

**AGENDA**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**May 14, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Gerrmain DelValle, at 4th grade student at Matoaka Elementary and a resident of the Jamestown District

**E. PRESENTATION(S)**

1. Retirement Recognition - Pauline Milligan
2. Proclamation - Ruritan Awareness Month - May 2024
3. Dream Home Designs

**F. PUBLIC COMMENT**

**G. CONSENT CALENDAR**

1. Scenic Roadway Protection Overlay District

**H. PUBLIC HEARING(S)**

1. SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms
2. SUP-23-0030. 100 Norge Ln. St. Olaf Catholic Church Campus Expansion
3. MP-24-0001/Z-24-0004. Ford's Colony Master Plan and Proffer Amendment
4. Proposed Fiscal Year 2025-2030 Secondary Six-Year Plan
5. Agreement to Purchase Property at 5255 Longhill Road
6. Conveyance of Easement to Virginia Electric and Power Company
7. An Ordinance to Amend Section 20-27.1 of the James City County Code to Permit the Board of Supervisors to Refund Surplus Real Estate Tax Revenue

**I. BOARD CONSIDERATION(S)**

1. FY2025-FY2026 Budget Adoption & Resolution of Appropriation

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**L. CLOSED SESSION**

**M. ADJOURNMENT**

1. Adjourn until 1 pm on May 28, 2024 for the Business Meeting



## MEMORANDUM

DATE: May 14, 2024

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development

SUBJECT: Scenic Roadway Protection Overlay District

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At the February 27, 2024, Board of Supervisors' meeting, when discussing a Comprehensive Plan amendment and a draft ordinance (ORD-22-0001) for scenic roadway protection, Board members expressed concern with how the proposed changes would be applied. The Board directed staff to indefinitely defer the amendments and consider the possible creation of an Overlay District.

Subsequently, at the March 26, 2024, Board meeting, Board members directed staff to include the parcels identified on the exhibit titled "Parcels over 40 acres outside the PSA with road frontage" and dated March 12, 2024, in a rezoning to the Overlay District (Attachment No. 2).

The Overlay District would include language establishing a minimum setback of 400 feet for structures on vacant parcels at least 40 acres in size which are located along Forge Road and its immediate vicinity, to include North Riverside Drive and Diascund Road, from Forge Road to the railroad tracks.

Separately from the Overlay District, amendments to the Zoning and Subdivision Ordinances regarding buffering requirements for commercial and major residential subdivision developments, timbering setbacks, and allowances for nonconforming structures were presented at the January 9, 2024, Board meeting. At the Board's discretion, these items could also be brought forward for consideration at a future meeting.

Staff recommends the Board of Supervisors approve the attached resolution (Attachment No. 1) to initiate consideration of amendments to the Zoning Ordinance regarding the creation of an Overlay District for scenic roadway protection and subsequent rezoning of parcels to the Overlay District.

PDH/md  
ScenicRPOvrlyDis-mem

Attachments:  
1. Resolution  
2. Map

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE**

### **TO CREATE AN OVERLAY DISTRICT TO PROTECT AND PRESERVE SCENIC ROADWAYS**

### **AND INITIATION OF REZONING OF IDENTIFIED PARCELS TO THE**

### **NEW OVERLAY DISTRICT**

WHEREAS, Section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the “Virginia Code”), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the “Board”), to, by resolution, initiate amendments to the boundaries of the districts or the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, at its November 23, 2021, meeting, the Board initiated consideration of amendments to the regulations of the Zoning Ordinance and Subdivision Ordinance to provide additional requirements to protect scenic roadways such as Forge Road; and

WHEREAS, at its February 27, 2024, meeting, the Board requested staff to prepare materials for the creation of a new Overlay District that includes additional requirements to protect and preserve scenic roadways; and

WHEREAS, at its March 26, 2024, meeting, the Board directed staff to include the 22 parcels identified on the exhibit titled “Parcels over 40 acres outside the PSA with road frontage” and dated March 12, 2024, in a rezoning to the new Overlay District; and

WHEREAS, the Board is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning, for the creation of a new Overlay District to protect and preserve scenic roadways. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate the rezoning of the 22 parcels identified on the exhibit titled “Parcels over 40 acres outside the PSA with road frontage” and dated March 12, 2024, and any other parcels deemed to require inclusion in the Overlay District, so that they are included within the new Overlay District. The Planning Commission shall hold at least one public hearing on the consideration of the rezoning and shall forward its recommendation to the Board of Supervisors in accordance with the law.

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Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

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Teresa J. Saeed  
Deputy Clerk to the Board


NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of  
May, 2024.

ScenicRPOvrlyDis-res





James City County  
Parcels over 40 acres outside the PSA  
with road frontage



0 1,000 2,000  
Feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.  
Copyright James City County GIS Office 3/12/2024M:\Departments\Planning\Paul Forge\_Rd\Forge\_Rd.aprx

Parcel IDs: 3356, 8285, 3408, 3406, 8091, 8000, 8000-A, 7808-B, 1928-A, 7808-A, 7808, 1928, 2016, 2116, 2406, 2526, 2724, 2822-A, 2902, 2918, 2875, 3298, 7829, 1701, 7400, 1827, 1812, 2116, 2406, 2526, 2724, 2822-A, 2902, 2918, 2875.

Roads: Barnes Rd, Diascund Rd, N Riverside Dr, Little Creek Dam Rd, Forge Rd, Richmond Rd, Chickahominy Rd.

Legend:

- Parcel Lines
- Building
- PSA Line
- Forge and Diascund Rd



**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**SUMMARY FACTS**

Applicants:	Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher
Landowners:	Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher
Proposal:	To allow for the rental of up to three rooms in a single-family dwelling
Location:	7146 Little Creek Dam Road
Tax Map/Parcel No.:	2020400004
Property Acreage:	± 4.07 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Terry Costello, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission:	April 3, 2024, 6:00 p.m.
Board of Supervisors:	May 14, 2024, 5:00 p.m.

**FACTORS FAVORABLE**

1. There is adequate off-street parking.
2. The applicants have acknowledged that should this application be approved; they will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. The owners will reside on-site during the time of the rentals.
4. Lot sizes in the A-1, General Agricultural District, are larger than in other more densely populated residential areas. The size of the lot, the location from Little Creek Dam Road (over 600 feet), and the existing vegetation provide screening and buffering to most adjacent properties.
5. Impacts: See Impact Analysis on Pages 4-5.
6. See Comprehensive Plan Analysis on Page 6.

**FACTORS UNFAVORABLE**

1. Staff finds the proposal is not fully consistent with the short-term rental recommendations of the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. Impacts: See Impact Analysis on Pages 4-5.
3. See Comprehensive Plan Analysis on Page 6.

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

**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms  
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**SUMMARY STAFF RECOMMENDATION**

Per the Impact Analysis noted below, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact Level of Service (LOS) for roads or other public services. While staff believes that this location is generally considered appropriate for this use, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors recommend approval of this application, staff has included proposed conditions for consideration (Attachment No. 1).

**PLANNING COMMISSION RECOMMENDATION**

At its April 3, 2024, meeting, the Planning Commission recommended approval of this Special Use Permit (SUP) application by a vote of 4-3, also recommending a condition to restrict access to Little Creek Reservoir for any rental occupants. While the owners have agreed to advertise the rental as having no access to Little Creek Reservoir, the County does not typically impose conditions that speak to trespassing on adjacent property. Little Creek Reservoir is a privately owned piece of property that is subject to existing law that speaks to trespassing and enforcement can be done irrespective of the SUP process.

**PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING**

None.

**PROJECT DESCRIPTION**

Ms. Ana Martinez Leal and Mr. Kenneth Fletcher have applied for an SUP to allow for rental of up to three rooms located within a single-family dwelling. The residence is a four-bedroom home. One of the bedrooms has a separate entrance on the right side of the structure. The proposal includes no changes to the size or footprint of the house.

Unlike the “Tourist Home” use, the “Rental of Rooms” use limits rentals to a maximum of three bedrooms and requires the homeowners to continue residing at the property during the time of rentals. This use prohibits the rental of the dwelling as a whole. While the use permits the rental of a maximum of three rooms, the applicants state that it is their intent to rent out only the one bedroom with the separate entrance on a regular basis.

The property has an existing driveway off a private shared driveway. The property has an existing parking area sufficient to accommodate guests. The four-bedroom home is on private water and has a private sewer system. In previous rental of rooms applications, staff calculated the number of occupants to be two people per bedroom. Therefore, proposed Condition No. 3 states that the maximum number of occupants per contract, including children, is two.

**PLANNING AND ZONING HISTORY**

- There have been no legislative cases associated with the residence that was built in 2023.

**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**SURROUNDING ZONING AND DEVELOPMENT**

- The property is located within the Little Creek minor subdivision.
- The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	A-1, General Agricultural	Single- Family Residential	Rural Lands
SOUTH	PL, Public Lands	Little Creek Reservoir	Reservoir and Community Character Conservation, Open Space or Recreation
EAST	A-1, General Agricultural	Single- Family Residential	Rural Lands
WEST	A-1, General Agricultural	Single- Family Residential	Rural Lands

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**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The proposal is not anticipated to generate traffic exceeding a typical residential use.</li> <li>- The subject property is located on a local road. However, staff believes that the road is adequate for this use.</li> </ul>
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, Little Creek Dam Road is shown as an existing shared roadway. There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.</li> </ul>
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Fire Station 1 on Forge Road serves this area of the County and is approximately 3.5 miles from the proposed rental of rooms property.</li> <li>- Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.</li> </ul>
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- N/A since no residential dwelling units are proposed.</li> </ul>
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- N/A since no residential dwelling units are proposed.</li> </ul>
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Staff finds this project does not generate impacts that require mitigation.</li> </ul>
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The property is served by private water and a private septic system.</li> <li>- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.</li> </ul>

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**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Yarmouth Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Little Creek Dam Road is not designated as a Community Character Corridor and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicants have verified that they are not aware of any covenants or restrictions on the property that prohibit the proposed use.

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**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**2045 COMPREHENSIVE PLAN**

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. All surrounding properties to the north, east, and west are designated Rural Lands. The reservoir property to the south is designated Reservoir and Community Character Conservation, Open Space or Recreation.

Per the adopted Comprehensive Plan, appropriate primary uses includes traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and noncommercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses, and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Staff finds this use to generally fit within these categories as nearby lodging options which could support agri-tourism and eco-tourism uses in Rural Lands.

Per the adopted Comprehensive Plan language, uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas, and maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and uses.

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services.

Specific to short-term rentals, the adopted Comprehensive Plan states that, if located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered

uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity.

*This property is designated Rural Lands on the adopted 2045 Comprehensive Plan Land Use Map.*

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.

*This parcel is a flag lot off Little Creek Dam Road in the Little Creek Subdivision.*

- Be located on a major road.

*Little Creek Dam Road is a local road. Local and minor collector roads are not considered major roads.*

- Be operated in a manner such that the property owners will continue to live and reside on the property during the rental.

*The owners of the property will continue to reside on-site during the rentals.*

**STAFF RECOMMENDATION**

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services. While staff believes that this location may be considered appropriate for this use, staff finds the proposal not fully consistent with the

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**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms  
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors recommend approval of this application, staff has included proposed conditions for consideration (Attachment No. 1).

TC/ap  
SUP24-1\_7146LCrkDam

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Citizen Comment
6. Unapproved Minutes of the April 3, 2024, Planning Commission Meeting

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

## RESOLUTION

### CASE NO. SUP-24-0001. 7146 LITTLE CREEK DAM ROAD RENTAL OF ROOMS

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, Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher, have applied for an SUP to allow for the rental of rooms within a single-family dwelling located at 7146 Little Creek Dam Road and further identified as James City County Real Estate Tax Map Parcel No. 2020400004 (the “Property”); and

WHEREAS, the Planning Commission, following its public hearing on April 3, 2024, recommended approval of Case No. SUP-24-0001 by a vote of 4-3; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

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 (the “County Code”), does hereby approve the issuance of Case No. SUP-24-0001 as described herein with the following conditions:

1. Master Plan. This SUP shall permit the rental of rooms on property located at 7146 Little Creek Dam Road and further identified as James City County Real Estate Tax Map Parcel No. 2020400004 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “JCC SUP-24-0001, 7146 Little Creek Dam Road Rental of Rooms” and date stamped March 8, 2024 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within 12 months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of Rental Room Occupants. There shall be no more than one bedroom available for rent to visitors and no more than two rental occupants total at any one time.
4. Contracts per Rental Period. There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
5. Signage. No signage related to the use of rental of rooms shall be permitted on the Property.

6. Parking. Off-site parking for this use shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses, commercial trucks, and trailers shall be allowed to park on the Property.
7. Compliance Review. On or before November 28, 2025, the owner of the Property must submit a letter to the Director of Planning requesting either continuance or cancellation of the SUP. If the owner requests cancellation of the SUP or does not submit the required letter, the Director of Planning shall initiate proceedings for the Board of Supervisors to revoke the SUP pursuant to Section 24-12 of the County Code. If the owner of the Property requests continuance of the SUP, the owner must also submit a statement certifying that the use and Property are in compliance with all SUP conditions. The Director of Planning shall then prepare a memorandum setting forth any and all complaints received by staff since issuance of the SUP and any violations of the SUP conditions. The Director of Planning shall place the compliance review on the Board of Supervisors' February 2026 Board meeting as a Public Hearing item at no cost to the Property owner. Following the public hearing, the Board of Supervisors shall determine whether to initiate proceedings to revoke the SUP due to incompatibility with the surrounding neighborhood, violation of the SUP conditions, or any other reason related to the health, safety, and welfare of the community or may instead set a new compliance review date.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

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Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

AYE    NAY    ABSTAIN    ABSENT

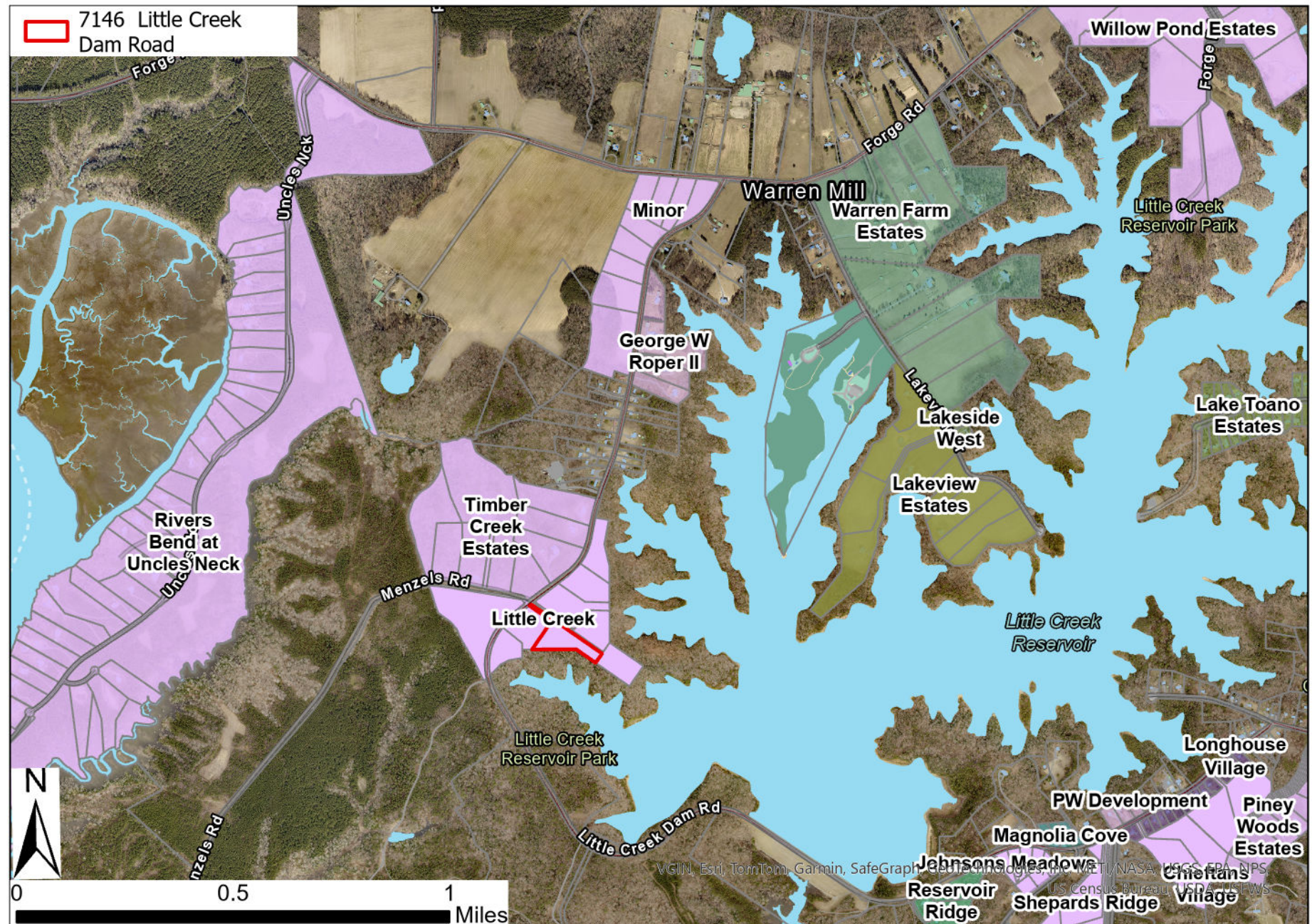
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Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

SUP24-1\_7146LCrkDam-res



# SUP-24-0001 7146 Little Creek Dam Road Rental of Rooms







# SUP-24-0001, 7146 Little Creek Dam Road Rental of Rooms

### Property Information

Tax Map ID: 2020400004  
Fletcher, Kenneth Reynhoudt  
& Leal, Ana Alicia Martinez  
7146 Little Creek Dam Road  
Toano, VA 23168  
Zoning: A1 General Agricultural  
2045 Comp Plan: Rural Lands  
Legal Acreage: 4.07 acres

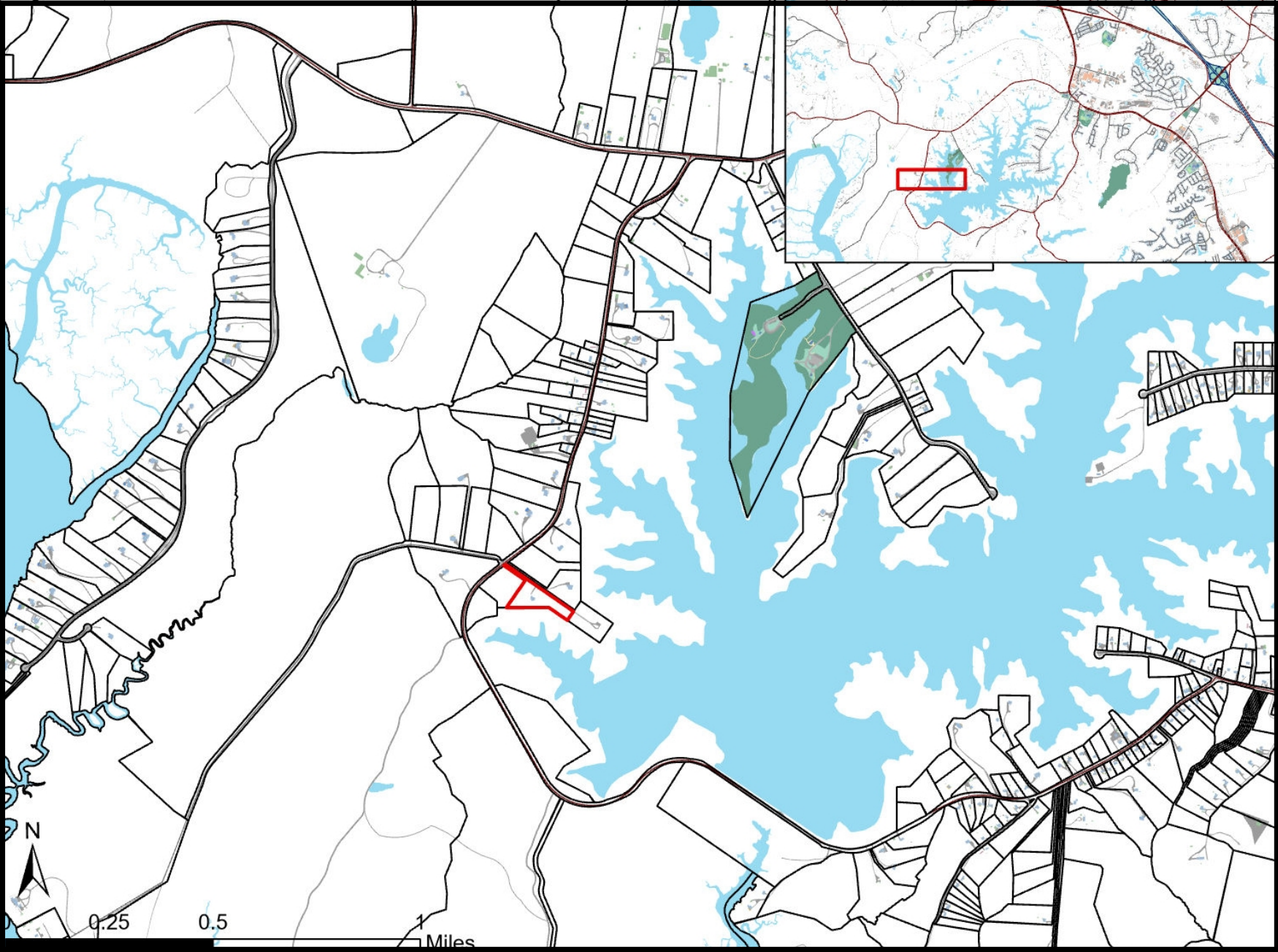
### General Notes

1. Site is served by private water and sewer.
2. Property is not located in a FEMA Flood zone.
3. Property does not contain Resource Protected Area.
4. Property has an existing driveway.
5. A minimum of one parking space shall be provided (one parking space per bedroom)

