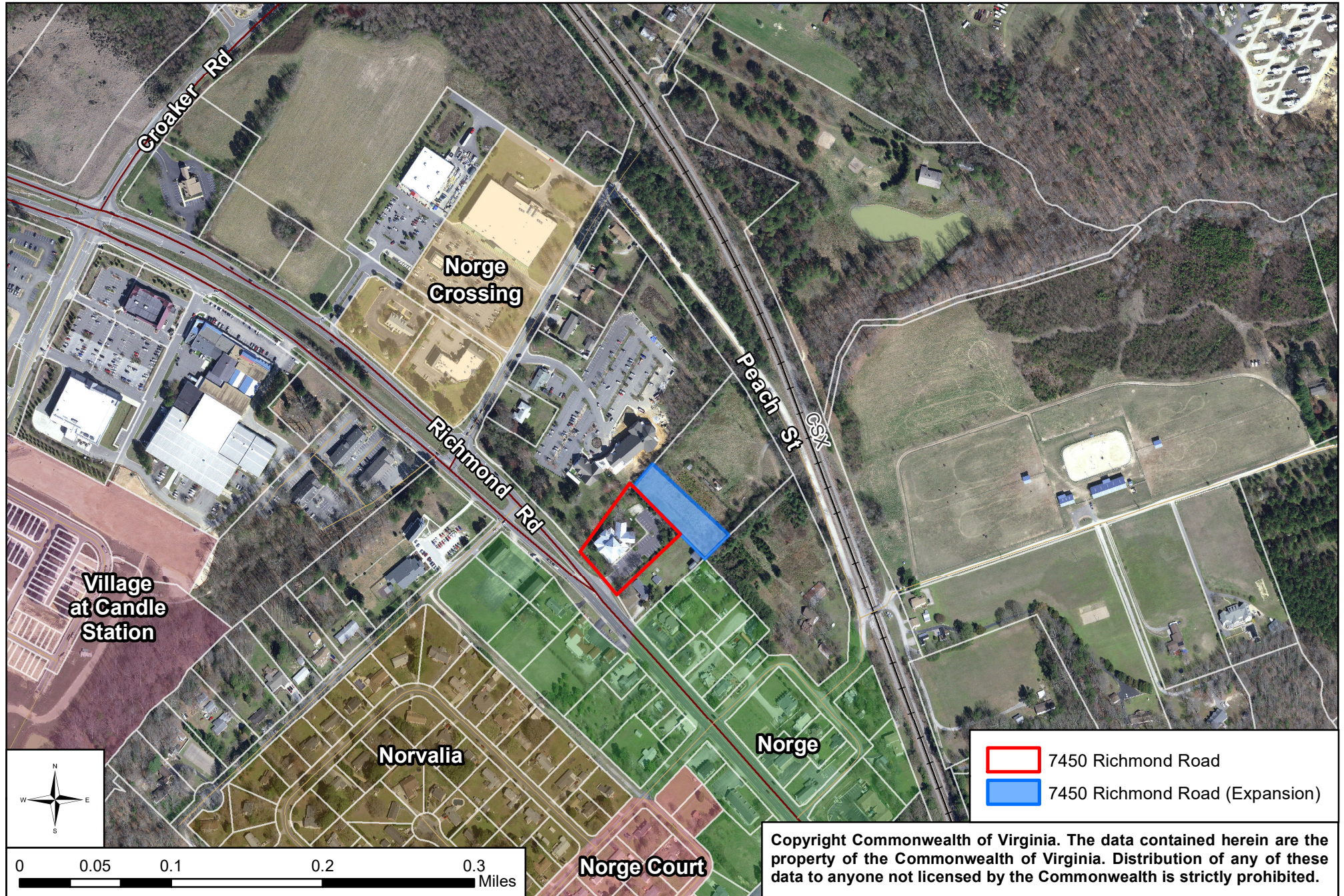
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2019.

SUP19-10NorgeDntl-res

JCC SUP-19-0010

Norge Dental Center Expansion



MASTER PLAN FOR NORGE DENTAL CENTER

JAMES CITY COUNTY

STONEHOUSE DISTRICT

VIRGINIA

PROJECT INFORMATION:

PROPERTY ADDRESS	7450 RICHMOND ROAD / 127 PEACH STREET
TAX MAP No.	2320100018 / 2320100017
ZONING	A1
FRONT YARD SETBACK	50'
REAR YARD SETBACK	35'
SIDE YARD SETBACK	15'
PROPOSED BUILDING FOOTPRINT	13,500 S.F. / 0.3099 AC.
PROPOSED ADDITION	3,000 S.F. / 0.0689 AC.
EXISTING BUILDING	10,500 S.F. / 0.2410 AC.
CURRENT USE	DENTAL OFFICE / VACANT PROPERTY
PROPOSED USE	DENTAL OFFICE / VACANT PROPERTY
WATER	PUBLIC (JCSA)
SEWER	PUBLIC (JCSA)
HYDROLOGIC UNITS	
SUBWATERSHED	YORK RIVER – SKIMINO CREEK (VAHU6 YO65)
WATERSHED	UPPER YORK RIVER (VAHU5 YO–R)
SUBBASIN	YORK

PARKING CALCULATIONS

MEDICAL OFFICE 1 SPACE REQUIRED PER 250 S.F.

REQUIRED PARKING	13,500 S.F. / 250 =	54 (65 MAX)
PROVIDED PARKING		69
(PROVIDED PARKING WILL EXCEED 120% MAXIMUM; WILL REQUIRE AN EXEMPTION TO THE JCC PARKING REQUIREMENTS)		
REQUIRED HANDICAP SPACES		4
PROVIDED HANDICAP SPACES		4

DOMESTIC WATER CALCULATIONS

DISCHARGE FACILITY	GALLONS PER DAY/UNIT	UNITS	AVERAGE FLOW	MAX DAILY FLOW (1.7 x AVG.)	PEAK FLOW (4.0 x AVG.)	DURATION
DENTAL OFFICE	0.25	13,500 S.F.	3,375 GPD / 4.69 GPM	5,738 GPD / 7.97 GPM	13,500 GPD / 18.76 GPM	12
TOTAL			3,375 GPD / 4.69 GPM	5,738 GPD / 7.97 GPM	13,500 GPD / 18.76 GPM	

VICINITY MAP



OWNER / APPLICANT

JOHNSTON DEVELOPMENT, LLC
7450 RICHMOND ROAD
WILLIAMSBURG, VIRGINIA 23188

SANITARY SEWER CALCULATIONS

DISCHARGE FACILITY	GALLONS PER DAY/UNIT	UNITS	AVERAGE FLOW	PEAK FLOW	PEAK FACTOR	DURATION
DENTAL OFFICE	0.25	13,500 S.F.	3,375 GPD / 4.69 GPM	10,125 GPD / 14.07 GPM	3	12
TOTAL						

TABLE OF CONTENTS

C001	01 OF 03	COVER SHEET
VF101	02 OF 03	EXISTING CONDITIONS PLAN
CS101	03 OF 03	MASTER PLAN

STATISTICAL DATA

PARCEL I.D. NO.	2320100018	2320100017
EXISTING SITE AREA	65,978 S.F. / 1.5146 AC.	178,810 S.F. / 4.1049 AC.
EX. SITE COVER		
IMPERVIOUS SURFACES	31,803 S.F. / 0.7301 AC. (48.2%)	3,500 S.F. / 0.0803 AC. (2.0%)
GREEN AREA	34,175 S.F. / 0.7845 AC. (51.8%)	175,310 S.F. / 4.0246 AC. (98.0%)
PROPOSED SITE AREA	101,659 S.F. / 2.3338 AC.	143,129 S.F. / 3.2858 AC.
PROP. SITE COVER		
IMPERVIOUS SURFACES	46,803 S.F. / 1.0744 AC. (46.0%)	3,500 S.F. / 0.0804 AC. (2.4%)
GREEN AREA	54,856 S.F. / 1.2594 AC. (54.0%)	139,629 S.F. / 3.2054 AC. (97.6%)

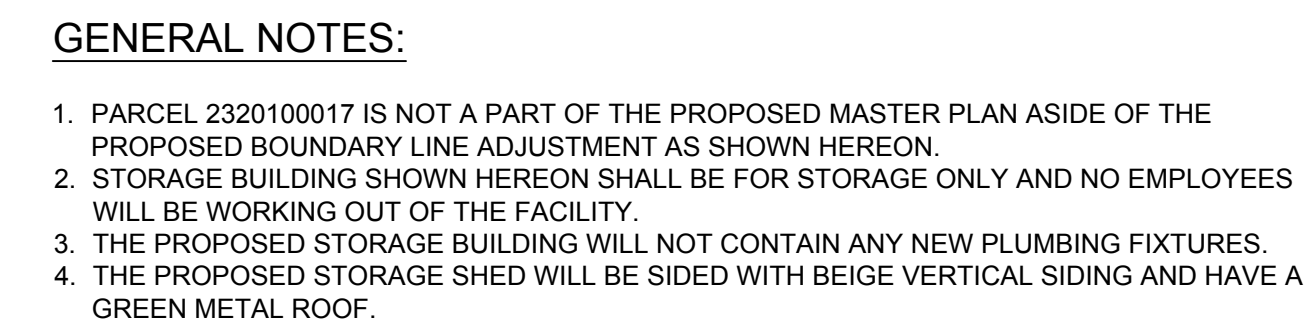
MASTER PLAN FOR NORGE DENTAL CENTER

NO.	DATE	REVISION / COMMENT / NOTE
3	05/20/2019	JCC CONCEPTUAL REVIEW COMMENTS
2	05/14/2019	JCC CONCEPTUAL REVIEW COMMENTS
1	04/24/2019	JCC CONCEPTUAL REVIEW COMMENTS

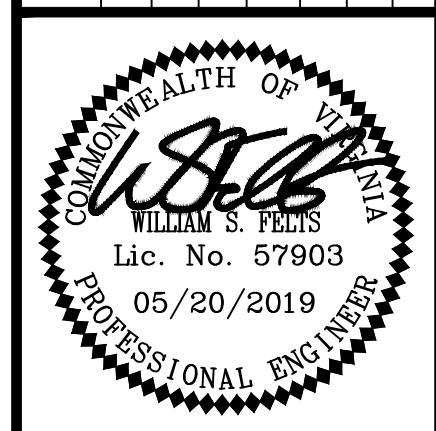


SCALE: N/A
DATE: 01/23/2019
JOB: 18-508
DRAWN BY: WSF
C001
COVER SHEET





NO.	DATE	REVISION / COMMENT / NOTE
3	05/20/2019	JCC CONCEPTUAL REVIEW COMMENTS
2	05/14/2019	JCC CONCEPTUAL REVIEW COMMENTS
1	04/24/2019	JCC CONCEPTUAL REVIEW COMMENTS



SCALE: 1"=20'
DATE: 01/23/2019
JOB: 18-508
DRAWN BY: WSF
CS101
MASTER PLAN

Traffic Analysis

For

**Norge Dental Center
#7450 Richmond Road**

James City County, Virginia

Preparation Date:

March 12, 2019

Revision Date(s):

LRI Project No. 18-508



Traffic Turn Lane Warrants:

The proposed development on the property located at 7450 Richmond Road is for the construction of an approximately 3,000 sf addition to the existing 10,500 sf Norge Dental Center. The existing facility has the need to expand their building as well as their current parking areas to service an increase in patient numbers. Below are anticipated traffic volumes based on total building square footage for a medical-dental office building based on ITE publications:

Traffic Analysis: Turn Lane Warrants									
Project: Norge Dental Center									
ITE Code: 720 Medical-Dental Office Building									
Traffic Scenario	# of Trips	% Enter	Enter	% Exit	Exit	% Right	Right Turns	% Left	Left Turns
Average Day	488	50%	244.00	50%	244.00	50%	122	50%	122
AM Peak Hour	34	79%	26.86	21%	7.14	50%	13	50%	13
PM Peak Hour	50	27%	13.50	73%	36.50	50%	7	50%	7
Saturday Average	121	50%	60.50	50%	60.50	50%	30	50%	30
Saturday Peak Hour	49	57%	27.93	43%	21.07	50%	14	50%	14
Sunday Average	21	50%	10.50	50%	10.50	50%	5	50%	5
Sunday Peak Hour	5	52%	2.60	48%	2.40	50%	1	50%	1

State Route 60 (Richmond Road)	21000
Directional Factor, D	0.575
Peak Hour Factor, K	0.095
Peak Hour Volume, PHV	1147
Opposing Volume / Approach Volume	1147
Advancing Volume	848
Total Peak Hour Trips Making Right Turn Into Site	14
Total Peak Hour Trips Making Left Turn Into Site	14

On the following pages you will find the required calculations for the above summarized table as well as the Turn Lane Warrant charts from the Virginia Department of Transportation Road Design Manual Appendix F. Based on the anticipated traffic for the proposed parcel as well as the traffic counts within the adjacent Richmond Road right-of-way this project **DOES** warrant the installation of a left-hand turn lane, and a right-hand turn taper.

The existing facility is located on Virginia State Route 60 which is constructed as a 4-lane divided highway with an existing left-hand turn lane located along front of the property with a stacking length in excess of 50'. In addition, the previously constructed dental office was constructed with a commercial entrance per VDOT standards and already provides the required turning radii as well as tapers along Richmond Road. No further improvements to the existing entrance into the site should be required as a result of this building expansion.

Virginia Department of Transportation
Traffic Engineering Division

2017

Annual Average Daily Traffic Volume Estimates By Section of Route
James City Maintenance Area

Route	Jurisdiction	Length	AADT	QA	4Tire	Bus	-----Truck-----			K	QC	Dir	AAWDT	QW	
							2Axle	3+Axle	1Trail	2Trail	Factor	Factor			
60 Richmond Rd	From	SR 30 North of Toano													
	James City County	3.12	15000	G	97%	1%	1%	1%	0%	0%	F	0.089	0.577	16000	G
	To	47-607 Croaker Rd													
60 Richmond Rd	James City County	2.85	21000	G	97%	1%	1%	1%	0%	0%	C	0.095	0.575	23000	G
60 Richmond Rd	From	47-614 Centerville Rd													
	James City County	0.15	23000	G	97%	1%	1%	1%	0%	0%	F	0.095	0.575	25000	G
	To	SR 199													
60 Richmond Rd	James City County	1.81	13000	G	97%	1%	1%	1%	0%	0%	F	0.093	0.528	14000	G
60 Richmond Rd	From	47-658 Olde Towne Rd													
	James City County	0.43	21000	N	99%	0%	1%	0%	0%	0%	N	0.083	0.523	23000	N
	To	WCL Williamsburg													
60 Richmond Rd	City of Williamsburg	1.37	21000	G	99%	0%	1%	0%	0%	0%	F	0.083	0.523	23000	G
60 Richmond Rd	From	Ironbound Rd													
	City of Williamsburg	0.30	25000	G	99%	0%	1%	0%	0%	0%	C	0.077	0.544	27000	G
	To	Bypass Rd													
60 Bypass Rd	From	Richmond Rd													
	City of Williamsburg	0.11	25000	G	99%	0%	0%	0%	0%	0%	C	0.082	0.555	26000	G
	To	NCL Williamsburg													
60 Bypass Rd	City of Williamsburg	0.50	14000	G	98%	0%	1%	0%	0%	0%	C	0.091	0.514	15000	G
60 Bypass Rd	From	Parkway Dr													
	City of Williamsburg	0.16	11000	G	98%	0%	1%	0%	0%	0%	F	0.091	0.525	12000	G
	To	SR 5 Capitol Landing Rd													
60 5 Page St	City of Williamsburg	0.31	21000	G	99%	0%	1%	0%	0%	0%	F	0.090	0.708	22000	G
60 5 Page St	From	Second Street													
	City of Williamsburg	0.25	14000	G	99%	0%	1%	0%	0%	0%	C	0.082	0.575	15000	G
	To	SR 5 Lafayette St; York St													
60 York St	From	SR 5 Lafayette St; Page St													
	City of Williamsburg	0.60	12000	G	98%	0%	1%	0%	0%	0%	C	0.084	0.544	13000	G
	To	ECL Williamsburg													
60 Pocahontas Trail	James City County	1.34	8600	G	98%	0%	1%	0%	0%	0%	F	0.095	0.543	9200	G
60 Pocahontas Trail	From	SR 199													
	James City County	0.04	8600	N	98%	0%	1%	0%	0%	0%	N	0.095	0.543	9200	N
	To	York County Line													
60 Pocahontas Trail	From	York County Line													
	James City County	3.10	10000	G	93%	1%	2%	1%	3%	0%	C	0.096	0.54	11000	G
	To	NCL Newport News													
East 64	From	New Kent County Line													
	James City County	2.45	30000	A	91%	1%	1%	1%	6%	0%	F	0.105		26000	A
	To	Combined Traffic Estimates for 2 Parallel Roadways on this Route: 59000													
64	From	SR 30 Old Stage Rd													
	James City County	59000	A	91%	1%	1%	1%	1%	6%	0%	F	0.102	A	51000	A
	To														

Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

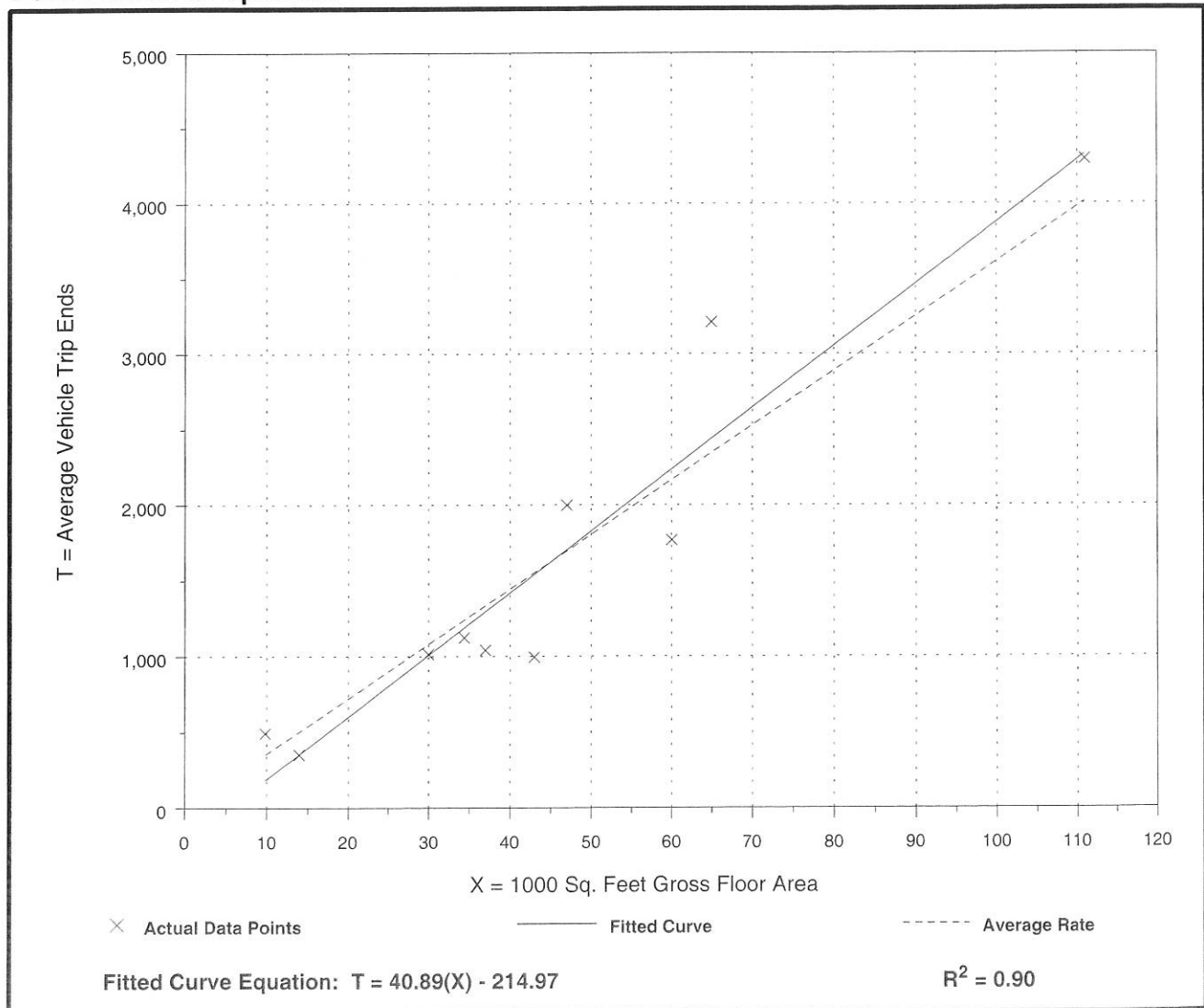
$$T = 36.13 \times 13.50 = 488$$

Number of Studies: 10
Average 1000 Sq. Feet GFA: 45
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
36.13	23.16 - 50.51	10.18

Data Plot and Equation



Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

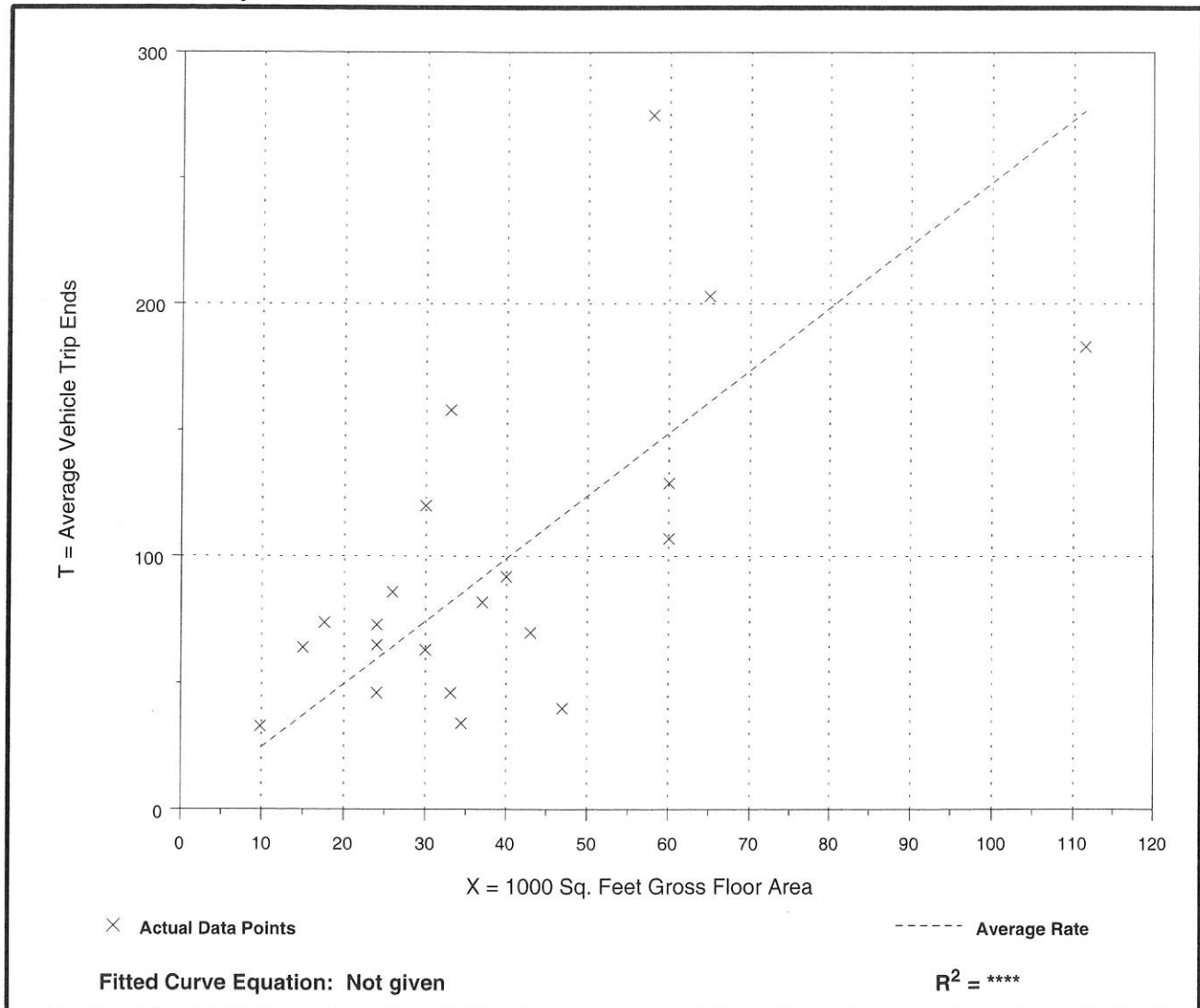
Number of Studies: 21
Average 1000 Sq. Feet GFA: 39
Directional Distribution: 79% entering, 21% exiting