### Sheet Index

1. Cover Page
2. Location Page
3. Site Details

March 8, 2024



Maps Not to Scale

### Adjacent Properties

2120100001  
Newport News Waterworks  
700 Town Center Ste 400  
Newport News, VA 23602-4700  
PL Public Land

2020400005  
Thompson, Michael S. & Nicole J.  
110 Bicameral Lane  
Williamsburg, VA 23185-2555  
A1 General Agricultural

2020400006  
Malvoisin, Gerard P. & Shawnte L.  
7162 Little Creek Dam Road  
Toano, VA 23168-8633  
A1 General Agricultural

2020400007  
Hayhurst, Kelly J.  
140 Winsome Haven Drive  
Seaford, VA 23696-2325  
A1 General Agricultural

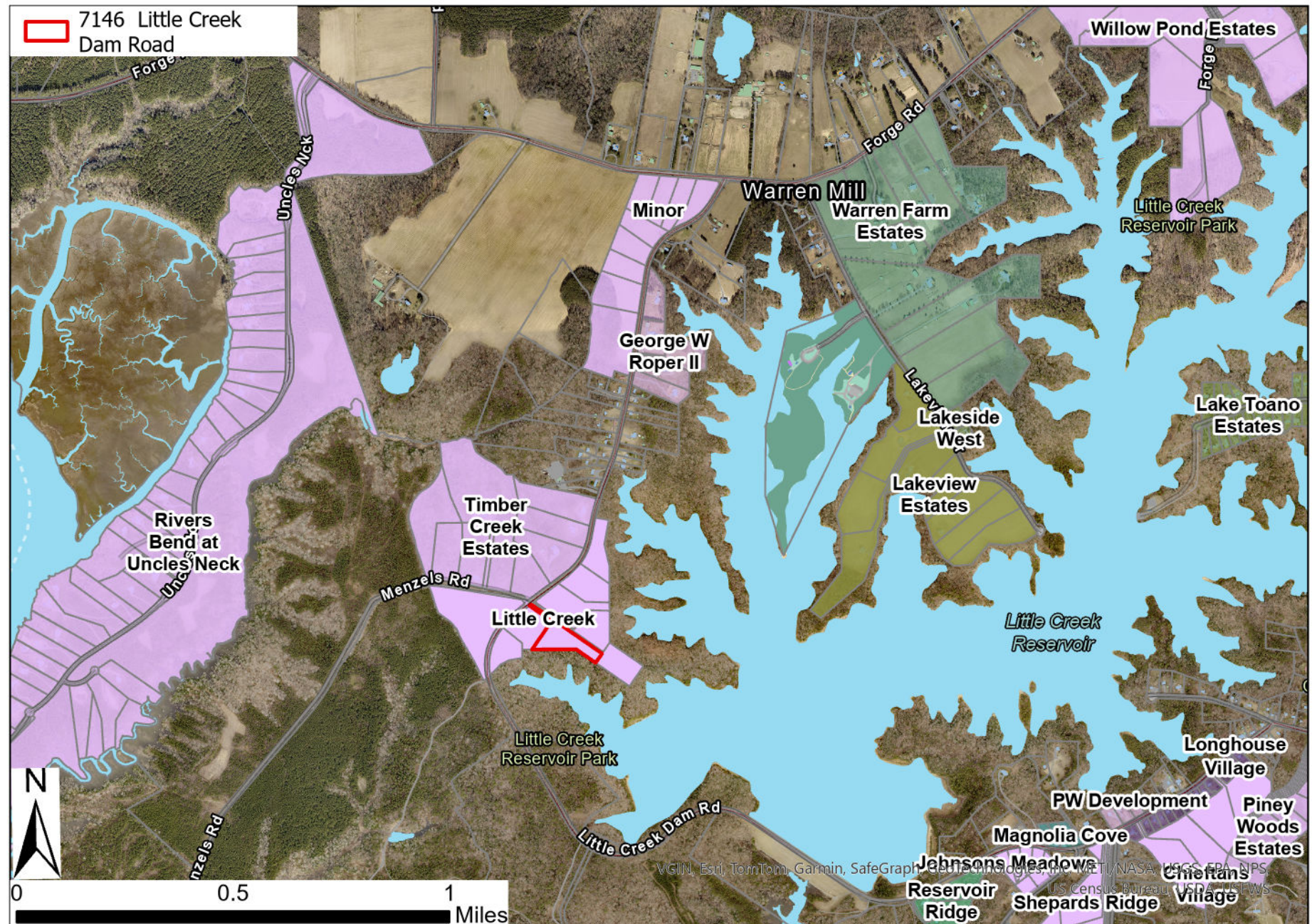
2020300004  
Caraballo, Orlando & Martinez, Janet  
PO Box 530  
Lightfoot, VA 23090-0530  
A1 General Agricultural

2020400001  
Laster, Jimmie Jr. & Wendy L.  
7135 Little Creek Dam Road  
Toano, VA 23168-8608  
A1 General Agricultural

2020400003  
Blue Ridge Custom Homes LLC  
2958 River Road W  
Goochland, VA 23063-3229  
A1 General Agricultural

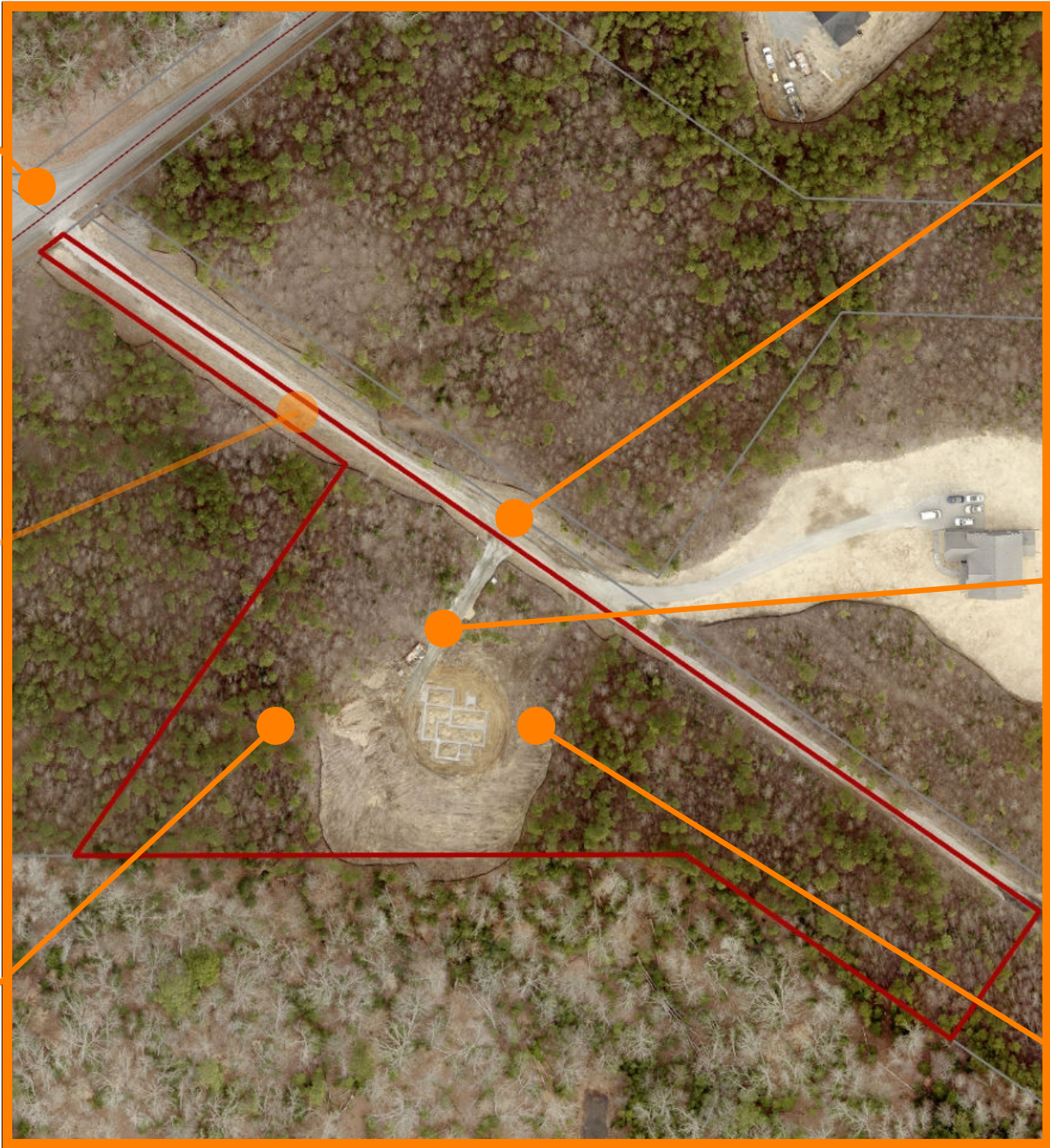


# SUP-24-0001 7146 Little Creek Dam Road Rental of Rooms





# SUP-24-0001, 7146 Little Creek Dam Road Rental of Rooms





## **Special Use Permit for Short Term Rental of Private Residential Property**

### **CONCEPTUAL PLAN**

We kindly request this permit to be able to rent occasionally a part of our personal residence on a short-term basis. Our residential property is located at 7146 Little Creek Dam Rd. Parcel ID 2020400004 LRSN 36455, Zoning A-1.

We are full-time residents of the house, which totals 3,402 sq ft and includes a guest bedroom and bathroom that together total approximately 350 sq ft. Plans for the first floor of the home are attached.

We use this guest bedroom to host family and friends. We are also interested in occasionally renting this guest bedroom short-term with a maximum capacity of 2 guests per stay.

We live on four acres in a rural area that is zoned agricultural and backs up to Newport News Waterworks property (Little Creek Reservoir). The nearest neighboring homes are more than 300 feet away. We have two young children. Keeping a quiet atmosphere here and maintaining good relationships with our neighbors are very important to us.

Our house has a garage and a large, long driveway that can easily allow for parking of at least four more cars in addition to our own vehicles.

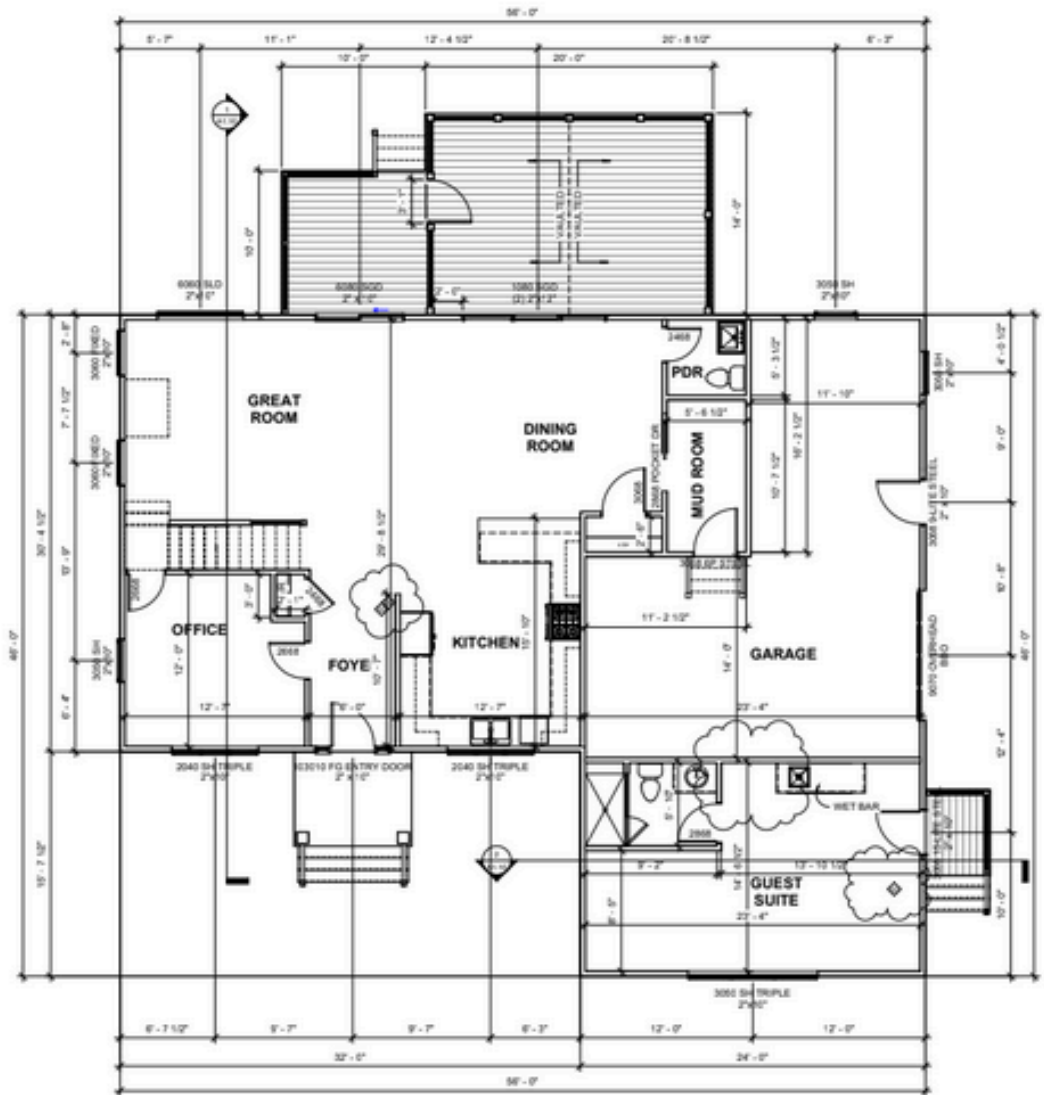
Additionally, we meet James City County's updated requirements for short-term rentals in the 2045 Comprehensive Plan. Our home is:

- Located on designated rural land,
- Located on the edge of an existing platted subdivision,
- Located on a major road, (Little Creek Dam Rd.),
- We will continue to live and reside on the property full-time.

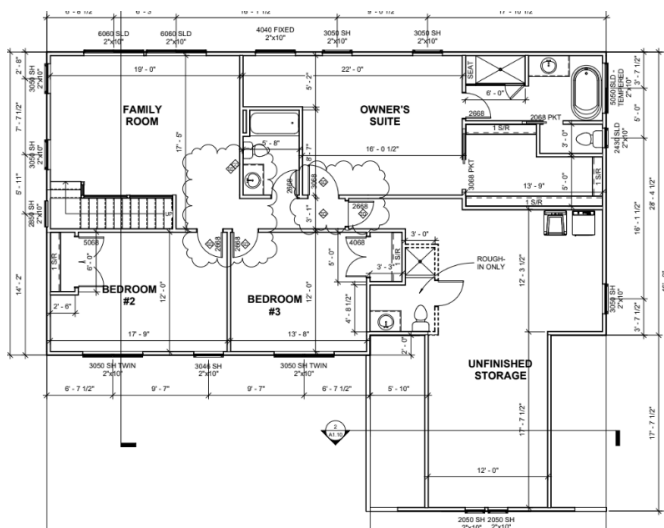
If approved, we will operate with a business license and comply with our State Sales Taxes and monthly James City County Lodging Taxes.

We would be happy to discuss further or answer any questions you might have. Feel free to contact us:

Ana Martinez (804) 300-8474 and Kenneth Fletcher (804) 638-9036



Marked on the above floor plan as “The Guest Suite” located on the first floor of the house approximately 350 sqft. Below shows layout of second floor (personal bedrooms, will not be rented).





Aerial photo shows home and surrounding four acres. Home backs up to Newport News Waterworks/Little Creek Dam reservoir property.

## Terry Costello

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**From:** Beth Klapper  
**Sent:** Wednesday, April 3, 2024 2:19 PM  
**To:** Terry Costello; Susan Murray; Josh Crump  
**Subject:** FW: [External]Special Use Permit 7146 Little Creek Dam Road - 2020400004

-----Original Message-----

From: guard\_hops.0m@icloud.com <guard\_hops.0m@icloud.com>  
Sent: Wednesday, April 3, 2024 1:11 PM  
To: Community Development <community.development@jamescitycountyva.gov>  
Subject: [External]Special Use Permit 7146 Little Creek Dam Road - 2020400004

Hello,

I am writing in concern to the submitted permit for the subject line address request for the SUP. I wish to not have the permit approved. There are only 5 homes on the road where the property resides with very little traffic. If the permit is approved, there's a great likelihood that the traffic will also increase on an already narrow road. Safety is also another concern as potential renters would more than likely would like to walk the wooded area that resides behind all the homes. The area is secluded, quiet, and not the ideal location to turn into a resort like atmosphere with vacationers constantly checking in and out.

V/r,

Little Creek Subdivision resident

**Unapproved Minutes of the April 3, 2024  
Planning Commission Regular Meeting**

**SUP-24-0001. 7146 Little Creek Road Rental of Rooms**

Ms. Terry Costello, Senior Planner, stated that Ms. Ana Martinez and Mr. Kenneth Fletcher have applied for a Special Use Permit (SUP) to allow for the short-term rental of up to three rooms in a four-bedroom single-family home at 7146 Little Creek Dam Road. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map, and is located outside the Primary Service Area (PSA). Ms. Costello further stated that the property is served by private well and septic. Ms. Costello stated that, if granted, the SUP would allow for short-term rentals throughout the year. Ms. Costello stated that no changes to the footprint of the home were proposed.

Ms. Costello stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking and that the owner would live on-site. Ms. Costello further stated that staff finds the proposed use would not negatively impact Levels of Service for roads and other public services. Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals. Ms. Costello stated that staff is unable to recommend approval of this application.

Ms. Costello stated that, after the Agenda Packet was published, staff did receive a comment from a citizen who resides in the Little Creek Subdivision. Ms. Costello stated that copies of the emails were placed at the dais. Ms. Costello stated that staff has included proposed conditions for consideration, should the Commission approve this application.

Mr. Everson requested clarification regarding the Comprehensive Plan criteria for short-term rentals.

Ms. Costello provided clarification about the Comprehensive Plan criteria.

Mr. O'Connor opened the Public Hearing.

Mr. Kenneth Fletcher, 7146 Little Creek Dam Road, applicant, gave a brief presentation to the Commission.

Mr. O'Connor asked if the applicant's property extended to the reservoir.

Mr. Fletcher explained that Newport News Waterworks owns a buffer between his property and the reservoir. Mr. Fletcher stated that, as an adjacent property owner, he is granted access to the reservoir. Mr. Fletcher further stated that Newport News Waterworks has requested that guests not be permitted on its property. Mr. Fletcher stated they would comply with that request.

Discussion ensued.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. Polster asked staff to define the differences between tourist homes and short-term rentals.

Staff provided clarification.

Mr. Polster made a motion to recommend approval of the application.

Mr. O'Connor requested the motion be amended to include the condition that guests not be permitted to access the reservoir from the applicant's property.

Mr. Fletcher accepted the condition.

Mr. Polster amended the motion to include the condition.

On a roll call vote, the Commission voted to recommend approval of SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms with conditions. (4-3)

**SPECIAL USE PERMIT-23-0030. 104 Norge Lane St. Olaf Catholic Church Expansion**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**SUMMARY FACTS**

Applicant: Mr. Jason Grimes, AES Consulting Engineers

Landowner: The Catholic Diocese of Richmond

Proposal: To amend the existing Special Use Permit (SUP) to allow for an additional 25,000-square-foot expansion to the existing St. Olaf Church campus, including but not limited to, space for outreach ministry programs, administration space, counseling areas, religious education space, multipurpose space, and an expanded Parish Hall, as well as additional parking areas.

Location: 104 Norge Lane

Tax Map/Parcel No.: 2320100016

Property Acreage: ± 10.07 acres

Zoning: R-8, Rural Residential and A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tess Lynch, Planner II

**PUBLIC HEARING DATES**

Planning Commission: April 3, 2024, 6:00 p.m.

Board of Supervisors: May 14, 2024, 5:00 p.m.

**FACTORS FAVORABLE**

1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.
2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the 2045 Comprehensive Plan.
3. Impacts: See Impact Analysis on Pages 4-5.

**FACTORS UNFAVORABLE**

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

**SUMMARY STAFF RECOMMENDATION**

Staff recommends approval subject to the proposed conditions.

**PLANNING COMMISSION RECOMMENDATION**

At its April 3, 2024, meeting, the Planning Commission voted to recommend approval of the application by a vote of 7-0.

**PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING**

At the April 3, 2024, Planning Commission meeting, it was brought to staff's attention by the applicant that a note on the Master Plan and a related SUP condition stated that any future development shall remove/relocate the existing playground from its current location. However, the applicant stated it may in fact not be removed. The applicant proposed changing the playground removal/relocation note and condition from "shall" to "may". Staff and the Commission were agreeable to this change and noted it in the motion for approval. The Master Plan and condition were updated to reflect this change. The wording of SUP Condition No. 5 was changed for clarity. The condition has not substantively changed.

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



## **PROJECT DESCRIPTION**

Mr. Jason Grimes, on behalf of St. Olaf Catholic Church, has applied for an SUP to expand the campus of St. Olaf Catholic Church located at 104 Norge Lane (at the corner of Richmond Road and Norge Lane). To accommodate its growing membership, the church would like to expand its facilities in multiple phases. The property currently contains a sanctuary, a commons area, a Parish Hall, a Columbarium, an administration building, parking areas, stormwater management features, and some outdoor spaces used for church functions.

Land Bay 1 on the Master Plan proposes renovations to the existing Building A and/or up to 10,000 square feet of new construction for administrative space, multipurpose space, and/or a new Parish Hall. The current Parish Hall has been deemed to be undersized due to growth in church attendance. Land Bay 2 proposes renovations to and/or demolition of existing Buildings B and/or C and up to 15,000 square feet of new construction for administrative space, classrooms, a food pantry, and other outward facing church ministries. The additions are intended to provide space for outreach ministry programs, administration, counseling, and religious education. The proposal would also formalize the location of the Columbarium. The current Columbarium is located to the north of the existing sanctuary, and the expansion will extend towards the rear of the property. The applicant has submitted design guidelines (see Attachment No. 4) with this application to ensure that the future development of the new buildings is compatible with the existing campus appearance.

As stated by the applicant in his Community Impact Assessment (see Page 3 of Attachment No. 5) current parking needs and utilization are sufficient at this time and the proposed building expansion will not generate the need for the expansion of the current parking area except as required for accessibility purposes to the proposed building additions. Given the unknown uses at this time for the building

expansion, staff cannot provide a parking analysis and will determine the need for parking at the site plan review phase. The applicant states that parking will continue to be screened from adjacent properties and rights-of-way via appropriate landscaping as detailed in the design guidelines.

## **PLANNING AND ZONING HISTORY**

- There are three previous legislative cases associated with 104 Norge Lane: SUP-0030-2005, Z-0001-2008/MP-0001-08/SUP-0006-08/HW-0002-08, and SUP-0007-2015.
- On December 13, 2005, the Board of Supervisors approved SUP-0030-2005, which allowed the church to complete minor expansions and renovations (no more than an additional 4,000 square feet). These renovations were prohibited at the time as the use was nonconforming.
- On July 22, 2008, the Board of Supervisors approved Z-0001-2008/MP-0001-08/SUP-0006-08/HW-0002-08, which eliminated pre-existing proffers, obtained an SUP to allow for the expansion of the existing church, and obtained a Height Limitation Waiver to allow for the construction of a 90-foot-tall cross spire.
- On February 9, 2016, the Board of Supervisors approved SUP-0007-2015, which amended the adopted conditions for SUP-0006-2008 to allow for revised architectural elevations for the expansion of the house of worship.
- In 2023, the adjacent 0.69-acre parcel (formerly 100 Norge Lane) was acquired by the church and the property lines were extinguished to combine into 104 Norge Lane as approved shown in the approved plat S-23-0027.

**SPECIAL USE PERMIT-23-0030. 104 Norge Lane St. Olaf Catholic Church Expansion**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**SURROUNDING ZONING AND DEVELOPMENT**

	<b>Zoning Designation</b>	<b>Existing Land Use</b>	<b>Future Land Use Designation</b>
<b>North</b>	A-1, General Agricultural and B-1, General Business	Peach Street, CSX Railroad	Rural Lands
<b>South</b>	LB, Limited Business, R-2, General Residential, and B-1, General Business	Richmond Road, Norge Dental Center	Neighborhood Commercial
<b>East</b>	A-1, General Agricultural	Norge Dental Center	Economic Opportunity
<b>West</b>	B-1, General Business, M-1, Limited Business/Industrial, and LB, Limited Business	Norge Lane, Single-Family Housing	Community Commercial, Low Density Residential, Neighborhood Commercial

<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
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**SPECIAL USE PERMIT-23-0030. 104 Norge Lane St. Olaf Catholic Church Expansion**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The proposal is not anticipated to generate traffic exceeding a typical church use. The development occurring would be primarily used for programming and function during the work week.</li> <li>- The subject property is located on a local road.</li> </ul>
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Bicycle and pedestrian accommodations are not required per the Pedestrian Accommodation Master Plan.</li> </ul>
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Fire Station 1 on Forge Road is approximately 2.3 miles from the property.</li> <li>- Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.</li> </ul>
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Staff finds this project does not generate impacts that require mitigation.</li> </ul>
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Staff finds this project does not generate impacts that require mitigation.</li> </ul>
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Staff finds this project does not generate impacts that require mitigation.</li> </ul>
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The property receives public water and sewer.</li> <li>- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.</li> </ul>
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the College Creek Watershed.	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The Stormwater and Resource Protection Division has reviewed this application and had no objections.</li> <li>- This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation.</li> <li>- There are no special flood hazard or Resource Protection Areas on the property.</li> </ul>
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The subject property has been previously disturbed and has no known cultural resources on-site.</li> </ul>
<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> (No Mitigation Required/Mitigated/Not Fully Mitigated)	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>

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**SPECIAL USE PERMIT-23-0030. 104 Norge Lane St. Olaf Catholic Church Expansion**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- Traffic is anticipated to be typical of a church. The subject property must adhere to the County's Noise Ordinance.
<u>Community Character</u>	<u>No Mitigation Required</u>	- This property is located along a Community Character Corridor.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- Staff is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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**SPECIAL USE PERMIT-23-0030. 104 Norge Lane St. Olaf Catholic Church Expansion**  
**Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

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**2045 COMPREHENSIVE PLAN**

The site is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. Places of public assembly are a recommended use in Low Density Residential when the following standards are met:

- i. Maintain the residential character of the area;
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- iii. Generally be located on collector or arterial roads at intersections;
- iv. Act as a transitional use between residential and commercial areas or, if located within a residential community, be integrated with the residential character of the area rather than altering its nature;
- v. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- vi. Generally intended to support the residential area in which they are located (for Group 2 uses only).

Staff finds that the proposed use is in accordance with this guidance, given the submitted Master Plan and proposed SUP conditions.

Staff finds the proposal is consistent with the recommendations of 2045 Comprehensive Plan.

**PROPOSED SUP CONDITIONS**

Proposed conditions are provided in Attachment No. 1.

**STAFF RECOMMENDATION**

Staff finds the proposal compatible with surrounding zoning and development and consistent with the recommendations of the adopted 2045 Comprehensive Plan.

Therefore, staff recommends the Board of Supervisors approve this application, subject to the proposed conditions (Attachment No. 1).

TL/ap  
SUP23-30\_104NrgeLn

**Attachments:**

- 1. Resolution
- 2. Location Map
- 3. Master Plan
- 4. Design Guidelines
- 5. Community Impact Statement
- 6. SUP-0007-2015
- 7. Unapproved Minutes of the April 3, 2024, Planning Commission Meeting

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

## RESOLUTION

CASE NO. SUP-23-0030. 104 NORGE LANE

### ST. OLAF CATHOLIC CHURCH CAMPUS 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, Mr. Jason Grimes, of AES Consulting Engineers, has applied for an SUP to expand the place of public assembly known as St. Olaf Catholic Church at 104 Norge Lane and further identified as James City County Real Estate Tax Map Parcel No. 2320100016 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 3, 2024, recommended approval of Case No. SUP-23-0030 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0030; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

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 (the "County Code"), does hereby approve the issuance of Case No. SUP-23-0030 as described herein with the following conditions:

1. Master Plan. This SUP shall apply to property located at 104 Norge Lane and further identified as James City County Real Estate Tax Map Parcel No. 2320100016 ("the Property"). The SUP shall be valid for a place of public assembly and accessory uses. All final development plans shall be consistent with the Master Plan entitled "Special Use Permit for St. Olaf Roman Catholic Church" prepared by AES Consulting Engineers dated November 17, 2023, revised March 26, 2024, (the "Master Plan") and design guidelines entitled "Design Guidelines For Future Facilities and Improvements at St. Olaf, Patron Saint of Norway" prepared by the St. Olaf Catholic Church Building Committee, dated November 6, 2023 (the "Design Guidelines"), with any deviations considered pursuant to Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended.

2. Lighting. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 25 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1-footcandle or higher shall extend outside the Property lines. Limited lighting of the church building and the spire (no more than 20% of the overall façade) shall be permitted in such a manner that all light will be directed upward and the light source is not visible from the side. The lighting for the Property shall be in accordance with the Master Plan and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
3. Architectural Review. Prior to final approval of any site plan, architectural elevations, building materials, and building colors shall be submitted to the Director of Planning or designee for review and approval to ensure that proposed structures on the Property are uniform and compatible in terms of design, scale, materials, and colors with other structures on the Property and consistent with the design guidelines.
4. Water Conservation. Water Conservation Standards shall be enforced on the Property through an agreement with the James City Service Authority (JCSA). 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. Any changes shall be submitted to and approved by JCSA.
5. Special Stormwater Criteria (SSC). The application of Special Stormwater Criteria practices is required for the project and shall be shown on the site plan(s). The requirements shall be per Table SSC-1 of the Stormwater Resource Protection Division's form entitled, "Stormwater-Special Criteria SSC in James City County, Virginia" and shall be based on "Development" for Land Bay 2, as set forth on Page 3 of the Master Plan and "Redevelopment" for Land Bays 1 and 3, as set forth on Page 3 of the Master Plan, as defined in Section 23-3 of the James City County Code.
6. Playground. Prior to final site plan approval, the existing playground may be removed or relocated. If relocated, the proposed location is subject to review and approval of the Director of Planning. If a playground is located within 100 feet from the top edge of any wet pond, then the wet pond must be completely surrounded by a fence at least four feet in height with adequate gated width for vehicular access to the wet pond for maintenance. The fencing must be of such a material and installed in such a manner as to prevent unauthorized entry into the wet pond area.

7. Commencement for Construction. If construction has not commenced for new development in Land Bay 2, as shown on Page 3 of the Master Plan, within 36 months from the issuance of the SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
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 that the SUP conditions set forth herein shall supersede and replace all conditions set forth in Case No. SUP-0007-2015.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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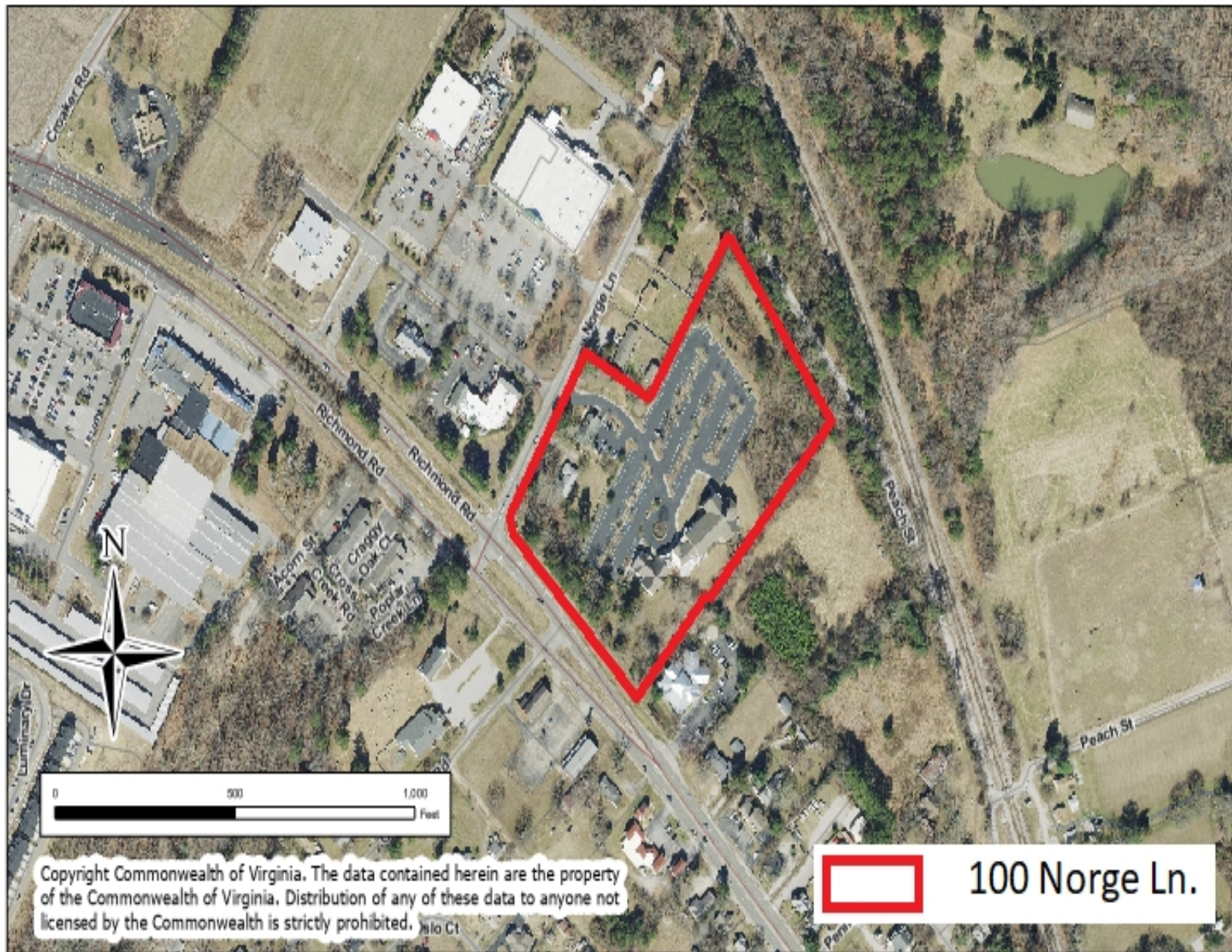
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

SUP23-30\_104NrgeLn-res



**SUP-23-0030**

# 100 Norge Ln. St. Olaf Catholic Church Campus Expansion



# SPECIAL USE PERMIT FOR ST. OLAF ROMAN CATHOLIC CHURCH

STONEHOUSE DISTRICT  
JAMES CITY COUNTY VA

NOTE:  
THIS MASTER PLAN AMENDS SUP-0007-2015.

## SITE SUMMARY:

**OWNER:** St. OLAF'S CATHOLIC CHURCH  
CATHOLIC DIOCESE OF RICHMOND

**ADDRESS:** 104 NORGE LANE, WILLIAMSBURG, VA 23188

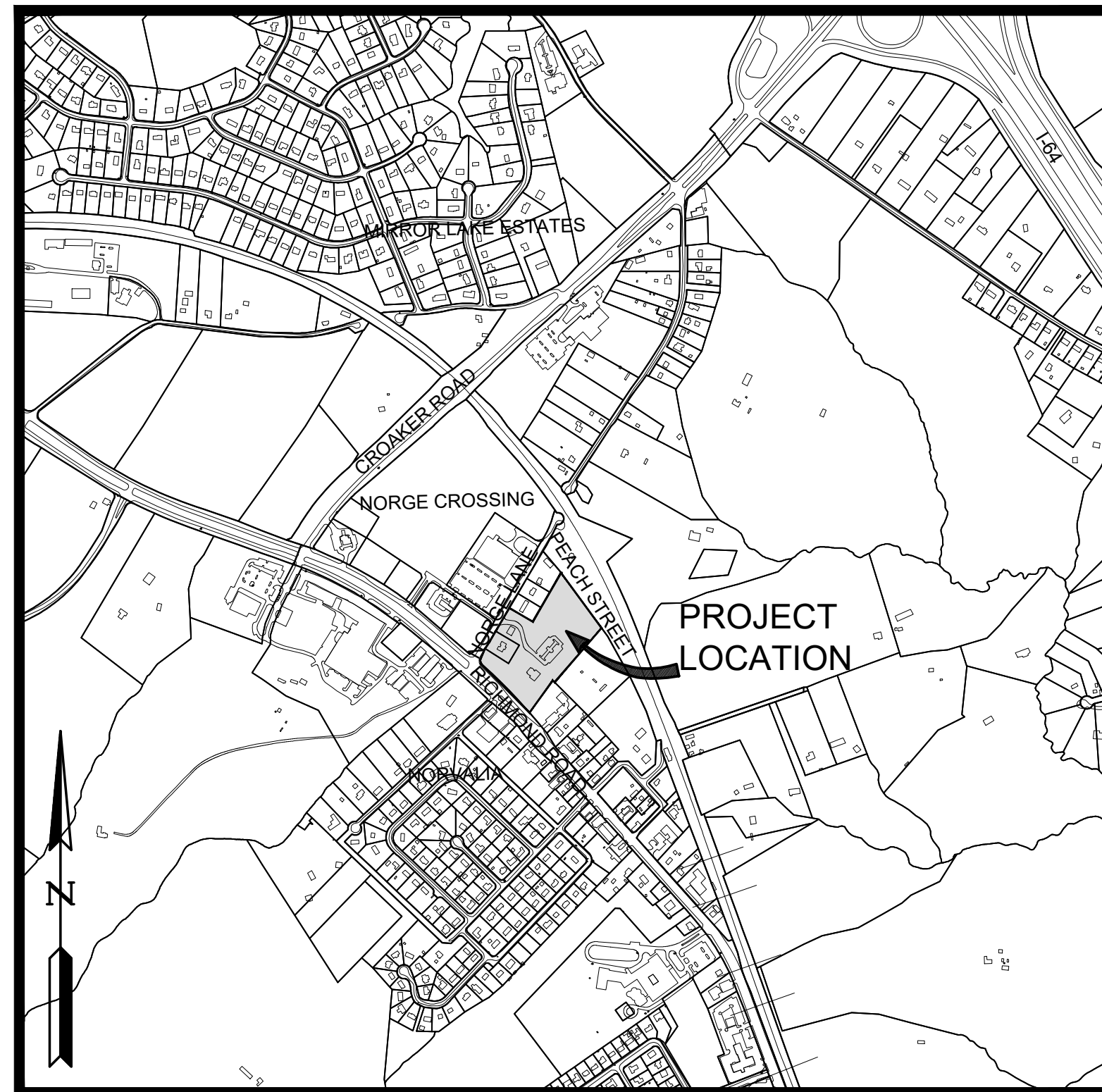
**PARCEL ID:** 23201000016

**TOTAL LAND AREA:** 409,242 SF; 9.39± AC (ZONED R-8)  
29,621 SF; 0.68± AC (ZONED A-1)  
=TOTAL PARCEL AREA = 438,893 SF; 10.07 A.C

**COMPREHENSIVE PLAN DESIGNATION:** LOW DENSITY RESIDENTIAL

**EXISTING ZONING:** R8 (RURAL RESIDENTIAL)/A1 (GENERAL AGRICULTURE).

**PROPOSED ZONING:** R8/A1 WITH AMENDED CONDITIONS.



VICINITY MAP (APPROX. SCALE 1"=1,000')

REVISED: 03/26/2024  
ORIGINAL SUBMITTAL DATE: 11/17/23  
AES PROJECT NO.: 9882-08  
SHEET 01

## INDEX OF SHEETS

- 1 COVER SHEET
- 2 ENVIRONMENTAL INVENTORY
- 3 MASTER PLAN
- 4 CONCEPTUAL STORMWATER MANAGEMENT & UTILITIES PLAN

### NOTES:

1. SITE IS WITHIN THE SKIMINO CREEK/FENTON MILL WATERSHED AND IS SUBJECT TO REQUIREMENTS CONTAINED WITHIN THE APPROVED WATERSHED MASTER PLAN ADOPTED BY THE BOARD OF SUPERVISORS.
2. STORMWATER MANAGEMENT DESIGNS FOR ANY DEVELOPMENT OF THIS PROJECT SITE WILL BE SUBJECT TO THE REGULATORY GUIDELINES CURRENT AT THE TIME OF SUBMITTAL.
3. USE OF ANY EXISTING BMP FOR NEW DEVELOPMENT WILL REQUIRE UPGRADE OF BMP FACILITY TO MEET CURRENT REGULATORY DESIGN REQUIREMENTS.
4. PROPERTY IS SUBJECT TO SUP CONDITIONS.





ENVIRONMENTAL INVENTORY:

**SOILS:**  
INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG VIRGINIA" ISSUED APRIL 1985 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE, IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

THE MAJORITY OF THE SITE HAS BEEN IDENTIFIED AS SOIL TYPE 19B- KEMPSVILLE-EMPORIA FINE SANDY LOAM WITH 2-6% SLOPES. THIS SOIL TYPE CONSISTS OF GENERALLY WELL-DRAINED SOILS WITH MODERATE PERMEABILITY AND MODERATE SHRINK-SWELL POTENTIAL.

THE FOLLOWING SOIL TYPES ARE ALSO PRESENT ON-SITE:  
29A- SLAGLE FINE SANDY LOAM, 0-2%  
34B- UCHEE LOAMY FINE SAND, 2-6%  
20B- KENANSVILLE LOAMY FINE SAND, 2-6%  
34C-UCHEE LOAMY FINE SAND, 6-10%  
31B- SUFFOLK FINE SANDY LOAM, 2-6%

**WETLANDS:**  
PROPERTIES PREVIOUSLY DEVELOPED AND NO WETLANDS KNOW TO BE ON SITE.

**SLOPES:**  
THERE ARE NO SLOPES IN EXCESS OF 25% ON THIS SITE.

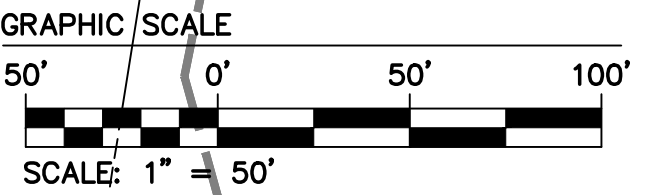
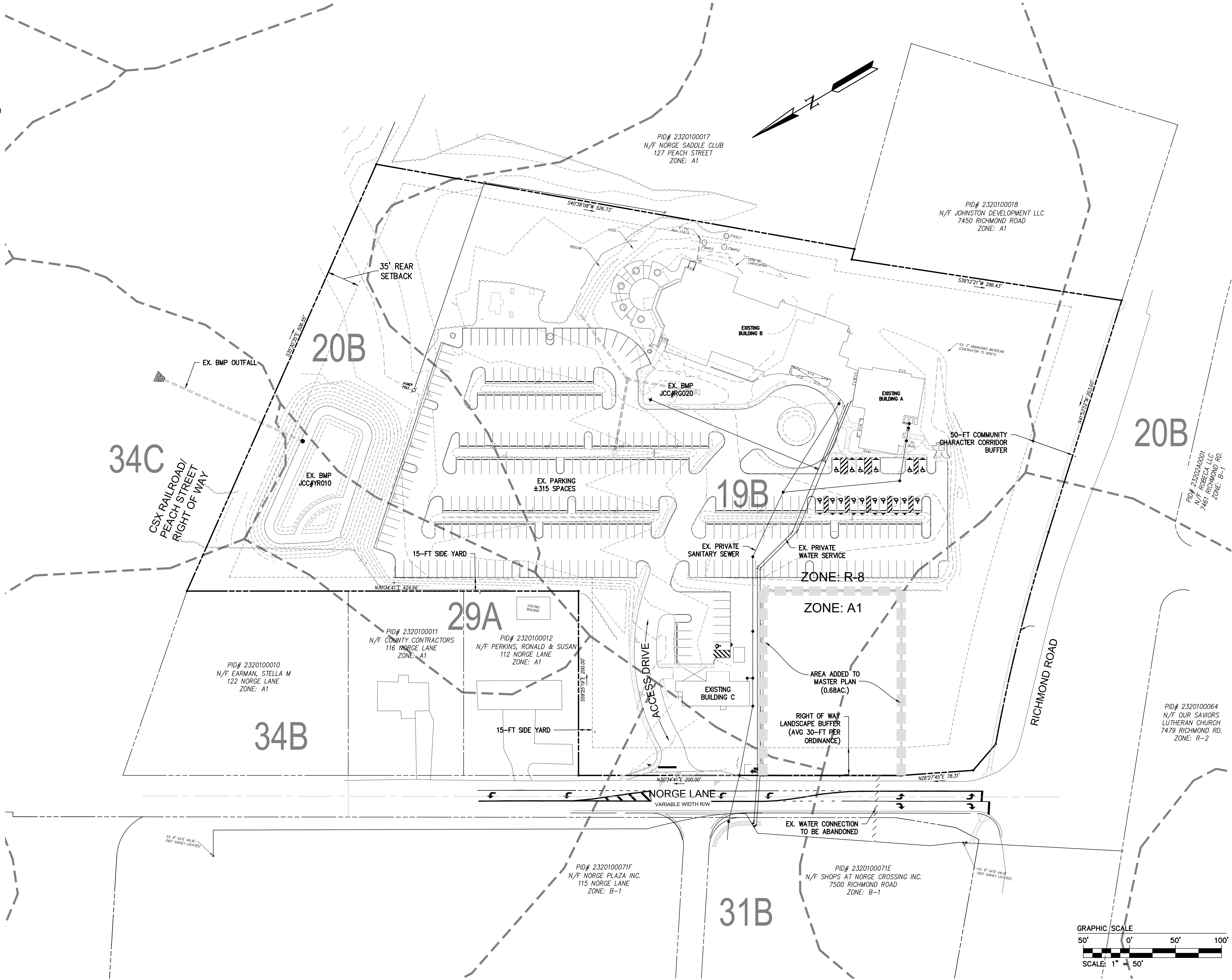
**FLOOD ZONE:**  
THIS PROPERTY LIES IN F.I.R.M. ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN) AS SHOWN ON COMMUNITY PANEL # 51095C0107D EFFECTIVE 12/16/15 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA.