$$T = 2.48 \times 13.5 = 34$$

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
2.48	0.85 - 4.79	1.94

Data Plot and Equation



Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

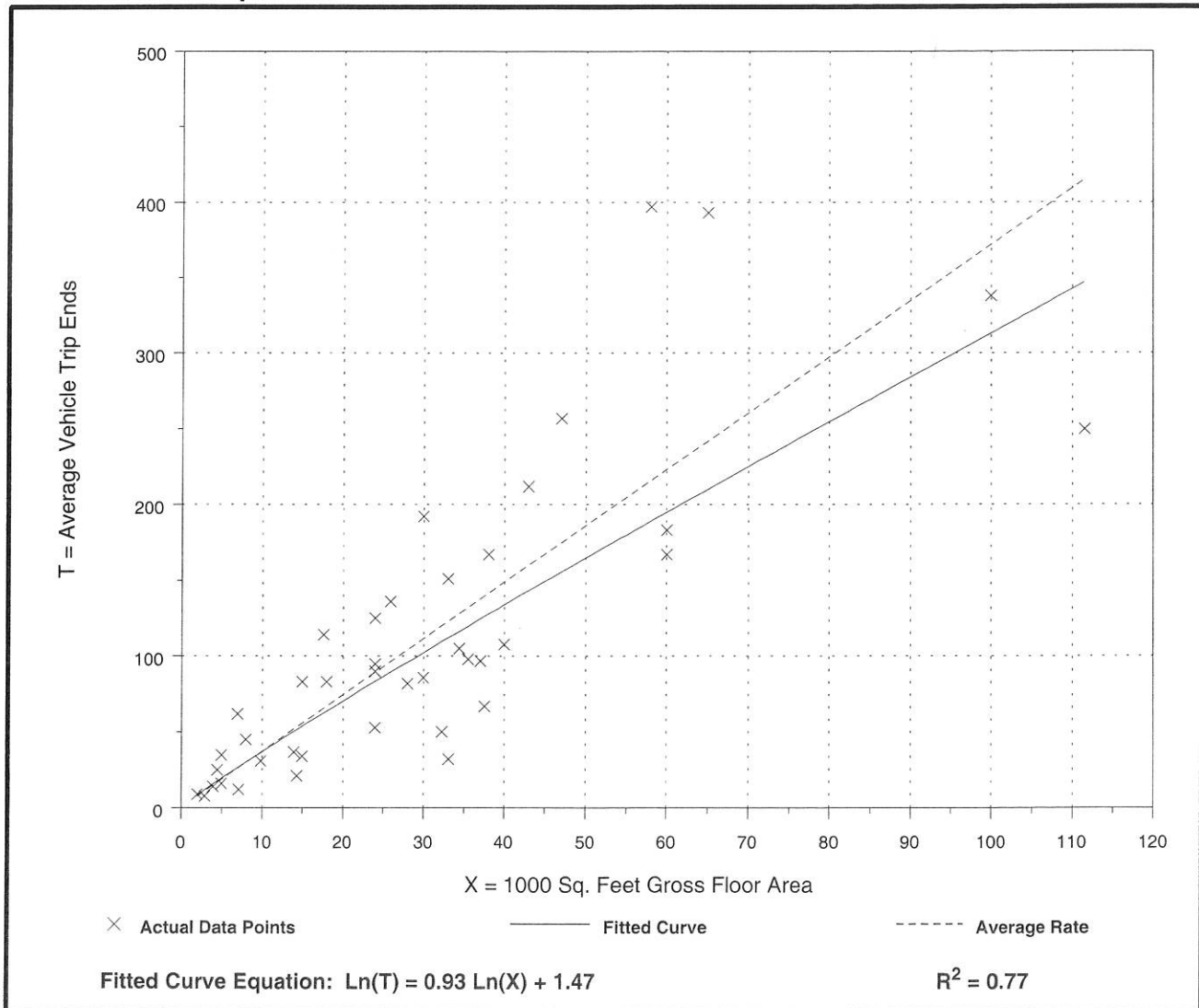
Number of Studies: 41
Average 1000 Sq. Feet GFA: 30
Directional Distribution: 27% entering, 73% exiting

$$T = 3.72 \times 13.5 = 50$$

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.72	0.97 - 8.86	2.50

Data Plot and Equation



Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Saturday

$$T = 8.96 \times 13.5 = 121$$

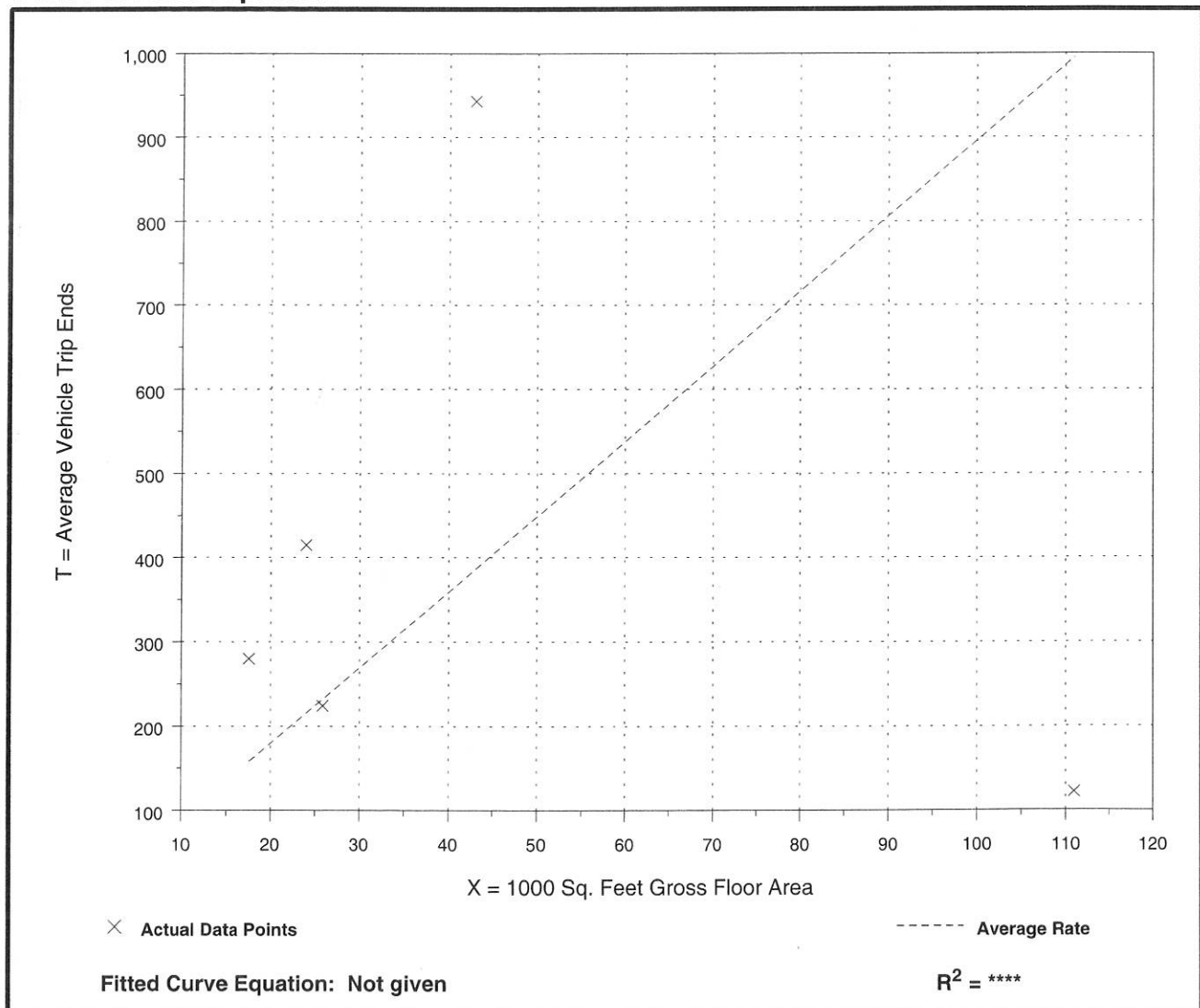
Number of Studies: 5
Average 1000 Sq. Feet GFA: 44
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
8.96	1.10 - 21.93	9.17

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Saturday,
Peak Hour of Generator

Number of Studies: 3
Average 1000 Sq. Feet GFA: 28
Directional Distribution: 57% entering, 43% exiting

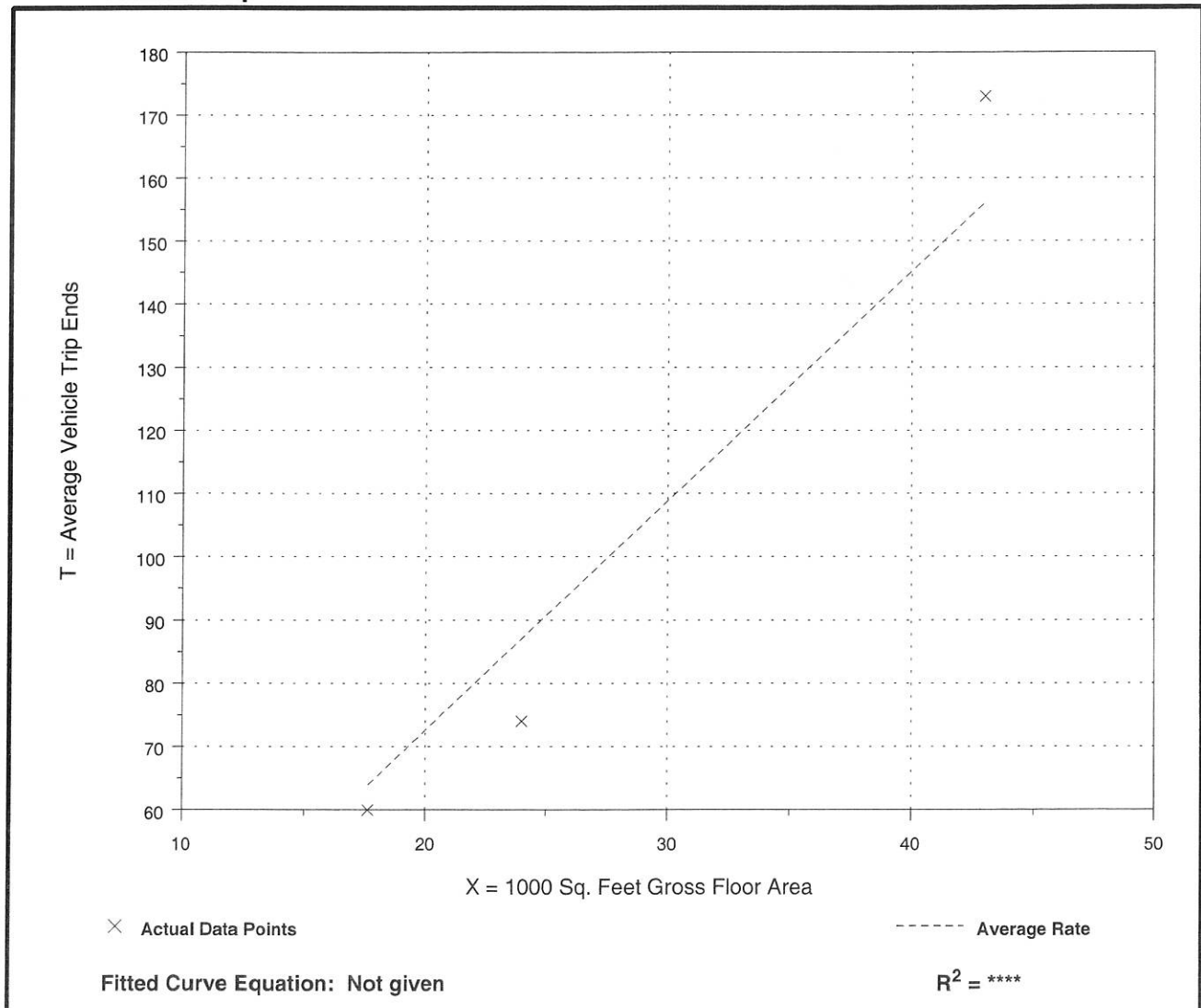
$$T = 3.63 \times 13.5 = 49$$

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.63	3.08 - 4.02	1.93

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Sunday

$$T = 1.55 \times 13.5 = 21$$

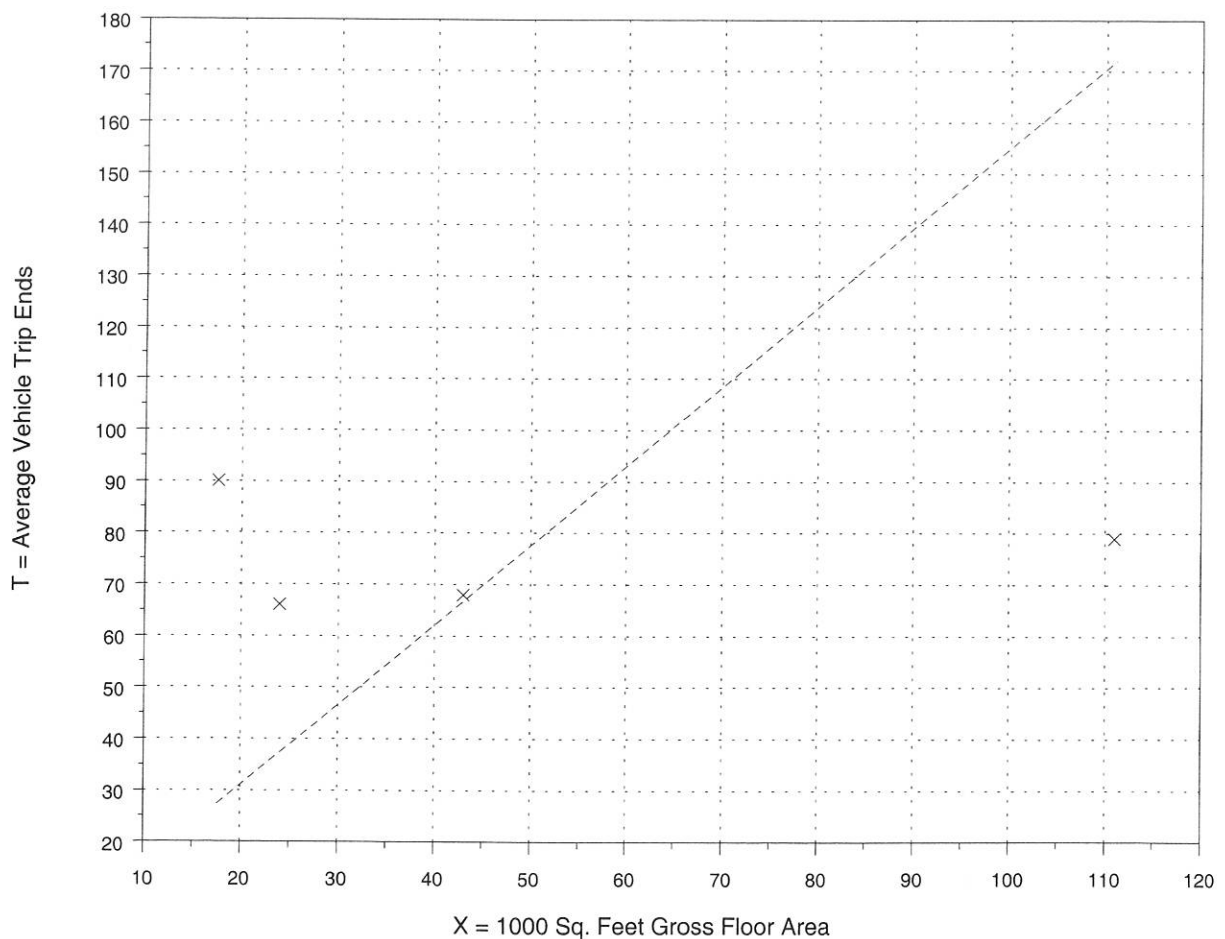
Number of Studies: 4
Average 1000 Sq. Feet GFA: 49
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.55	0.71 - 5.11	1.80

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



x Actual Data Points

----- Average Rate

Fitted Curve Equation: Not given

$R^2 = ****$

Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Sunday,
Peak Hour of Generator

$$T = 0.40 \times 13.5 = 5$$

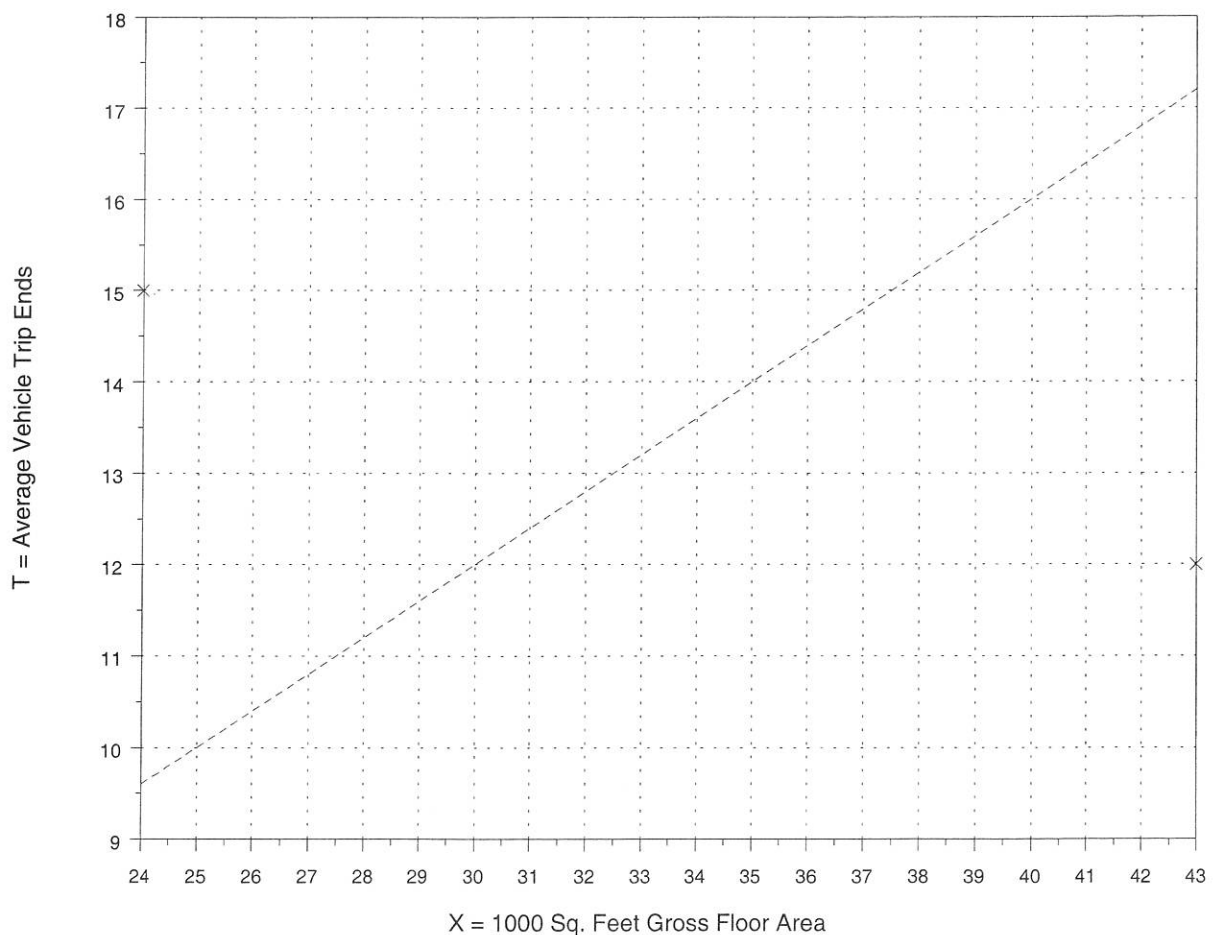
Number of Studies: 2
Average 1000 Sq. Feet GFA: 34
Directional Distribution: 52% entering, 48% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.40	0.28 - 0.63	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: Not given

$R^2 = ****$

Warrants for Left Turn Storage Lanes on Four-Lane Highways

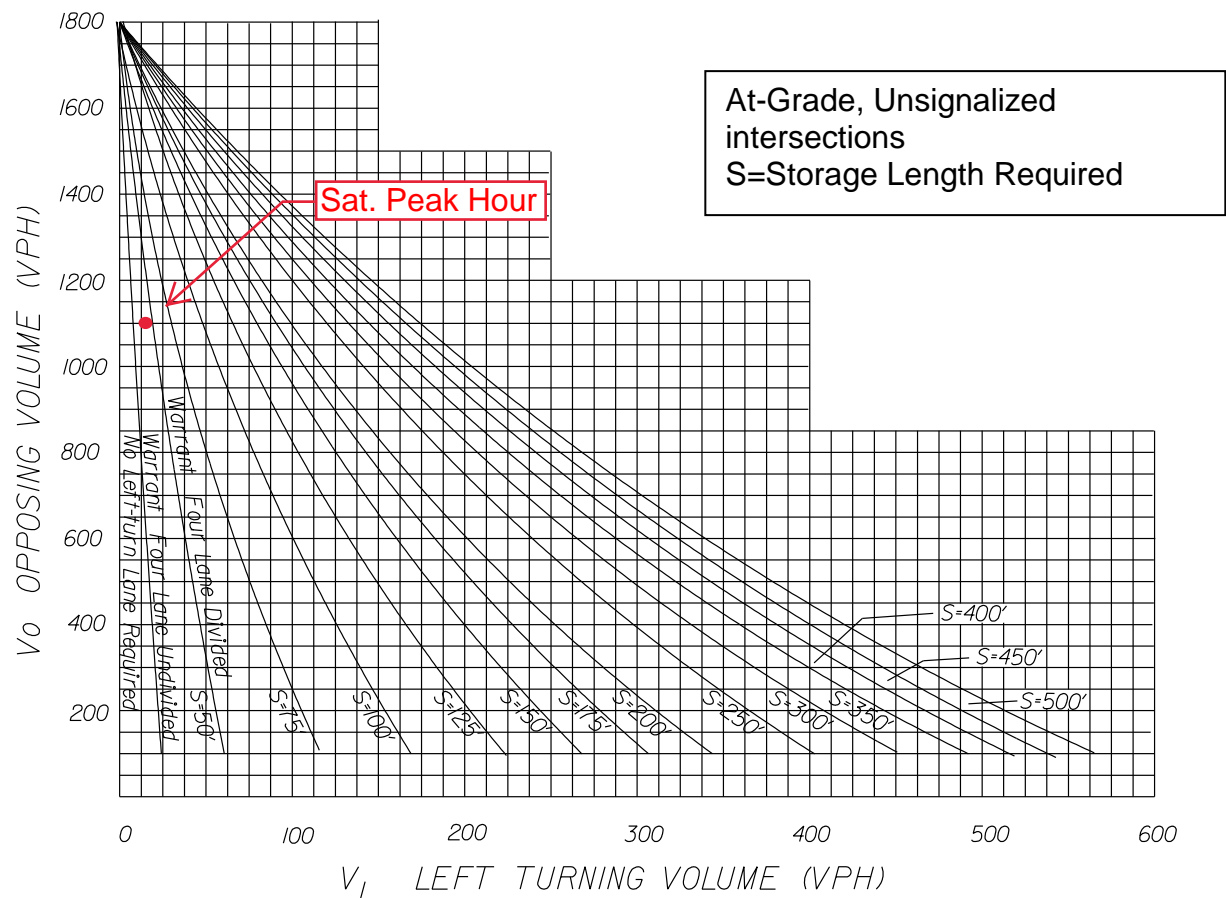


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

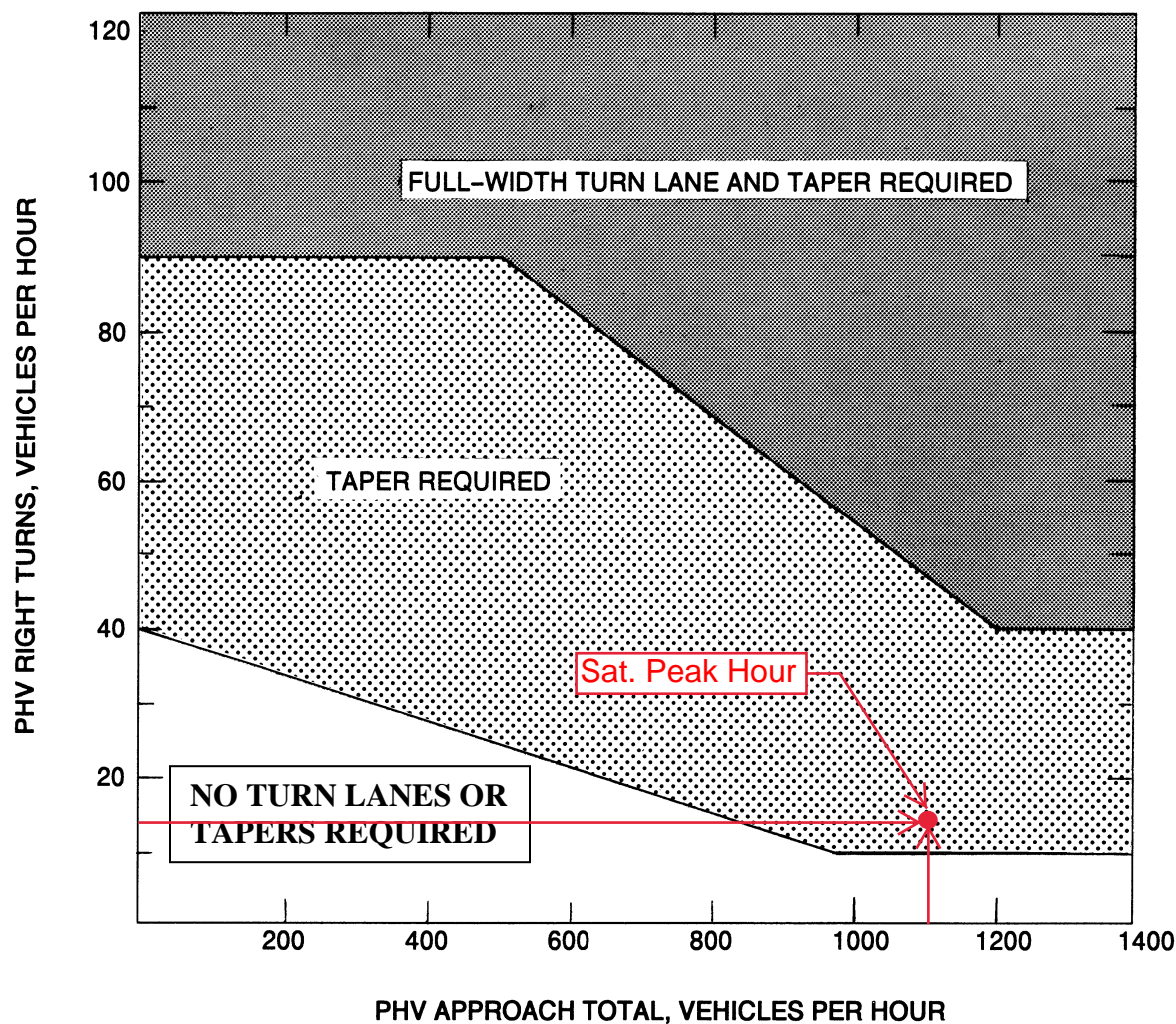
Opposing volume and left turning volume in vehicles per hour (VPH) are used for left turn storage lane warrants on four-lane highways.

For plan detail requirements when curb and/or gutter are used, see VDOT's Road Design Manual, [Section 2E-3](#) on the VDOT web site:

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>.

Left-turn lanes shall* also be established on two-lane highways where traffic volumes are high enough to warrant them.

* Rev. 1/15



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV- - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.*

FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

* Rev. 1/15

**Unapproved Minutes of the June 5, 2019
Planning Commission Regular Meeting**

SUP-19-0010. Norge Dental Center Expansion

Canoles applied for a Special Use Permit SUP to allow an expansion of 3,000 square feet to the existing Norge Dental Center site located at 7450 Richmond Road. Mr. Leininger stated that the property is zoned A-1, General Agricultural and designated Low Density Residential and is located inside the Primary Service Area (PSA).

Mr. Leininger stated that the expansion will add up to eight treatment rooms to the existing facility, 25 parking spaces and a storage building. Mr. Leininger stated that the project also proposes a boundary line adjustment with the property located at 127 Peach Street.

Mr. Leininger stated that medical clinics are a specially permitted use within the A-1 Zoning District.

Mr. Leininger stated that some of the SUP conditions include keeping consistent with the previous SUP design requirements, increased landscaping and a bike lane along the front of the property.

Mr. Leininger stated that currently, the Norge Dental Center has 16 treatment rooms for five dentists. Mr. Leininger noted that the site has 44 off-street parking spaces.