**PROTECTED SPECIES:**  
THERE ARE NO KNOWN RTE SPECIES OR SMALL WHORLED POGONIA POPULATIONS ON THIS SITE.

**WATERSHED INFORMATION:**  
THE MAJORITY OF THE SITE DRAINS TO THE YORK RIVER VIA THE FENTON MILL POND/SKIMINO CREEK WATERSHED. A SMALL PORTION OF THE SITE ALONG RICHMOND ROAD DRAINS TOWARD YARMOUTH CREEK.

ENVIRONMENTAL INVENTORY IMPACTS	
TIDAL WETLANDS:	NONE ON SITE
TIDAL SHORES:	NONE ON SITE
NON-TIDAL WETLANDS IN RPA:	NONE ON SITE
100 FT RPA BUFFER:	NONE ON SITE
NON-TIDAL WETLANDS IN RMA:	NONE ON SITE
IMPACTED 25% SLOPES:	NONE ON SITE

NOTE: INFORMATION ON THIS DRAWING IS COMPILED FROM SURVEYS PERFORMED BY AES CONSULTING ENGINEERS



Rev.	Date	Description
2	3/26/24	REVISED PER JCC COMMENTS
1	1/1/24	REVISED PER JCC COMMENTS

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CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

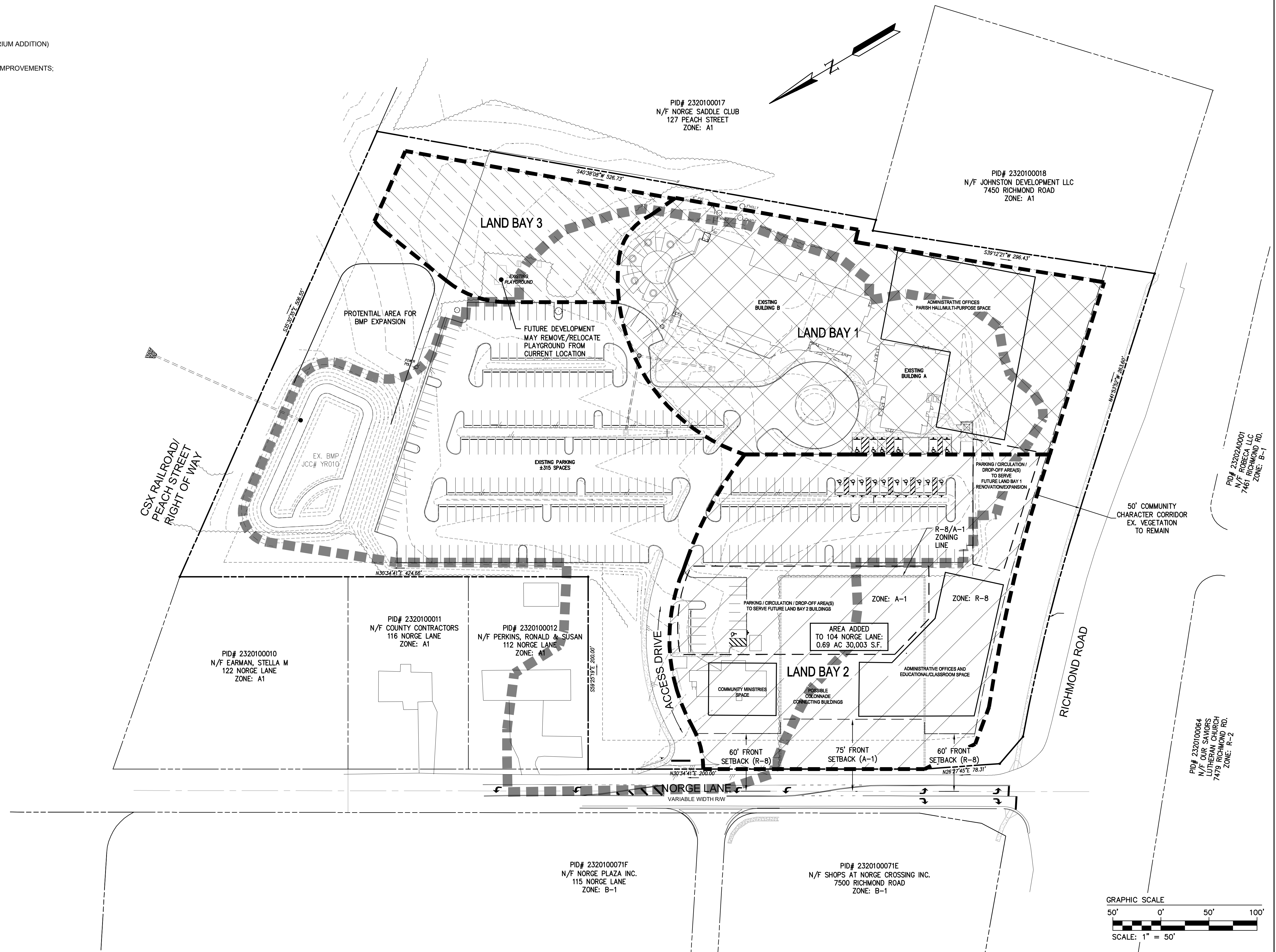
SPECIAL USE PERMIT  
FOR  
**ST. OLAF CATHOLIC CHURCH**

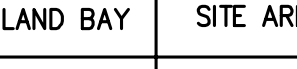
STONEHOUSE DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: JAG  
Project Number: 9882-08  
Scale: 1"=50' Date: 03/26/24  
Sheet Title:  
**ENVIRONMENTAL INVENTORY**  
Sheet Number:  
2 of 4

IMPERVIOUS AREA

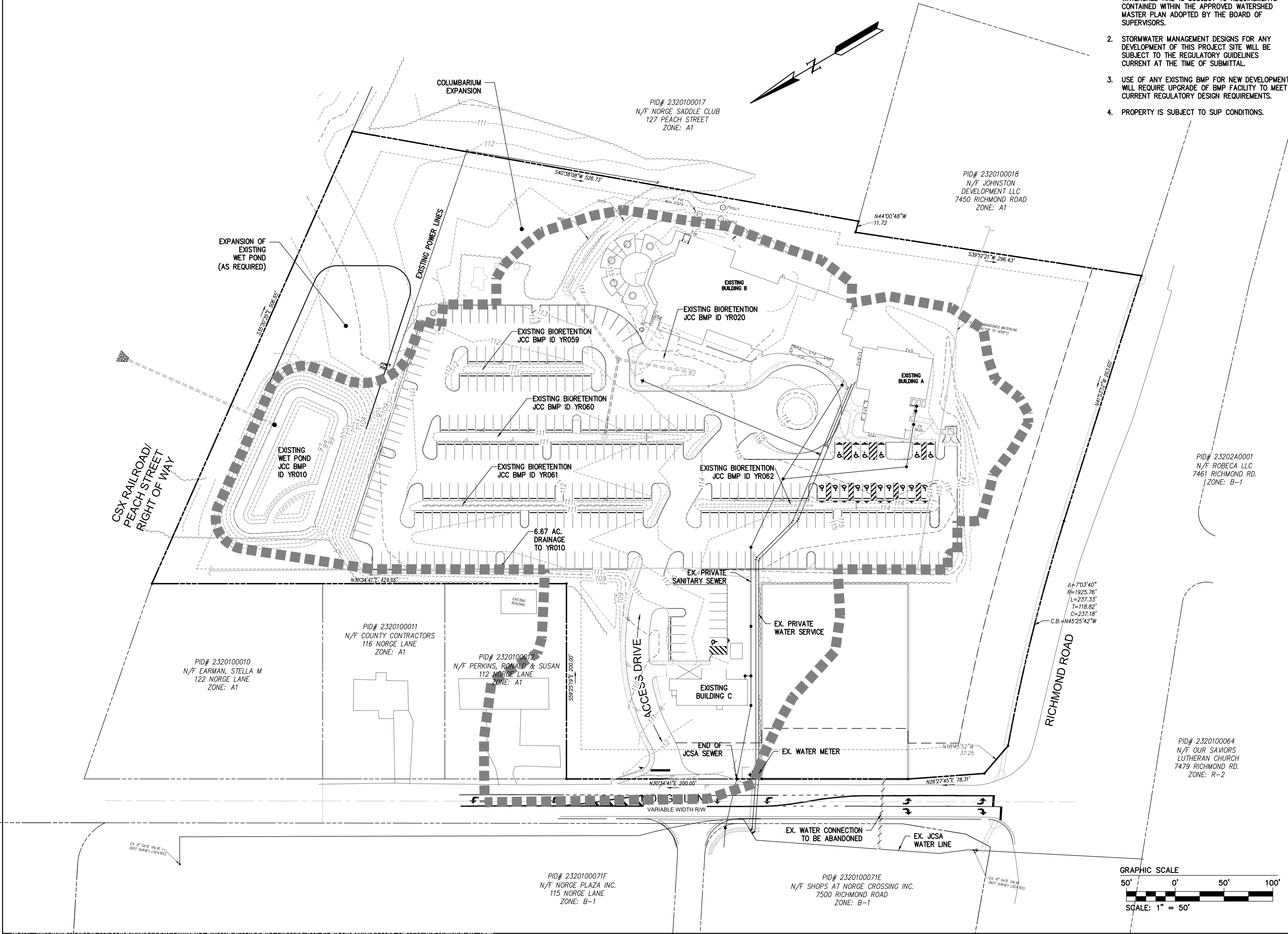
EXISTING IMPERVIOUS COVER: 143,990 S.F. (PER SP-22-0084) COLUMBARIUM ADDITION)  
 PROPOSED IMPERVIOUS COVER: ±60,000 S.F.  
 (±25,000 S.F. OF BUILDING EXPANSION;  
 ±25,000 S.F. OF PARKING/CIRCULATION IMPROVEMENTS  
 ±15,000SF OF PATIO/PATHWAYS)  
 TOTAL IMPERVIOUS : ±220,000 S.F. (50%)



	LAND BAY	SITE AREA	EX. BUILDING AREA	PROPOSED BUILDING AREA	USE(S)
	1	±120,000 S.F.	±21,125 S.F.	±10,000 S.F.	ADMINISTRATIVE OFFICES, PARISH HALL/MULTIPURPOSE SPACE WORSHIP SPACE, PARKING & CIRCULATION
	2	±125,000 S.F.	±2,340 S.F.	±15,000 S.F.	ADMINISTRATIVE OFFICES, EDUCATIONAL/ CLASSROOM COMMUNITY MINISTRIES PARKING & CIRCULATION
	3	±40,000 S.F.	N/A	N/A	COLUMBARIUM EXPANSION



- NOTES:
1. SITE IS WITHIN THE SKIMINO CREEK/FENTON MILL WATERSHED AND IS SUBJECT TO REQUIREMENTS CONTAINED WITHIN THE APPROVED WATERSHED MASTER PLAN ADOPTED BY THE BOARD OF SUPERVISORS.
  2. STORMWATER MANAGEMENT DESIGNS FOR ANY DEVELOPMENT OF THIS PROJECT SITE WILL BE SUBJECT TO THE REGULATORY GUIDELINES CURRENT AT THE TIME OF SUBMITTAL.
  3. USE OF ANY EXISTING BMP FOR NEW DEVELOPMENT WILL REQUIRE UPGRADE OF BMP FACILITY TO MEET CURRENT REGULATORY DESIGN REQUIREMENTS.
  4. PROPERTY IS SUBJECT TO SUP CONDITIONS.



Rev.	Date	Description
1	11/17/24	Revised Per JCC Comments
2	3/26/24	Revised Per JCC Comments
JAG		JAG

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CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

SPECIAL USE PERMIT  
FOR  
**ST. OLAF CATHOLIC CHURCH**

STONEHOUSE DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: JAG  
Project Number: 9882-08  
Scale: 1"=50' Date: 03/26/24  
Sheet Title: CONCEPTUAL SWM & UTILITIES PLAN  
Sheet Number: 4 of 4

Design Guidelines  
For  
Future Facilities and Improvements  
At  
**St. Olaf, Patron Saint of Norway**

104 Norge Lane  
James City County, Virginia



November 6, 2023

Prepared for:

Saint Olaf Catholic Church

Prepared By:

St. Olaf Catholic Church Building Committee

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## **Introduction**

These Design guidelines are intended to provide an overview of the existing site and facilities at St. Olaf Catholic Church, Patron Saint of Norway, in Norge, Virginia and to provide design and aesthetic guidance for proposed improvements and facilities that will be considered for the site over time. The Catholic Diocese of Richmond has owned this site since 1989 and the St. Olaf Catholic Church remains active in its use of the property and plans to remain and expand in this location. The community has grown from an initial group of 50 families thirty years ago to 1140 families currently.

## **Existing Site Description**

The property currently consists of a single parcel of land, already significantly developed. This parcel is comprised of both 104 Norge Lane, zoned R-8, and the former 100 Norge Lane, still zoned A-1.



The former 100 Norge Lane recently had its interior property lines abandoned by a plat of lot line extinguishment (Co. Plan #S-23-0027). It previously contained a single-family home which was demolished in the summer of 2023 because it was not deemed suitable for long term use or expansion. The A-1 zoning of 100 Norge Lane requires a 15-foot deeper setback from Norge Lane than the larger portion of the property zoned R-8.

The combined parcel is home to the Sanctuary, a Commons Area, and a Parish Hall – each component was built over time but are interconnected and functioning as one facility. This parcel also contains the recently constructed Phase 1 Columbarium, parking area for the buildings, storm water management features, some outdoor spaces used for church functions and some undeveloped areas. Also a part of this parcel is the Administration Building for the church, located at Norge Lane and the entrance to the church property, housed in what had been a single family home located on the site. The overall property of St. Olaf Church is only accessed from Norge Lane.



The initial construction on the site was the Parish Hall, completed approximately 25 years ago, and consisting of approximately 5,000 square feet. An addition consisting of the Commons Area was added approximately 10 years ago, and the most recent addition was the Sanctuary, completed approximately 4 years ago, and consisting of approximately 16,000 square feet and able to seat 750 for Mass. Parking areas and related site features were added over the years to accommodate the expanding facilities and parish community.

## **Neighborhood Characteristics**

The subject property is located on the northeast corner of the intersection of Richmond Road, a major four-lane highway, and Norge Lane, a two-lane road terminating approximately 1000 feet from Richmond Road. Near its terminus, Peach Street (a two-lane gravel road) intersects with Norge Lane and provides a vehicular connection from Norge Lane to Peninsula Street in the Norge community. The site is within the Norge Community Character Area, as designated by James City County.

The north side of the property borders on Peach Street, which abuts the CSX railroad tracks in an area that is largely wooded and undeveloped.

The east side of the property abuts the Norge Dental Center, which includes a two-story main structure providing dental services and an additional structure currently under construction to support the main building.



The south side of the property borders Richmond Road, and features a 50-foot landscaped buffer area comprised of a mixture of trees, shrubs, lawn and ground cover consisting largely of managed grass and ivy. A number of large mature trees in this area have been overtaken by ivy which has weakened them and will soon lead to their demise if these trees are not earlier felled intentionally.



The west side of the site abuts Norge Lane. On the west side of Norge Lane is a shopping center which includes three single story retail and office structures. Recently, a previous grocery store has been redeveloped into office space and a child-care facility.



The community of Norge has a unique identity within James City County and owes its existence to the construction of the railroad in the late 1800's and the related arrival of Norwegian settlers who had relocated from the American mid-west. The word "Norge" derives from the Norwegian spelling of the country Norway. The Richmond Diocese chose to honor this history when the parish was formed, naming it after the patron saint of Norway, St. Olaf.

## **Development Opportunities**

There are several areas on the site that can support additional building development and associated parking for accessibility and convenience for church activities. Activities may



include outreach ministry programs, administration space, counseling areas, religious education space and an expanded Parish Hall.

Use of the Sanctuary space for Mass and other liturgical services requires by far the most parking of any use or combination of uses of the property. Because Mass and liturgical services held in the Sanctuary are the most important function of the site, no other significant uses or programs occur at the same time. Existing parking exceeds County requirements for the Sanctuary space and Mass services so no future parking expansion is required. Additional parking for accessibility and convenience may be proposed to support future buildings, building additions or renovations.

To the north of the existing Sanctuary is the newly constructed Phase 1 of the St. Olaf Columbarium. Based on the floor plan of the Sanctuary and the distance to other uses within the building, this area was not deemed viable for any new building facilities. But the church believed it to be an ideal location for the Columbarium and associated passive, contemplative space given its proximity to the Sanctuary and its relative quiet as it is buffered from Route 60 traffic noise by the Sanctuary. Future phases of the Columbarium will extend away from the Sanctuary and the Phase 1 Columbarium towards the rear of the property, as depicted on the Master Plan.



(Phase 1 Columbarium, recently completed construction)

To the south and east of the current Parish Hall are lawn and open areas currently used for seasonal religious events, but largely unused. The existing Parish Hall has served the church community well for years but has been deemed to be undersized given the increase in parish families and needs.

Based on this, the current lawn areas provide the space to either enlarge the existing Parish Hall or to allow for a new Parish Hall to be constructed in place of or adjacent to the existing Hall. Preliminary planning for such an expansion is in the early stages; construction is not expected to occur for at least 5 to 7 years. This area is adjacent to the existing Norge Dental Center. There are no building entrances to the Dental Center that face the church, and based on normal operating hours for both locations, there would be very few times that events would occur on both properties simultaneously.



The western side of the property features the previously mentioned single family homes that are part of the church property (100 Norge lane brick home, pictured at left, recently demolished), an entrance onto Norge Lane (the only current entrance to the site) and several other independently owned, residential structures on the northern end of Norge Lane.

The area fronting on Norge Lane and encompassing the current Administration Building is being considered for a new structure or structures that would contain community outreach spaces, administration space, religious education space, and related uses. Development of this area will continue to honor the 50-foot landscape buffer to Richmond Road and in so doing will help to.

- Isolate new structure(s) from Richmond Road noise
- Maintain a generous buffer consistent with the goals of the Norge Community Character designation.
- New structure(s) will be reasonably adjacent to the existing parking areas.
- Create an edge to the church property along Norge Lane and help to define spaces on the existing site for outdoor activity areas.

New structure(s) in this area of the site required that the existing structure at 100 Norge Lane be removed. The cost of required improvements and upgrades, the lack of accessibility both getting into the building and circulating within it, and the configuration of the floorplate

led the church to abandon any prior intentions of repurposing the structure and to demolish the structure in the summer of 2023.

In order to make a physical connection to the existing facilities, sidewalks and covered walkways may be considered between future structure(s) in this area and the existing Parish Hall. Any connection will respect the existing buffer and complement the current uses and structures along Richmond Road.

## **Proposed Building Massing and Features**

Design of new structures on the site should be guided primarily by the existing Sanctuary, Commons Area and Parish Hall structures and also be complementary to neighboring facilities.

As the spiritual and architectural focal point of the property and the St. Olaf community, the Sanctuary will always be the most prominent feature of the site, reinforced by the Sanctuary's size and height. Any proposed facilities will complement the Sanctuary in materials used, in the scale and form of new structures, and their placement on the property. Future structures should not exceed two stories in height, and should be designed to appear smaller in scale relative to the Sanctuary. If larger facilities are considered, they should be designed to appear as several smaller buildings rather than a larger facility, using alternating setbacks and/or building materials or incorporate forms that downplay the size.

The existing buildings on the site feature a combination of brick veneer, horizontal siding, sloped shingle roofs, and conservatively sized windows. Future buildings will continue these architectural traditions on the site.

### **Preferred Wall Materials**

- Brick veneer used in a running bond pattern (the existing Sanctuary features other bond patterns, which should remain a feature of only the Sanctuary).
- Stone trim
- Cellular PVC Trim
- Cementitious Siding with a relief of 5/8" or more.
- Vinyl or aluminum siding will be strongly discouraged, and only considered for structures that are clearly accessory in use and function and which can be effectively screened from adjacent road rights-of-way.

New roof areas should feature slopes and materials compatible with the existing buildings. The existing buildings feature architectural grade, fiberglass shingles on a medium slope (approximately 6 in 12 to 9 in 12). Most existing roofs are gable shaped. Small areas of flat roofs do exist onsite, but these are generally not easily visible from parking areas and major entrances.