Mr. Leininger stated that the Board of Supervisors approved an SUP on December 11, 2001 to allow for a 10,500 square foot dental clinic.

Mr. Leininger stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Mr. Leininger stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf inquired if the applicant's concern about SUP Condition No. 6 for a bike lane has been resolved.

Mr. Leininger stated that the subject is still under discussion.

Mr. Haldeman inquired if any of the proposed bike lane on the westbound side of Richmond Road between Croaker Road and the applicant's property has been constructed.

Mr. Leininger stated that the bike lane has not been constructed but is shown on the adopted Regional Bikeways Plan.

Mr. Holt noted that the bike lane from Croaker Road is part of the Croaker Road Widening project. Mr. Holt noted that the bike lane would extend approximately to the Norge Plaza.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Greg Davis, Kaufman & Canoles, PC, 4801 Courthouse Street, made a presentation to the Commission on the proposed expansion. Mr. Davis provided an overview of the Dental Center operations and the need for the expansion. Mr. Davis noted concerns about the bike lane requirement and illustrated the site constraints on the property that would make the bike lane prohibitively costly for a small business owner. Mr. Davis requested that the Commission recommend approval of the application without the SUP Condition requiring the bike lane.

Mr. Haldeman noted that the rear of the property slopes and inquired if the plan was to build up the area to be level or to keep the existing slope.

Mr. Chase Grogg, LandTech Resources, 3125 Midlands Road, stated that it would retain the existing slope and have a new Best Management Practice (BMP) for stormwater treatment.

Mr. Haldeman inquired if it would be possible to locate the bike lane between the drainage ditch and the sidewalk.

Mr. Grogg stated that the requirement is for the bike lane to be attached to the edge of the pavement.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf noted that the desired connectivity for the Norge area would be difficult to achieve given that each parcel would have the same drainage and utilities issues. Mr. Krapf inquired if the applicant and staff had been able to hold fruitful discussions on the issue and how will staff address these same issues for future applications.

Mr. Holt stated that it would be the same as any development having to work through the utilities and stormwater issues as the development prepares to come on line. Mr. Holt further stated that other than the few and far between road improvement projects, this is how bike and pedestrian accommodations are implemented. Mr. Holt stated that every site is different but the premise is the same that it would be part of the cost of development. Mr. Holt further stated that the Zoning Ordinance does not have provisions to take the cost into account.

Mr. Polster stated that the bike lane for Oakland Pointe will be on the eastbound side of Richmond Road and inquired why the bike lane is needed on the westbound as well.

Mr. Holt stated that it is to allow cyclists to ride with the flow of traffic. Mr. Holt noted that this is especially important since the facility is adjacent to the road and not separated like a multiuse path.

Mr. O'Connor noted that the Zoning Ordinance allows developers to provide cash in lieu of sidewalks and inquired if there was a similar provision for the bike lanes.

Mr. Holt stated that this would be something that is determined at the site plan stage.

Mr. Schmidt stated that this business provides a valuable service to the community and that the cost of installing the bike lane could prohibit the necessary expansion. Mr. Schmidt stated that he is a proponent of the Regional Bikeways Plan and would like to see more connectivity; however, it is a difficult decision in this situation.

Mr. Polster inquired if VDOT would be required to do the same for the Croaker Road improvements.

Mr. Holt stated that there would be a lot of utility relocation for that project.

Mr. Krapf inquired if the dental clinic was in the path of the Croaker Road project.

Mr. Holt stated that it was adjacent but would stop at Norge Lane.

Mr. Krapf inquired if the applicant has the option to meet the SUP condition by putting money against the Regional Bikeways Plan.

Mr. Holt stated that there is a provision; however, it is not an equal option and would be triggered at the site plan stage when engineering and site restraints bear out that it is not possible to install the bike lane. Mr. Holt further stated that there are stringent criteria that must be met.

Mr. Krapf inquired if there were a way for the Commission to recommend approval of the application with a caveat that further consideration be given to Condition No. 6 and allow the applicant and staff to develop an acceptable alternative.

Mr. Holt stated that staff would be happy to meet with the applicant; however, prescribing a looser SUP condition might make it unclear to the applicant what they are required to do.

Mr. Davis stated that the Zoning Ordinance does not require the bike lane to be an SUP condition; it is a requirement for site plan approval. Mr. Davis further stated that the Planning Director is empowered to waive the bike lane if the Board of Supervisors approves a master plan and an SUP without the condition. Mr. Davis further stated if the Commission made a recommendation and the Board agreed, there is still the ordinance requiring the bike lane and the Planning Director has the discretion to waive the requirement.

Mr. Holt stated that if the Board adopts the master plan with the bike lane, then the Planning Director would not be able to waive the requirement. Mr. Holt further stated that when the site plan is submitted, it will have to be consistent with the Board's approval.

Mr. O'Connor inquired if there were and alternative, such as widening the existing sidewalk that would be acceptable to the applicant and staff.

Dr. Timothy Johnston, Applicant, 610 Colony Trail, stated that the right-of-way drops to create the ditch, then rises to the sidewalk level and drops again to create the BMP. Dr. Johnston further stated that when Norge Dental Clinic was built, all the requirements were met, but now the requirements are being changed and there were no allowances originally made for change. Dr. Johnston stated that there is no way to meet the requirement without relocating all the underground and overhead utilities. Dr. Johnson noted that this would be incongruous with the utilities for the adjacent properties.

Mr. Davis noted that, in response to Mr. O'Connor's question, there was no room to widen the sidewalk.

Dr. Johnston stated that the initial development of the site had been carefully designed to make everything fit and no one anticipated that there would be requirements for a bike lane. Dr. Johnston further stated that due to the site constraints, installation of a bike lane would be cost prohibitive and bring the project to a standstill.

Mr. Schmidt noted that unless the adjacent property were to change hands and become a commercial property, there would be nothing to trigger installation of a further segment of the bike lane.

Mr. Krapf stated that he is extremely supportive of the application the expansion of a local business. Mr. Krapf stated that his dilemma is setting a precedent for the other parcels along the corridor that would be subject to the Regional Bikeways Plan as they are developed.

Mr. Schmidt stated that the difficulty with the Regional Bikeways Plan is that residential property owners will not be able to install a bike lane.

Mr. Krapf stated that the only way those gaps would be connected is if VDOT had a road improvement project along the corridor.

Ms. Dowdy stated that if the matter had not come up with the current application, it would have come up for some other development. Ms. Dowdy noted that the Regional Bikeways Plan is problematic in certain instances and the issues need to be addressed.

Mr. O'Connor stated that it is problematic from Lightfoot to Toano. Mr. O'Connor further noted that requiring bike lanes may not be a reasonable expectation due to the existing curb and gutter and utilities

Mr. Schmidt noted that the cost decreases exponentially when longer segments are done at the same time and perhaps should be publically funded.

Mr. Krapf inquired if the Regional Bikeways Plan has a build out date.

Mr. Holt stated that it is an open-ended project.

Mr. Krapf noted that as part of the drainage improvements in Toano being funded through the Capital Improvements program, has been designed as part of a traffic calming plan which reduces the width of the travel lanes and uses the remainder as bike lanes. Mr. Krapf stated that the Commission is not so much overturning the Regional Bike Ways Plan, but recognizing that the implementation requires public funding. Mr. Krapf stated that he feels it is not reasonable to require property owners to relocate utilities. Mr. Krapf stated that since there is not a defined build out date for the Regional Bikeways Plan, the bike lane would remain but not be constructed until such time as it is part of a road improvement project in the area.

Mr. Polster stated that there needs to be more thought about what the vision is for Norge. Mr. Polster noted that he is also struggling with the application of the requirement to a small business owner.

Mr. Haldeman noted that traffic studies indicate that the traffic along this portion of Richmond Road has already been identified as needing improvement. Mr. Haldeman further noted that the study did not factor in potential residential development and yet shows the traffic counts doubling by 2035. Mr. Haldeman noted that there is no room to improve Richmond Road and that failure would be catastrophic.

Mr. Krapf made a motion to recommend approval of the application without SUP Condition No. 6.

Mr. Polster inquired if this was a recommendation to the Board to exclude SUP Condition No. 6.

Mr. Holt confirmed.

On a roll call vote the Commission voted to recommend approval of SUP-19-0010. Norge Dental Center Expansion without SUP Condition No. 6 to the Board of Supervisors. (5-0)

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: Z-19- 0007/MP-18- 0004. Forest Heights Proffer and Master Plan Amendments

ATTACHMENTS:

	Description	Type
☐	Staff Report	Cover Memo
☐	Attachment No. 1. Resolution	Resolution
☐	Attachment No. 2. Location Map	Backup Material
☐	Attachment No. 3 Unapproved Minutes of the May 1 Planning Commission-Forest Heights	Minutes
☐	Attachment No. 4 Forest heights Proposed Amended Master Plan	Backup Material
☐	Attachment No. 5. Proposed Building Elevations	Backup Material
☐	Attachment No. 6 Design Standards	Backup Material
☐	Attachment No. 7 Community Impact Statement	Backup Material
☐	Attachment No. 8. Fiscal Impact Analysis	Backup Material
☐	Attachment No. 9. Traffic Analysis	Backup Material
☐	Attachment No. 10 Existing Proffers	Backup Material
☐	Attachment No. 11 Proposed Proffer	Backup Material
☐	Attachment No. 12 Mixed Use Construction Phasing Policy	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/21/2019 - 5:32 PM
Development Management	Holt, Paul	Approved	6/21/2019 - 5:33 PM
Publication Management	Burcham, Nan	Approved	6/24/2019 - 7:53 AM
Legal Review	Kinsman, Adam	Approved	6/24/2019 - 11:45 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 10:49 AM
Board Secretary	Purse, Jason	Approved	7/2/2019 - 11:12 AM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 11:42 AM

REZONING-19-0007/MASTER PLAN-18-0004. Forest Heights Proffer and Master Plan Amendments

Staff Report for the July 9, 2019, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant: Mr. Doug Harbin of Wayne Harbin Builder, Inc.

Land Owner: The Salvation Army, c/o Captain Greg Shannon

Proposal: To amend the previously adopted proffers and Master Plan for Forest Heights (Z-0001-2011) to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker.

Location: 6015 Richmond Road

Tax Map/Parcel No.: 3220100081

Project Acreage: ± 11.42 acres

Current Zoning: MU, Mixed Use with proffers

Comprehensive Plan: Low Density Residential (LDR)

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission: May 1, 2019, 6:00 p.m.

Board of Supervisors: June 11, 2019, 5:00 p.m. (deferred)
July 9, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding zoning and development.
2. The proposed amendment will increase the overall density of the entire master planned area up to 2.5 dwelling units per acre, which is within the range recommended for lands designated LDR by the adopted Comprehensive Plan.
3. The proposal will increase the supply of affordable housing within the County, as the applicant has proffered 100% of the proposed townhomes to comply with the County's Housing Opportunities Policy (HOP). Since the June 2019 Board meeting, the applicant has added language to the proffers setting the maximum sales price at a level lower than what is permitted by HOP.
4. The proposal meets the Adequate Public Schools Facilities Test adopted by the Board of Supervisors on June 23, 1998.

FACTORS UNFAVORABLE

1. The proposal does not fully comply with the Board of Supervisors Mixed Use Construction Phasing Policy.
2. Pursuant to the Fiscal Impact Analysis submitted for this application, the proposal is expected to have a negative fiscal impact.

SUMMARY STAFF RECOMMENDATION

Although there are benefits to this proposal such as the provision of affordable housing, this application does not fully comply with the County's Mixed Use Construction Phasing Policy, which prevents staff from recommending approval of this application.

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.

Staff Report for the July 9, 2019, Board of Supervisors Public Hearing

PLANNING COMMISSION RECOMMENDATION

At its May 1, 2019 regular meeting, the Planning Commission recommended approval of this rezoning application by a vote of 4-1, with the provision that the applicant develop building elevations and revised design guidelines for the self-storage facility. The Planning Commission also recommended that the Board of Supervisors not apply the Mixed Use Construction Phasing Policy for this development.

Proposed Changes Made Since the Planning Commission Meeting

The applicant has revised the Master Plan to show the proposed layout of the self-storage facility (Attachment No. 4). The applicant submitted building elevations for the exterior of the self-storage facility and the residential caretaker unit/office (Attachment No. 5), as well as revised design guidelines for the self-storage facility exterior and residential caretaker unit (Attachment No. 6). The proffers have been revised to incorporate the elevations, revised design guidelines, and include the correct proffer contribution amount for the James City Service Authority (JCSA) (Attachment No. 11).

UPDATES SINCE THE JUNE 11, 2019 BOARD OF SUPERVISORS MEETING

At its June 11, 2019 regular meeting, the Board of Supervisors (BOS) heard presentations of this application by Planning staff and the applicant. After a series of questions and comments from the BOS, the applicant requested that the application be deferred to the July 9, 2019 meeting, which the BOS granted.

Among the questions asked by the BOS were several regarding the five existing lots north of the parcel that is the subject of this rezoning application. As noted at the meeting, these parcels are shown on the

Master Plan as allowing for “Existing Single Family” for the improved area to the east of the dashed land use designation line, but designated for “Future Development” to the west of the dashed land use designation line.

The land use key on the Master Plan designates this “Future Development” for “I, J, & X”, which represents “Institutional, Open Space, & Other Structures, Facilities, or Amenities.” As a result, only those uses permitted within the Mixed Use, MU zoning district that meet these classifications could be permitted in the area designated for “Future Development”. Examples of uses allowed by these designations that could be constructed in this area without further BOS approval would include an assisted living facility, a skilled nursing facility, a library, and a school. A self-storage facility is classified as warehousing (land use designation F on the Master Plan) and would not be permitted within the area designated for “Future Development.”

Since the June 11 BOS meeting, the applicant has revised the proposed proffers to further restrict the maximum sale prices of townhouses. Specifically, the applicant has proffered that the 38 units to be offered between 30%-120% of Area Median Income (AMI) shall not be offered at a sales price exceeding \$275,000 (adjusting annually for building costs per the Marshall and Swift Building Costs Index). The maximum amount permitted by the HOP policy for these units within the 30%-120% range would otherwise be \$372,245.

HISTORY OF THE PROJECT

In 2011, the James City County Board of Supervisors initiated the rezoning of 47.1 acres of the Forest Heights area from R-2, General Residential to MU, Mixed Use (Z-0001-2011). The purpose of the rezoning was twofold. First, the County desired to facilitate improvements to the existing Forest Heights neighborhood in partnership with the Office of Housing and Community Development.

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.

Staff Report for the July 9, 2019, Board of Supervisors Public Hearing

Second, the Salvation Army planned to build new offices, a community meeting space and gym, and other accessory uses on the property it owns adjacent to the Forest Heights neighborhood.

The rezoning succeeded in improving the Forest Heights neighborhood in a number of ways. The County was able to facilitate the rearrangement of property boundary lines to bring lot owners into compliance with the County Zoning Ordinance. The County also coordinated infrastructure improvements, including the addressing of previously uncontrolled and untreated drainage and stormwater, the upgrading of water and sewer mains, the realignment, widening, and paving of Forest Heights Road and Neighbors Drive, safety improvements to Richmond Road, the addition of open space and pedestrian amenities, and the provision of streetlights and street trees. The proposed project also included the rehabilitation of homes (including energy audits and energy efficiency improvements), the construction of new affordable housing, and the demolition of vacant, dilapidated dwellings. The proffers approved for this rezoning required water conservation and green building measures for certain sites, the inclusion of affordable and workforce housing, and the establishment of a homeowners association.

Regarding the second purpose of the 2011 rezoning, the Salvation Army has not pursued the development of the planned non-residential uses on its property. Its 11.42-acre property remains wooded and vacant and is the proposed location of the townhomes and self-storage facility.

PROJECT DESCRIPTION

- The applicant is requesting to amend the existing Master Plan and proffers associated with the Forest Heights development in order to permit up to 46 townhomes and a mini-storage facility with a caretaker residential unit on the property currently owned

by the Salvation Army and addressed 6015 Richmond Road.

- This project proposes a density of up to 5.6 units per acre (when looking at the proposed development of the Salvation Army parcel of ± 11.42 acres). The Zoning Ordinance allows for a base density of five dwelling units per acre. In order to achieve the proposed 5.6 units per acre density, the project will need to achieve less than one bonus density point. From the options available in the Ordinance, the applicant is proposing to achieve the bonus density point by committing to the provision of affordable and workforce housing. A note to this effect is shown on the Master Plan and there is a proffer committing to this as well. The entire Mixed Use master planned area consists of ± 47.1 acres with a density of up to ± 2.5 units per acre.
- The applicant is proposing vehicular and pedestrian connectivity with the existing Forest Heights neighborhood.
- According to the Master Plan, the 46 townhomes will be distributed in a group of 12 buildings with parking provided through a combination of individual attached garages, driveways, and surface parking.
- A mini-storage facility with a maximum capacity for 250 storage units is proposed along the frontage of the property on Richmond Road. The project is located on an Urban/Suburban Community Character Corridor (CCC) per the adopted Comprehensive Plan, and thus, provides a 50-foot buffer along the Richmond Road frontage of property at 6015 Richmond Road as shown on the Master Plan. No new entrances are proposed for Richmond Road as a result of this project.
- In addition to the 50-foot buffer along Richmond Road, the proposed landscaping for this project also includes a 20-foot landscape buffer between the proposed self-storage facility from

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the townhouses area, a 20-foot buffer between the existing single-family residential located north of the development from the self-storage facility, and a variable width 12- to 42-foot landscaped buffer between the existing Forest Heights neighborhood and the proposed townhouses area.

- Approximately 0.75 acre of open space is proposed for this development which includes: 0.3 of this acreage of unimproved open space to be located adjacent to the rear of the townhomes; 0.15 acre of unimproved space located adjacent to the proposed surface parking; and 0.3 acre as a proposed pocket park to be located adjacent to proposed surface parking across from the proposed location of the self-storage facility.
- The Pedestrian Accommodation Master Plan calls for a sidewalk on the side of Richmond Road fronting the property. The Master Plan shows an eight-foot-wide asphalt multiuse path located in the right-of-way of Richmond Road and connecting to the existing multiuse path traversing the frontage of the Forest Heights neighborhood. Staff finds the provision of the eight-foot-wide paved multiuse path as an acceptable substitution for the standard five-foot paved sidewalk. The Regional Bikeways Plan shows no improvements for this portion of Richmond Road.
- The applicant is proposing this development with all 46 dwelling units to be made available for rent or sale at affordable prices in accordance with the HOP.
- The Mixed Use Construction Phasing Policy requires for the following construction sequencing for this project;
 - Building permits for up to 10% of the residential units may be issued prior to commencing any commercial construction.

- Certificates of Occupancy (CO) must be issued for at least 25% of the commercial square footage as shown on the Master Plan prior to building permits being issued for any residential unit above 50% of the total proposed units as shown on the Master Plan.
- Prior to issuance of building permits for construction of the final 20% of the residential units, CO must be issued for at least 80% of the commercial square footage as shown on the Master Plan.
- If no residential development is proposed, the construction phasing shall still make assurances that all infrastructure is installed in coordination with the planned build-out of the development.
- Pursuant to Proffer 4.7, the applicant has submitted the following proposed phasing: “The County shall not be obligated to issue building permits for more than 35 dwelling units on the Salvation Army Property until the site and building plans for at least one mini-storage building have been approved and construction has commenced. Construction having commenced shall mean footings for the building have been dug and poured.”

This would permit approximately 75% of the residential units to be constructed prior to any commercial activity commencing. Staff also finds the proposed proffer language would not guarantee that any of the non-residential uses would be constructed or put into use (i.e., the proffer only requires footings for one of the nine buildings to be completed).
- If approved, this project will be required to be constructed in accordance with the design requirements for the MU, Mixed Use Zoning District. These requirements include the following (with staff comments in italics):

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- Building design should be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief, and interest.

Staff: Staff finds the applicant has proffered revised design guidelines that allow for this requirement to be met.

- Development shall focus on pedestrian-scaled design, mixing uses within buildings, and general design standards (such as landscaping, road design, etc.).

Staff: The Master Plan layout shows a pedestrian scaled development connected through pedestrian facilities.

- Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces, and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities, and convenience shopping centers).

Staff: The Master Plan shows pockets of open spaces and pedestrian facilities providing connectivity to open space areas, buildings, and adjacent development.

- All buildings or building clusters within the development must be connected with linkages other than roads (i.e., sidewalks, bikeways, or multiuse paths). The Master Plan shall utilize open space and natural features that serve as buffers and transitions to adjacent area(s).

Staff: The Master Plan shows pedestrian facilities connecting the majority of the buildings. Open space and

landscape areas are proposed as a means of providing a natural buffer between land uses.

- All structures and uses within a Mixed Use District shall be served by publicly owned and operated water and sewer systems.

Staff: The property is currently served by public water and sewer.

- Residential areas and Mixed Use structures and areas designated on the Master Plan shall be provided with a recreation area or areas adequate to meet the needs of the residents. The developer shall provide and install playground equipment, playfields, tennis courts, or other recreation facilities in accordance with the guarantees established as part of Master Plan or final development plan approval.

Staff: The Master Plan shows recreational facilities such as trails, park land, and playgrounds, and staff finds the application complies with the Board of Supervisors adopted Parks and Recreation Guidelines.

- 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.

Staff: The Master Plan includes multiuse path and sidewalks that tie into the existing Forest Heights neighborhood and provide safe pathways for pedestrians.

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Section 24-519 of the Zoning Ordinance

Per Section 24-519, Mixed Use District-Density, no one land use can constitute more than 80% of the developable area of a Mixed Use area. Based on the information provided on the Master Plan, the applicant is proposing the following mix of uses for the entire Mixed Use development:

- Existing Single-Family Residential: 62 total units, 19.06 acres/32.8 acres = 58% of developable area.
- Proposed Multifamily Residential: 46 proposed units, 6.95 acres/32.8 acres = 21% of developable area.
- Proposed Self-Storage Facility: 250 max units, 2.97 acres/32.8 acres = 9% of developable area.
- Future Commercial/Institutional Use: 3.82 acres/32.8 acres = 12% of developable area.

SURROUNDING ZONING AND DEVELOPMENT

North: MU, Mixed Use with proffers, existing single-family residential development.

South: MU, Mixed Use with proffers, existing Forest Heights neighborhood consisting of single-family residential development.

East: R-2, General Residential, Richmond Road (State Route 60) abuts the subject parcel, followed by a mature tree buffer, railroad tracks, and a cluster of single-family residences.

West: R-2, General Residential, common open space owned by the Villages at Westminster Homeowners Association.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services

Streets:

- The original Traffic Impact Study (TIS) took into account the existing residences within the master planned area, as well as the proposed uses and potential future residential associated with the Salvation Army property. The study showed that a right-turn taper on Richmond Road was warranted for Forest Heights Road, as well as a left-turn lane with 50-foot storage from Richmond Road. Both of these improvements were committed to as part of the original rezoning and subsequently constructed.
- The Virginia Department of Transportation has reviewed this application along with the trip generation analysis provided for this project. Pursuant to this analysis, this project is expected to generate less than 100 weekday peak hour trips, meaning no TIS was required for this application per the Zoning Ordinance. However, the original TIS was used as a reference by the engineering firm that prepared the trip generation analysis. The amended uses for this portion of the plan are not anticipated to require additional improvements to Richmond Road, as the multifamily units and a self-storage facility result in far less trip generation than the uses originally accounted for in the trip projections and potential future residential units. For the detailed comparison of trip generation, please see Attachment No. 9.
- **2035 Traffic Counts**: On Richmond Road from Centerville Road to Route 199, 62,307 average daily trips are projected.
- This segment of Richmond Road is “recommended for congestion management improvement” in the 2015 Comprehensive Plan.

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Utilities:

Public water and sewer will serve the site. The proffered cash contribution is in accordance with the amount recommended by the JCSEA (refer to Proffer No. 4.3 (c)). Water conservation standards were proffered for this property as part of the original rezoning application.

Parks and Recreation

As noted previously in this report, this project complies with the Parks and Recreation Development Guidelines. The Parks and Recreation Development Guidelines require the following for the 47 units proposed on the Salvation Army property:

- *Park Land Requirement:* 0.3 acres minimum
- *Park Land Proposed:* 0.3 acres
- *Biking/Jogging Trails Requirement:* .028 miles
- *Biking/Jogging Trails Proposed:* 0.18 miles
- *Playground Requirement:* One Playground
- *Playgrounds Proposed:* One Playground
- *Sport Court or Pool Requirement:* One Court or Pool
- *Sport Court or Pool Proposed:* None, but a cash in lieu amount has been provided instead.
- *Fields Requirement:* One Field
- *Fields Proposed:* None, but a cash in lieu amount has been provided instead.

The applicant has proffered a monetary contribution for each dwelling unit towards recreational facility in accordance with the County's guidelines (refer to Proffer No. 4.3 (b)).

Schools

- The proposed residential units are anticipated to generate an additional eight students. As illustrated in the following table, the eight students projected from the development would not cause the enrollment levels for Hornsby Middle or Warhill High Schools to exceed effective capacity. However, it would contribute to higher enrollment level exceeding the effective capacity at Norge Elementary School. The Adequate Public Schools Facility Test Policy states that if an application causes a school to exceed capacity the student population will be brought under capacity due to new construction within the County's Capital Improvements Program, the application will be deemed to have passed the test. The County has proposed the construction of a new elementary school, which is projected to relieve enrollment at Norge Elementary School.

Schools

<i>School</i>	<i>Effective Capacity</i>	<i>Enrollment</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
Norge Elementary School	695	699*	+3	702
Hornsby Middle School	952	794	+2	796
Warhill High School	1,441	1,388	+3	1,391

**Figure includes Pre-Kindergarten enrollment*

Source: Williamsburg-James City County Staff Correspondence

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REZONING-19-0007/MASTER PLAN-18-0004. Forest Heights Proffer and Master Plan Amendments

Staff Report for the July 9, 2019, Board of Supervisors Public Hearing

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% 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% of Area Median Income (AMI). The following table illustrates the Policy's income ranges and percentages and how it relates to this application. Staff notes that the applicant has proffered compliance with the HOP (Proffer No. 4.2).

Housing Opportunities Policy and AMI

Units Targeted to (Percent of AMI)	Price Range (Minimum-Maximum)	Minimum Percent of the Development's Proposed Dwelling Units Expected	*Number of Units Subject to Policy
30% - 60%	\$93,138-\$212,618	8	4 Units
Over 60% - 80%	\$212,619-\$243,260	7	3 Units
Over 80% - 120%	\$243,261-\$372,245**	5	2 Units
Total:		20	9 Units

**Rounded up number*

*** The applicant has proffered that no unit shall exceed a sales price of \$275,000*

According to the proposed proffer, 100% of the proposed residential development will be made available for rent and/or sale at the above described prices. The applicant proffered the minimum percentage of the development's proposed dwelling units for the lower-income tier

and exceeded the minimum required in the middle-income tier to comply with HOP policies (four units for each of these tiers). The remaining units are to be sold within one of the three income ranges, though the applicant has proffered that no unit shall be sold at a price exceeding \$275,000.

Fiscal Impact

- The Fiscal Impact Analysis worksheet was submitted per the Fiscal Year 2019 calculations provided by the Department of Financial and Management Services.
- Per that analysis, the development would result in a net \$39,101.04 annual negative fiscal impact to the County. The proposed residential development would generate a negative fiscal impact of \$48,782, while the proposed storage unit facility would generate a positive fiscal impact of \$9,681.

Fire

- The location of the project allows for coverage by Fire Station 4, located on Olde Towne Road. The Community Impact Statement indicates that the Station has a response time of four minutes.

Environmental/Cultural/Historic

Environmental

- Watershed: Powhatan Creek
- The Stormwater and Resource Protection Division has reviewed the proposal and generally concurs with the Master Plan as proposed.
- The applicant intends to work with the Stormwater and Resource Protection Division to determine the best location of stormwater

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facilities on-site. Development on the Salvation Army parcel will not tie into the existing stormwater facilities located within Forest Heights.

- Resource Protection Area (RPA): Approximately 1.49 acres of the rear portion of the property is designated as RPA. No commercial or residential uses are proposed for development within the RPA.

Cultural/Historic

- A Phase I Archaeological Study for property at 6015 Richmond Road has been conducted and concluded that no further archaeological historic preservation efforts were necessary on-site.

Nearby and Surrounding Properties

Visual Impact

- Per the Comprehensive Plan, the project is located on a CCC and is required to provide a 50-foot buffer fronting the proposed self-storage facility.

Height

- The Master Plan shows a maximum height for the self-storage facility of 35 feet, while the proposed townhomes are two-story.

PROFFERS

Please refer to Attachment No. 11 for signed proffers. In 2016, the Virginia Assembly passed legislation limiting the ability of localities to accept proffers associated with new residential rezonings. On June 28, 2016, the Board of Supervisors adopted Ordinance No. 31 A-304,

specifying that the County will not accept proffers associated with new residential rezonings. Because this application proposed amendment to proffers adopted before 2016, staff consulted with the County Attorney's Office to ensure that proffers could be amended to remove language that would no longer apply to this property (existing Proffer Nos. 4 and 6) and that new proffers could be provided in order to mitigate the proposed development impact.

COMPREHENSIVE PLAN

The land use designation for this site within the Comprehensive Plan is LDR. The recommended uses within an LDR include single-family and multifamily units, as well as limited commercial development to support the surrounding residential areas. The Comprehensive Plan recommends density standards for residential development and design guidelines for commercial development within the LDR.

For residential development, the Comprehensive Plan recommends the following approach to density:

- Gross density from one unit per acre up to four units per acre, if particular public benefits are provided. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.

At 2.5 units per acre for the entire master planned area, this project aligns with the density recommended within the Comprehensive Plan. Staff finds the proposal of 100% affordable housing units within this project meets the Comprehensive Plan recommendation for a significant public benefit.

For commercial development, the Comprehensive Plan recommends the following approach to design:

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- Complement the residential character of the area;
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;
- Generally be located on collector or arterial roads at intersections; and
- Provide adequate screening and buffering to protect the character of nearby residential areas.

The proposed self-storage facility is not anticipated to produce traffic, noise, or lighting greater than nearby residential uses. It is of vital importance that the proposed self-storage facility be of high quality design and complement the residential character of the area. This is due to the facility's proximity to and visibility from Richmond Road, which is classified as an Urban/Suburban CCC within the 2035 Comprehensive Plan Land Use Map.

The Comprehensive Plan states that the County should preserve and enhance the character of this portion of Richmond Road, given its designation as a CCC. This is due to the fact that CCCs within the County set the first impression that many visitors have of the area. Therefore, it is crucial that proposed development be of high quality design that is complementary to the existing character of the area.

Staff finds that the revised site layout and design guidelines submitted for the proposed self-storage facility provides sufficient screening of the site and better aligns with the goals of the CCC designation within the Comprehensive Plan.

STAFF RECOMMENDATION

Although there are benefits to this proposal such as the provision of affordable housing, this application does not fully comply with the County's Mixed Use Construction Phasing Policy, which prevents staff from recommending approval of this application.

TW/nb
MP18-4RZ19-7ForHts

Attachments:

1. Rezoning Resolution
2. Location Map
3. Unapproved Minutes of the May 1, 2019 Planning Commission Minutes
4. Proposed Amended Master Plan
5. Proposed Building Elevations
6. Design Guidelines
7. Community Impact Study
8. Fiscal Impact Worksheet
9. Traffic Analysis
10. Existing Proffers
11. Proposed Proffers
12. Mixed Use Construction Phasing Policy

RESOLUTION

CASE NOS. MP-18-0004 AND Z-19-0007. FOREST HEIGHTS

PROFFER AND MASTER PLAN AMENDMENTS

WHEREAS, on December 1, 2011, the Board of Supervisors of James City County, Virginia (the "Board") rezoned approximately 47.1 acres from R-2, General Residential to MU Mixed Use, with proffers applicable to the properties owned by the County and the Salvation Army (the "Forest Heights MU District"); and

WHEREAS, on behalf of the Salvation Army, Mr. Doug Harbin of Wayne Harbin Builder, Inc. has applied for a master plan and proffer amendment to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on ±11.42 acres within the Forest Heights MU District, said property being located at 6015 Richmond Road and further identified as James City County Real Estate Tax Map No. 3220100081.

WHEREAS, in accordance with Section § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case Nos. MP-18-0004 and Z-19-0007; and

WHEREAS, on May 1, 2019, the Planning Commission recommended approval of Case Nos. MP-18-0004 and Z-19-0007 by a vote of 4-1; and

WHEREAS, the Board finds Case Nos. MP-18-0004 and Z-19-0007 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. MP-18-0004 and Z-19-0007 described herein, and accepts the voluntary proffers.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

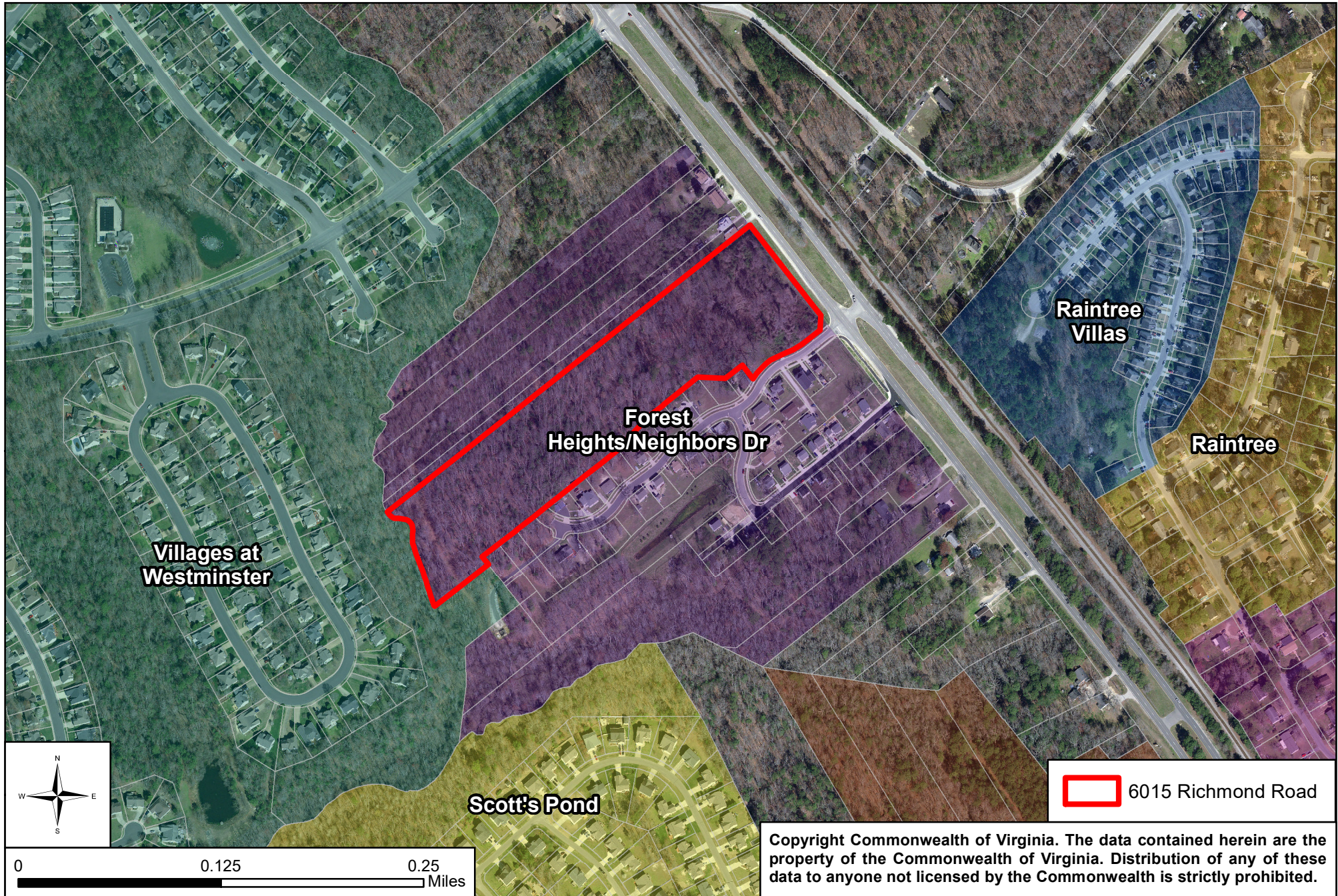
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2019.

MP18-4RZ19-7ForHts-res

JCC MP-18-0004 / Z-19-0007

Forest Heights Master Plan and Proffer Amendment



**Unapproved Minutes of the May 1, 2019
Planning Commission Regular Meeting**

Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments

Mr. Thomas Wysong, Planner, stated that Doug Harbin of Wayne Harbin Builder, Inc. has applied on behalf of the Salvation Army to amend the adopted proffers and Master Plan for Forest Heights to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on the 11.42 ac property currently owned by the Salvation Army. Mr. Wysong Stated that the property is located within the PSA and is designated Low-Density Residential on the Comprehensive Plan Land Use Map. Mr. Wysong further stated that this portion of Richmond Road is designated as a Community Character Corridor (CCC) in the Comprehensive Plan.

Mr. Wysong stated that the County initiated the original rezoning of Forest Heights in 2011 from R-2, General Residential to MU, Mixed Use with proffers. Mr. Wysong stated that the purpose of this rezoning was twofold: first, the County sought to facilitate improvements to the existing neighborhood and second, allow the Salvation Army to build new offices, a community meeting space and gym, and other accessory uses. Mr. Wysong stated that as a result, the Forest Heights neighborhood was significantly improved. Mr. Wysong stated that Forest Heights Road and Neighbors Drive were realigned and paved, uncontrolled drainage and stormwater runoff were addressed, and existing housing was rehabilitated as needed. Mr. Wysong further stated that the uses proposed by the Salvation Army on the 11.42-acre property were not constructed. Mr. Wysong stated that today, this property is vacant and is the subject of this application.

Mr. Wysong stated that the applicant is proffering for 100% of the 46 townhomes to be offered at prices in accordance with the County's Housing Opportunities Policy. Mr. Wysong further stated that the applicant has also provided cash proffers in accordance with the County's cash proffer policy for schools for each dwelling unit, as well as cash for in lieu of the parks and rec facility. Mr. Wysong stated that regarding the self-storage facility and the townhouses, the applicant has put forward simple design guidelines for the townhouses and the facility.

Mr. Wysong stated that although staff finds the offering of affordable housing to be supported by the Comprehensive Plan, there are two concerns that prevent staff from recommending approval: first, as proffered this project does not align with the County's Mixed Use Construction Phasing Policy, which is needed to ensure the commercial component of this project is pursued and second, staff finds that the design guidelines submitted for this project are not sufficient to ensure the character of Richmond Road is enhanced, which is a goal for a CCC. Mr. Wysong stated that staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors.

Ms. Leverenz inquired if there was a schematic showing the storage facility and the buffer.

Mr. Wysong stated that there is a 50-foot buffer shown on the Master Plan. Mr. Wysong stated that the applicant provided design guidelines, but has not provided any proposed elevations for the storage building.

Ms. Leverenz inquired if there is anything that shows what the buffer will look like.

Mr. Holt stated that the buffer will be plated in accordance with the County's Landscape Ordinance; however, there is no typical cross section.

Ms. Leverenz stated that she is accustomed to seeing a schematic of buffer details and proposed building design. Ms. Leverenz further stated that this is important information since the property fronts on a CCC.

Mr. Danny Schmidt inquired if the proffered amenities, such as the playground would be shared with the adjacent single-family homes.

Mr. Wysong stated that the pocket park shown on the Master Plan will be for the benefit of the town home residents.

Mr. Polster inquired about the location of the future development area.

Mr. Wysong stated that the future development area had been designated with the earlier rezoning and was located to the west of the subject property and would comprise the back portion of several existing lots.

Mr. Polster inquired if that was part of the original Master Plan.

Mr. Wysong confirmed that the future institutional use are is on the Master Plan.

Mr. Polster inquired about who owned the lots.

Mr. Wysong stated that the entirety of the lot is owned by the property owner.

Mr. Polster inquired about who is responsible for the vacant area adjacent to Rt. 60 that is labeled "Playground" on the Master Plan.

Mr. Wysong stated that he did not know but would find the answer.

Mr. Polster inquired if that parcel was subject to the same standards for buffering as the subject property.

Mr. Wysong stated that he did not have that information since his focus was on the subject property.

Mr. Polster requested that staff specify which of the requirements in the Design Guidelines apply to the town homes and which apply to the storage facility.

Ms. Leverenz noted that the document was set up to set forth the town home requirements first and the storage facility guidelines second.

Mr. Holt noted that the parcels to the east of the subject property are part of the Forest Heights redevelopment. Mr. Holt further stated that because of the existing homes, it was not possible to reestablish the 50-foot buffer.

Mr. Polster noted that if the property were developed as a playground, then there would be some buffering to make it a consistent look. Mr. Polster further stated that the question is still who is responsible for that parcel.

Mr. Holt stated that staff would find out who owns the property.

Mr. O'Connor stated that with the Forest Heights redevelopment, there was a mandatory Home Owner's Association for the new homes and for the existing homes, participation was voluntary.

Mr. Holt confirmed that there is a blended HOA as well as a blended partnership to maintain the BMP and ensure the grass is cut.

Mr. Haldeman requested that staff discuss why the applicant is not able to comply with the Mixed Use Construction Phasing Policy.

Mr. Wysong stated that he would defer to the applicant to answer that question.

Mr. O'Connor inquired about the mechanism for maintenance of the stormwater drainage facility.

Mr. Wysong stated that it would be a standard maintenance agreement with the property owner.

Mr. Schmidt requested that Mr. Hlavin explain why the applicant is able to offer cash proffers when the County is no longer accepting proffers.

Mr. Max Hlavin stated that the Board of Supervisors' resolution applies to residential rezonings after July 1, 2016. Mr. Hlavin further stated that the application before the Commission is a Master Plan and Proffer Amendment from a case that was approved prior to that date and does not trigger the requirements of the ordinance under State law.

Mr. Holt noted that common area parcels in Forest Heights, including the pocket park are owned and maintained by the County.

Mr. Haldeman called for disclosures.

Mr. Schmidt stated that he spoke with the applicant's representative.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, representing the applicants, introduced the applicants, their company and their vision for the project. Mr. Geddy further provided an overview of the project and the history of the property. Mr. Geddy noted that the Mixed Use envisioned for this project is not the traditional Mixed Use such as New Town. Mr. Geddy further

noted that the reason Mixed Use zoning was selected was to take advantage of the flexibility with setbacks so that the Forest Heights Redevelopment would be feasible. Mr. Geddy noted that the applicant has offered a proffer in a good faith effort to address phasing while leaving the project financeable and viable. Mr. Geddy stated that as a small builder, it is not feasible to obtain financing for both the townhouse and the storage facility at the same time. Mr. Geddy stated that in regard to the appearance of the self-storage units, the applicants have every reason to make them attractive since they are at the entrance to the town homes. Mr. Geddy further stated that the applicant is willing to provide elevations; however, the contract with the Salvation Army is expiring soon. Mr. Geddy noted that the positive aspects of the project far outweigh any issues.

Mr. Doug Harbin, Wayne Harbin Builder, Inc., 202 Lane Road, provided an overview of the company's participation in several of the County's rehabilitation and affordable housing projects. Mr. Harbin discussed the attributes of the project and its benefits to the County. Mr. Harbin further discussed difficulties and incongruities with adhering to the Phasing Policy. Mr. Harbin stated that the proposed Forest Heights project will fill a need in the County and requested that the Commission recommend approval.

Ms. Leverenz inquired why the parcel could not be rezoned.

Mr. Chase Grogg, LandTech Resources, Inc. 7657 Turlington Road, stated that the primary reason was that the other Mixed-Use properties would need the mix of residential and commercial uses on this property to stay in compliance with the Zoning Ordinance.

Ms. Leverenz inquired if Phase 1 of Forest Heights could be rezoned.

Mr. Geddy stated that the logistics would be difficult and in the end it would still not be viable for the same reasons that led to making it Mixed Use in the beginning.

Ms. Leverenz inquired if the storage facility would be the only commercial use on the Master Plan.

Mr. Geddy stated that it would be difficult to predict.

Ms. Leverenz noted that the only other area that could be developed would be the future development parcel and that did not seem amenable to anything other than residential.

Mr. Grogg stated that having the future development available for potential commercial development was necessary to meet the Mixed Use requirements

Mr. Schmidt inquired if the Board could set aside the 80/20 rule.

Mr. Holt stated that the 80/20 rule is set by ordinance and could not be set aside without amending the ordinance. Mr. Holt further stated that the Board could choose to waive the Phasing Policy.

Mr. Polster inquired about the reference to PUD.

Mr. Geddy stated that PUD referred to a Planned Unit Development which was a similar type of development. Mr. Geddy further stated that there was no potential to rezone to PUD or any other zoning designation.

Mr. Polster requested clarification on the proffer language for compliance with the Housing Opportunities Policy (HOP).

Mr. Geddy stated that there are three tiers and that at minimum four units would be in the two lower tiers. Mr. Geddy further stated that the remainder would at worst be in the upper tier. Mr. Geddy stated that the remainder would fall in the 31/20 range.

Mr. Polster stated that the proffer language does not make that clear.

Mr. Polster stated that the proffer states that the units will be either rental or purchase. Mr. Polster inquired what the rent would be.

Mr. Geddy stated that he did not have the figures, but it would follow the calculations set forth in the HOP.

Mr. Polster stated that he was trying to determine how many units will fall in the 40/60 and 80/20 tiers.

Mr. Geddy stated that there would be at least four units in the lower tier, four units in the middle tier, and the remainder could be in any of the three tiers.

Mr. Polster stated that this is, again, not clear in the proffer language and requested that Mr. Hlavin provide clarification.

Mr. Hlavin stated that Mr. Geddy's explanation was correct. Mr. Hlavin stated that there would be four in the first and second tiers each and that the remainder would fall between 30 and 120.

Mr. Polster inquired about the caretaker unit for the storage facility and inquired what it might look like.

Mr. Harbin stated that it would be a single story over the office and would be at the back of the unit.

Mr. Polster inquired if the caretaker unit would be shown on the elevations to be provided.

Mr. Harbin confirmed.

Mr. Haldeman inquired about the phasing of the development.

Mr. Harbin stated that the road infrastructure would come first and would be followed by work on the townhomes. Mr. Harbin further stated that when 75% of the townhomes were complete, they would begin work on the storage facility.

Mr. Haldeman inquired how many storage buildings were planned.

Mr. Harbin stated that there would be five buildings.

Mr. Haldeman inquired about the timing for the remainder of the storage buildings.

Mr. Harbin stated that he hoped that, by then, the townhomes would be generating a profit and they would be able to complete the remaining building without any delay.

Mr. Haldeman inquired when the remaining townhomes would be constructed.

Mr. Harbin stated that he hoped they would be constructed at the same time as the storage units.

Mr. O'Connor noted that staff has recommended that the buildings fronting on Richmond Road be two story. Mr. O'Connor inquired if the applicant has considered this as an option.

Mr. Holt clarified that staff has made the recommendation but is not insisting on it.

Mr. Harbin stated that they would be willing to consider it; however, they believe that the plan in mind will be attractive and provide a suitable design to face Richmond Road.

Ms. Leverenz stated that she understood that it would be difficult to finance both the townhomes and the storage facility at the same time. Ms. Leverenz inquired if it would be possible to construct the storage facility first.

Mr. Harbin stated that their preference would be not to have any commercial aspect to the project; however, it is necessary because of the zoning. Mr. Harbin stated that their focus is on the residential aspect.

Mr. Haldeman stated that he appreciated the applicant's perspective; however, it did not really answer the question. Mr. Haldeman inquired if it would be financially feasible to construct the storage unit first.

Mr. Harbin stated that it would not be feasible. Mr. Harbin stated that the housing is what would generate sufficient revenue to make the storage facility viable.

Mr. Haldeman inquired if the applicant would own the storage facility.

Mr. Harbin stated that they would like to own it.

Mr. Wayne Harbin, 4041 Coronation, addressed the Commission in support of the project and requested that the Commission approve the project.

Lieutenant Jeremy Lind, Salvation Army of Greater Williamsburg addressed the commission in support of the project Lieutenant Lind stated that the Salvation Army has found a more suitable

location for their facilities and is eager to see the property put to use. Lieutenant Lind requested that the Commission recommend approval of the project.

Mr. Gary Moore, 158 Forrest Heights Road, addressed the Commission with concerns about traffic impacts. Mr. Moore inquired if it would be possible to have an entrance off route 60 rather than funneling traffic through Forrest heights Road.

Mr. Brian Maynor, 4079 Dunbarton Circle, addressed the Commission in support of the project and requested that the Commission recommend approval of the project.

Mr. William Burcher, 4005 Coronation addressed the Commission in support of the project and requested that the Commission approve the project.

Mr. Jerry Hall, 3000 Erol's Court, addressed the Commission in support of the project.

As no one else wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Polster stated that when the proposal was initially brought forward to the DRC, he had some concerns about the commercial piece of the property and had wondered if there were an option to rezone. Mr. Polster stated that he is pleased to see that the project has progressed. Mr. Polster stated that he concurs with citizens' concerns over traffic on Forrest Heights Road and noted that it might be beneficial to restrict parking on the road.

Mr. Holt stated that Forrest Heights Road has been accepted into the VDOT Secondary Road system and as such there is no prohibition on parking on the road.

Mr. Polster stated that he would support the project with some of the stipulations that had been discussed such as providing proposed elevations and considering revisions to the project phasing.

Mr. Holt stated that staff could certainly work with the applicant regarding the design guidelines and elevations. Mr. Holt stated that staff would also look at the buffer between the neighborhoods. Mr. Holt noted that he did not believe that staff could require an alteration to the proposed phasing since the Board of Supervisors policy is fairly specific.

Mr. Polster suggested that the Commission recommend that the Board of Supervisors make an exception to the Phasing Policy.

Ms. Leverenz stated that she concurred with the stipulation for the applicant to provide design details and elevations.

Ms. Leverenz inquire if it is true that there have been no other projects that had to adhere to the Phasing Policy.

Mr... Holt stated that there were three projects proposed since the adoption of the Mixed-Use Phasing Policy. Mr. Holt stated that two of the three had no new residential construction and the Policy did not apply. Mr. Holt stated that the one where the Policy applied was the Promenade development. Mr. Holt noted that the mitigating factor in that instance was the existing shopping center.

Ms. Leverenz noted that the project also deviates from the 80/20 split.

Mr. Hot stated that the project does conform and further stated that the split is based on building square footage, not acreage.

Ms. Leverenz inquired if the square footage of the storage facility was 20% of the entire Forest Heights Master plan.

Mr. Wysong stated that the 80/20 split is looking at the acreage of the original rezoning. Mr. Wysong further stated that the portion designated future institutional use accounts for a portion of the non-residential use.

Ms. Leverenz inquired if that portion is required to be developed in order for the residential units to be built.

Mr. Wysong stated that staff has accepted that the area will be developed in the future.

Ms. Leverenz stated that she has concerns about the lack of information on several items and is not comfortable recommending approval, particularly when the project does not conform to the Phasing policy.

Mr. Schmidt stated that because of the applicant's reputation, he does not have any concerns over the phasing. Mr... Schmidt stated that he has good faith that something can be worked out with the elevations before it is heard by the Board of Supervisors. Mr. Schmidt noted that this is the third development that would impact Norge Elementary school. Mr. Schmidt stated that he would support the project.

Ms. Leverenz inquired if the Board could waive the requirement for the commercial aspect of the project.

Mr. Holt stated that the Board could waive the phasing requirements but not the requirement for commercial development without an amendment to the Zoning Ordinance.

Mr. Haldeman stated that he would support the project. Mr. Haldeman further stated that he would like to include a requirement that the applicant provide detailed elevations including colors and material to be used.

Mr. O'Connor inquired if the connectivity to the adjacent parcels is a VDOT requirement.

Mr. Holt stated that it is a VDOT requirement. Mr. Holt stated that the traffic network was taken into account with the initial Master Plan.

Mr. Haldeman noted that the road for the storage facility continues on to the townhomes and could take some of the burden off of Forest Heights Road.

Mr. Holt noted that the streets are interconnected to provide a variety of travel paths.

Mr. O'Connor stated that he has mixed feelings about the proposal because of the uniqueness of the site and the zoning requirements.

Mr. Polster made a motion to recommend approval of the application with the stipulations that: 1. staff and the applicant review the design guidelines and elevations for the storage facility, 2. that the Commission recommend that the Board set aside or modify the Phasing Policy for this project to allow economically viable development of both the residential units and the storage facility.

Mr. O'Connor inquired if the applicant would be willing to meet those conditions.

The applicant confirmed.

On a roll call vote the Commission voted to recommend approval to the Board of Supervisors subject to the noted conditions (4-1).