### Preferred Roof Materials

- Architectural grade shingles, asphalt/fiberglass construction
- Gutters and downspouts should be copper or aluminum, in a round or box shape.
- Flat or low sloped roofs are discouraged or should be concealed from view with a parapet.

### Other Exterior Elements

- Columns, if used, should match existing columns on site in style, but be sized smaller than the existing.
- Chimneys are not anticipated but should be brick or stucco if used.
- Stairway and ramp elements such as posts and balusters should be painted metal.
- Awnings and canopies if used, should be canvas on a metal structure.
- Solar roof features, if used, should be placed on roof areas away from street views, if practicable.

### Signage

- An existing monument identification sign is located at the northeast corner of Richmond Road and Norge Lane. While no additional signs of this type are anticipated, expansion of signage consistent with County Ordinance allowances may be pursued as future development progresses
- Directional signage on site should be the minimum necessary to safely and efficiently direct motorists to various components of the site.



### Windows

- Windows in new facilities should be sized conservatively and reflect the styles of existing windows on site. Clad windows, in metal or composite materials should be favored over wood windows. Windows should include mullions to create the appearance of smaller panes of glass rather than large glass areas.

### Roof Top Features

- The Sanctuary features a lighted cupola that should remain the only roof top feature of this type on the campus. If other roof top features are planned, they should clearly be secondary in size and architectural detail.

### Mechanical Units and Electrical Equipment

- All exterior units should be placed to minimize their visibility on site and to adjacent properties and rights-of-way and screened by materials, both vegetative and man-made, that are compatible with the building they are serving.

### **Site Access and Parking**

The existing parking areas, enlarged and improved over time, provide an adequate number of spaces to serve the largest use on site, which is Mass or other liturgical services celebrated in the Sanctuary. The number of spaces required was determined by the Catholic Diocese of Richmond, who review improvements on the property. The number of spaces required by the Diocese exceeds those required by County standards. As previously noted, no other significant uses or activities will be conducted on site while Mass or other liturgical services are in progress, whether in existing or future structures planned for the site.

The parking is currently accessed through a single entrance on Norge Lane. A separate, small residential driveway previously served the single-family home located at 100 Norge Lane. This driveway entrance has been abandoned together with the demolition of the home previously located there.

### **Landscaping, Plantings and Outdoor Areas**

The existing landscaping on the site is a mixture of native trees and ground cover in some areas, minimally maintained semi-natural areas, and formal landscaped areas generally around the existing buildings. The initial landscaped areas were installed in accordance with County standards at the time and have since grown and matured. The landscaping is primarily maintained by contracted, commercial firms, but parish volunteers also assist with ground maintenance and upkeep from time to time.

Small areas of landscape highlights have been developed over the years that include memorial seating areas, a rain garden with a religious statuary, and a children's playground structure. In total, these do not occupy a significant amount of space relative to the entire site but do add to the character to the area and are enjoyed by the parishioners. While one or more of such areas may need to be removed or relocated to accommodate future buildings and support facilities such as parking and pedestrian walkways, it is anticipated that similar small areas will continue to be part of the tapestry that is the church's built and natural environment.

Outdoor activity areas are a part of the current site and it is anticipated these will continue and that others could be added. These areas tend to be used for seasonal events and may contain small sized items of a religious nature, but that are not permanent structures.

## **Future Landscaping and Hardscaping**

Building Perimeters - Landscaping at buildings shall meet or exceed the requirements as specified in the JCC Zoning Ordinance, Division 4, Section 24-97.

Parking layout and landscaping is to comply with the requirements of the relevant landscape standards of the James City County Ordinance (Article II, Division 4). Where hedges are used to screen parking lots along the perimeter of the site, plant materials shall be planted at an installed height of 30".

The predominant tree type used within parking lots shall be deciduous shade trees. Evergreen trees shall be provided where additional screening is desirable. All deciduous trees in parking lots shall be a minimum of 1-1/2" caliper at installation.



Street Furnishings, including street and parking lot light fixtures, benches, trash receptacles, bike racks and bollards, shall include selections comparable or complementary to those furnishing already existing on the site.





## **Future Site Lighting**

Site Lighting shall consist of two different types of fixtures:

Lighting for parking and security - this lighting is for general visibility and security and should be tall and pole-mounted (consistent in size, design and illumination with existing parking and security lighting), delivering a general lighting level as required or recommended by local law enforcement or Diocesan site safety standards.



Lighting for pedestrians should consist of decorative building mounted fixtures, bollard-type fixtures and/or pedestrian scaled streetlamps (maximum pole height of 16'). These fixtures are intended to reinforce the overall architectural expression of the buildings and should be arranged to help guide pedestrian movement about the site.

Site light fixtures shall include selections from or comparable or complementary to those items already existing on the site.

# **Community Impact Statement**

*For*

**St. Olaf Roman Catholic Church Expansion  
at 104 Norge Lane**

**November 6, 2023**

**Prepared By**

**AES Consulting Engineers  
5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
(757) 253-0040**

**Prepared For**

**St. Olaf Roman Catholic Church  
104 Norge Lane  
Williamsburg, Virginia 23188  
(757) 564-3819**

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### FIGURES:

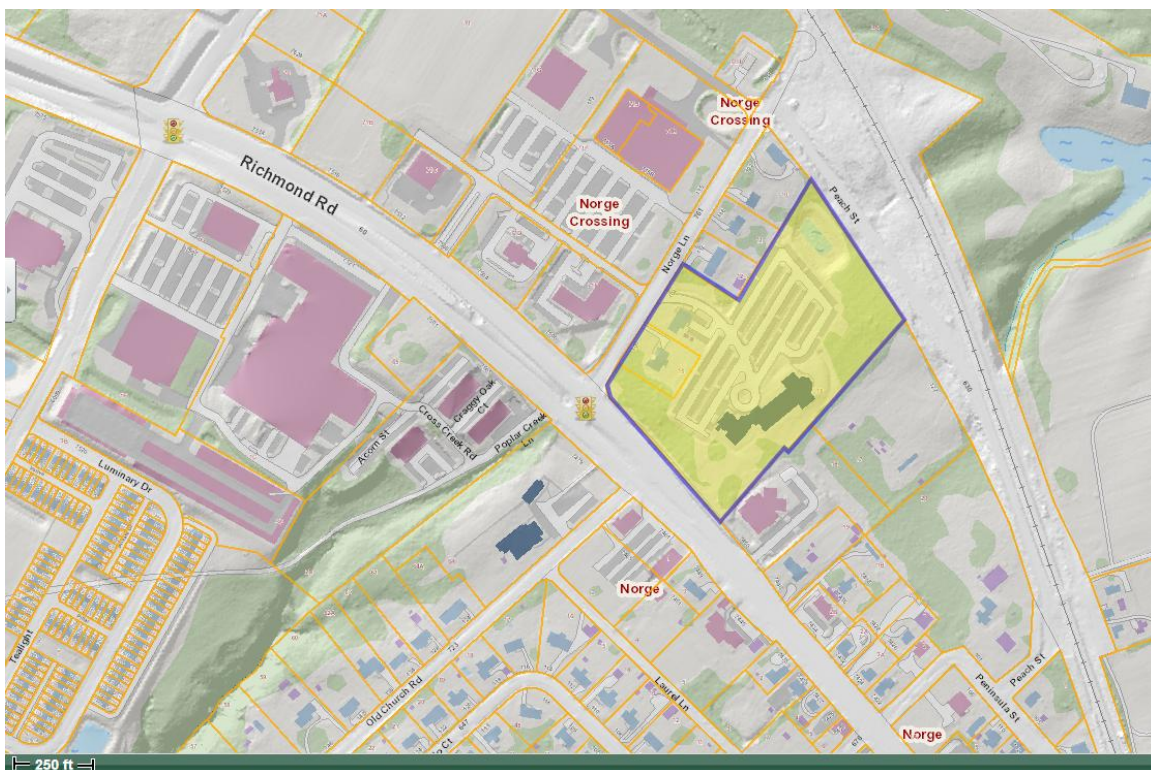
VICINITY MAP .....	1
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## I. THE PROJECT TEAM

The following organizations are involved in the planning and development of the 10.07 ± acre property:

Property Owner	Catholic Diocese of Richmond - Richmond, VA
Applicant	AES Consulting Engineers - Williamsburg, VA
Architect	Guernsey Tingle - Williamsburg, VA
Civil Engineer	AES Consulting Engineers - Williamsburg, VA
Land Planning/ Landscape Architect	AES Consulting Engineers - Williamsburg, VA



VICINITY MAP:  
Scale: 1" = 250'

## **II. INTRODUCTION & PROJECT DESCRIPTION**

### Introduction

On behalf of St. Olaf Roman Catholic Church and the Catholic Diocese of Richmond, AES Consulting Engineers respectfully requests a Special Use Permit (SUP) to facilitate a multi-phase expansion of facilities at the St. Olaf campus. The proposed expansion includes building additions, reconfiguration/expansion of the parking facilities, and upgrades to the existing on-site storm water management system.

The property is comprised of a single parcel, comprised of the former 100 Norge Lane (parcel lines abandoned per plat (Co. Plan # S-23-0027), zoned A-1, and 104 Norge Lane, zoned R8. The parcel totals 10.07 ± acres. The parcel is served by public utilities which are adequate to meet the demands of the proposed expansion. For more details, please see the section of this report titled “Water and Sanitary Sewer”. The site is within the Primary Service Area (PSA).

### History of Prior Legislative Approvals

In 2005, this majority of the property was granted a Rezoning to R-8 (Z-07-94) with proffers to bring the existing church facility into conformance with the zoning ordinance and a Special Use Permit (SUP-30-05) to permit the church to expand and renovate its existing facilities. On July 22, 2008 the Board of Supervisors approved a subsequent request (Z-0001-2008/MP-0001-2008/SUP-0006-2008/HW-0002-2008) to eliminate the prior proffers, to re-configure proposed building expansions, to accept special use permit conditions governing the use and development of the property and to remove the UNOS conservation easement previously recorded against the subject property.

### Current Proposal

The current requests seek to facilitate further building/parking expansions in two areas of the site, and to formalize the location of the Columbarium which was deemed an accessory use and received site plan (SP-22-0084) approval on November 29, 2022. Land Bay 1 is proposed to involve renovations to existing Building A and/or up to 10,000 SF of new construction for administrative space, multi-purpose space and/or a new parish hall. Land Bay 2 is proposed to involve renovations to and/or demolition of existing Buildings B and/or C and up to 15,000 SF of new construction for administrative space, classrooms, food pantry and other outward facing church ministries.

As a growing parish, St. Olaf Church wishes to expand their church facilities on this site to meet the demands of a vibrant church community with specific attention to the needs of youth and the elderly alike. The site is of adequate size to meet the church’s programming and parking needs; however, the floor area

limitations and locational limitations of the prior approved SUP (SUP-0006-2008) have become a constraint to the current targeted expansion goal. For this reason, an amendment to the SUP is required.

The approved Boundary Line Adjustment eliminated the interior boundary lines of 100 Norge Lane to create a single parcel for the entire church campus; the building restriction line across the former 100 Norge Lane parcel will remain but the interior setbacks from the now vacated internal property lines of 100 Norge Lane will no longer apply.

### Parking

Attendance and parking ratio studies were performed as part of the prior SUP review process, and the parking approved (and built) as part of the most recent site plan implemented those recommendations. With the expanded worship space now having been in service for more than five years, Mass attendance is well documented, parking needs and parking space utilization are well known and parking has proven to be sufficient for all but two of the most special occasions throughout the year (Easter and Christmas). Because the largest parking needs for the campus occur during Mass, because no other use of the property will generate comparable parking demand and because no other significant uses occur contemporaneous with Mass services, the proposed building expansions will not generate the need for additional parking spaces. Some additional parking and accessways will likely be necessary to satisfy accessibility requirements and to provide for convenient parking relative to the future buildings.

### Planning Considerations

The James City County 2045 Comprehensive Plan (adopted October 26, 2021), recommends Low-Density Residential land uses for this property. The Plan encourages infill and redevelopment as an alternative to conversion of open space to new development. Churches (places of public assembly) are specifically listed as an appropriate land use, and it is recommended they be located on collector or arterial roads at intersections where adequate buffering and screening can be provided. As the "Traffic and Access" section describes in detail, the site is accessed via Norge Lane, which meets Richmond Road at a signalized intersection. Because there is no direct access to Richmond Road, a continuous 50-foot buffer, as required by the Community Character Corridor Overlay and recommended in the comprehensive plan, has been and will continue to be maintained. Additionally, the existing church building is sited such that it is immediately adjacent to existing commercial uses to the south, while the adjacent residential uses to the north are buffered from the church by landscaping and parking. Therefore, Comprehensive Plan land use



recommendations for use, buffering, and screening will continue to be met with the proposed expansions of the St. Olaf campus.

This property also falls within the Norge Community Character Area. The Comprehensive Plan makes a number of recommendations addressing the architecture, scale, and materials employed on new projects within this area. St. Olaf church itself has become a prominent element in the community character of Norge. The Design Guidelines submitted with this application ensure that future development is compatible with the existing campus appearance. Parking will continue to be screened from adjacent properties and rights-of-way via appropriate landscaping as detailed in the design guidelines.

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

#### **A. Water and Sanitary Sewer**

##### Water

Domestic water service is currently provided by James City Service Authority (JCSA) via an 4-inch waterline. This waterline should provide adequate flow and pressure of domestic water. Additionally, an existing private 8" fire line will serve the fire demand for the site. Pressures and flows will be confirmed in the development of all future site plans.

##### Sanitary Sewer

Sanitary sewer service to the site is currently provided via an 8" main in Norge Lane. The capacity of the existing private sewer connection and the need for an additional service connection, if any, will be confirmed during the review and approval of future site plans.

#### **B. Traffic and Access**

The property is situated just southeast of the corner of Richmond Road and Norge Lane. There is an existing signalized intersection and right-turn lane from Richmond Road onto Norge Lane. The church will continue to use the location of the existing two-lane driveway for ingress/egress from Norge Lane only.

VDOT's Annual Average Daily Traffic Volume Estimates for 2021 provide the most current available traffic count information. According to the report, annual average daily traffic (AADT) volumes along this stretch of Richmond Road (Croaker Road to Centerville Road) average 20,000 trips per day, an increase of 1000 AADT over the 2006 counts. According to VDOT standards, a four-lane minor arterial road with turn lanes has an average capacity of 30,000 trips per day.

As referenced earlier with respect to parking, the expanded church has been operating for over five (5) years now and parking and traffic is well known. Typically, entering and exiting vehicles do not experience traffic back-ups on Norge Lane or Richmond Road. Traffic is not directed by public or private personnel on Richmond Road or Norge Lane. Given that the largest traffic generation event is the Mass service, the expansion of administrative, classroom, parish hall or other uses that will not occur simultaneous with Mass Services will not generate new traffic concerns.

Pedestrian access is available via a sidewalk on the north side of Norge Lane and along the north side of Richmond Road on Church property.

### **C. Fire and Emergency Medical Services**

There are currently five fire stations providing fire protection and Emergency Medical Services to James City County. Each station is located such that the emergency response goal is six minutes or less. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for additional backup assistance. The primary response station for this site is the Forge Road Station (Station 1, recently expanded and upgraded).

In the evaluation of fire protection at the project site, two existing fire hydrants are located nearby. One fire hydrant is positioned at the northwest corner of the intersection of Richmond Road and Norge Lane and the second existing fire hydrant is located just inside the entrance to Norge Crossing off of Norge Lane. Additional onsite fire hydrants may be required; actual need and locations will be determined during the development of the site plan.

### **D. Solid Waste**

The property will generate solid waste which will require collection and disposal. One or more dumpsters will be provided on-site, as needed. Collection of solid waste will be provided by private contract with a reputable hauler acting in accordance with all applicable health standards.

### **E. Gas and Electricity**

Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, electricity, cable tv service, and telephone services to this area. At this time all heating, ventilation, and air conditioning is scheduled to use electric energy. Should natural gas become viable for this site, equipment using natural gas may be considered.

## **IV. STORMWATER MANAGEMENT**

### Existing Conditions:

This project site lies within the York River Watershed area and within the Skimino Creek Watershed. The site is currently treated by a wet pond (JCC BMP YR010) located along the northern boundary of the site. The previous rezoning and redevelopment of the property provided for expanded stormwater management and three James City County Special Stormwater Criteria (SSC) credits for the site.

### Stormwater Management and Water Quality:

The expanded development of the site will be required to meet current State stormwater requirements at the time of the site plan submittal. Based upon our understanding of the current development the primary stormwater management and water quality requirements for the site expansion will be achieved through the existing SWM/BMP pond. As part of the expanded development of the property, the pond shall be inspected to ensure that it meets current guidelines while utilizing the existing storm sewer piping on the site. Upstream control measures may need to be applied to ensure capacity within the existing storm system piping.

## **V. ENVIRONMENTAL RESOURCES**

### Description of Existing Environment

The site is currently developed with an existing church and commons area, a parish office and several storage sheds, as well as associated parking, utilities, and stormwater management facilities. The site is generally flat, with the southern quarter of the site draining towards Richmond Road and the northern three-quarters of the site draining towards the existing wet pond adjacent to the northeastern property line.

### **A. Topography**

The site gently slopes to the north and to the south of the site. Elevations on the property range between 103 and 117 feet mean sea level (msl), as determined by a site topographic survey.

### **B. Soils**

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA April, 1985) map several soil types within the property

boundaries. The predominant soil types are described as Kempsville-Emporia and Slagle, with moderate permeability and moderate shrink-swell potential.

### **C. Surface Water**

Most of the site drains to the York River watershed with a small portion at the western property within sub-watershed 103 of the Yarmouth Creek watershed. As such, the site plan will be reviewed to ensure that stormwater management and water quality meets the requirements of the County (see Stormwater Management (Section IV), above).

### **D. Wetlands**

There are no jurisdictional wetlands on the project site.

### **E. Floodplain**

Information and technical data published by the Federal Emergency Management Agency (FEMA) were reviewed to determine the extent, if any, of the 100-year floodplain on this site. Based on the Flood Insurance Rate Map (FIRM) for James City County, Virginia (Map Number: 51095C0045C, September 28, 2007) this property is classified as Zone X, "Areas determined to be outside the 0.2% annual chance of floodplain;" therefore no portions of this property fall within the 100-year floodplain.

### **F. Chesapeake Bay Preservation Areas**

The Chesapeake Bay Preservation Areas (CBPA) ordinances for James City County mandate that CBPA's be mapped in association with site development. CBPA's include both Resource Protection Areas (RPA) and Resource Management Areas (RMA). The definition of RPA as outlined in the James City County Ordinance includes "tidal waters, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, and a 100-foot wide vegetated buffer" located adjacent to, and landward of, other RPA components.

No RPA features are present on the subject property; however, James City County has been designated as an RMA in its entirety.

### **G. Vegetation**

This site is currently developed as the St. Olaf Roman Catholic Church and enjoys disconnected wooded areas in the rear of the property and within the 50-foot CCC along Richmond Road.



The central portion of the property is largely open, developed with buildings, parking and the site stormwater management facility. Trees and undergrowth buffer the perimeter of the property. The proposed building addition/expansions/renovations are generally to the south and west of the existing church, ultimately defining the architectural streetscape of the church campus.

#### **H. Rare, Threatened, and Endangered Species**

Information concerning Virginia's threatened, endangered, rare species and unique natural communities is available from databases maintained by the Virginia Department of Game and Inland Fisheries (DGIF), the Virginia Department of Conservation and Recreation Division of Natural Heritage (DCR), and/or the United States Fish and Wildlife Services (FWS). Based upon the data from DGIF, two federally listed species have been confirmed to occur in James City County. These include sensitive joint-vetch (*Aeschynomene virginica*) and the small whorled pogonia (*Isotria medeoloides*).

Habitat for sensitive joint-vetch can be described as fresh to slightly brackish tidal marshes. The plant generally prefers the lower edge of the inter-tidal zone where daily inundation is common. Given that there are no wetlands or tidal marshes on this site, the occurrence of sensitive joint-vetch is implausible.

Small whorled pogonia occupies a very specific habitat type within its range. In particular, the species seems to require the following conditions: mature, mixed hardwood, upland forests, generally open understory conditions with minimal aggressive ground level species, generally level to moderately sloping land with shallow upland draws often northerly or easterly exposure, scattered ground-level sunlight, and acidic, sandy loam soils (Ware 1991, Gleason and Cronquist 1991, Weakley 2006). In addition, many professionals have noted a prevalence of decaying logs and a well-developed detritus layer on the forest floor. These attributes tend to be present with the species when found, although the exact mechanisms associated with each affinity are not understood (Ware 1991).

While there are mature trees on the site, the cluster along the perimeter is not a mature forest and the conditions present would not likely support small whorled pogonia.

#### **I. Cultural Resources**

A Phase 1A Report was completed by Martha W. McCartney in May 1993 for the original St. Olaf Church rezoning application. A copy of that report is attached for reference. An additional Phase 1A Cultural Resources Survey was conducted by Cultural Resource Management, L.L.C. in March of 2008 as well, and is attached for reference.

#### **IV. SUMMARY AND RECOMMENDATIONS**

In summary, we conclude that the subject property does not contain any environmental resources as described in Section 23.10 of the James City County Code, and that the proposed use will not impose any adverse demands on public infrastructure or services, or cultural resources.

The proposed use and improvements will be compatible with the existing church and the use is consistent with the Low Density land use recommendation as set forth in James City County 2045 Comprehensive Plan (adopted October 26, 2021) and Norge Community Character Area guidelines. The expansions, located where proposed, allow for appropriate screening and buffering to Richmond Road and to adjacent residential uses and will formalize the presentation of the church campus to the community character corridor.