MASTER PLAN AMENDMENT FOR
**FOREST HEIGHTS
NEIGHBORHOOD**
JCC CASE NO.: MP-18-0004

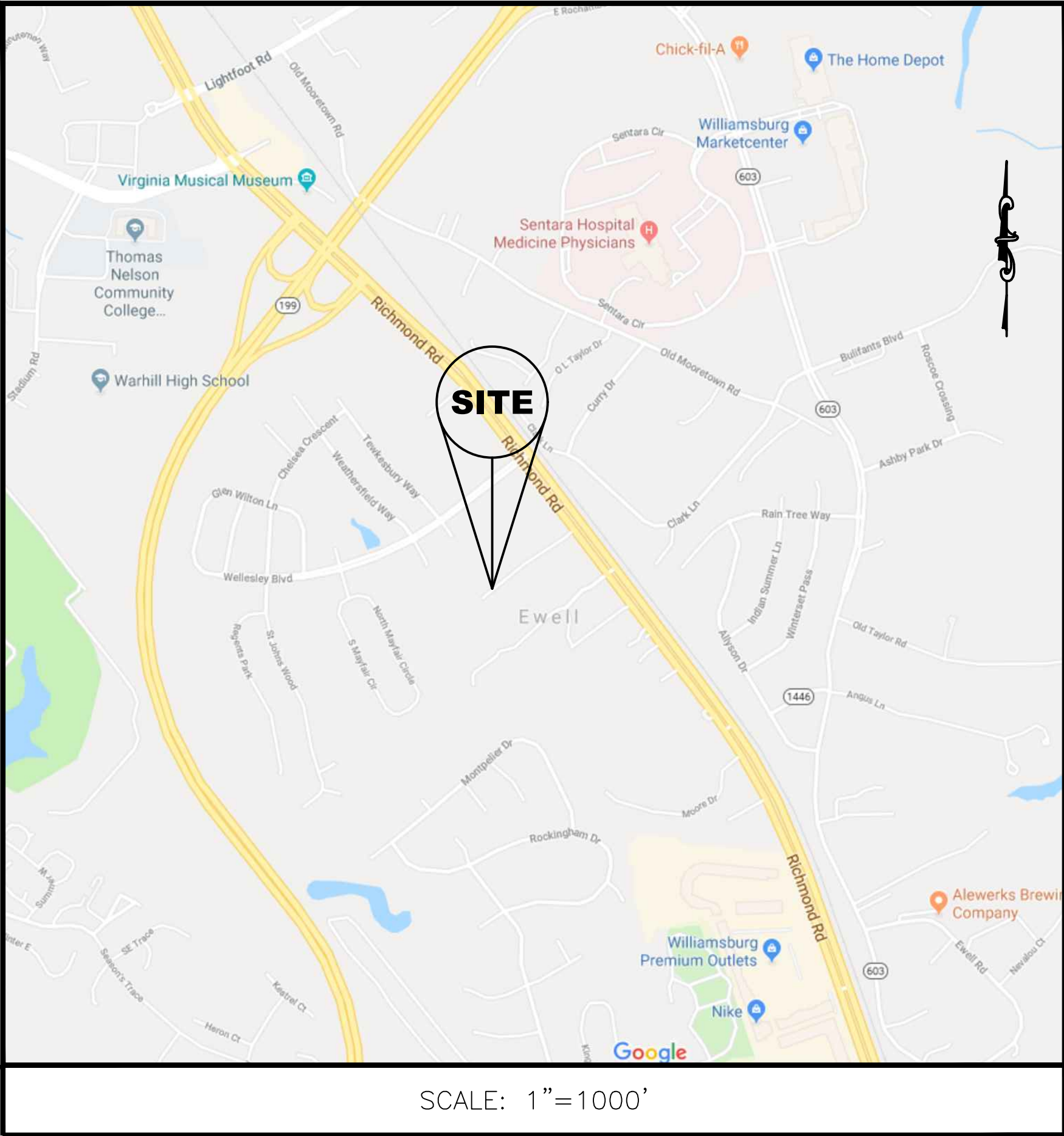
JAMES CITY COUNTY

VIRGINIA

STATISTICAL INFORMATION

PROPERTY ADDRESS	6015 RICHMOND ROAD
TAX MAP No.	3220100081
ZONING	ALL SUBJECT PROPERTIES ARE MU, MIXED USE, WITH PROFFERS.(SEE NOTE 3)
TOTAL SITE AREA	47.1± AC.
WATER	PUBLIC
SEWER	PUBLIC
HYDROLOGIC UNITS	
SUBWATERSHED	POWHATAN CREEK (JL31)
WATERSHED	JAMES RIVER-POWHATAN CREEK (JL-G)
SUBBASIN	LOWER JAMES
PARKING SPACES	
REQUIRED PARKING—MULTIFAMILY:	2.5 SPACES PER UNIT (46) 115 TOTAL SPACES
PROVIDED PARKING—MULTIFAMILY:	43 SPACES (PARKING LOTS) 1 GARAGE SPACE FOR 26 UNITS (26) 1 DRIVEWAY SPACE PER UNIT (46) 115 TOTAL SPACES
REQUIRED PARKING—MINI—STORAGE:	1 SPACE PER 100 UNITS (250 UNITS MAX) 2 SPACES PER CARETAKER RESIDENCE
PROVIDED PARKING—MINI—STORAGE:	3 SPACES FOR STORAGE UNITS 2 SPACES FOR CARETAKER 5 TOTAL SPACES

VICINITY MAP



DEVELOPER

WAYNE HARBIN BUILDER, INC.
CONTACT: DOUG HARBIN
3705 STRAWBERRY PLAINS ROAD, SUITE D
WILLIAMSBURG, VA 23188
757-220-8860

TABLE OF CONTENTS

SHEET NO.	SHEET TITLE
C0.01	COVER SHEET
C0.02	MASTER PLAN
C0.03	LAYOUT

NOTES

- 1) THIS SITE PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT.
- 2) TOPOGRAPHIC INFORMATION IS SHOWN PER JAMES CITY COUNTY GIS MAPPING AT 2' INTERVALS.
- 3) NO STRUCTURES WITHIN THE DEVELOPMENT SHALL EXCEED 60' IN HEIGHT.
- 4) FOR PROFFERS REFER TO JCC Z-0001-2011 ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 13, 2011.
- 5) LOW DENSITY RESIDENTIAL (MAJORITY) AND MODERATE DENSITY RESIDENTIAL.
- 6) IN ACCORDANCE WITH SECTION 24-519 (d) OF THE ZONING ORDINANCE MORE THAN ONE LAND USE SHALL BE USED AND NO SINGLE CASE OR USE CATEGORY SHALL EXCEED 80 PERCENT OF THE DEVELOPABLE LAND AREA WITH A MIXED USE AREA, AS DELINEATED IN THE MASTER PLAN.
- 7) ALL PARCELS SHALL BE SERVED BY PUBLIC WATER AND SEWER.
- 8) CURB AND GUTTER STREETS ARE PROPOSED.
- 9) THIS PROJECT IS LOCATED WITHIN THE POWHATAN CREEK WATERSHED.
- 10) NEW RESIDENTIAL HOMES TO BE ASSOCIATED WITH NEW H.O.A., NOT EXISTING FOREST HEIGHTS H.O.A..
- 11) DURING THE SITE PLAN PHASE OF THIS PROJECT IF THE PROPOSED AREAS SHOWN AS SWM FEATURES DO NOT MEET THE REQUIRED STORM WATER REQUIREMENTS A MULTI-FAMILY UNIT MAY BE REMOVED OR RELOCATED TO INCREASE SPACE FOR SWM.

CONSTRUCTION PHASING

- 1) SITE CLEARING AND PROPOSED EROSION SEDIMENT CONTROL MEASURES.
- 2) INSTALL PROPOSED ROAD IMPROVEMENTS TO INCLUDE STORM STRUCTURES, WATER, AND SEWER.
- 3) START CONSTRUCTION ON THE MULTI-FAMILY UNITS. WHEN 75% OF THE MULTI-FAMILY UNITS (35) HAVE RECEIVED CERTIFICATE OF OCCUPANCY AT LEAST ONE STORAGE BUILDING WILL BE UNDER CONSTRUCTION BEFORE FURTHER MULTI-FAMILY UNITS WILL BE CONSTRUCTED.
- 4) THE REMAINING MULTI-FAMILY UNITS AND STORAGE BUILDINGS WILL BE CONSTRUCTED AS DEMAND FOR EACH IS REQUIRED.

MASTER PLAN AMENDMENT FOR
**FOREST HEIGHTS
NEIGHBORHOOD**

VIRGINIA

JAMES CITY COUNTY

NO.	DATE	REVISION / COMMENT / NOTE
4	6/19/2019	REVISED PER COUNTY COMMENTS
3	5/22/2019	REVISED PER COUNTY COMMENTS
2	4/16/2019	REVISED PER COUNTY COMMENTS
1	4/3/2019	REVISED PER COUNTY COMMENTS



SCALE: N/A
DATE: 02-20-2019
JOB: 17-268
DRAWN BY: CG

C0.01
COVER SHEET

SOIL CHARACTERISTICS

SOILS TYPE	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K_w)	EROSION FACTOR (T)	WATER TABLE UPPER LIMIT (FT)
11C	CRAVEN COMPLEX	C	6-10%	0.32	5	2.0-3.0
14B	EMPORIA FINE SANDY LOAM	C	2-6%	0.24-0.28	4	3.0-4.5
15D	EMPORIA COMPLEX	C	10-15%	0.24-0.28	4	3.0-4.5
29B	SLAGLE FINE SANDY LOAM	C	2-6%	0.24-0.28	5	1.5-3.0
17	JOHNSTON COMPLEX	D	0-2%	0.17	5	0.0

PROPOSED LAND USE KEY:

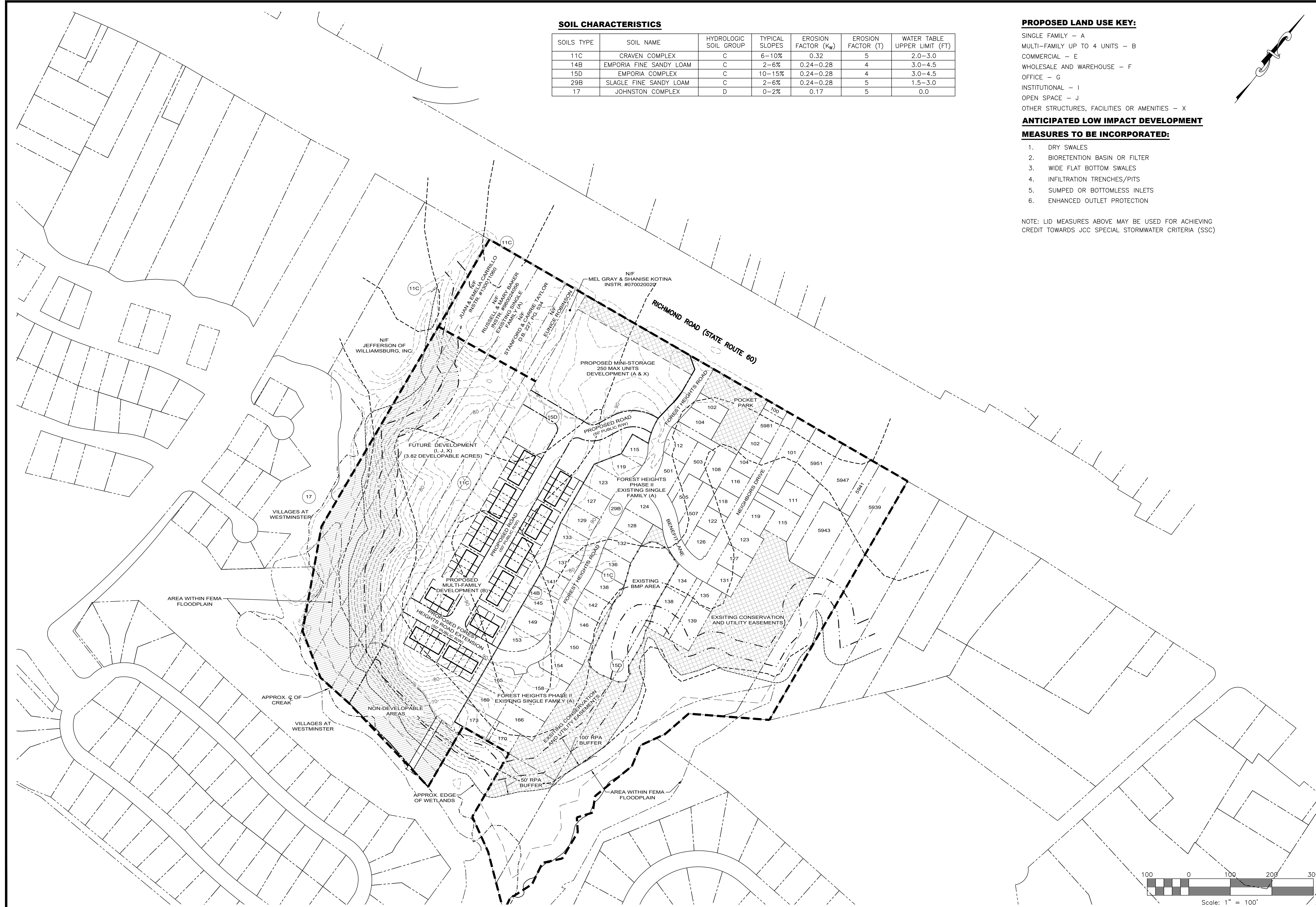
SINGLE FAMILY - A
MULTI-FAMILY UP TO 4 UNITS - B
COMMERCIAL - E
WHOLESALE AND WAREHOUSE - F
OFFICE - G
INSTITUTIONAL - I
OPEN SPACE - J
OTHER STRUCTURES, FACILITIES OR AMENITIES - X

ANTICIPATED LOW IMPACT DEVELOPMENT

MEASURES TO BE INCORPORATED:

1. DRY SWALES
2. BIORETENTION BASIN OR FILTER
3. WIDE FLAT BOTTOM SWALES
4. INFILTRATION TRENCHES/PITS
5. SUMPED OR BOTTOMLESS INLETS
6. ENHANCED OUTLET PROTECTION

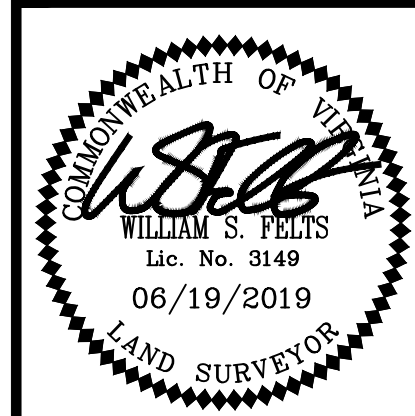
NOTE: LID MEASURES ABOVE MAY BE USED FOR ACHIEVING CREDIT TOWARDS JCC SPECIAL STORMWATER CRITERIA (SSC)



MASTER PLAN AMENDMENT FOR
FOREST HEIGHTS
NEIGHBORHOOD

JAMES CITY COUNTY VIRGINIA

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SCALE: 1" = 100'
DATE: 02-20-2019
JOB: 17-268
DRAWN BY: CG
C0.02
MASTER PLAN
02 OF 03

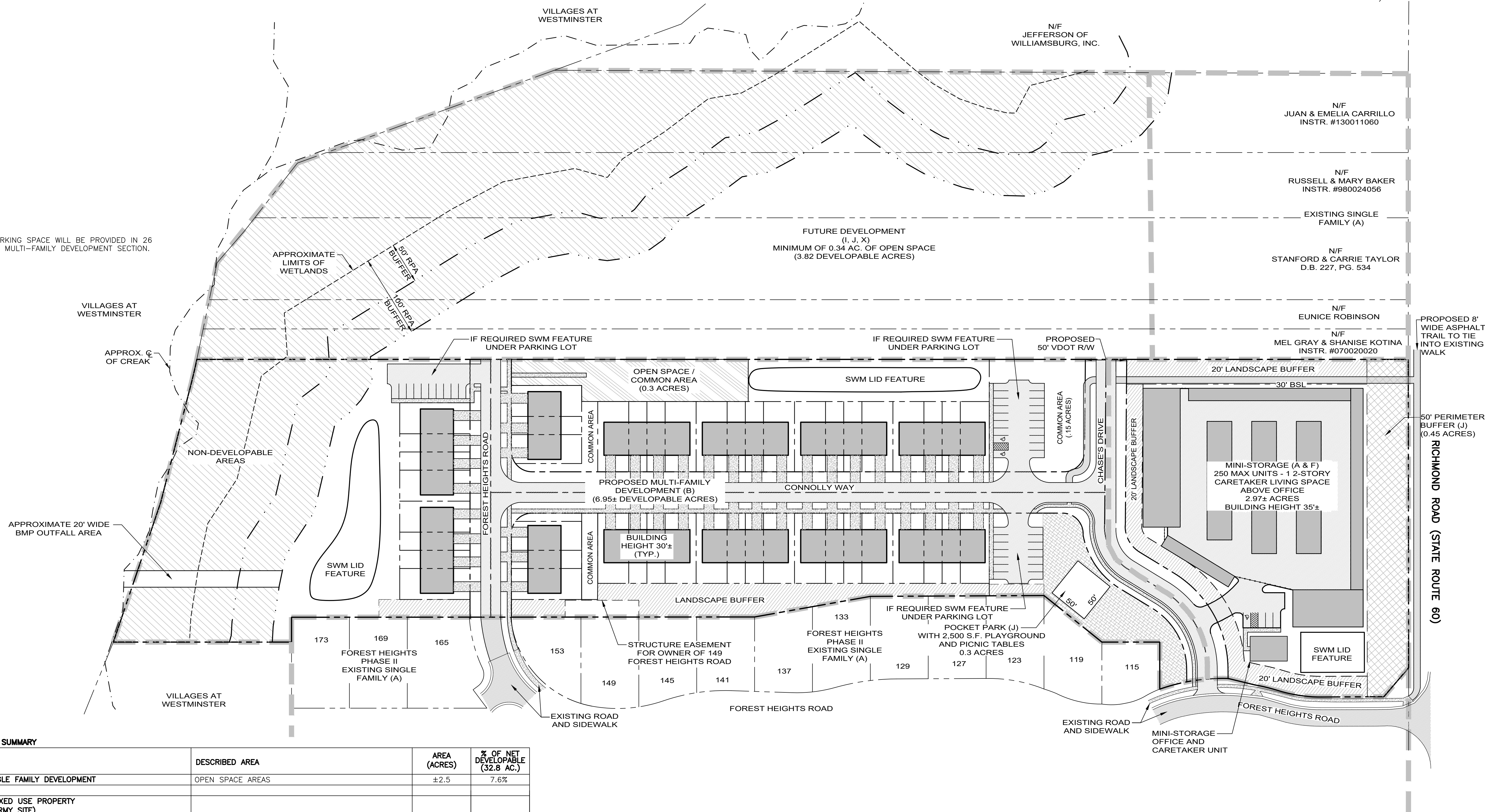
NET DEVELOPABLE AREA CALCULATION		
	ACRES	% OF NET DEVELOPABLE AREA
GROSS LAND AREA	±47.1	100.0%
AREAS SUBTRACTED		
25% SLOPES OR GREATER	±0.2	0.5%
RPA, FEMA ZONE A	±14.1	29.9%
SUBTOTAL	±14.3	30.3%
PERCENT AREA NON DEVELOPABLE (21%-40%) ADD 20% OF GROSS.	±9.4	
NET DEVELOPABLE AREA	±42.2	
DENSITY PER GROSS ACREAGE 109 DU / ±42.2 AC. = 2.58 DU/AC.		

DEVELOPABLE AREA (LAND USE BREAKDOWN FOR MIXED USED DEVELOPMENT)						
LAND USE AREA	USE DESIGNATION	GROSS AREA	PERCENT OF TOTAL SITE	TOTAL DWELLING UNITS	NON-DEVELOPABLE LAND	DENSITY PER GROSS AC. MINUS NON-DEVELOPABLE LAND
SINGLE FAMILY RESIDENTIAL	A, J	±24.93	52.9%	56	±8.33	$56 / ((24.93 - 8.33) + 4.99) = 3.37 \text{ du/AC.}$
SINGLE FAMILY RESIDENTIAL	A, J	±2.48	5.3%	5	±0.02	$5 / (2.48) = 2.02 \text{ du/AC.}$
MULTI-FAMILY DWELLING (UP TO 4 UNITS)	B, J	±8.44	17.9%	46	±1.49	$46 / (8.44) = 5.45 \text{ du/AC.}$
FUTURE DEVELOPMENT	I, J, X	±8.28	17.6%	N/A	±4.46	
MINI-STORAGE FACILITY	A, F	±2.97	6.3%	1	±0.00	$1 / 2.97 = 0.34 \text{ du/AC.}$
TOTAL SUMMARY		±47.10	100.0%	109		

ALL 46 UNITS IN THE MULTI-FAMILY SECTION WILL BE MADE AVAILABLE AT PRICES IN ACCORDANCE WITH THE JCC HOUSING OPPORTUNITIES POLICY. BY PROVIDING ALL UNITS AS AFFORDABLE, A MINIMUM OF 2 AND A MAXIMUM OF 4 DENSITY BONUS COULD BE ADDED TO THE BASED GROSS DENSITY OF 5 DU/AC.

GENERAL NOTE:

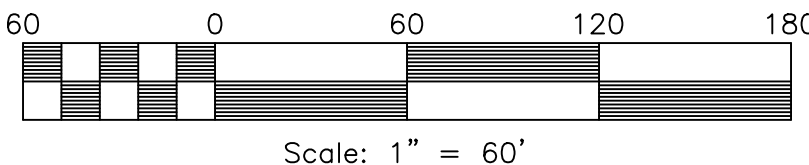
- 1 GARAGE PARKING SPACE WILL BE PROVIDED IN 26 UNITS IN THE MULTI-FAMILY DEVELOPMENT SECTION.



OPEN SPACE SUMMARY

	DESCRIBED AREA	AREA (ACRES)	% OF NET DEVELOPABLE (32.8 AC.)
EXISTING SINGLE FAMILY DEVELOPMENT	OPEN SPACE AREAS	±2.5	7.6%
REMAINING MIXED USE PROPERTY (SALVATION ARMY SITE)			
MULTI-FAMILY RESIDENTIAL AND MINI-STORAGE DEVELOPMENT	OPEN SPACE AREAS	±1.38	4.2%
TOTAL		±3.88	11.8%

THE EXISTING 2.5 ACRES OF OPEN SPACE LISTED WITHIN THE EXISTING SINGLE FAMILY DEVELOPMENT IS MADE UP OF THE EXISTING PARK AND AREAS WITHIN THE NATURAL OPEN SPACE EASEMENT THAT LIES WITHIN AREAS OF DEVELOPABLE LANDS; THE EXACT LOCATION OF FUTURE OPEN SPACE AREAS WITHIN THE COMMERCIAL / INSTITUTIONAL DEVELOPMENT HAVE NOT BEEN DETERMINED.

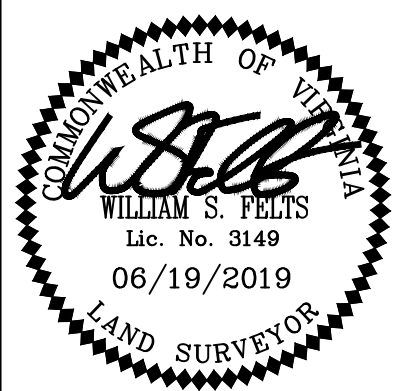


MASTER PLAN AMENDMENT FOR
FOREST HEIGHTS
NEIGHBORHOOD

VIRGINIA

JAMES CITY COUNTY

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SCALE: 1" = 60'

DATE: 02-20-2019

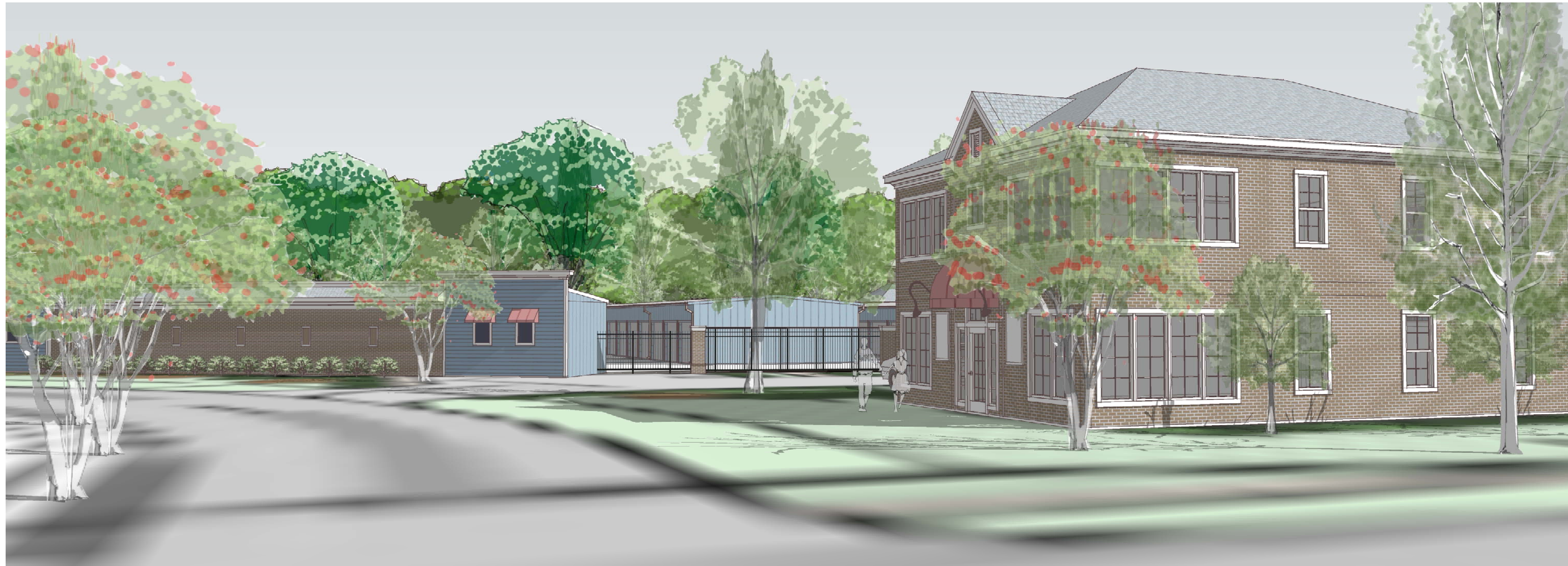
JOB: 17-268

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C0.03

LAYOUT

03 of 03



PERSPECTIVE FROM FOREST HEIGHTS ROAD



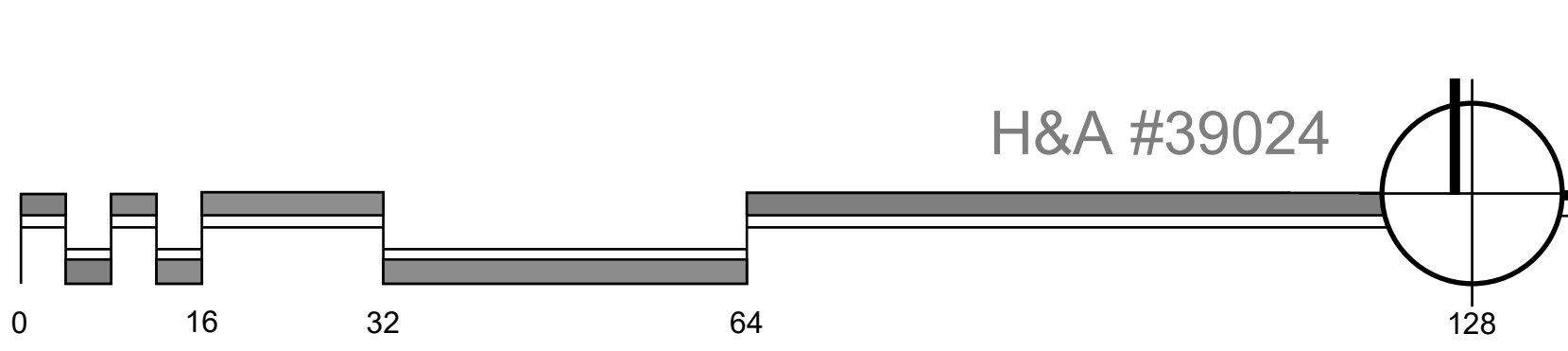
PERSPECTIVE FROM RICHMOND ROAD



PERSPECTIVE FROM POCKET PARK



ELEVATION FACING RICHMOND ROAD



CONCEPTUAL ELEVATIONS for
FOREST HEIGHTS SELF STORAGE FACILITY
 JAMES CITY COUNTY, VIRGINIA

21 MAY 2019

	HOPKE & ASSOCIATES ARCHITECTURE PLANNING INTERIORS
	1156 JAMESTOWN ROAD, SUITE C WILLIAMSBURG, VIRGINIA 23185
	757-229-1100 www.hopke.com

Forest Heights Design Guidelines

May 22, 2019

TOWNHOMES AT FOREST HEIGHTS

EXTERIOR

DESIGN CONSIDERATIONS, SPECIFICATIONS AND FEATURES

1. Foundations

- a. Raised slab and slab-on-grade
- b. All sides must be parged or painted

2. Exterior Walls

- a. Preferred Siding Materials
 - i. Vinyl siding: .042 gauge minimum thickness
 - ii. Possibly brick or stone accents

3. Ceiling Framing

- a. First floor 9' ceiling height, Second floor 8' ceiling height

4. Roofing

- a. Shingles Dimensional/Architectural, Fungus/Algae Resistant with a minimum 25-year warranty
- b. Shingle colors uniform throughout Townhome project

5. Gutters and Downspouts

- a. Gutters and downspouts with splash blocks or corrugated plastic pipes buried

6. Windows

- a. Windows with screens; if single-hung, may be factory applied half-screen.
- b. Tilt-sash
- c. Low-E, thermal insulated.
- d. Muntins/Grilles between glass.
- e. Raised panel window shutters vinyl - per plan

7. Entrances and Exterior Detail

- a. No unpainted columns or railings visible on the front of the house
- b. Prefinished aluminum cladding on all exterior wood trim - white
- c. Vinyl attic vents and soffits - if required
- d. Raised panel entrance door
- e. Dead bolt lock(s)

8. Paint – Front doors colors similar to Sherwin Williams Heritage Colors

9. Garage Doors - On some units - White

10. Walks and Driveways

- a. Concrete walkway from steps to driveway, as appropriate (3' width)
- b. Concrete driveways broomed gray finish

Sherwin Williams proudly presents Heritage Colors™—40 historic Nineteenth Century hues that capture the grace and elegance of another era. Heritage Colors have been authenticated by Dr. Roger Moss, and documented in his book, *Century of Color: Exterior Decoration for American Buildings, 1820-1920*.