## RESOLUTION

CASE NO. SUP-0007-2015

### ST. OLAF CATHOLIC CHURCH SPECIAL USE PERMIT AMENDMENT

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

WHEREAS, the Board approved Case No. SUP-0006-2008 on July 22, 2008, which allowed for the operation of a house of worship of no more than 23,000 square feet and accessory uses on the property located at 104 Norge Ln. on land zoned R-8, Rural Residential, further identified as James City County Real Estate Tax Map Parcel No. 2320100016 (the "Property"), as shown on a plan titled "St. Olaf Catholic Church" date stamped July 15, 2008, prepared by AES Consulting Engineers (the "Master Plan"); and

WHEREAS, Mr. Robert Cosby, of AES Consulting Engineers has applied on behalf of the Catholic Diocese of Richmond c/o St. Olaf Catholic Church (the "Owner"), for an SUP to amend approved SUP-0006-2008 to allow revised architectural elevations for the house of worship on the Property; and

WHEREAS, the Planning Commission, following its public hearing on January 6, 2016, recommended approval of this application by a vote of 5-0-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and hearing conducted on Case No. SUP-0007-2015.

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 SUP-0007-2015 as described herein subject to the amended and restated conditions below. This issuance supersedes and replaces SUP-0006-2008 in its entirety.

1. This SUP shall be valid for the operation of a house of worship and accessory uses thereto as shown on the Master Plan prepared by AES Consulting Engineers date stamped July 15, 2008. Expansion and renovation activities shall result in no more than 23,000 square feet of total building area. No school use shall be permitted as part of this SUP.
2. Only one entrance shall be allowed onto Norge Lane and this entrance shall align with the entrance to the Norge Shopping Center. There shall be no entrances to the Property from Richmond Road.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 25 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing


shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the Property lines. Limited lighting of the church building and the spire (no more than 20% of the overall facade) shall be permitted in such a manner that all light will be directed upward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the Property lines.

4. Prior to final site plan approvals, the planning director shall review and approve the final architectural design of the building and any future expansions. Such building, and any future expansion, shall be reasonably consistent, as determined by the planning director, with the architectural elevations titled "St. Olaf Catholic Church" submitted with this SUP application, dated June 4, 2015, and drawn by Hopke & Associates, Inc.
5. The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards shall include, but 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 resistant native and other adopted low water use landscaping materials and warm season turf where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Installation of parking spaces on the site may be phased in step with the building phasing so long as all spaces needed to meet zoning ordinance requirements for any particular phase have been installed prior to issuance of a Certificate of Occupancy ("CO") for that phase.
7. For those areas on the Master Plan where the "Evergreen Screen" is indicated, a continuous evergreen buffer designed to screen the parking lot from the adjacent properties and comprised of a mixture of evergreen ornamental trees, evergreen trees that will reach the height of at least 40 feet at maturity and evergreen shrubs shall be planted which, at planting, are 125% of the size requirements listed in the zoning ordinance, and shall be generally as shown on the "St. Olaf Catholic Church Planning Board Commission Exhibit No. 1 Landscape Buffer Intent Adjacent to Residential Properties" prepared by AES and dated June 4, 2008. A landscape plan for the entire Property (to include the "Evergreen Screen" and the Route 60 Community Character Corridor buffer area, as specifically requested by the Planning Commission, and other areas of the site as required by the zoning ordinance) shall be submitted for review and approval by the Development Review Committee with the initial plan of development for the Property. All landscaping on this plan shall be installed or bonded prior to the issuance of a final CO for the building expansion area shown on the initial plan of development.
8. Within six months of issuance of a CO for the Phase I portion of the building expansion, the Owner shall be responsible for determining the maximum percent utilization (queue length/storage length) of the left-turn lanes at the Richmond Road/Norge Lane intersection just prior to and just after the Sunday mass meeting, and providing this information in a report to the Virginia Department of Transportation



("VDOT") for its approval so that VDOT can make any adjustments to the signal timings as may be necessary. If determined necessary by VDOT, additional reports shall be done within six months of CO for the other Phases: the need for any additional reports shall be determined prior to site plan approval of each of the Phases.

9. In implementing stormwater management improvements on the Property, the Owner shall make use of low impact design measures as outlined in the Community Impact Statement date stamped July 15, 2008, and approved by the director of engineering and resource protection.
10. Prior to issuance of the first CO for any portion of the building expansion, a sidewalk shall be constructed along the Richmond Road frontage of the Property. The sidewalk shall extend to adjoining property lines and have handicapped accessible ramps at any driveways or street intersections.
11. If construction has not commenced on this project within 36 months from the issuance of this SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	___	___
LARSON	<input checked="" type="checkbox"/>	___	___
ONIZUK	<input checked="" type="checkbox"/>	___	___
SADLER	<input checked="" type="checkbox"/>	___	___
HIPPLE	<input checked="" type="checkbox"/>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of February, 2016.

SUP07-15StOlafChurchAmend-res

**Unapproved Minutes of the April 3, 2024  
Planning Commission Regular Meeting**

**SUP-23-0030. St. Olaf Catholic Church Campus Expansion**

Ms. Tess Lynch, Planner II, stated that Mr. Jason Grimes submitted an amendment to an SUP, SUP-0007-2015, to allow for an additional 25,000-square-foot expansion to the existing St. Olaf Church campus, including but not limited to, space for outreach ministry programs, administration space, counseling areas, religious education space, multipurpose space, and an expanded Parish Hall, as well as additional parking areas. Ms. Lynch stated that the subject property is located at 104 Norge Lane, zoned R-8, Rural Residential and A-1, General Agricultural, classified as Low Density Residential on the 2045 Comprehensive Plan, and is located inside the PSA. Ms. Lynch stated that this SUP shall replace and supersede SUP-0007-2015 and its conditions. Ms. Lynch further stated that several proposed conditions have been carried forward including lighting, which states that any new lighting shall meet the previous lighting condition to match current fixtures and pole height.

Ms. Lynch stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Lynch stated that staff also finds that the proposed conditions will mitigate impacts to surrounding properties and development. Ms. Lynch stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. Ms. Lynch stated that after the conditions were submitted, staff was informed that contrary to the note on the Master Plan indicating the removal of the playground, it may in fact not be removed. Ms. Lynch stated that the Master Plan would be edited, as would the condition addressing the playground, to reflect this.

Ms. Lynch stated that after the Agenda Packet was published, staff did receive a comment from a citizen that owns property across the train tracks. Ms. Lynch stated that copies of the emails were placed at the dais.

Mr. Rodgers requested clarification on some of the language used in the project description, regarding renovations or demolition of the site.

Ms. Lynch stated that the language in question was provided by the applicant. Ms. Lynch stated that, at this time, definitive plans have not been provided as to whether some structures would be renovated or demolished at the time of expansion. Ms. Lynch deferred further questions regarding the plans for expansion to the applicant.

Discussion ensued.

Mr. O'Connor opened the Public Hearing.

Mr. Graham Corson, AES Consulting Engineers, 5248 Olde Towne Road, representing the applicant, addressed the Commission in support of the application.

Mr. Mark Rinaldi, 4029 Ironbound Road, made a presentation to the Commission and clarified previous questions about the language regarding renovation or demolition on the site.

Mr. Rodgers asked Mr. Corson to comment on the citizen's concerns regarding stormwater drainage received by staff.

Mr. Corson presented construction plans to mitigate stormwater drainage to adjacent properties.

Mr. Steve Martin, 3301 Derby Lane, addressed the Commission regarding his concerns, which were provided by staff. Mr. Martin provided additional comment regarding stormwater drainage on properties adjacent to St. Olaf Church.

Mr. Haldeman made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-23-0030. St. Olaf Catholic Church Campus Expansion with the attached condition. (7-0)

To: JCC Planning Commission Members

Re: SUP-23-0030. St. Olaf Catholic Church Campus Expansion

April 1, 2024

I am the owner of property located at 196 Maxton Lane, Parcel ID #2320100008 consisting of 17.6 acres with a single family dwelling and a small farm pond. My land lays east of and downstream from the existing St. Olaf development in the Skimino Creek watershed.

The majority of Land Bay 2 and portions of Land Bay 1 presently drain westward to Yarmouth Creek. This area should not be permitted to be re-directed to Skimino Creek after passing thru my pond. I am concerned that drainage from this expansion will further stress my pond and its dam.

The culvert under the CSX tracks is only 12 inch and halfway filled with sediment. Beyond that the drainage flows overland thru my property and into my pond. This drainage system which is downstream from the existing St. Olaf bmp is not adequate to carry additional flows.

Previous expansions at St. Olaf re-directed drainage of westerly portions of the existing parking lot and site improvements from the Yarmouth watershed into the Skimino watershed passing thru my property (note the fill at the west end of the lot).

This should not be permitted again.

Thank you for your consideration of my concerns.

Sincerely,

A handwritten signature in black ink that reads "Stephen R. Martin P.E." The signature is written in a cursive, flowing style.

Stephen R. Martin, P.E

3301 Derby Lane, Williamsburg, Va. 23185



## MEMORANDUM

DATE: May 14, 2024

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: MP-24-0001/Z-24-0004. Ford's Colony Master Plan and Proffer Amendment - 125 Firestone

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Ms. Susan Tarley of Tarley Robinson, PLC, has applied on behalf of the Ford's Colony Homeowners Association (FCHOA) to amend the Master Plan and proffer commitments for 6.76 acres of a 15.26-acre parcel of land located at 125 Firestone ("the Property"). The Property is further identified as James City County Real Estate Tax Map Parcel No. 3740100019.

The existing Ford's Colony subdivision was originally rezoned with proffers to R-4, Residential Planned Community in the late 1980s. Its Master Plan and proffers have been amended several times since its inception, most recently to address changes for the continuing care retirement community (known as Ford's Village) in 2022 and prior to that in 2020 in an attempt to address and assess the applicability of any outstanding proffers, many of which date back to 1987 and have either been satisfied or were no longer applicable as the community is very near complete build-out (see "Existing/Restated Proffers", Attachment No. 4).

Per the existing proffers, the Property is to be dedicated to the County for future public use. This requirement is the result of a 1987 proffer amendment (Attachment No. 6), which stated that 6.76 acres of the parcel should be reserved for use by the County for future public safety (fire stations, police stations, etc.) or public utility needs. The remainder of the parcel is categorized as non-residential and is proposed to stay as such. Much of the parcel contains Resource Protection Areas and as such is undevelopable.

The applicant proposes the following changes (see Attachment No. 3) to the existing proffers and adopted Master Plan:

- Sections 2(a) and 2(b): Changing the designation of the whole parcel, including the subject 6.76 acres from "Public Service Area" to "Area J: Non-Residential, Service, and Amenity Site." As such, those 6.76 acres will no longer be dedicated for future County use. The land will remain non-residential but could be future utility and/or amenity space serving the FCHOA instead.
- Section 2(a): update the Land Use Master Plan reference in the proffers to show the updated land use designation.

Staff transmitted this application to other County agencies, such as the Fire Department and the James City Service Authority, for review and did not receive any objections to this recategorization. Additionally, given the limited amount of developable acreage available on this site, it is not suitable to be used for many public purposes. Additionally, since the other originally proffered elements are either already in place or were addressed by the 2020 amendment, staff finds the proposed categorization more appropriate in scale and applicability.

At its April 3, 2024, meeting, the Planning Commission voted 7-0 to recommend approval of this application to the Board of Supervisors.

**Staff Recommendation**

Staff finds that the application is consistent with the Zoning Ordinance and with the 2045 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application and accept the attached amended proffers.

RS/ap

MP24-1\_Z24-4FordsColAmd-mem

**Attachments:**

1. Ordinance
2. Location Map
3. Proposed Amended Proffers and Proposed Master Plan
4. Existing/Restated Proffers, Adopted March 11, 2020
5. Applicant Narrative
6. MP-02-1987, Proffers, Master Plan, and Board of Supervisors Meeting Minutes (Original Approval of Subject Open-Space Easement)
7. Unapproved Minutes from the April 3, 2024, Planning Commission Meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE FORD'S COLONY MASTER PLAN AND EXISTING  
PROFFERS TO CHANGE OPEN SPACE EASEMENT DEDICATION AS DESCRIBED IN  
CASE NO. Z-24-0004/MP-24-0001. FORD'S COLONY PROFFER AMENDMENT

- WHEREAS, on March 12, 1973, by the approval of Case No. Z-1-73, the Board of Supervisors rezoned certain property from A-1, General Agricultural District to R-4, Residential Planned Community District, which development was to be known as "Middle Plantation; and
- WHEREAS, over the following decade, Middle Plantation transitioned into the development known as "Ford's Colony"; and
- WHEREAS, on March 16, 1987, the Board of Supervisors approved Case No. MP-0004-1986, which added 750 acres zoned R-2, General Residential to the existing R-4, Residential Planned Community District with Restated Proffers (the "Original Proffers"); and
- WHEREAS, the Original Proffers have been amended and restated many times over the years, including Amended and Restated Ford's Colony Proffers approved by the Board of Supervisors dated October 1, 1987, August 26, 1993, September 29, 1995, January 24, 1999, September 20, 2002, January 6, 2005, May 12, 2020, and September 13, 2022, which added properties, proffers related to impacts from those additions, and retained other proffers contained in the Original Proffers (collectively the "Existing Proffers"); and
- WHEREAS, Ms. Susan Tarley of Tarley Robinson, PLC, has applied for an amendment to the Existing Proffers and adopted Master Plan on behalf of the Ford's Colony Homeowners Association ("FCHOA") to recategorize 6.76 acres of open space, thereby removing the obligation of dedication of a future public service site to the County and dedicating the site for use by the FCHOA as a non-residential, service, and amenity site on the adopted Ford's Colony Master Plan; and
- WHEREAS, the property subject to the application is located at 125 Firestone and is further identified as James City County Real Estate Tax Map Parcel No. 3740100019; and
- WHEREAS, the Planning Commission, following its public hearing on April 3, 2024, recommended approval of Case No. Z-24-0004/MP-24-0001. Ford's Colony Master Plan and Proffer Amendment by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-24-0004/MP-24-0001 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia,  
that Case No. Z-24-0004/MP-24-0001 is hereby approved as described therein and the  
amended voluntary proffers are accepted.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	NULL	_____	_____	_____	_____
_____ Teresa J. Saeed	HIPPLE	_____	_____	_____	_____
Deputy Clerk to the Board	MCGLENNON	_____	_____	_____	_____
	ICENHOUR	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____

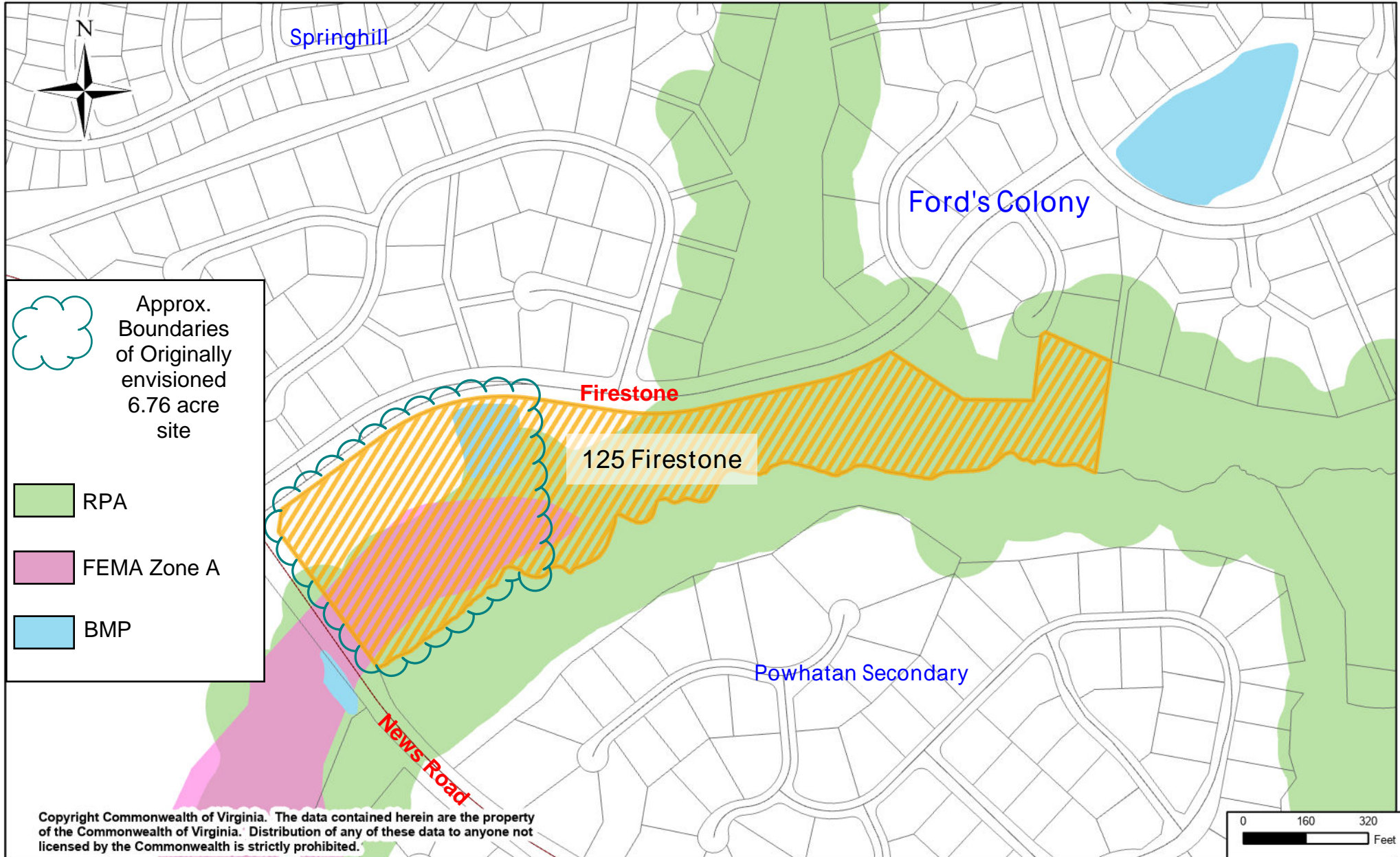
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of  
May, 2024.

MP24-1\_Z24-4FordsColAmd-ord



# JCC-MP-24-0001/Z-24-0004

## Ford's Colony Master Plan and Proffer Amendment



Tax Map No. 3740100019

Prepared by and return to:  
Susan B. Tarley, Esquire  
VSB 28896  
Tarley Robinson, PLC  
4801 Courthouse Street, Suite 122  
Williamsburg, VA 23188

## AMENDMENT TO FORD'S COLONY PROFFERS

THIS AMENDMENT TO FORD'S COLONY PROFFERS is made this 20<sup>th</sup> day of March, 2024 by FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION, a Virginia nonstock corporation (the "Association").

### RECITALS:

- A. Realtec, Incorporated, a North Carolina corporation ("Realtec") was the owner and developer of the Ford's Colony at Williamsburg development which contains approximately 2,962 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan previously approved by James City County.
- B. Realtec's authorization to do business in the Commonwealth of Virginia was revoked by the Virginia State Corporation Commission on or about April 30, 2015, and Realtec is no longer involved in the development of Ford's Colony at Williamsburg.
- C. There is no successor or assigned developer in control of the Ford's Colony Master Plan.
- D. The original proffers for Ford's Colony were made on March 11, 1987 and have been amended and restated many times over the years, including by Amended and Restated Ford's Colony Proffers (1) dated October 1, 1987 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City (the "Clerk's Office") in Deed Book 366 at page 512; (2) dated August 26, 1993 and recorded in the Clerk's Office in Deed Book 678 at page; (3) made by Richard J. Ford and dated as of September 29, 1995 and recorded in the Clerk's Office in Deed Book 757 at page 529 (the property subjected to these proffers became owned by Realtec); (4) dated September 29, 1995 and recorded in the Clerk's Office in Deed Book 757 at page 526; (5) dated January 24, 1999 and recorded in the Clerk's Office as Instrument No. 990002925; (6) dated September 20, 2002 and recorded in the Clerk's Office as Instrument No. 020024840; (7) dated as of January 6, 2005 and recorded in the Clerk's Office as Instrument No. 050001465; and (8) dated as of March 11, 2020 and recorded in the Clerk's Office as

Instrument No. 200008078, all of which incorporated the previously adopted proffers (together, the "Existing Proffers").

E. The Association is the homeowners' association for Ford's Colony at Williamsburg representing the residential owners.

F. The Association successfully submitted and obtained approval of the Amendment to Proffers referenced in paragraph D(8) above.

G. The Association is the owner of 125 Firestone, Williamsburg, Virginia, Tax Map No. 3740100019 by virtue of Special Commissioner Deed dated November 28, 2022 and recorded November 30, 2022 as Instrument No. 202216810 in the Clerk's Office of the Circuit Court for James City County, Virginia. The Special Commissioner Deed resulted from the Decree of Sale and Decree of Confirmation entered in that certain cause styled County of James City, Virginia v. Realtec Incorporated (CL22-612) filed in the Circuit Court for James City County, Virginia. 125 Firestone is zoned R4 and contains a total of 15.26 acres with 6.76 undesignated acres being classified as a Public Service Area.

H. The Association has applied to amend the existing Master Plan to change the existing Master Plan designation of 125 Firestone as shown on the amended Master Plan entitled Land Use Master Plan 2024, Ford's Colony at Williamsburg, made by AES Consulting Engineers (the "Land Use Master Plan 2024"), to be re-designated as Area J: Non-Residential, Amenity and Service Sites.

I. The Association proposes amending the existing proffers to remove a previously proffered condition that designated 6.76 acres as Public Service Area.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of James City, Virginia (the "Board"), of the applied for Master Plan Amendment and acceptance of these Amended Proffers and pursuant to Section 15.2-2302 and Section 15.2-2303 of the Code of Virginia, 1950, as amended, the Parties agree that they shall meet and comply with all of the following conditions in developing Property:

1. EXISTING PROFFERS RETAINED. Except as amended herein, the Existing Proffers shall remain in full force and effect and are incorporated into these Amended Proffers by reference.

2. AMENDMENT. The Existing Proffers are amended as follows:

(a) ADDITIONAL AMENITY SITES. 125 Firestone, containing a total of 15.26 acres, more or less, as referenced on the attached Land Use Master Plan 2024, Ford's Colony at Williamsburg made by AES Consulting Engineers (the "Land Use Master Plan 2024"), as the Additional Amenity

Sites with a Number 11 identifying 125 Firestone is re-designated as Area J: Non- Residential, Amenity and Service Site as shown on the Land Use Master Plan 2024.