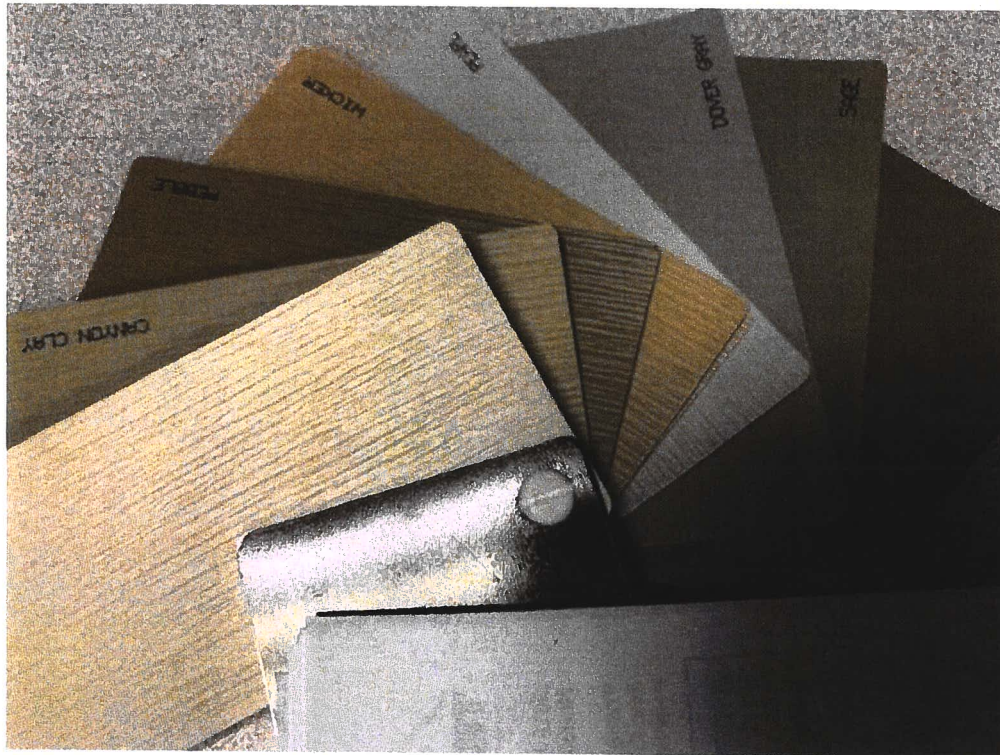
Restore classic beauty to your Traditional or Victorian styled home with a selection from this distinguished collection — the best of America's past. Heritage Colors are available in:
 • SUPERPAINT™ Exterior Latex House & Trim Paint... The best paint ever made by Sherwin Williams
 • SWP® Gloss House & Trim Paint (Oil Base)



HERITAGE COLORS™ 1820-1920

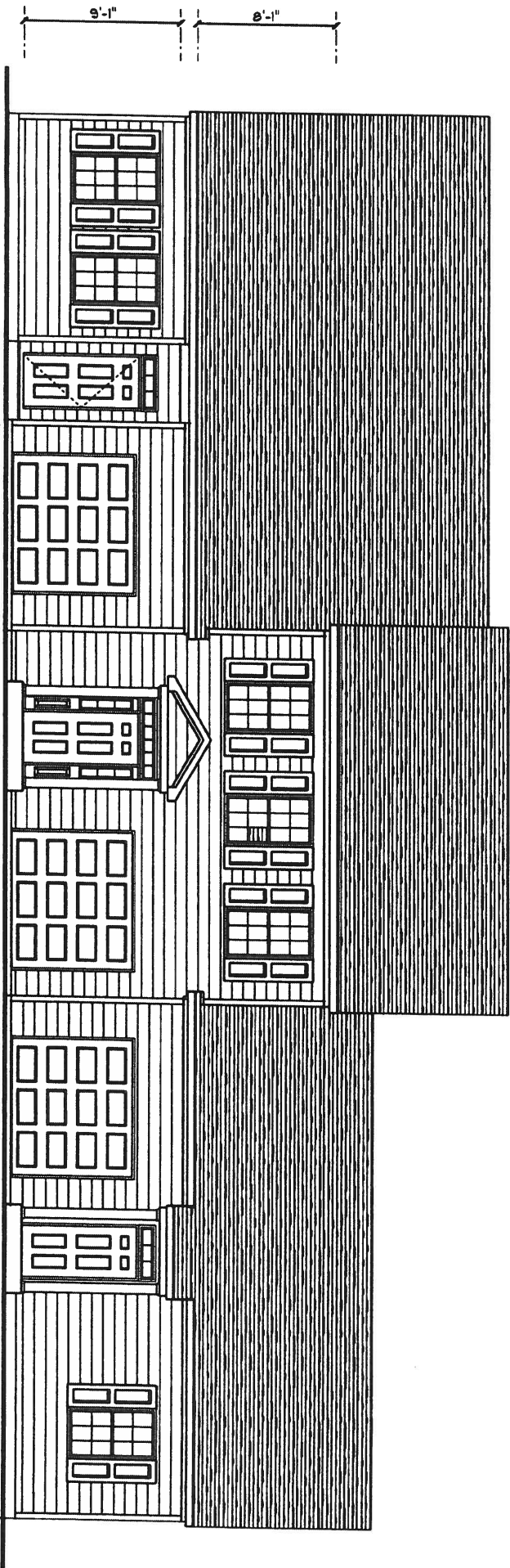


Suggested Front Door Colors



Suggested Siding Colors

Townhomes At Forest Heights

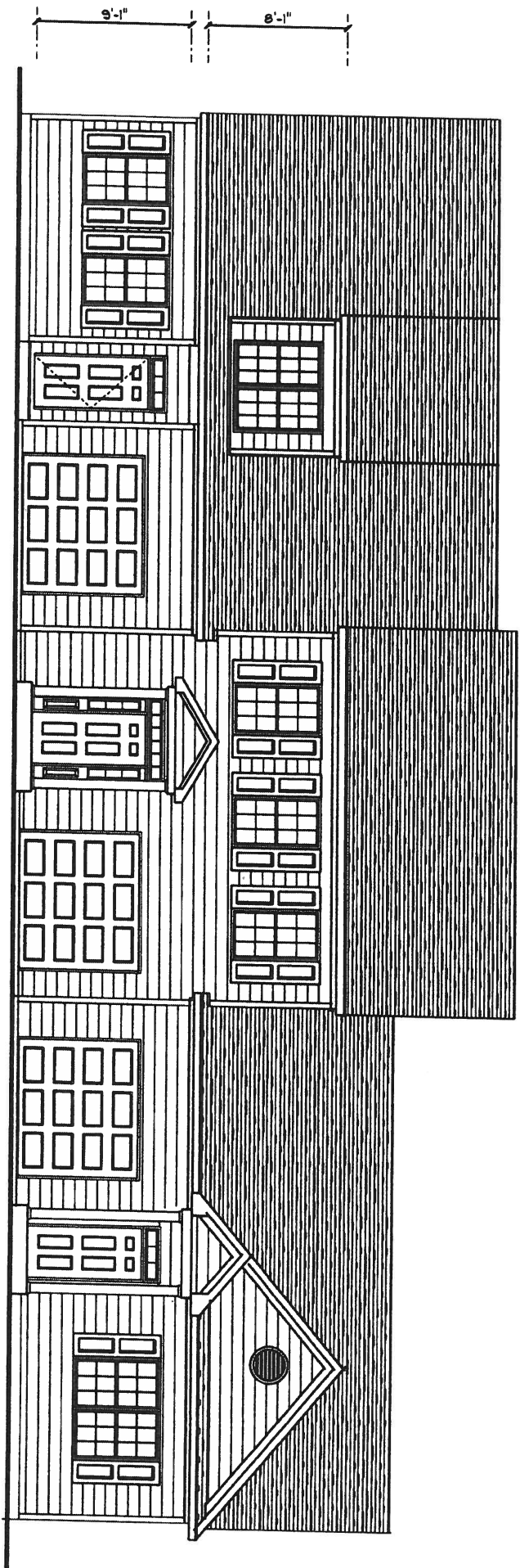


DOGWOOD MODEL

CREPE MYRTLE MODEL

MAGNOLIA MODEL

PROPOSED FRONT ELEVATION

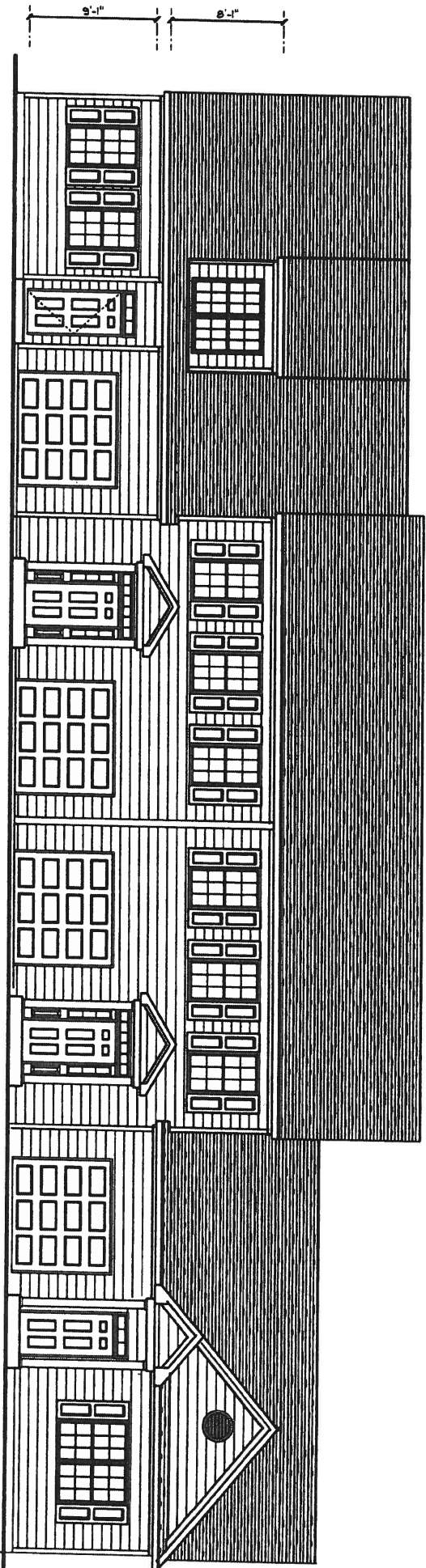


DOGWOOD MODEL

CREPE MYRTLE MODEL

MAGNOLIA MODEL

PROPOSED FRONT ELEVATION - 3 UNIT BUILDING



PROPOSED FRONT ELEVATION - 4 UNIT BUILDING

STORAGE UNITS AT FOREST HEIGHTS

EXTERIOR

Architectural Guidelines

- The architecture, scale, materials, spacing, and colors of this continuous exterior facade ringing the perimeter shall complement the historic character of the area.
- The siding for the primary exterior of the façade ringing the perimeter, as well as any storage unit end visible from any right-of-way, shall consist of brick interspersed with a lap (horizontal) configuration, smooth or rough-sawn finish (no faux-wood grain) and shall be of Hardie-Plank equivalent or better material. CMU and/or metal shall not be permissible.
- The office/residential caretaker unit shall have a brick exterior.
- Fencing shall consist of brick columns with iron.
- Enhanced planting shall be utilized along Richmond Road to provide tiered covering and break up the visibility of the brick portions of the exterior façade.



LANDTECH RESOURCES, INC.

Community Impact Study

For

Forest Heights Master Plan and Proffer Amendment

James City County, Virginia

Preparation Date:

February 20, 2019

Revised:

April 24, 2019

LRI Project No. 17-268

ENGINEERING AND SURVEYING CONSULTANTS

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Project Overview and Existing Conditions

Project Site Information

Project/Site Name: Forest Heights Master Plan and Proffer Amendment

Project Street/Location: 6015 Richmond Road

City/County: Williamsburg **State:** Virginia **ZIP Code:** 23188

Municipality: James City County

Map #: 32220100081

Private / Public / Federal / State: Private

Residential / Commercial / Industrial / Other (specify): Residential/Commercial

County (or City) Site Plan Number (if applicable): MP-18-0004 / Z-0001-2011

Total Site Area: 47.1 Acres

i) Project Narrative and Description

In 2011 the Forest Heights Master plan was approved by the James City County Board of supervisors. The project consisted of rezoning 47.1 Acres to Mixed Use (MU) as well as the realignment and new construction of Forest Heights Road, Benefit Lane, and Neighbors Drive. To the north west of Forest Heights Road the previously submitted Traffic Study in the Community Impact Study dated July 14, 2011 and received by the county in August of 2011 proposed the development of a Salvation Army, 12 Single Family Detached Homes, 24 Townhome Units and 26 Apartments. Select pages from the previously submitted Community Impact Study have been provided in Appendix E. Those improvements were never developed triggering this master plan and proffer amendment for any new development on the 11.4 Ac. lot owned by the Salvation Army.

The master plan and proffer amendment focuses only on the proposed development at 6015 Richmond Road which consists of 11.4 Ac. out of the entire 47.1 Ac in the original master plan. The proposed development consists of the construction of a new road to connect to both the front and end of Forest Heights Road, 12 Multi-Family buildings consisting of 46 units, and a 250 max unit Mini-Storage Facility. The multi-family units will have three parking lots available for additional parking above the driveway and garage parking. All 46 multi-family units will meet the requirements for the James City County Housing Opportunities Policy. At least of four (4) dwelling units will be offered to households earning 30%-60% of Area Mean Income. At least of four (4) dwelling units will be offered to households earning 60%-80% of Area Mean Income. All remaining dwelling units will be provided will be offered to households earning 30%-120% of Area Mean Income.

ii) Project Construction Phasing

Due to the existing master plan improvements having not been built out to meet the requirements of Section 24-515(2) of the county ordinance, the below construction phasing is proposed.

1. Site clearing and proposed erosion sediment control measures
2. Install proposed road improvements to include storm structures, water, and sewer.
3. Start construction on the Multi-Family units. When 75% of the Multi-Family units (35) have received Certificate of Occupancy at least one storage building will be under construction before further Multi-Family units will be constructed.
4. The remaining Multi-Family units and storage buildings will be constructed as demand for each is required.

iii) Analysis of Existing Public Facilities and Services

- a) Using the James City County Fiscal Impact Analysis Worksheet it is expected that the proposed development would generate 7.82 students. The estimate was determined by only using the multifamily line item as the mini-storage will not generate any students. In the draft copy of the Williamsburg James City County School Board 2020 capital improvement project budget there are multiple school expansions proposed. The budget proposes the construction of a new elementary school along with the expansion of the three existing high schools. In the fall of 2018 WJCC opened a new middle school to help with the growing James City County community. The already in place improvements as well as the proposed will alleviate any burden of new students created by this development.

School	School Children*
Norge Elementary	+/- 3
Hornsby Middle School	+/- 2
Warhill High School	+/- 3
	Total: 8

- Numbers are rounded up

- b) The proposed development will be served by an existing James City Service Authority 12” water main located along Richmond Road and be connected to an existing JCSA 8” waterline stubbed out at the end of Forest Heights Road. The demand from the new development will generate an additional 14,620 gallons per day. This equates to 10.20 gpm average demand, 17.33 gpm max. day demand, and 40.78 gpm peak hour demand. Water demand calculations have been provided in Appendix A.
- c) Wastewater generated by the proposed development will be tied into an existing 12” sewer lateral and flow to an existing JCSA Lift Station (6-2). From the lift station the waste water is pumped through an existing 8” force main to an existing 24” HRSD force main located in the Richmond Road median. An additional 14,620 gallons per day of wastewater will be generated and flow into JCSA Lift Station 6-2. The peak flow from the improvements will be 25.51 GPM. Through an initial meeting with JCSA it was determined that Lift Station 6-2 will have the adequate capacity to service the additional flow. Wastewater generation calculations have been provided in Appendix B.
- d) The project site is in a very central location within James City County that allows for multiple fire stations to be in proximity as well as Sentara Williamsburg Regional Medical Center. James City County currently has 5 fire stations that cover both emergency medical services and fire protection. JCC station #4 is located the closest on Olde Towne Road and is approximately 2.1 mi. from the development. The county also has a mutual aid agreement with York County and the City of Williamsburg. With station #4 having a

response time of 4 minutes and three other stations within a 10-minute response time there is adequate county EMS protection for the development.

- e) Dominion Power provides electrical service for this area of James City County. All new utilities will be placed underground per JCC requirements.
- f) Solid waste pickup will be provided by private contracts by each individual home. The solid waste haulers will work to ensure waste is picked up and disposed of in accordance with local health standards.
- g) Per the James City County Recreational Facility Development Guidelines the entire master planned area of 47.1 Acres was recommended to have the following amenities:
 - 1 Sport Court or Pool
 - 1 Field
 - 1 pocket park at a minimum of 0.3 Acres.
 - 1 Playground
 - 8' wide trail that is a minimum of 0.4 miles long.

Based on the available 11.4 Acre area of this proposed Master Plan Amendment the following items have been provided. One pocket park to include a 2,500 S.F. playground, and 0.14 miles of an 8' wide multi use path. There is also additional common area that will remain open to allow for gathering areas. In lieu of the construction of a Sport Court or Pool and Field, due to the size of the site, cash proffers have been offered.

- h) Per section 24-520 of the James City County Zoning Ordinance there will be 1 Ac. of open space provided on the 11.4 Ac. parcel. The requirement will be met through a pocket park at 0.3 Ac., Open Space and Common area totaling 0.55 Ac., 50' Perimeter Buffer totaling 0.45 Acres and the 8' wide multiuse path at 0.08 Ac.. These areas will be spread throughout the development to allow for space between the different Mixed Use areas.

iv) Analysis of Stormwater Management

Stormwater for the site will be treated with two onsite stormwater management facilities. The square footage for these facilities was determined by VRRM compliance spreadsheet and provided in Appendix C. Final stormwater layout and design will be provided with submittal of site plan documents.

v) Environmental Constraints Analysis

(1) Hydraulic Features:

- (a) Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers:
 - The centerline of the existing stream is shown on the master plan.
- (b) Name of watershed in which the project is located:
 - The project is located in the Powhatan Creek and Lower James River watersheds

- (c) Approximate location of tidal and non-tidal wetlands (e.g. sinkholes, wetland, springs, seeps, etc);
 - Approximate edge of wetlands are shown on the master plan
- (d) Approximate location of perennial and intermittent streams;
 - Perennial and intermittent streams exist along the northern, western, and southern boundaries of the property per AES community impact study completed July 14, 2011
- (e) Description of receiving streams:
 - The site will flow into a flat bottom at the western part of the site. This channel flows into the Longhill Swamp and ultimately the Powhatan Creek.
- (f) Floodplain:
 - The floodplain has been shown on the master plan per FEMA community panel #51095C0128D 12/16/2015

(2) Physical Features

- (a) Approximate location of steep slopes greater than 25 percent:
 - 0.2 Ac. of steep slopes exist on site.
- (b) Soil types:
 - The different soil types located on the site are shown on sheet 2 of the master plan.
- (c) Soils erodibility based on the County Soils survey:
 - A table is provided on sheet 2 of the master plan and includes the soils erodibility factor
- (d) Area of forest, woodland cover and wildlife corridors:
 - The entire 11.4 Ac. site is wooded.
- (e) Pre-development topography based on County GIS
 - County contours are provided on sheet 2 of the master plan for 6015 Richmond Road

(3) Prohibited or Restricted Development Areas:

- (a) Location of required buffers and existing conservation easements:
 - 100' and 50' buffers as well as existing natural open space easements are shown on the master plan
- (b) Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy
 - Per the Community Impact Study completed by AES consulting Engineers on July 14, 2011 there is not a concern of the development impacting any rare, threatened or endangered species.
- (c) Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance
 - No clearing will be done in the RPA besides what is required to outfall stormwater at the toe of slope as well as tie into the existing 12" JCSA gravity sewer line.
- (d) Preliminary location of Resources Protection Areas and legal wetlands:

- RPA as well as the edge of wetlands is shown on the proposed master plan.

(4) Existing and Proposed Changes to the Site:

- (a) The nature of existing and approved but not yet built development on the site:
 - The site was previously approved for a Salvation Army, 12 Single Family homes, 24 Townhome Units and 26 Apartments. The site remains wooded and undisturbed as none of those improvements or their infrastructure was installed.
- (b) Location of Surrounding properties and neighborhoods:
 - The property is surrounded by Richmond Rd. to the north east, single family lots to the south and north, as well as Scotts Pond and Villages at Westminster Homeowners common area to the south and west.
- (c) Proposed limit of disturbance and a disturbance area estimate:
 - The proposed limits of disturbance for the 11.4 Ac. parcel will be roughly 9.9 Ac.
- (d) Calculation of existing and proposed pervious and impervious areas
 - The existing lot is wooded which roughly 1.5 Ac. will remain wooded, 5.1 Ac. will be managed turf, and 4.39 Ac. will be impervious cover.
- (e) If used, description of Better Site Design or Low Impact Development techniques (e.g. pervious pavement, walks, infiltration areas, etc.):
 - The proposed stormwater management facilities are bioretention ponds that will infiltrate stormwater and treat the pollutant loads.
- (f) Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced:
 - Impervious cover was reduced to the minimum amount to allow for development as well as connectivity in a mixed-use development. Open areas and landscape areas will be utilized to divide the different proposed improvements.

vi) Traffic Impact Analysis (Provided by DRW Consultants, LLC)

Attached in Appendix D is the traffic impact study completed by DRW Consultants, LLC. The study shows that the original traffic impacts from this section of the Master Plan, and what is proposed in this Master Plan Amendment are equal or less. Both AM peak hour and daily trips are below what was previously planned, and PM peak hour trips remain the same. The previous traffic study required a right turn taper and no improvements to the median in Route 60. Though there was no requirement for improvement in the median, the work was still completed. With this amendment not increasing any trips to the site as well as the additional work being completed in the median, no additional traffic improvements are proposed.

Appendix A

Water Demand Calculations



Forest Heights Master Plan Amendment
James City County, Virginia
Water Demand
LRI Job #17-268
4/2/2019

Existing Water Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.77	23.41	55.08
					Total Daily Demand = 19,840 GPD			
					Average Demand = 13.77 GPM			
					Maximum Day Demand = 23.41 GPM			
					Peak Hour Demand = 55.08 GPM			

Proposed Water Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Multi-Family	Residential	310 (GPD/Unit)	24	46	14,260	9.90	16.83	39.61
Mini-Storage Caretaker	Residential	310 (GPD/Unit)	24	1	310	0.22	0.37	0.86
Mini-Storage Office	Commercial	0.1 (GPD/SF)	12	500	50	0.07	0.12	0.28
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.78	23.42	55.11
					Total Daily Demand = 34,460 GPD			
					Average Demand = 23.97 GPM			
					Maximum Day Demand = 40.74 GPM			
					Peak Hour Demand = 95.86 GPM			

Additional Demands Created by Project

Daily 14,620 GPD
Average 10.20 GPM
Max Day 17.33 GPM
Peak Hr. 40.78 GPM

Appendix B

Wastewater Generation Calculations



Forest Heights Master Plan Amendement
James City County, Virginia
Wastewater Generation
LRI Job #17-268
4/2/2019

Existing Wastewater Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.77	2.5	34.43
					Total Daily Flow = 19,840 GPD			
					Total Avg. Daily Flow (ADF) = 13.77 GPM			
					Total Peak Flow = 34.43 GPM			
					Total Avg. Daily Flow (ADF) = 13.77 GPM			
					Minimum Flow (ADF / 2)= 6.89 GPM			

Proposed Wastewater Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Multi-Family	Residential	310 (GPD/Unit)	24	46	14,260	9.9	2.5	24.75
Mini-Storage Caretaker	Residential	310 (GPD/Unit)	24	1	310	0.22	2.5	0.55
Mini-Storage Office	Commercial	0.1 (GPD/SF)	12	500	50	0.07	3	0.21
Ex. Single Family	Residential	310 (GPD/Unit)	24	64 Lots	19,840	13.77	2.5	34.43
					Total Daily Flow =34,460 GPD			
					Total Avg. Daily Flow (ADF) = 23.96 GPM			
					Total Peak Flow = 59.94 GPM			
					Minimum Flow (ADF / 2)= 11.98 GPM			

Addotinal Flows Created by Project

Daily Flow - 14,620 GPD

Peak Flow - 25.51 GPM

Appendix C

VRRM Spreadsheets

Drainage Area A

CLEAR BMP AREAS

Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)					0.00	0.00
Managed Turf (acres)		2.37	1.05	1.76	5.18	0.22
Impervious Cover (acres)		2.10	0.88	1.41	4.39	0.95
Total					9.57	

Total Phosphorus Available for Removal in D.A. A (lb/yr)	12.12
Post Development Treatment Volume in D.A. A (ft³)	19,295

Stormwater Best Management Practices (RR = Runoff Reduction)

--Select from dropdown lists--

Practice	Runoff Reduction Credit (%)	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	Volume from Upstream Practice (ft³)	Runoff Reduction (ft³)	Remaining Runoff Volume (ft³)	Total BMP Treatment Volume (ft³)	Phosphorus Removal Efficiency (%)	Phosphorus Load from Upstream Practices (lb)	Untreated Phosphorus Load to Practice (lb)	Phosphorus Removed By Practice (lb)	Remaining Phosphorus Load (lb)	Downstream Practice to be Employed
1. Vegetated Roof (RR)													
1.a. Vegetated Roof #1 (Spec #5)	45				0	0	0	0		0.00	0.00	0.00	
1.b. Vegetated Roof #2 (Spec #5)	60				0	0	0	0		0.00	0.00	0.00	

2. Rooftop Disconnection (RR)													
2.a. Simple Disconnection to A/B Soils (Spec #1)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.b. Simple Disconnection to C/D Soils (Spec #1)	25			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.c. To Soil Amended Filter Path as per specifications (existing C/D soils) (Spec #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.d. To Dry Well or French Drain #1, Micro-Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.e. To Dry Well or French Drain #2, Micro-Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.f. To Rain Garden #1, Micro-Bioretenction #1 (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.g. To Rain Garden #2, Micro-Bioretenction #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
2.h. To Rainwater Harvesting (Spec #6)	0			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.i. To Stormwater Planter, Urban Bioretenction (Spec #9, Appendix A)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

3. Permeable Pavement (RR)													
3.a. Permeable Pavement #1 (Spec #7)	45			0	0	0	0	25	0.00	0.00	0.00	0.00	
3.b. Permeable Pavement #2 (Spec #7)	75				0	0	0	25		0.00	0.00	0.00	

4. Grass Channel (RR)													
4.a. Grass Channel A/B Soils (Spec #3)	20			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.b. Grass Channel C/D Soils (Spec #3)	10			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.c. Grass Channel with Compost Amended Soils as per specs (see Spec #4)	30			0	0	0	0	15	0.00	0.00	0.00	0.00	

5. Dry Swale (RR)													
5.a. Dry Swale #1 (Spec #10)	40			0	0	0	0	20	0.00	0.00	0.00	0.00	
5.b. Dry Swale #2 (Spec #10)	60			0	0	0	0	40	0.00	0.00	0.00	0.00	

6. Bioretenction (RR)													
6.a. Bioretenction #1 or Micro-Bioretenction #1 or Urban Bioretenction (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

Nitrogen Removal Efficiency (%)	Nitrogen Load from Upstream Practices (lbs)	Untreated Nitrogen Load to Practice (lbs)	Nitrogen Removed By Practice (lbs)	Remaining Nitrogen Load (lbs)
1. Vegetated Roof (RR)				
0		0.00	0.00	0.00
0		0.00	0.00	0.00

2. Rooftop Disconnection (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
60	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00

3. Permeable Pavement (RR)				
25	0.00	0.00	0.00	0.00
25		0.00	0.00	0.00

4. Grass Channel (RR)				
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00

5. Dry Swale (RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00

6. Bioretenction (RR)				
40	0.00	0.00	0.00	0.00

6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	80	5.18	4.39	0	15,436	3,859	19,295	50	0.00	12.11	10.90	1.21	
7. Infiltration (RR)													
7.a. Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
7.b. Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
8. Extended Detention Pond (RR)													
8.a. ED #1 (Spec #15)	0			0	0	0	0	15	0.00	0.00	0.00	0.00	
8.b. ED #2 (Spec #15)	15			0	0	0	0	15	0.00	0.00	0.00	0.00	
9. Sheetflow to Filter/Open Space (RR)													
9.a. Sheetflow to Conservation Area, A/B Soils (Spec #2)	75			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.b. Sheetflow to Conservation Area, C/D Soils (Spec #2)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.c. Sheetflow to Vegetated Filter Strip, A Soils or Compost Amended B/C/D Soils (Spec #2 & #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	

TOTAL IMPERVIOUS COVER TREATED (ac)	4.39	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	5.18	AREA CHECK: OK.
TOTAL RUNOFF REDUCTION IN D.A. A (ft³)	15,436	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)	12.12	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	10.90	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	1.22	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS		

60	0.00	86.63	79.70	6.93
7. Infiltration (RR)				
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
8. Extended Detention Pond (RR)				
10	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00
9. Sheetflow to Filter/Open Space (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL RUNOFF REDUCTION IN D.A. A (ft³)	15,436
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	79.70
SEE WATER QUALITY COMPLIANCE TAB FOR SITE CALCULATIONS (Information Only)	

10. Wet Swale (no RR)													
10.a. Wet Swale #1 (Spec #11)	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
10.b. Wet Swale #2 (Spec #11)	0			0	0	0	0	40	0.00	0.00	0.00	0.00	
11. Filtering Practices (no RR)													
11.a. Filtering Practice #1 (Spec #12)	0			0	0	0	0	60	0.00	0.00	0.00	0.00	
11.b. Filtering Practice #2 (Spec #12)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	
12. Constructed Wetland (no RR)													
12.a. Constructed Wetland #1 (Spec #13)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
12.b. Constructed Wetland #2 (Spec #13)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13. Wet Ponds (no RR)													
13.a. Wet Pond #1 (Spec #14)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
13.b. Wet Pond #1 (Coastal Plain) (Spec #14)	0			0	0	0	0	45	0.00	0.00	0.00	0.00	
13.c. Wet Pond #2 (Spec #14)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13.d. Wet Pond #2 (Coastal Plain) (Spec #14)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	

10. Wet Swale (Coastal Plain) (no RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00
11. Filtering Practices (no RR)				
30	0.00	0.00	0.00	0.00
45	0.00	0.00	0.00	0.00
12. Constructed Wetland (no RR)				
25	0.00	0.00	0.00	0.00
55	0.00	0.00	0.00	0.00
13. Wet Ponds (no RR)				
30	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
30	0.00	0.00	0.00	0.00

14. Manufactured Treatment Devices (no RR)													
14.a. Manufactured Treatment Device-Hydrodynamic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.b. Manufactured Treatment Device-Filtering	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.c. Manufactured Treatment Device-Generic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	

14. Manufactured BMP (no RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL IMPERVIOUS COVER TREATED (ac)		4.39	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)		5.18	AREA CHECK: OK.
TOTAL PHOSPHORUS REMOVAL REQUIRED ON SITE (lb/yr)		8.20	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)		12.12	
TOTAL PHOSPHORUS REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		10.90	
TOTAL PHOSPHORUS LOAD REDUCTION ACHIEVED IN D.A. A (lb/yr)		10.90	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING BMP LOAD REDUCTIONS IN D.A. A (lb/yr)		1.22	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS			
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		79.70	
NITROGEN REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00	
TOTAL NITROGEN REMOVED IN D.A. A (lb/yr)		79.70	

Appendix D

Traffic Impact Study



TO: Chase Grogg
FROM: Dexter Williams
SUBJECT: Trip Generation Comparison For Blocks 4, 5, 6, 7 Of Forest Heights
DATE: April 17, 2019

Enclosed Exhibit B shows the areas involved with this trip generation analysis:

1. Existing Master Plan Blocks 4, 6, and 7 are outlined in red.
2. Existing Master Plan Block 5 is outlined in blue.
3. Proposed development area is outlined in green.
4. Remaining area of Blocks 4, 5, 6 and 7 outlined in grey.

Enclosed Exhibit A shows trip generation for Blocks 4, 5, 6 and 7 of Forest Heights as follows:

- Table 1: Proposed Development Trip Generation (green boundary). 46 multi-family low rise units, 225 mini-warehouse units with one caretaker residence.
- Table 2: Remainder Blocks 4, 5, 6, and 7 Trip Generation (grey boundary). Mini-Warehouse 350 units. Based on 70 units per acre and 5 developable acres provided by you.
- Table 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development. Total of Tables 1 and 2.
- Table 4: AES Blocks 4, 5, 6, and 7 Original Trip Generation. Provided by you from original Forest Heights development plan.

Proposed development peak hour traffic is is substantially less than the original trip generation for both peak hours and for daily traffic.

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

TABLE 1: Proposed Development Trip Generation

eq.-adj. st.	Mini-Warehouse	151	225 units	1	0	1	2	3	5	38
rate-adj. st.	Single-Family	210	1 units	0	1	1	1	0	1	9
eq.-adj. st.	Multifamily Low Rise	220	46 units	5	18	23	19	11	30	307
			Total	6	19	25	22	14	36	354

TABLE 2: Remainder Blocks 4, 5, 6, 7 Trip Generation

eq.-adj. st.	Mini-Warehouse	151	350 units	2	1	3	3	4	7	62
--------------	----------------	-----	-----------	---	---	---	---	---	---	----

TABLE 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development

				8	20	28	25	18	43	416
--	--	--	--	---	----	----	----	----	----	-----

TABLE 4: AES Blocks 4, 5, 6 and 7 Original Trip Generation

4	Salvation Army	30,000 sq. ft.		49			49		686
5	Future SF Detached	12 lots		9			12		115
6	Future Townhomes	24 units		11			12		145
7	Future Sal Va Army Apts	26 apts		13			16		175
				82			89		1121

Trip generation rates from [Trip Generation Manual, 10th Edition](#) (TGM10) by the Institute of Transportation Engineers (ITE)

FOREST HEIGHTS TRIP GENERATION COMPARISON
04-17-19

DRW Consultants, LLC
804-794-7312

Exhibit A

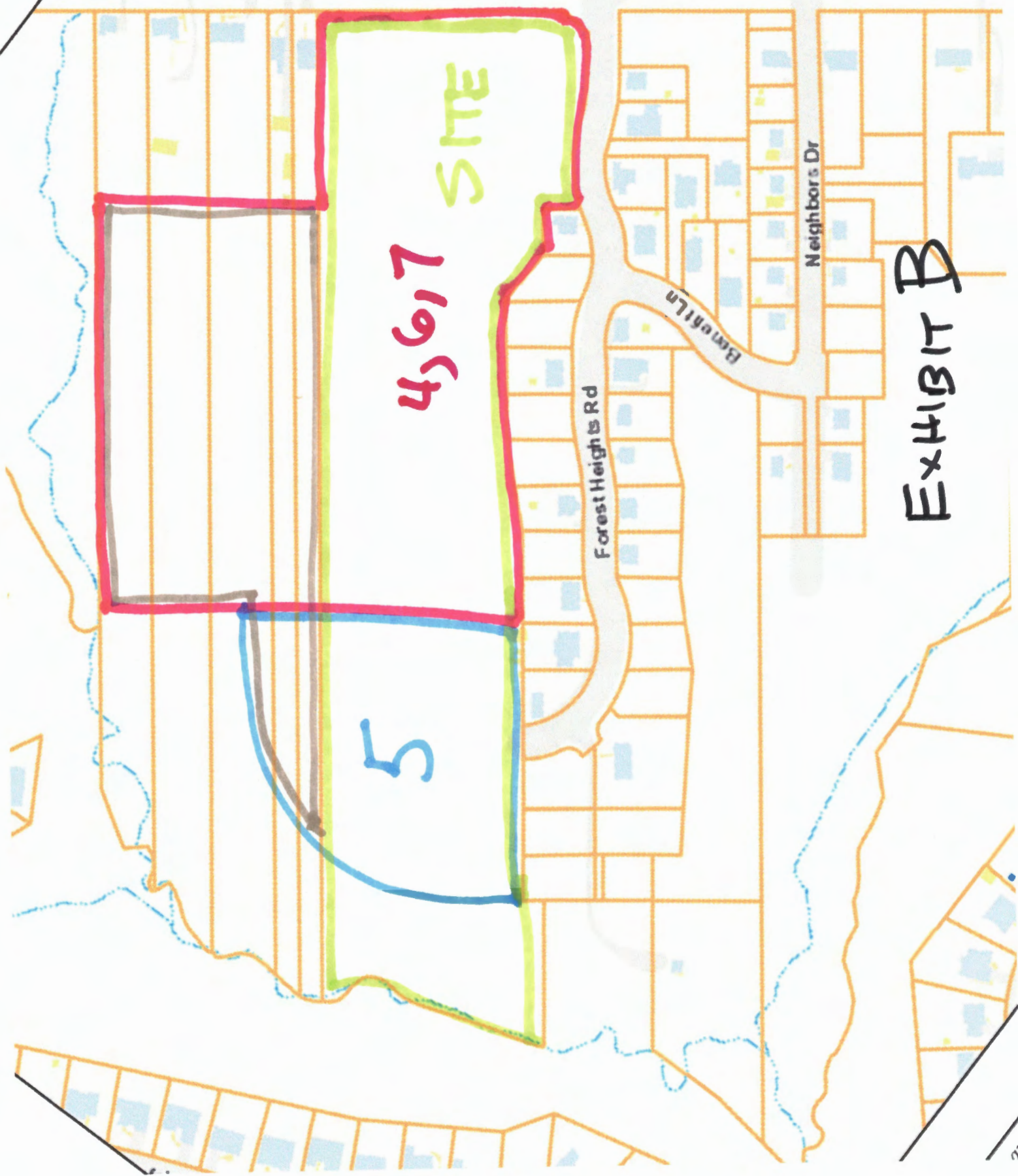


EXHIBIT B

Appendix D
Traffic Study From Original
Master Plan Submission

Community Impact Study

*Rezoning of
Forest Heights Road / Neighbors
Drive / Richmond Road Areas*

for

**James City County
Department of Community Services
Office of Housing and Community
Development**



April 1, 2011
Revised July 14, 2011

Prepared By



5248 Olde Towne Road, Suite 1
Williamsburg, VA 23188
Ph: (757) 253-0040 Fax: (757) 220-8994
<http://www.aesva.com>

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03



2/25/2011 by: ABS
Revised: March 22, 2011

No. Generator	Landuse	Units	PM Pk VPH	AM Pk VPH	Avg VPD
1 Neighbors Dr.	210	21 Lots	21	16	201
2 Neighbors Cross-Thru	210	3 Lots	3	2	29
3 Forest Heights Rd	210	31 Lots	31	23	297
4 Salvation Army	495	30 KSF	49	49	686
5 Future SF Detached Lots	210	12 Lots	12	9	115
6 Future Townhomes	230	24 Units	12	11	141
7 Future Salvation Army Apts	220	26 Apts	16	13	175
8 Ex. Richmond Rd Homes	210	6 Lots	6	5	57

Minimum Condition (includes Nos. 1, 2, 3, 4, 8 above)

Total Peak PM Trips: 110 VPH
Total Peak AM Trips: 95 VPH
Total Daily Trips: 1,270 VPD

Maximum Condition (includes Nos. 1, 2, 3, 4, 6, 7, 8 above)

Total Peak PM Trips: 138 VPH
Total Peak AM Trips: 119 VPH
Total Daily Trips: 1,586 VPD

Additional Trips (over Ex.)

76 VPH
73 VPH
1,002 VPD

Determine which peak hour controls entry movements (for turn lane analysis)

No. Generator	PM Pk VPD	PM Enter	AM Pk VPH	AM Enter
1 Neighbors Dr.	21	13	16	4
2 Neighbors Cross-Thru	3	2	2	1
3 Forest Heights Rd	31	20	23	6
4 Salvation Army	49	14	49	30
5 Future SF Detached Lots	12	8	9	2
6 Future Townhomes	12	8	11	2
7 Future Salvation Army Apts	16	10	13	3
8 Ex. Richmond Rd Homes	0	0	0	0

<- Have separate entry from Rt 60

Minimum Condition (includes Nos. 1, 2, 3, 4, 8 above)

Total Peak PM Entry Trips: 49 VPH
Total Peak AM Entry Trips: 41 VPH

=> PM Entry Trips Control

Maximum Condition (includes Nos. 1, 2, 3, 4, 6, 7, 8 above)

Total Peak PM Trips: 67 VPH
Total Peak AM Trips: 46 VPH

=> PM Entry Trips Control

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03



2/25/2011 by: ABS

Revised: March 22, 2011

Calculate total peak turn lane motions:

Minimum Condition

No. Generator	Total Entering	Left Turn Entering	% RT Neighbors*	RT Enter Neighbors	RT Enter Forest Heights
1 Neighbors Dr.	13	7	100%	7	0
2 Neighbors Cross-Thru	2	1	50%	1	1
3 Forest Heights Rd	20	10	0%	0	10
4 Salvation Army	14	7	0%	0	7
Total	49	25		8	18

Total Entry is assumed to be split 50/50 from East 60 and West 60

Left Turn Entering = 50% of Total from Williamsburg

% RT Neighbors = Percentage of entry trips from Lightfoot that turns into Neighbors Dr; others turn at Forest Heights

Approach Traffic:

PHVapp = AADT x K x Dir. Factor =

590 VPH

USE DRW Peak Hr Counts =

931 VPH

Warrants:

LT = 25 VPH

Vo = 931 VPH

Per Fig 3-3 of VDOT Road Design Manual

Does not meet warrant for left turn lane for 4-lane divided highway
BUT CLOSE

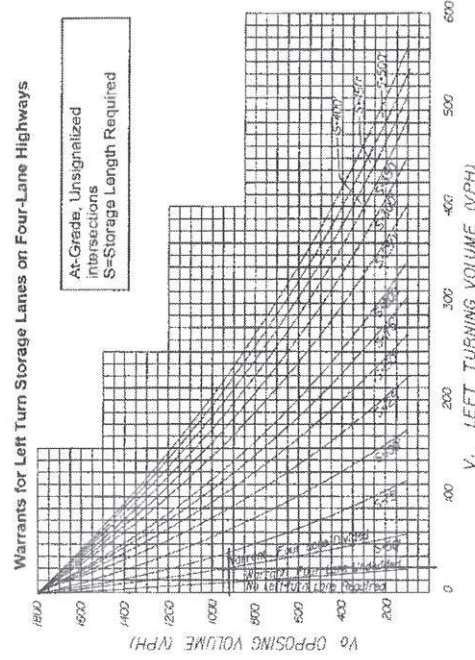


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

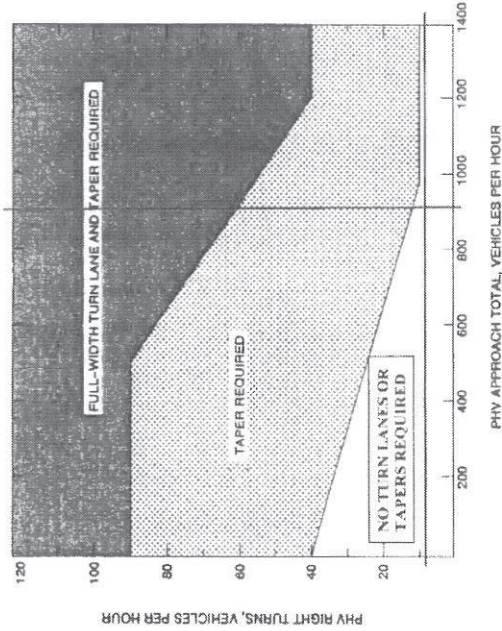
Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03

Neighbors Drive



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$
 K = the percent of AADT occurring in the peak hour
 D = the percent of traffic in the peak direction of flow
 Note: An average of 11% for $K \times D$ will suffice.

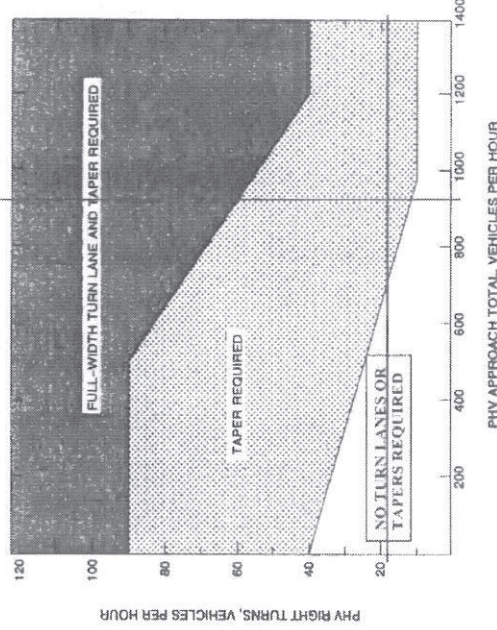
FIGURE 3-27 GUIDELINES FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

RT = 8 VPH
 PHV = 931 VPH

Per Fig 3-27 of VDOT Road Design Manual

Does not meet warrant for right turn lane or taper

Forest Heights Road



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$
 K = the percent of AADT occurring in the peak hour
 D = the percent of traffic in the peak direction of flow
 Note: An average of 11% for $K \times D$ will suffice.

FIGURE 3-27 GUIDELINES FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

RT = 18 VPH
 PHV = 931 VPH

Per Fig 3-27 of VDOT Road Design Manual

Meets warrant for right taper

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning
AES Project No. W10119-E-03



2/25/2011 by: ABS
Revised: March 22, 2011

Maximum Condition

No. Generator	Total Entering	Left Turn Entering	% RT Neighbors*	RT Enter Neighbors	RT Enter Forest Heights
1 Neighbors Dr.	13	7	100%	7	0
2 Neighbors Cross-Thru	2	1	50%	1	1
3 Forest Heights Rd	20	10	0%	0	10
4 Salvation Army	14	7	0%	0	7
6 Future Townhomes	8	4	0%	0	4
7 Future Salvation Army Apts	10	5	0%	0	5
Total	67	34		8	27

Total Entry is assumed to be split 50/50 from East 60 and West 60

Left Turn Entering = 50% of Total from Williamsburg

% RT Neighbors = Percentage of entry trips from Lightfoot that turns into Neighbors Dr; others turn at Forest Heights

Approach Traffic:

PHVapp = AADT x K x Dir. Factor = 590 VPH

USE DRW Peak Hr Counts = 931 VPH

Warrants:

LT = 34 VPH
Vo = 931 VPH

Per Fig 3-3 of VDOT Road Design Manual

Meets warrant for left turn lane with 50' Storage
for 4-lane divided highway

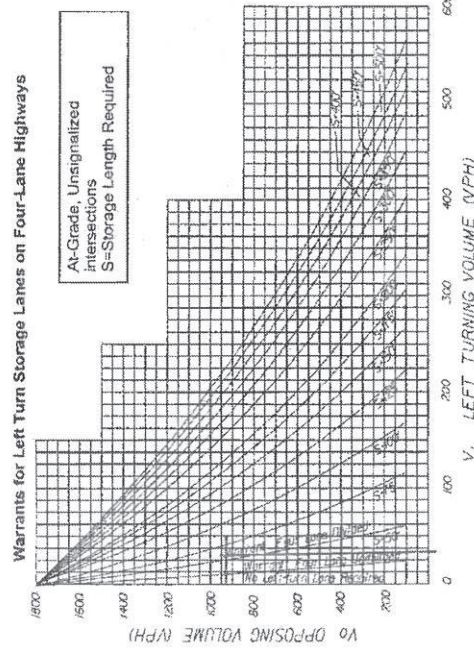


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

Version 2018
(Last updated 9/18/2018)



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@jamestownva.gov

- 1a) PROPOSAL NAME: Forrest Heights Neighborhood
- 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	0	Apartment	
Townhome/Condominium/Single-Family	47	Manufactured Home	
Total Dwelling Units	47		

Are any units affordable? Yes ☐ No ☐ (If yes, how many?) 46

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	0	0.4	0
Townhome/Condo/Attached		0.17	7.99
Apartment		0.31	0
Manufactured Home		0.46	0
Total			7.99

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
	\$8,762.38	\$1,948.32	\$10,710.70	\$ 85,578.49

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
47	2.45	115.15

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
210.7	\$680.24	\$ 78,329.64

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
\$ 85,578.49	\$ 78,329.64	\$ 163,908.13

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		\$	\$
Townhome/Condo/Multi-family	47	\$ 229,044.47	\$ 10,765,090
Total:		N/A	\$ 10,765,090

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
\$ 10,765,090	.0084	\$ 90,426.76

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
\$ 90,426.76	0.15	\$ 13,564.01

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
\$ 90,426.76	.09	\$ 8,138.41

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)	\$0

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
	\$0	.0084	\$0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	\$ 112,129.18
----------------------------	---------------

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Ex	Total Residential Revenues	Total Residential Fiscal Impact
\$163,908.13	\$112,129.18	\$(51,778.95)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? 4 (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
\$1 2,575,600	0.00468	\$ 12,053.81

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
Storage facility up to 225 units (35,000 sf) 6015 Richmond Road	\$ 2,575,600
Total:	\$ 2,575,600

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
\$ 2,575,600	.0084	\$ 21,635.04

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
Storage Facility	\$10,000	0.01	\$100
	\$	0.01	\$

		0.01	
Total:		N/A	\$ 100

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	\$

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.

Tax Type	Projected Gross Sales	Sales Tax Rates	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.