- (b) REMOVAL OF PUBLIC SERVICE AREA DESIGNATION. 125 Firestone contains a total of 15.26 acres with 6.76 unspecified acres being designated as Public Service Area. The designation of Public Service Area shall be removed, and the entire site for 125 Firestone will be designated as Area J: Non- Residential, Service and Amenity Site.

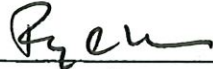
- 3. ASSOCIATION IS NOT DECLARANT. In proposing and participating in the adoption of this Master Plan Amendment, the Association is in no way accepting any responsibility or establishing itself as a successor to the Declarant. The Association has expressly agreed to those certain Proffers set forth as Item B(1) in the Amendment to Ford's Colony Proffers dated March 11, 2020 and recorded in the Circuit Court Clerk's Office for James City County, Virginia as Instrument No. 200008078.

SIGNATURE PAGE FOLLOWS



The undersigned has executed this Amendment to Ford's Colony Proffers this 26<sup>th</sup> day of March, 2024.

FORD'S COLONY AT WILLIAMSBURG  
HOMEOWNERS ASSOCIATION

By:   
Ray C. Madsen, President

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

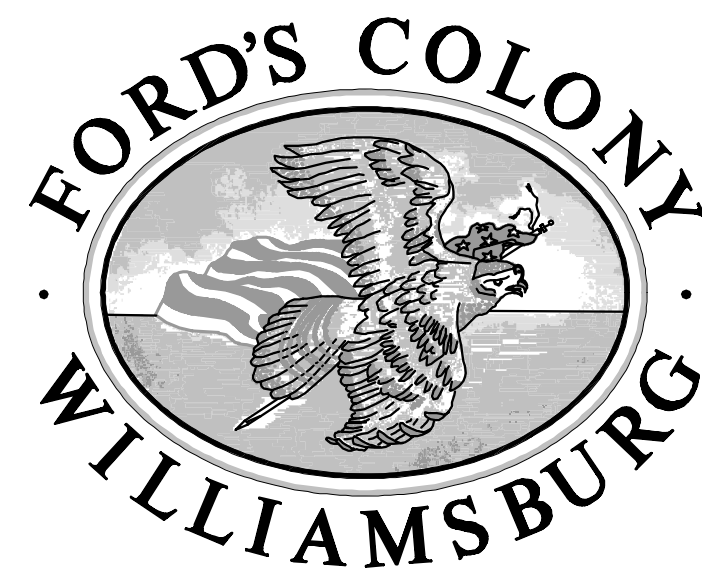
I, Lisa Dierdre LaFountain, a Notary Public in and for the jurisdiction aforesaid, so certify that the foregoing Amended Proffers were executed and acknowledged before me on this 26<sup>th</sup> day of March, 2024 by Ray C. Madsen, Authorized signatory for Ford's Colony at Williamsburg Homeowners Association, a Virginia nonstock corporation on behalf of the Corporation.

  
Notary Public

My Commission Expires:  
Registration No.







#### NON RESIDENTIAL/AMENITY/SERVICE SITES

100 HOTEL CONDOMINIUMS, EXECUTIVE MEETING FACILITIES AND GOLF ACADEMY	4.71 AC.
GOLF CLUB AND PRO SHOP	5.05 AC.
BUSINESS CENTER	1.81 AC.
ADMINISTRATIVE BUILDING	3.50 AC.
PUBLIC SERVICE AREA/DJ MONTAGUE	28.05 AC.
GOLF MAINTENANCE	3.90 AC.
COMMUNITY CLUB	7.72 AC.
PROJECT MAINTENANCE	10.59 AC.
DRIVING RANGE/CART STORAGE	10.34 AC.
WESTBURY PARK	6.36 AC.
ADDITIONAL AMENITY SITE	15.3 AC.
CELL TOWER/RT 199 BUFFER	14.1 AC.
EX. TENNIS COURT/AMENITY AREA	1.14 AC.
<b>TOTAL</b>	<b>112.57 AC.</b>

\*NOTE: ALL OPEN SPACES CONTROLLED BY FORD'S COLONY HOMEOWNERS ASSOCIATION MAY BE UTILIZED FOR COMMON NEIGHBORHOOD AMENITIES (WALKING TRAILS, GAZEBO, BENCHES, PARKING, ETC)

#### LEGEND

- RESIDENTIAL "A"
- RESIDENTIAL "B"
- RESIDENTIAL "D"
- RESIDENTIAL "D"
- AREAS OF COMMON OPEN SPACE "J"
- WILLIAMSBURG WEST SUBDIVISION AND APARTMENTS NOT A PORTION OF MASTER PLAN

NOTE:  
VARIABLE WIDTH (25' MIN) BUFFER ALONG THE FORD'S COLONY TRACT WHERE IT ADJOINS CENTREVILLE ROAD SHALL BE RESERVED FOR FUTURE WIDENING AND REALIGNMENT OF S.R. 614

#### GENERAL NOTES:

- RECORDATION OF THIS PLAN IS SOLELY FOR THE PURPOSE OF IDENTIFYING THE LAND COVERED BY THE PROFFERS RECORDED HEREWITH AND DOES NOT CONSTITUTE A PLAT OF SUBDIVISION NOR DOES IT DEDICATE TO PUBLIC OR PRIVATE USE ANY ROADS, COMMON AREAS, GREEN AREAS, OR RECREATION AREAS.
- THE PROPERTY SHOWN ON THIS PLAN IS COVERED BY PROTECTIVE COVENANTS OF RECORD IN THE CLERK'S OFFICE IN THE COURTHOUSE OF JAMES CITY COUNTY, VIRGINIA, WHICH PROVIDE FOR THE MAINTENANCE OF COMMON OPEN SPACE, RECREATION AREAS, SIDEWALKS, PARKING, PRIVATE STREETS AND OTHER PRIVATELY OWNED, BUT COMMON FACILITIES SERVING THIS PROJECT.
- LOTS NUMBERED REPRESENT RECORDED SECTIONS OR SECTIONS THAT HAVE RECEIVED PRELIMINARY APPROVAL.
- THE 2008 MASTER PLAN AMENDMENT ADDED THE CCRC PROPERTY TO THE R-4 MASTER PLAN. THE AMENDMENT WILL BE CONSIDERED A STAND-ALONE PROJECT FOR THE PURPOSES OF STORMWATER MANAGEMENT POINTS AND CREDITS.
- THE 2021 MASTER PLAN AMENDMENT ADJUSTED THE DENSITY FOR THE CCRC PROPERTY.
- WESTPORT AND PARKE AT WESTPORT ARE NOT PART OF THE FORD'S COLONY AT WILLIAMSBURG R-4 MASTER PLAN BUT LOTS ARE INCLUDED WITHIN THE HOMEOWNER'S ASSOCIATION.
- 2024 AMENDMENT TO REASSIGN 125 FIRESTONE AS NON-RESIDENTIAL, AMENITY, AND SERVICE SITES AND TO AMEND THE EXISTING PROFFERS TO REMOVE DESIGNATED 6.76 ACRE PUBLIC SERVICE AREA.

PLANNING DIVISION

MARCH 26, 2024

RECEIVED



#### LAND USE TABULATION

	2024	2021
<b>RESIDENTIAL "A"</b>		
TOTAL NUMBER OF UNITS	2,842 UNITS	2,856 UNITS
GROSS AREA OF RESIDENTIAL "A"	1,868.77± AC.=(63.09%)	1,868.77± AC.=(63.09%)
PERMITTED DENSITY	4.00 UNITS/ ACRE	4.00 UNITS/ ACRE
UNIT DENSITY	1.52 UNITS/ ACRE	1.53 UNITS/ ACRE
<b>RESIDENTIAL "B"</b>		
TOTAL NUMBER OF UNITS	80 UNITS	80 UNITS
GROSS AREA OF RESIDENTIAL "B"	22.9± AC.=(0.77%)	22.9± AC.=(0.79%)
PERMITTED DENSITY	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE
UNIT DENSITY	3.49 UNITS/ ACRE	3.40 UNITS/ ACRE
<b>RESIDENTIAL "D"</b> D1 (200 UNITS); D2 (30 UNITS); D3 (98 UNITS)		
TOTAL NUMBER OF UNITS	328 UNITS	314 UNITS
GROSS AREA OF RESIDENTIAL "D"	31.82 AC.=(1.07%)	31.82 AC.=(1.14%)
PERMITTED DENSITY	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE
UNIT DENSITY	10.31 UNITS/ ACRE	9.67 UNITS/ ACRE
<b>C.C.R.C. "A","B" &amp; "C"</b>		
TOTAL NUMBER OF UNITS	270 UNITS	270 UNITS
<b>C.C.R.C. "D"</b>		
TOTAL NUMBER OF UNITS	75 UNITS	75 UNITS
TOTAL NUMBER OF BEDS	125 BEDS	125 BEDS
ACREAGE FOR DENSITY	125.03 AC.	
OVERALL C.C.R.C. DENSITY	2.76 UNITS/ AC.	
NOTE: BEDS ARE NOT INCLUDED IN DENSITY CALCULATIONS		
<b>OPEN SPACE</b>		
WITHIN NON-RESIDENTIAL AMENITY AND SERVICE SITES	39.27 AC.	150.27 AC.
GOLF COURSE, LAKES AND BUFFERS, MARSH RESERVE*	839.61 AC.	844.71 AC.
OPEN SPACE SURROUNDING ROUTE 199	614.12 AC.	614.12 AC.
OPEN SPACE WITHIN RESIDENTIAL "A"	149.77 AC.	38.77 AC.
TOTAL AREA OF OPEN SPACE	1,542.77 AC.	1,547.87 AC.
TOTAL AREA OF PROJECT	2,956.34 AC.	2,962.24 AC.
% OF OPEN AREA	52.2%	52.3%
<b>OVERALL DENSITY</b>		
TOTAL PROJECT AREA	2,956.34 AC.	2,962.28 AC.
GROSS AREA (FOR DENSITY CALCULATION ONLY)	2,830.6 AC.	2,830.6 UNITS
TOTAL NUMBER OF RESIDENTIAL UNITS	3,340 UNITS	3,340 UNITS
OVERALL PROJECT DENSITY	1.28 UNITS/ AC.	1.17 UNITS/ AC.
* NOTES: OPEN SPACE BREAKDOWN		
MARSH RESERVES, LAKES AND BUFFERS		278.12 AC.
GOLF COURSE (INCLUDES LAKES IN PLAY)		491.09 AC.
OPEN SPACE SURROUNDING ROUTE 199		14.10 AC.
ASSOCIATED GREENBELTS NATURAL OPEN SPACE IN 1993 ADDITION		3.30 AC.
OPEN SPACE IN 1998 ADDITION		5.00 AC.
OPEN SPACE IN 2008 ADDITION		47.20 AC.
OPEN SPACE IN 2023 SUBTRACTION (ROUTE 199)		112.49 AC.
		5.90 AC.

5248 Old Towne Road, Suite 1  
Williamsburg, Virginia 23186  
(757) 253-0000  
Fax (757) 220-8994



LAND USE MASTER PLAN 2024  
**FORD'S COLONY**  
AT WILLIAMSBURG  
OWNER / DEVELOPER: REALTEC, INCORPORATED  
JAMES CITY COUNTY, VIRGINIA  
FOURTH DISTRICT

Designed AES	Drawn AES
Scale 1"= 600'	Date 2024
Project No. W10514-01	Drawing No. 2



Tax Map Nos. 3130100053A, 3131700001, 3130100058, 3130100053B

Prepared by:  
Susan B. Tarley, Esquire  
VSB 28896  
Tarley Robinson, PLC  
4808 Courthouse Street, Suite 102  
Williamsburg, VA 23188

### AMENDMENT TO FORD'S COLONY PROFFERS

THIS AMENDMENT TO FORD'S COLONY PROFFERS is made this 14th day of March, 2020 by **FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION**, a Virginia nonstock corporation (the "Association"), **REDUS VA HOUSING, LLC**, a Delaware limited liability company ("Redus"), **WINDSOR HEALTHCARE EQUITIES, LLC**, a Maryland limited liability company ("Windsor"), and the **DOROTHEA M. FORD REVOCABLE DECLARATION OF TRUST**, ("Ford"), collectively referred to as the "Parties" and to be indexed as "Grantors" and **JAMES CITY COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, to be indexed as "Grantee."

#### RECITALS:

- A. Realtec, Incorporated, a North Carolina corporation ("Realtec") was the owner and developer of the Ford's Colony at Williamsburg development which contains approximately 2,962 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan previously approved by James City County.
- B. Realtec developed Ford's Colony in phases over a period of 30 years, with each phase subjected to the Ford's Colony Declaration of Protective Covenants, and each lot owner required to be a member in the Association.
- C. Realtec's authorization to do business in the Commonwealth of Virginia was revoked by the Virginia State Corporation Commission on or about April 30, 2015, and Realtec is no longer involved in the development of Ford's Colony at Williamsburg.
- D. The original proffers for Ford's Colony were made on March 11, 1987 and have been amended and restated many times over the years, including by Amended and Restated Ford's Colony Proffers (1) dated October 1, 1987 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City (the "Clerk's Office") in Deed

Return to:  
James City County Attorney  
101-C Mounts Bay Road  
Williamsburg, VA 23185

Book 366 at page 512; (2) dated August 26, 1993 and recorded in the Clerk's Office in Deed Book 678 at page; (3) made by Richard J. Ford and dated as of September 29, 1995 and recorded in the Clerk's Office in Deed Book 757 at page 529 (the property subjected to these proffers became owned by Realtec); (4) dated September 29, 1995 and recorded in the Clerk's Office in Deed Book 757 at page 526; (5) dated January 24, 1999 and recorded in the Clerk's Office as Instrument No. 990002925; (6) dated September 20, 2002 and recorded in the Clerk's Office as Instrument No. 020024840; (7) dated as of January 6, 2005 and recorded in the Clerk's Office as Instrument No. 050001465; all of which incorporated the previously adopted proffers (together, the "Existing Proffers").

E. Certain Existing Proffers made by Realtec for Ford's Colony at Williamsburg have not been completed and are considered not warranted or necessary by development build-out.

F. The Existing Proffers run with the land and are binding on Realtec's successors.

G. The Association is the homeowners association for Ford's Colony representing the residential owners.

H. Redus is the owner of certain property located at 245 Ford's Colony Drive, Williamsburg, Virginia 23188, further identified as Parcel ID 3130100053A, and 1000 Eaglescliffe, Williamsburg, Virginia 23188, further identified as Parcel ID 3131700001, upon which a multifamily housing project consisting of sixty (60) residential condominium units is planned.

I. Windsor is the owner of that certain property located at 185 Ford's Colony Drive, Williamsburg, Virginia 23188, further identified as Parcel ID 3130100058, upon which a multifamily housing project consisting of thirty (30) residential condominium units is planned.

J. Ford is the owner of a certain property located at 1051 St. Andrews Drive, Williamsburg, Virginia 23188, further identified as Parcel ID 3130100053B, upon which up to fourteen (14) residential condominium units are planned.

K. The Redus, Windsor, and Ford condominium units referenced above shall be cumulatively referred to, for the purposes of these Amended Proffers only, as the New Condominium Units.

L. The Association and the governing documents for Ford's Colony provide consistency for the continued development of Ford's Colony as originally intended.

M. Ford's Colony has grown from its original proposal as a 1410 acre neighborhood with 1976 residential dwellings and golf courses offering 45 holes of golf to 2962 acres with 3250 residential units, golf courses offering 54 holes of golf with an additional 660 residential units on 140 acres.

N. The Parties propose amending the existing proffers that have not been completed by Realtec. This amendment request does not include any modification or amendment to the Master Plan layout, density, open space or unit count.

O. There are three remaining areas shown as residential on the Master Plan along Ford's Colony Drive which have been made subject to the Ford's Colony Declaration. Mandatory membership in the Association will ensure that those residents on the remaining residential parcels have access to the Association's amenities as well as the rights, privileges, and responsibilities of ownership in Ford's Colony. Mandatory membership in the Association is consistent with the development intent and Master Plan.

P. The Association owns and maintains all the roads and common areas in Ford's Colony, and all residential properties contribute to annual and long-term maintenance through assessments billed equally to all members.

Q. The commercial properties within Ford's Colony include properties owned by ClubCorp NV XV, LLC, Manor Club at Ford's Colony and FRH, LLC. These owners are not members of the Association and their properties are not subject to the Ford's Colony Declaration, however, they are parties to a Shared Maintenance Agreement with the Association in which they contribute to the maintenance of Ford's Colony Drive, and any further commercial development on Ford's Colony Drive will have a responsibility to contribute to the road maintenance.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of James City, Virginia (the "Board"), of the applied for rezoning and acceptance of these Amended Proffers and pursuant to Section 15.2-2302 and Section 15.2-2303 of the Code of Virginia, 1950, as amended, the Parties agree that they shall meet and comply with all of the following conditions in developing Property:

A. **Existing Proffers Retained.** Except as amended herein, the Existing Proffers shall remain in full force and effect and are incorporated into these Amended Proffers by reference.

B. **Amendments.** The Existing Proffers are amended as follows:



1. TERMINATION OF CERTAIN ROAD IMPROVEMENT PROFFERS. Condition 1 of the Ford's Colony Proffers dated March 11, 1987 and attached as Exhibit A to the Restated Ford's Colony Proffers dated October 1, 1987 in James City County Case MP-2-97 and recorded in Deed Book 366, page 512, *et. seq.* shall be replaced and superseded by the following:

(a) The Association will upgrade the main entrance to Ford's Colony at Ford's Colony Drive by extending the stop bar, and striping for a left and right turn lane on the outbound side of Ford's Colony Drive as required by the Traffic Impact Study Update, Ford's Colony Master Plan – Phased Development, James City County, Virginia, prepared by Kimley-Horn and Associates, Inc. dated January 2020 (the "2020 Traffic Impact Study") on the earlier of three (3) years from the approval of these Amended Proffers, or the award of the first certificate of occupancy for the New Condominium Units.

(b) The Association will install a right turn lane from Longhill Road onto Ford's Colony Drive as required by the 2020 Traffic Impact Study on the earlier of three (3) years from the approval of these Amended Proffers, or the award of the first certificate of occupancy for the New Condominium Units.

(c) The Association will dedicate right-of-way as necessary, upon request, to implement the Phase III, Longhill Road Corridor Plan, to the extent the Association is the owner of any property necessary for the right-of-way. The Association shall not be required to purchase any land or acquire any right-of-way across private property nor shall it be required to construct new or remove existing improvements.

(d) All road improvements proffered in the Existing Proffers and constructed as of the date of these Amended Proffers shall remain in place.

2. TRAFFIC IMPACT STUDY. Condition Number 3 of the Ford's Colony Proffers dated March 11, 1987 and attached as Exhibit A to the Restated Ford's Colony Proffers dated October 1, 1987 in James City County Case MP-2-97 and recorded in Deed Book 366, page 512, *et. seq.* in the Clerk's Office of the Circuit Court of James City County, is deleted in its entirety.

3. BIKE LANE. Condition Number 5 of the Amended and Restated Ford's Colony Proffers dated January 24, 1999 and recorded as Instrument No. 990002925 in the Clerks Office of the Circuit Court of James City County is deleted in its entirety.

**C. Supplemental Conditions.** In addition to the Existing Proffers, as amended above, the Parties proffer the following conditions:

1. MEMBERSHIP IN HOMEOWNERS ASSOCIATION. Contingent on plan approval by James City County, all new residential development on the Property shall be subject to mandatory membership in the Association by a Supplemental Declaration of Protective Covenants approved by the Association.

2. UNIT DENSITY; TYPES OF UNITS. The parcel owned by Windsor, Parcel No. 3130100058 is to have up to thirty (30) residential condominium units. The two parcels owned by REDUS VA HOUSING LLC, Parcel Nos. 3130100053A and 3131700001 are to have up to sixty (60) residential condominium units. The parcel owned by Ford, Parcel Number 3130100053B is to have up to fourteen (14) residential condominium units.

**SIGNATURE PAGES FOLLOW**

The undersigned has executed this Amendment to Ford's Colony Proffers this \_\_\_\_ day of \_\_\_\_\_, 2020.

WINDSOR HEALTHCARE EQUITIES, LLC

By: William Apollony  
William Apollony, Authorized Member

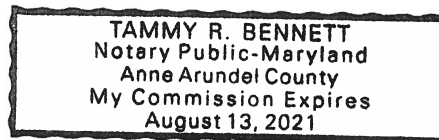
STATE OF MARYLAND

CITY/COUNTY OF ANNE ARUNDEL, to-wit:

I, Tammy R. Bennett, a Notary Public in and for the jurisdiction aforesaid, so certify that the foregoing Amended Proffers were executed and acknowledged before me on this 11<sup>th</sup> day of MARCH 2020 by William N. Apollony authorized signatory for Windsor Healthcare Equities, LLC, a Maryland limited liability company on behalf of the company.

Tammy R. Bennett  
Notary Public

My Commission Expires: August 13, 2021  
Registration No.

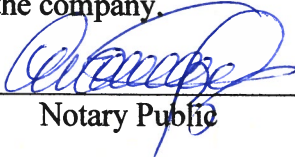


The undersigned has executed this Amendment to Ford's Colony Proffers this 12 day of MARCH, 2020.

REDUS VA HOUSING, LLC  
BY: REDUS PROPERTIES, INC, ITS SOLE MEMBER  
By: Ryan Sansavera  
RYAN SANSAVERA, ~~Authorized Member~~  
VICE PRESIDENT

STATE OF NORTH CAROLINA  
CITY/COUNTY OF MECKLENBURG, to-wit:

I, Astghik Vardanyan, a Notary Public in and for the jurisdiction aforesaid, so certify that the foregoing Amended Proffers were executed and acknowledged before me on this 12 day of 03, 2020 by Ryan Sansavera, authorized signatory for Redus Va Housing, LLC, a Delaware limited liability company on behalf of the company.

  
Notary Public

My Commission Expires: 04-03-2022  
Registration No. 01815030005



The undersigned has executed this Amendment to Ford's Colony Proffers this 11 day of MARCH, 2020.