3h) TOTAL BUSINESS LICENSES FEES PAID. Estimate each business element's total gross sales. Multiply each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
	Retail Services		0.0020	
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$

3i) TOTAL COMMERCIAL AND INDUSTRIAL REVENUES. *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$ 21,735.04
---	---------------------

3j) COMMERCIAL FISCAL IMPACT. *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial	Total Commercial Revenues	Total Commercial Fiscal Impact
\$12,053.81	\$21,735.04	\$ 9,681.23

3k) TOTAL PROPOSED FISCAL IMPACT. *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
\$(51,778.95)	\$9,681.23	\$ \$(42,097.72)

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	0	Apartment	0
Townhome/Condominium/Single-Family Attached	0	Manufactured Home	0
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	0.4	0
Townhome/Condo/Attached	0	0.17	0
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	0	N/A	0

- 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	\$10,710.70	\$0

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	2.45	0

- 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	\$680.24	\$0

- 4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$ 0	\$ 0	\$ 0

Residential Revenues

- 4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <http://property.jccgov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
6015 Richmond Road	\$ 287,700.00
	\$
	\$
Total:	\$ 287,700.00

- 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
\$287,000.00	.0084	\$ 2,416.68

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
\$2,416.68	0.15	\$ 362.50

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
2,416..68	.09	\$ 217.50

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$ 2,996.68
---	-------------

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact
\$0	\$2,996.68	\$ \$2,996.68

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
\$(51,778.95)	\$2,996.68	\$ (48,782.27)

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? __
(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	0.00468	\$0

Current Commercial Revenues

- 5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at <http://property.jccgov.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
		.0084	
		.0084	
Total:			\$

- 5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business	Personal Property Tax 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	

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$0
-----------------------------------	-----

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
\$0	\$0	\$0

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
\$ 9,681.23	\$0	\$9,681.23

5k) FINAL FISCAL IMPACT. Find the net result of the final commercial fiscal impact from (5i) and the final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
\$(48,782.27)	\$9,681.23	\$ (39,101.04)

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.

Total Units Proposed: 47

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	0					
Total Res Exp	\$ 163,908.13	\$ 163,908.13	\$ 163,908.13	\$ 163,908.13	\$ 163,908.13	\$ 163,908.13
Per Unit Exp	\$ 3,487.41	\$ 3,487.41	\$ 3,487.41	\$ 3,487.41	\$ 3,487.41	\$ 3,487.41
Total Res Exp	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Res Rev	\$ 112,129.18	\$ 112,129.18	\$ 112,129.18	\$ 112,129.18	\$ 112,129.18	\$ 112,129.18
Per Unit Rev	\$ 2,385.73	\$ 2,385.73	\$ 2,385.73	\$ 2,385.73	\$ 2,385.73	\$ 2,385.73
Total Res Rev	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Per Unit Impact	\$ 1,101.68	\$ 1,101.68	\$ 1,101.68	\$ 1,101.68	\$ 1,101.68	\$ 1,101.68
Res Impact	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Total New Businesses: 1

	Year 1	Year 2	Buildout
Bus Built	0.5	0.51	
Bus Exp	\$ 12,053.81	\$ 12,053.81	
Per Bus Exp	\$ 12,053.81	\$ 12,053.81	
Year Bus Exp	\$ 6,026.90	\$ 6,026.90	
Bus Rev	\$ 21,735.04	\$ 21,735.04	
Per Bus Rev	\$ 10,867.52	\$ 10,867.52	
Bus Impact	\$ 4,840.62	\$ 4,840.62	

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Res Impact	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bus Impact	\$ 4,840.62	\$ 9,681.23	\$ 9,681.23	\$ 9,681.23	\$ 9,681.23	\$ 9,681.23
Final Impact	\$ 4,840.62	\$ 9,681.23	\$ 9,681.23	\$ 9,681.23	\$ 9,681.23	\$ 9,681.23

Business FTE Jobs Generated Average Payroll

1 1 1 \$40,000.00

2 \$-

3 \$-

4 \$-

5 \$-

6 \$-

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 to determine individual business expenses. Under that method businesses are collectively responsible for impact related to the commercial property valuation.

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 nonbudget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the state, remain uncounted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses and tourist cabins.

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 and 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 the 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 an aggregate property assessment value of \$12,893,394,900 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$1,631,761,400. Dividing the commercial value by the total value shows that commercial and industrial properties compose 13% of the total property tax base and are responsible for 13% of County non-school expenses. This results in residential development being responsible for Schools impacts and 87% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 13% of the tax base, businesses contribute 13% for all County non-school expenses. As 87% of the tax base, residents contribute 87% 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.

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 School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and state contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses	5490*
Percentage of Property Tax Assessments	13%**

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

Proffer – Proffers 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 employs a demographic multiplier. The 5-year averages from the American Community Survey from the U.S. Census Bureau is utilized to develop accurate estimates of the demographics based on each household.

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.



TO: Chase Grogg
FROM: Dexter Williams
SUBJECT: Trip Generation Comparison For Blocks 4, 5, 6, 7 Of Forest Heights
DATE: March 31, 2019

Enclosed Exhibit B shows the areas involved with this trip generation analysis:

1. Existing Master Plan Blocks 4, 6, and 7 are outlined in red.
2. Existing Master Plan Block 5 is outlined in blue.
3. Proposed development area is outlined in green.
4. Remaining area of Blocks 4, 5, 6 and 7 outlined in grey.

Enclosed Exhibit A shows trip generation for Blocks 4, 5, 6 and 7 of Forest Heights as follows:

- Table 1: Proposed Development Trip Generation (green boundary). 46 multi-family low rise units and 6,000 square foot commercial building.
- Table 2: Remainder Blocks 4, 5, 6, and 7 Trip Generation (grey boundary). Mini-Warehouse 350 units. Based on 70 units per acre and 5 developable acres provided by you.
- Table 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development. Total of Tables 1 and 2.
- Table 4: AES Blocks 4, 5, 6, and 7 Original Trip Generation. Provided by you from original Forest Heights development plan.

Proposed development peak hour traffic is is substantially less than the original trip generation for both peak hours and for daily traffic.

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

TABLE 1: Proposed Development Trip Generation

eq.-adj. st.	Mini-Warehouse	151	225 units	1	0	1	2	3	5	38
eq.-adj. st.	Multifamily Low Rise	220	46 units	5	18	23	19	11	30	307
	Total			6	18	24	21	14	35	345

TABLE 2: Remainder Blocks 4, 5, 6, 7 Trip Generation

eq.-adj. st.	Mini-Warehouse	151	350 units	2	1	3	3	4	7	62
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TABLE 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development

				8	19	27	24	18	42	407
--	--	--	--	---	----	----	----	----	----	-----

TABLE 4: AES Blocks 4, 5, 6 and 7 Original Trip Generation

4	Salvation Army	30,000 sq. ft.		49			49		686
5	Future SF Detached	12 lots		9			12		115
6	Future Townhomes	24 units		11			12		145
7	Future Sal Va Army Apts	26 apts		13			16		175
				82			89		1121

Trip generation rates from Trip Generation Manual, 10th Edition (TGM10) by the Institute of Transportation Engineers (ITE)

FOREST HEIGHTS TRIP GENERATION COMPARISON
03-14-19

DRW Consultants, LLC
804-794-7312

Exhibit A

4,617

SITE

5

Forest Heights Rd

Henrietta Ln

Neighbors Dr

EXHIBIT B

PROFFERS

THESE PROFFERS are made this 22nd day of August 2011 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County"), and THE SALVATION ARMY, (together with its successors and assigns, the "Salvation Army" and together with the County, the "Owners").

RECITALS

- A. The County is the owner of eleven (11) certain parcels of land located in James City County, Virginia, described on the attached Exhibit A (the "County Property").
- B. The Salvation Army is the owner of one (1) certain parcel of land located in James City County, Virginia, described on the attached Exhibit B (the "Salvation Army Property").
- C. The County has applied to rezone the County Property on the attached Exhibit A from R-2, General Residential District to MU, Mixed Use District, with proffers.
- D. By resolution dated July 12, 2011, the County's Board of Supervisors initiated rezoning of the Salvation Army Property and an additional fifty-two (52) certain parcels, as described on the attached Exhibit C, from R-2 to MU, with proffers.
- E. The County has submitted a master plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas," prepared by AES Consulting Engineers dated 4/1/11 (the "Master Plan") in accordance with the County Zoning Ordinance.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the County and the Salvation Army agree that they shall meet and comply with the applicable following conditions. If the requested rezoning is not granted by the Board of Supervisors, these Proffers shall be null and void.

PROFFERS

PART A. The following proffers shall apply to the County Property only:

1. Water Conservation/Sustainable Building. For all County-owned and/or developed parcels, water conservation measures will be implemented to reduce the water usage in the home and to heat that water more efficiently. Such water conservation measures shall apply to

County-owned lots and to rehabilitations on County Property and include: conducting water leakage tests to ensure there are no bulk water leaks inside of the structure, replacement of old toilets and old showerheads in pre-existing bathrooms with new fixtures that meet the National Energy Policy Act standards for low flow, installation of high efficiency water heaters that meet Energy Star standards, and insulation of the first few feet of hot and cold water lines to reduce conductive losses and wasted water. Proof of EarthCraft Single Family Renovation certification, or equivalent documentation, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.

2. Affordable and Workforce Housing. A minimum of four (4) parcels shall be sold to Peninsula Habitat for Humanity ("Habitat") on which Habitat will construct dwellings for low and moderate income households who qualify for Habitat's homeownership program. In addition, a minimum of two (2) dwelling units shall be reserved and offered to a buyer at or below the Virginia Housing Development Authority income limits. The Planning Director shall be provided with a copy of the settlement statement for the sale of each of the six (6) units.
3. Owners Association. The County shall establish an owners' association (the "Association") in accordance with Virginia law, which all current property owners on Forest Heights Road and Neighbors Drive may voluntarily join, and all purchasers of County-owned and developed lots shall be required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and approved by the County Attorney prior to issuance of any building permit for a County-owned or developed lot. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of dedicated open space and common areas.

PART B. The following proffer shall apply to the Salvation Army Property only:

4. Salvation Army Building Elevation. The Salvation Army shall submit the final architectural design of the Salvation Army building for the Planning Director's review and approval prior to any final development plan approval. Such review shall ensure that the design, materials and colors of the building are reasonably consistent with the architectural elevations prepared by Guernsey Tingle Architects and submitted as a part of the rezoning application.

PART C. The following proffers shall apply to both the County Property and the Salvation Army Property:

5. Archaeology. Phase 1 Archaeological Study(ies) for the area recommended for Phase I archaeological testing as shown in Figure 5 of the Phase 1A Cultural Resources Assessment shall be submitted to the Planning Director for review and approval. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study

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

6. Shared maintenance agreement for the stormwater facilities. Owners agree to develop and execute a Shared Maintenance Agreement (the "Agreement") prior to issuance of any building permit on the Salvation Army Property. The Agreement shall provide for routine and non-routine maintenance of the stormwater basin to be located on the Property currently known as 6001 Richmond Road. Said Agreement shall provide that routine maintenance, including mowing the grass, removing the trash, tree removal, and animal control shall be performed by the County. Non-routine maintenance, including but not limited to, dredging of the pond, structural repairs to the dam and spillways, replacing pipes, and emergency repairs, shall be performed by the County or its Agents as needed. The costs of said routine and non-routine shall be borne in proportion to the amount of total drainage each Owner contributes to the pond.
7. Water Conservation. Owners shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority prior to any final development plan approval(s). The standards shall address such water conservation measures as prohibitions on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Robert C. Middaugh, County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2011 by Robert C. Middaugh

Notary Public

My Commission expires: _____

Registration No. _____

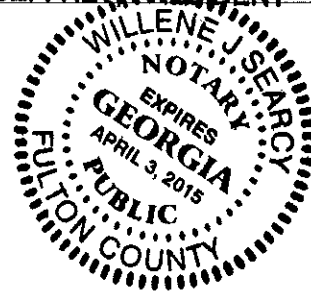
THE SALVATION ARMY A GEORGIA CORP.

BY: _____

Its: DAVID E. JEFFREY, PRESIDENT

STATE OF _____

City/County of Fulton, to wit:



The foregoing Proffers were acknowledged before me this 22nd day of August, 2011, by DAVID E. JEFFREY, PRESIDENT.

Willene J. Searcy
Notary Public WILLENE J. SEARCY

My Commission expires: April 3rd 2015

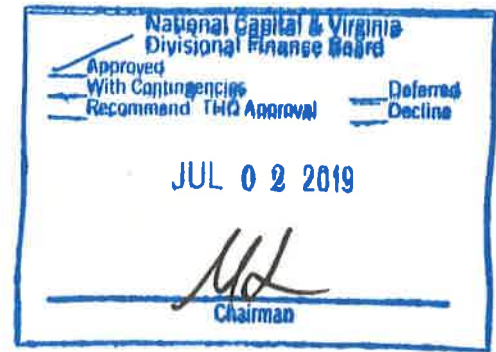
Registration No. 0001615232



Salvation Army Corps Facility

Williamsburg, Virginia

Prepared by:
Vernon M. Geddy, III, Esquire (VSB #21902)
GEDDY, HARRIS, FRANCK & HICKMAN, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185



Tax Map No. 3220100081

FIRST AMENDMENT TO PROFFERS

THIS FIRST AMENDMENT TO PROFFERS is made this 2nd day of July, 2019
by THE SALAVATION ARMY, a Georgia corporation, together with its successors and assigns,
the "Salvation Army."

RECITALS

A. The Salvation Army is the owner of a parcel of land located in James City County, Virginia, Tax Parcel 3220100081, being more particularly described on Exhibit A hereto (the "Salvation Army Property"). The Salvation Army Property is now zoned MU and is subject to (i) Proffers dated October 20, 2011 recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 120008937 (the "Existing Proffers") and (ii) a Master Plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas" prepared by AES Consulting Engineers dated April 11, 2011 (the "Existing Master Plan").

B. The Salvation Army has applied to amend the Existing Master Plan and in connection therewith has submitted an amended master plan entitled "Master Plan Amendment for Forest Heights Neighborhood" made by LandTech Resources, Inc and dated May 22, 2019 (the "Amended Master Plan"), Design Guidelines for Forest Heights Townhomes and Storage Units made by Wayne Harbin Builder dated May 22, 2019 (the "Guidelines") and architectural

elevations entitled "CONCEPTUAL ELEVATIONS FOR FOREST HEIGHTS SELF STORAGE FACILITY, JAMES CITY COUNTY, VIRGINIA" made by Hopke and Associates dated May 21, 2019 and on file with the Planning Department (the "Elevations") and desires to amend the Existing Proffers as set forth herein. As used in this First Amendment to Proffers the term "dwelling unit" shall not include the one caretaker dwelling unit located above the mini-storage units.

NOW, THEREFORE, in consideration of the approval of the requested master plan amendment, the Existing Proffers are amended as set forth below. If the requested master plan amendment is not granted by the Board of Supervisors, this First Amendment to Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

AMENDMENTS

1. Part B, Proffer 4 of the Existing Proffers is hereby deleted.

2. Part B of the Existing Proffers is hereby amended by the addition of the following proffers applicable only to the Salvation Army Property:

4.1 Master Plan. The Salvation Army Property shall be developed generally as shown on the Amended Master Plan. Development plans may deviate from the Amended Master Plan as provided in Section 24-23 of the Zoning Ordinance.

4.2 Housing Opportunities. (a) All of the dwelling units permitted on the Salvation Army Property shall be offered for sale or made available for rent at prices determined in accordance with the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 as provided below for units offered for sale. At least four (4) dwelling units shall be offered at prices targeted to households earning

30% to 60% of Area Median Income. At least four (4) dwelling units shall be offered at prices targeted to households earning over 60% to 80% of Area Median Income. All remaining dwelling units shall be offered at prices targeted to households earning 30% to 120% of Area Median Income, provided, however, in no event shall the maximum initial sale price of a dwelling unit exceed \$275,000.00 subject to escalation in accordance with paragraph (b) of this Section (the "Maximum Sale Price"). The forgoing affordable/workforce dwelling units shall be provided 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 to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2035 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy.

(b) The Maximum Sale Price shall consist of the \$275,000.00 plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2019 to the year a sale is made if sales are made after on or after January 1, 2020. The Maximum Sale Price shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the Maximum Sale Price be adjusted to a sum less than \$275,000.00. 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 Director of Financial Management Services) shall be relied upon in establishing an inflationary factor for

purposes of increasing the Maximum Sale Price to approximate the rate of annual inflation in the County.

4.3 Cash Contributions. (a) A one-time contribution shall be made to the County of \$6,051.31 for each single family attached dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$67.92 for each single family attached dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for recreational uses.

(c) A one-time contribution shall be made to the James City Service Authority of \$1,113.00 for each dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for water system uses.

(d) The cash contributions proffered in paragraphs (a), (b) and (c) above shall be reduced in accordance with Section 3 of the County's Housing Opportunities Policy.

(e) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(f) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (c) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2019 to the year a payment is made if payments are made after on or after January 1, 2020, subject to reduction as provided in paragraph (d). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per

unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Director of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

4.4 Streetscapes. Development of the Salvation Army Property shall comply with the “Guidelines for Street Trees” section of the County’s Streetscape Guidelines Policy adopted by the Board of Supervisors on October 5, 2011 (the “Streetscape Policy”). Development of the Salvation Army Property shall comply with the “Guidelines for Entrances and Common Areas” section of the Streetscape Policy, except that the required landscaping shall be a minimum of one tree and three shrubs per 800 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

4.5 Recreation. The 0.18 mile of multi-use path, the 2,500 square foot playground and the 0.3 acre pocket park shown on the Master Plan shall be installed prior to the County being obligated to issue more than 23 building permits for dwelling units on the Salvation Army Property.

4.6 Design Guidelines and Elevations. All building plans and building elevations shall be generally consistent with the Guidelines and Elevations. Prior to the issuance of final site plan approval for each building on the Salvation Army Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general consistency with the Guidelines and Elevations. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of

the date of submission of the plans in question. If the Director of Planning refuses to approve architectural plans, such refusal may be appealed to the Development Review Committee whose decision shall be final. All buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

4.7 Phasing. The County shall not be obligated to issue building permits for more than 35 dwelling units on the Salvation Army Property until the site and building plans for at least one mini-storage building have been approved and construction has commenced. Construction having commenced shall mean footings for the building have been dug and poured.

4.8 Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all dwelling unit owners in the Salvation Army Property, by virtue of their property ownership, shall be members.

3. Proffer 6 of the Existing Proffers is hereby deleted.

4. Except as specifically amended hereby, the Existing Proffers remain unchanged and in full force and effect.

[signatures appear on following page]

WITNESS the following signature.

THE SALVATION ARMY

By: Mark Israel
Title: Divisional Commander

STATE OF DC
COUNTY/CITY OF Washington; to-wit

The foregoing instrument was acknowledged before me this 2nd day of July, 2019,
by Mark Israel, as Lt. Colonel of THE SALVATION
ARMY, a a Georgia corporation, on behalf of the corporation.

Karen Jones
NOTARY PUBLIC

My commission expires: _____

KAREN JONES
NOTARY PUBLIC
District of Columbia
My Commission Expires Nov. 30, 2022



EXHIBIT A

6015 Richmond Road
James City County, VA

Parcel Identification Number 3220100081

ALL those certain lots, pieces, or parcels of land situate, lying and being in Powhatan District (formerly Berkeley District), James City County, Virginia, known and designated as Lots "E" and "F" as shown on that certain plat entitled, 'PLAT OF LOTS: "E" & "F", D. WARREN MARSTON'S PROPERTY SUBDIVISION PROPERTY OF PETER EPPS,' made by Stephen Stephens, CLS, dated January 1973, a copy of which is recorded in James City County Deed Book 142, page 133.

RESOLUTION

CASE NOS. ZO-0008-2011. MULTIPLE USE DISTRICTS AND MIXED USE

CONSTRUCTION PHASING POLICY

WHEREAS, the task of updating the Mixed Use Zoning District was undertaken as a part of the Board of Supervisors adopted methodology for the zoning ordinance update in May 2010; and

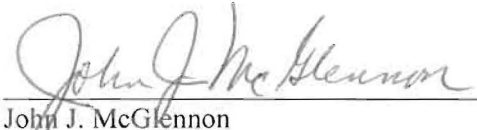
WHEREAS, the 2009 Comprehensive Plan referenced the importance of construction phasing to ensure residential development did not take place before a majority of commercial/industrial development was completed; and

WHEREAS, after meeting with the Policy Committee, the Planning Commission, and the Board of Supervisors, the following policy is recommended for all Mixed Use area development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

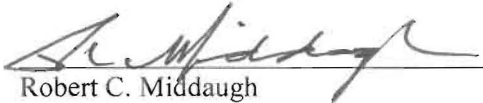
Construction within Mixed Use developments shall be sequenced in accordance with a project build-out schedule submitted for review as a part of the initial application and approved by the Board of Supervisors. As a guideline, project proposals that adhere to the following sequencing requirements will be considered consistent with the objectives of the phasing plan:

- (1) Building permits for up to 10 percent of the residential units may be issued prior to commencing any commercial construction; and
- (2) Certificates of Occupancy (CO) must be issued for at least 25 percent of the commercial square footage as shown on the master plan prior to building permits being issued for any residential unit above 50 percent of the total proposed units as shown on the master plan; and
- (3) Prior to issuance of building permits for construction of the final 20 percent of the residential units, CO must be issued for at least 80 percent of the commercial square footage as shown on the master plan.
- (4) If no residential development is proposed, the construction phasing shall still make assurances that all infrastructure is installed in coordination with the planned build-out of the development.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Midaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	—	—
JONES	<u>X</u>	—	—
KENNEDY	<u>Absent</u>	—	—
ICENHOUR	<u>X</u>	—	—
KALE	<u>X</u>	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2012.

ZO-8-11MUConsPol_res

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: Resolution of the Board of Supervisors of James City County, Virginia, Declaring its Intention to Reimburse Itself from the Proceeds of One or More Financings for Certain Costs of Capital Improvements

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Fellows, Teresa	Approved	7/2/2019 - 4:51 PM

MEMORANDUM

DATE: July 9, 2019

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: Resolution of the Board of Supervisors of James City County, Virginia, Declaring its Intention to Reimburse Itself from the Proceeds of One or More Financings for Certain Costs of Capital Improvements

The attached resolution has been reviewed by the County's bond counsel firm, Hunton Andrews Kurth LLP, and establishes a reimbursement date for the construction of a new fire station, fire apparatus, and for school capital improvements projects.

In the time period between now and the bond issue, with the attached resolution, the County could reimburse itself for certain capital expenditures under Federal Treasury regulations with bond proceeds when the bonds are issued.

Staff recommends approval of the attached resolution.

SBD/nb
CapImpReimbmnt-mem

Attachment

RESOLUTION

RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,
DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE
OR MORE FINANCINGS FOR CERTAIN COSTS OF CAPITAL IMPROVEMENTS

WHEREAS, James City County, Virginia, (the "County") intends to incur expenditures for the construction of a new fire station, fire apparatus, and for certain school capital improvements projects (collectively, "Capital Expenditures"); and

WHEREAS, the County also intends to finance all or a portion of these Capital Expenditures with the proceeds of tax-exempt obligations (the "Bonds") to be issued by the County or an authority or agency on behalf of the County; and

WHEREAS, the County also intends to pay for a portion of the Capital Expenditures prior to the issuance of the Bonds; and

WHEREAS, the County may reimburse itself with Bond proceeds for the Capital Expenditures paid by it prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, and it is hereby resolved by the same, as follows:

1. The County reasonably expects to reimburse itself with Bond proceeds for the Capital Expenditures paid by it prior to the issuance of the Bonds to the extent permitted by Section 1.150-2 of the Income Tax Regulations.
2. The maximum principal amount of debt which the County expects to be issued relating to the Capital Expenditures is \$22 million.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2019.

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: James City County Facility and Road Memorial Naming Policy

ATTACHMENTS:

	Description	Type
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/3/2019 - 11:25 AM

RESOLUTION

JAMES CITY COUNTY FACILITY AND ROAD MEMORIAL NAMING POLICY

WHEREAS, the Board is tasked with naming County-owned facilities and often desires to recognize the achievements and contributions of members of the community; and

WHEREAS, in order to allow for a more open process of facility naming, a policy has been created with various guidelines for the Board to consider.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

The naming of County-owned buildings and other County-owned facilities shall be authorized by the Board of Supervisors of James City County (the "Board") pursuant to the public adoption of a resolution affirming the Board's action. Said resolution shall not be adopted with less than a four-fifths affirmative vote of the Board. The following policy guidelines should be taken into consideration by the Board prior to adoption of facility naming:

- (1) In an effort to ensure the Board's consensus on facility naming, once a Board member has a request for naming consideration, the County Administrator shall informally poll the Board to determine if the naming resolution shall be placed on an upcoming agenda.
- (2) Generally, County-owned buildings and facilities shall be named to reflect their location and primary function.
- (3) No building shall be named for a private individual unless that individual had a significant impact on the community or significantly contributed to construct the facility or acquire the land upon which the facility is situated.
- (4) In the event multiple donors contribute funds toward the construction or acquisition of a County-owned facility, the Board shall favor a functional title for the facility with plaques honoring those who contributed to the facility.
- (5) A room within a County-owned building may be named to honor an individual for that person's service to the community even though that individual may not have contributed funds toward the construction or acquisition of the building. The naming of a room to honor an individual shall occur by resolution of the Board of Supervisors and follow a minimum four-fifths vote to approve.
- (6) No County-owned facility shall be named for a public official while that official remains in public office.
- (7) When existing facilities or rooms within facilities are named after individuals, they shall not be renamed without a unanimous vote of the Board of Supervisors.

- (8) The naming of sections of roadways as a memorial/dedication to citizens should follow Policy Guideline No. 1 above, but need not follow Guideline Nos. 2-7. However, roadway memorials/naming should be done in those instances where a meaningful and lasting legacy was left by those recognized. The memorializing or dedication of roads shall only be considered when the proposed recognizee has made significant contributions to James City County for which the community-at-large derives a cognizable benefit.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June, 2019.

NamingPolicy-res

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Scott Stevens, County Administrator

SUBJECT: Appointment to Community Action Agency Board of Directors

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 2:41 PM

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Scott Stevens, County Administrator

SUBJECT: Appointment of Alternate to the Eastern Virginia Regional Industrial Facilities Authority

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 2:42 PM

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Alex Baruch, Senior Planner

SUBJECT: Appointment to the Comprehensive Plan Community Participation Team (CPT)

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	7/1/2019 - 3:03 PM
Publication Management	Burcham, Nan	Approved	7/1/2019 - 3:07 PM
Legal Review	Kinsman, Adam	Approved	7/2/2019 - 1:55 PM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 1:57 PM
Board Secretary	Purse, Jason	Approved	7/2/2019 - 1:58 PM
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 2:42 PM

ITEM SUMMARY

DATE: 7/9/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on July 23, 2019 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/2/2019 - 3:37 PM