FORD'S COLONY AT WILLIAMSBURG  
HOMEOWNERS ASSOCIATION

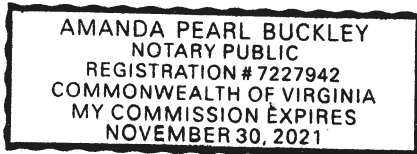
By: [Signature], President

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

I, Amanda Buckley, a Notary Public in and for the jurisdiction aforesaid, so certify that the foregoing Amended Proffers were executed and acknowledged before me on this 11<sup>th</sup> day of march 2020 by Robert mollier, Authorized signatory for Ford's Colony at Williamsburg Homeowners Association, a Virginia nonstock corporation on behalf of the Corporation.

[Signature]  
Notary Public

My Commission Expires:  
Registration No. 7227942





The undersigned has executed this Amendment to Ford's Colony Proffers this 11 day of March, 2020.


DOROTHEA M. FORD REVOCABLE  
DECLARATION OF TRUST

By: 

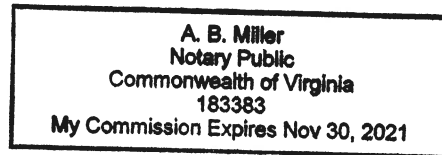
Brian Ford, Attorney-in-fact  
for Dorothea M. Ford, Trustee

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

I, A.B. Miller, a Notary Public in and for the jurisdiction aforesaid, so certify that the foregoing Amended Proffers were executed and acknowledged before me on this 11 day of March 2020 by Brian Ford, Attorney-in-fact for Dorothea M. Ford, Trustee of the Dorothea M. Ford Revocable Declaration of Trust, on behalf of the Trust.

  
Notary Public

My Commission Expires:  
Registration No.



January 29, 2024

Paul D. Holt, III, AICP, CNU-A, CFM  
Director of Community Development and Planning  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

RE: Amendment to Ford's Colony Proffers

Mr. Holt,

Ford's Colony Homeowners Association (FCHOA) requests that James City County approve a Master Plan amendment and amended proffers for the real property commonly identified as 125 Firestone, Williamsburg, Virginia, Tax Map No. 37401000012. A copy of the proposed Amendment to Ford's Colony Proffers is attached hereto as Exhibit A ("the Amendment"). A copy of the Master Plan amendment entitled Land Use Master Plan 2023, Ford's Colony at Williamsburg, made by AES Consulting Engineers, dated 2023 (the "Land Use Master Plan 2023") is attached as Exhibit B. This application is submitted behalf of FCHOA, as applicant.

## BACKGROUND

Realtec Incorporated (Realtec), the developer of Ford's Colony at Williamsburg (Ford's Colony), entered into a number of Master Plan Amendments with Proffers with James City County from 1985 - 2008. The community grew from an initial zoning approval of 1410 acres with 1976 residential units and 45 holes of golf to one of 2962 acres with 3250 residential units, 54 holes of golf and a future continuing care retirement community with additional residential units. Throughout that time, Realtec committed to and fulfilled various cash payments, land conveyances, and offsite road and utility improvements as residential development progressed. Today, the vision, design and function for Ford's Colony has been fully implemented and it functions as a vibrant, welcoming and amenity rich community.

In 2020, FCHOA, as the homeowners' association for Ford's Colony at Williamsburg representing the residential owners, applied to amend the Ford's Colony Proffers as Realtec had ceased to do business in the Commonwealth of Virginia, and was no longer involved in the development of Ford's Colony. FCHOA, on behalf of all owners in Ford's Colony, initiated a process to resolve any outstanding proffers and to ensure the control and consistency of quality currently enjoyed in Ford's Colony applied to the few remaining undeveloped parcels. The Amendment to the Ford's Colony Proffers by FCHOA dated March 11, 2020 was approved and recorded in the Clerk's Office as Instrument No. 200008078.

FCHOA has acquired 125 Firestone, a parcel within the boundaries of Ford's Colony to assure that it remains beneficial to the owners in Ford's Colony, with the maintenance of such parcel being performed by the Association.

### AMENDMENT TO THE PROFFERS

The Association has applied to amend the existing Master Plan to change the existing Master Plan designation of 125 Firestone to Area J: Non-Residential, Amenity and Service Site, as shown on the Land Use Master Plan 2023, and to remove the designation of 6.76 acres as a Public Service Area.

The items to be amended are found in Sections 2(a) and (b) of the Amendment:

Section 2(a): 125 Firestone, containing a total of 15.26 acres, more or less, as referenced on the attached Land Use Master Plan 2023, Ford's Colony at Williamsburg made by AES Consulting Engineers, dated 9/2023 (the "Land Use Master Plan 2023"), as the Additional Amenity Sites with a Number 11 identifying 125 Firestone is re-designated as Area J: Non-Residential, Amenity and Service Site as shown on the Land Use Master Plan 2023.

Section 2(b) 125 Firestone contains a total of 15.26 acres with 6.76 unspecified acres being designated as Public Service Area. The designation of Public Service Area shall be removed, and the entire site for 125 Firestone will be designated as Area J: Non- Residential, Service and Amenity Site.

Further, Section 3 clarifies that the FCHOA is submitting this amendment as a stakeholder only and is not asserting itself as, or accepting responsibility of, the Declarant.

### Summary

This proffer amendment is both necessary and appropriate for a neighborhood of the maturity and complexity of Ford's Colony. In agreeing to this amendment, James City County enables FCHOA to continue to provide it's members with a safe, functional and aesthetically pleasing neighborhood. Approval also helps eliminate potential friction points and provides clarity for the use and designation of 125 Firestone, Williamsburg, Virginia.

In the event you have any follow up questions or would like additional details about this amendment, please do not hesitate to contact me.

Sincerely,

TARLEY ROBINSON, PLC

  
Susan Bradford Tarley

cc: Roy Madsen, President  
Drew M. Mulhare, General Manager

## **Attachment No. 6**

**MP-02-1987:**

*Proffers, Master Plan, and  
Board of Supervisors Minutes  
re: the addition of the subject  
6.76 acres*

## RESTATED FORD'S COLONY PROFFERS

THESE RESTATED FORD'S COLONY PROFFERS ("Restated Proffers") are made as of this 1<sup>st</sup> day of October, 1987, by REALTEC INCORPORATED, a North Carolina corporation, successor by merger to Ford's Colony at Williamsburg, Inc., a Virginia corporation ("Ford's Colony").

RECITALS:

A. By certain proffers dated March 11, 1987, a copy of which is attached hereto as Exhibit "A" (the "Proffers"), Ford's Colony agreed to satisfy certain conditions and obligations in connection with an amendment to its original Master Plan for Ford's Colony (the "Master Plan"). In consideration of the Proffers, James City County (the "County") amended the Master Plan on March 11, 1987. Prior to the March 11, 1987 amendment, the Master Plan had been previously amended on January 28, 1985, April 2, 1985 and February 10, 1986.

B. Ford's Colony is the owner of certain real property in James City County, Virginia (hereinafter referred to as the "Property"), which is more particularly described as follows:

All those certain lots, pieces and parcels of land, situate in Powhatan and Berkeley Districts, James City County, Virginia, set out and shown on a plat hereto attached and made a part hereof, which plat is entitled "1987 MASTER PLAN - FORD'S COLONY @ WILLIAMSBURG, POWHATAN AND BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA," made by AES, a professional corporation, dated July 21, 1987, which lands contain 2,401.41 acres.

C. Pursuant to a proposed Amendment to Master Plan dated July 21, 1987 and submitted to the Planning Commission of the



County on August 25, 1987 (the "Amended Plan"), Ford's Colony has again applied for an amendment to the Master Plan. Under the Amended Plan, the Property, which includes 249 acres not currently included in the Master Plan, would be included in the Master Plan.

D. Ford's Colony wishes to reiterate to the County its agreement to complete and perform its obligations as set forth in the Proffers, as amended hereby, and set forth its agreement to satisfy certain additional obligations.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of James City of the Amended Plan, and pursuant to Section 15.1-491.1 et seq. of the Code of Virginia, 1950, as amended, Ford's Colony agrees as follows:

1) Ford's Colony hereby restates, affirms and ratifies the Proffers in their entirety, which Proffers are specifically incorporated herein by reference, provided, however, that the time limits set forth in Paragraphs 3 and 5 of the Proffers shall begin to run upon approval of this amendment to the Master Plan.

2) Ford's Colony shall convey to the County, within 90 days of receipt by Ford's Colony of a written demand therefor from the County, the additional 6.76 acres of land shown on the plat attached hereto and made a part hereof entitled, "SKETCH OF 6.76 Ac.± PROPOSED ADDITIONAL PUBLIC SERVICE AREA, FORD'S COLONY @ WILLIAMSBURG, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA," made by AES, a professional corporation, and dated Sept. 18,

1987, (the "Sketch"), as an additional public service area, such conveyance to be made using a metes and bounds description or by reference to an actual plat of survey of the 6.76 acres.

The County shall have the right to construct an access from the 6.76 acres to the proposed 80' right of way shown on the Sketch and any private road built thereon by Ford's Colony at a location to be selected by the County between News Road and the beginning of the 20' scenic easement shown on the Sketch, so long as the 6.76 acres is used by the County as a site for a fire station, emergency services station, police substation, public library or other similar use beneficial to the Ford's Colony at Williamsburg subdivision. Ford's Colony shall also grant the County an easement for ingress and egress over the portion of the proposed 80' right of way between News Road and County's access onto the 80' right of way. If, at the time the County determines to develop the 6.76 acres for one of the aforementioned uses, Ford's Colony has not constructed a private road on the proposed 80' right of way, the County shall have the right to construct a road on such right of way from News Road to the access constructed by the County to the 6.76 acres.

IN WITNESS WHEREOF, the undersigned, intending to be legally bound, has, as of the date first written above, caused

these Restated Proffers to be executed by its duly authorized corporate officer.

REALTEC INCORPORATED, successor  
by merger to Ford's Colony at  
Williamsburg, Inc., a Virginia  
corporation

By: Michael J. Tiernan  
Title: Assistant Treasurer

STATE OF VIRGINIA AT LARGE

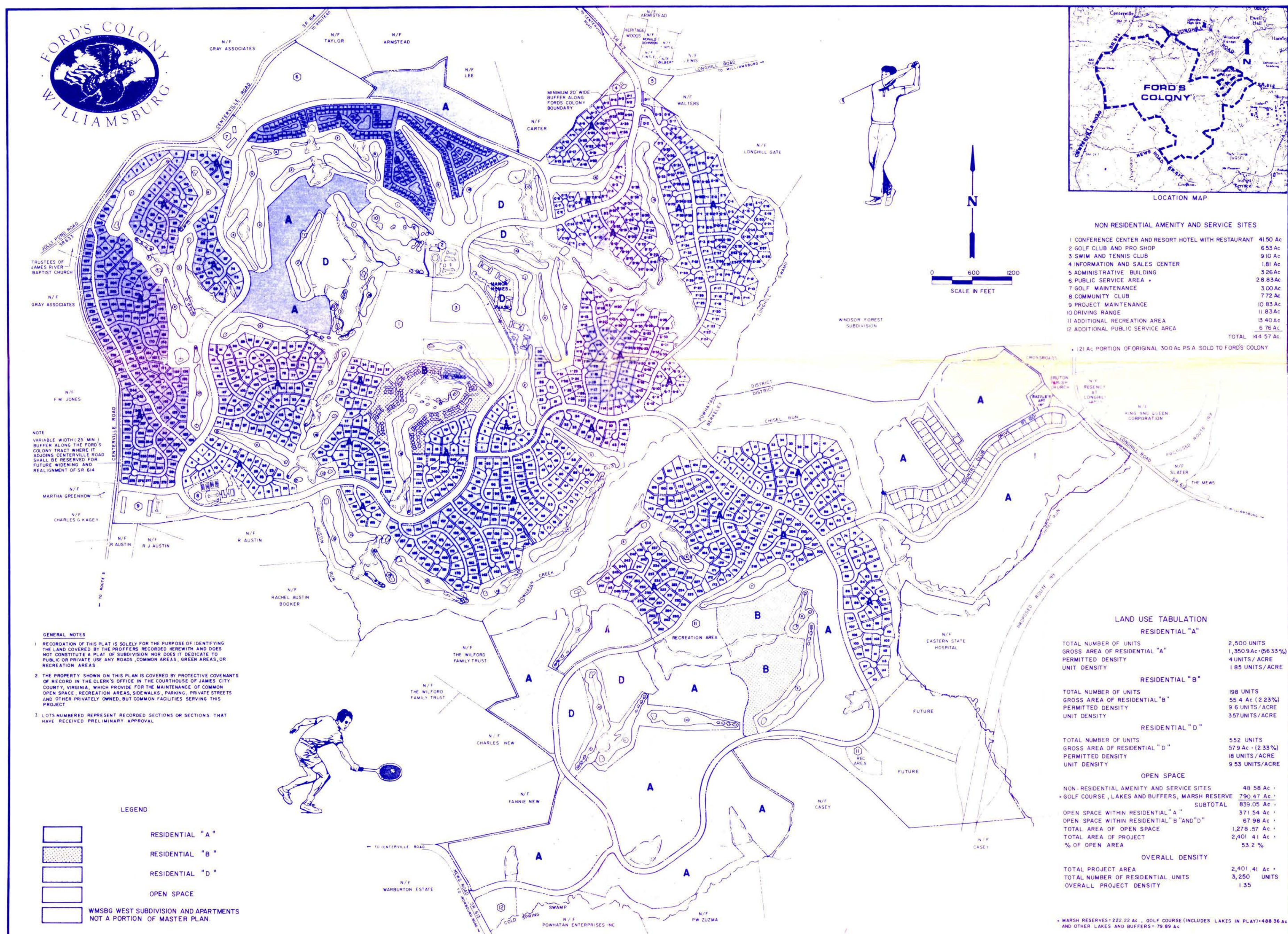
CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me this  
1<sup>st</sup> day of October, 1987, by Michael J. Tiernan, Assistant  
Treasurer of REALTEC INCORPORATED, a North Carolina corporation,  
on behalf of the corporation.

My commission expires: July 4, 1989

Jackie L. Sutton  
NOTARY PUBLIC





NO	DATE	REVISION / COMMENT / NOTE	BY
2.	10/11/87	REVISED PER REVISIONS TO ADDITIONAL PUBLIC SERVICE AREA	JH8
1	5/24/87	REVISED PER JCC COMMENTS	PLS



**SAES**, a professional corporation  
1761 Jamestown Road  
Williamsburg, Virginia 23185  
804-253-0040  
Engineering, Planning, Surveying



**1987 MASTER PLAN  
FORD'S COLONY  
@ WILLIAMSBURG**  
OWNER/DEVELOPER: FORD'S COLONY ® WILLIAMSBURG, INC.  
POWhatan and Berkeley District    JAMES CITY COUNTY    VIRGINIA

Designed LCA/AES	Drawn BB
Scale	Date JULY 21, 1987
Project No. <b>5652</b>	
Drawing No. <b>1 of 6</b>	



RESOLUTIONBEAUTIFICATION PLANTING PROJECT

WHEREAS, the James City County Board of Supervisors recognizes the need to enhance and preserve the natural beauty enjoyed within the boundaries of James City County; and

WHEREAS, the County has set aside funds through the Environmental Protection account for such purpose; and

WHEREAS, community support has been impressive, both in planning and donations for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the use of \$5,000 from the Environmental Protection Fund for this project and appropriates \$1,000 in donations.

Mr. Edwards made a motion to convene into executive session for a legal matter pursuant to Section 2.1-344(a)(6) of the Code of Virginia 1950, as amended, at 7:13 p.m.

On a roll call, the vote was AYE: Brown, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board into open session at 7:19 p.m.

E. PUBLIC HEARINGS

1. Case No. MP-2-87. Ford's Colony Master Plan Amendment

Ms. Monica Lindeman, Interim Planning Director, stated that Mr. Brian Ford has applied on behalf of Realtec, Inc., to amend the approved master plan of Ford's Colony by the addition of 248 acres to the overall project, with 159 acres zoned R-2, Limited Residential, and 59 acres zoned A-2, Limited Agricultural. The total number of units remains the same, but overall density decreases from 1.5 units per acre to 1.35 units per acre.

Ms. Lindeman noted that the proffers are identical to those approved in March 1987 with the exception of the provision of a public service area and access to that site. The master plan amendment does not provide for greenbelts on News Road or Longhill Road. She stated that proffers provide road improvements as each phase is approved, and the amendment generates a seven percent increase in traffic.

Ms. Lindeman further stated that the proposed recreation facilities are acceptable; the water system is adequate, with an agreement between the developer and the James City Service Authority for providing sewer service; drainage is acceptable; and 28.82 acres have been designated for public use in accordance with the ordinance requirement of four acres of public land per 1,000 population.

The Planning Commission unanimously recommended approval with proffers.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, representative for Ford's Colony, stated that the number of condominiums and townhouses has been reduced by 782, with single-family lots being increased by that number. The change in the golf course configuration will offer an environmental buffer for runoff to Powhatan Creek, and the archaeological survey is going forward under a \$5,000 grant from Ford's Colony, with important data being retrieved. He continued that buffers will be included in the subdivision plats when lots are actually developed, and that 6.75 acres, part of which is not usable due to its proximity to the swamp, will be conveyed to the County.

Mr. Geddy noted that a complimentary letter to Ford's Colony regarding its conservation efforts had been received from the Fish and Wildlife Service, and he requested that the Board approve the master plan amendment.

Mr. DePue asked whether the reasons for having the recreation area close to the Route 199 entrance and the lack of a recreation area near Section 1 were technical or for marketing purposes.

Mr. Drew Mulhare responded that the reasons were primarily marketing, and that an attempt had been made to spread recreation areas throughout the development.

Mr. Edwards questioned whether the reduction of townhouses and increase of detached homes were the result of changes in the developer's plans, marketing, or characteristics of the development.

Mr. Geddy replied that single-family dwellings were in greater demand but that some of the single-family houses will have zero lot lines.

Mr. Mahone mentioned that his concern regarding greenbelts was adequately answered by Mr. Geddy's explanation that the setback will be addressed during the site plan review process.

Mr. Brown summarized that the amendment increases the area by 248 acres, changes some dwelling types, and adds recreation.

2. Mr. Kevin Kelly, Chairman of the James City County Historical Commission, stated that Ford's Colony had been responsive to the recommendation that the most significant of the archaeological sites be excavated. He congratulated Ford's Colony for the actions taken to date.

3. Ms. Carolyn Lowe, 50 Summer East, stated that Ford's Colony had taken steps in responding to citizens' environmental concerns. The citizens are most appreciative of the adjustments in the site plans to reduce the adverse effects on the wetlands and bird habitats.

Ms. Lowe urged the Board to include the protection of natural resources as a part of the subdivision and site plan review process for the best interest of the County and with the support of the general public.

Mr. Edwards closed the public hearing.

Mr. Mahone made a motion to approve the resolution.

Mr. DePue complimented Mr. Paul Small and his firm for an uncomplicated, easy-to-read report. He mentioned that Ford's Colony was proof that standards can be set and met.

Mr. DePue commended the principals of Ford's Colony for their contribution to the community and for the presentation of the proposal.

Mr. DePue stated he would support the motion and that he was looking forward to seeing the Ford's Colony addition.

On a roll call, the vote was AYE: Brown, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

#### R E S O L U T I O N

#### CASE NO. MP-2-87. FORD'S COLONY MASTER PLAN AMENDMENT

WHEREAS, Mr. Brian R. Ford has applied on behalf of Realtec, Inc., for an amendment to the approved master plan for Ford's Colony; and

WHEREAS, Section 20-15 of the James City County Zoning Ordinance reserves to the Board of Supervisors the authority to amend a master plan; and

WHEREAS, the James City County Planning Commission has unanimously recommended approval of this amendment; and

WHEREAS, the Planning staff has recommended approval of the amendment with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. MP-2-87 and amends the master plan for Ford's Colony consisting of the addition of 248 acres, a redesign of nine golf holes and a revised recreation amenity package as described on the amended plan dated July 21, 1987.

BE IT FURTHER RESOLVED, that the Board of Supervisors accepts the voluntary proffers as part of this application.

Mr. Brown encouraged citizens to continue to speak out on vital issues and compliment others for doing a fine job.

2. Case No. Z-19-87. Edward Katz

Ms. Lindeman stated that Mr. Edward Katz had applied to rezone approximately 2.24 acres from A-2, Limited Agricultural, to LB, Limited Business. A final proffer was received by the Planning Department on Friday, October 2, 1987.

Ms. Lindeman stated that public water is available, but public sewer must be extended by the developer. An area of 38.5 acres directly across News Road is zoned for commercial development, limited to 420,000 square feet. The Planning Commission recommended approval, with proffers, by a 9-1 vote.

Mr. DePue asked what commercial uses were allowed in A-2 zoning with a special use permit.

Ms. Lindeman read a lengthy list of permitted uses from the County Code.

Mr. Brown asked what the staff recommendation was to the Planning Commission.

Ms. Lindeman replied that staff recommended approval.

Mr. Edwards questioned whether an area should be rezoned without a specific use, or merely on the assumption that the area would be used for business. He asked Mr. Martin Garrett, member of the Planning Commission, if the Planning Commission had discussed that aspect of the case.

Mr. Garrett replied that the Commission discussed the Route 199 access, and they were aware of the 38.5 acres zoned commercial.

Ms. Lindeman noted the 38.5 acreage was a part of the Master Plan of Powhatan Planned Community.

Mr. DePue asked whether the County would have more control over the property with LB zoning, or A-2, with a special use permit.

Ms. Lindeman replied LB, with proffers.

Mr. Garrett noted that the Planning Commission discussed the zoning as typical of a transitional area.

Mr. Edwards stated that the County should have an idea of the type of business being considered before rezoning the property.

Mr. Edwards opened the public hearing.

1. Mr. Henry Ertl, 3897 Ironbound Road, spoke in opposition to the rezoning, stating that the area was residential and a business such as a convenience store should not be located on the property.

**Unapproved Minutes of the April 3, 2024  
Planning Commission Regular Meeting**

**MP-24-0001/Z-24-0004. Ford's Colony Master Plan and Proffer Amendment**

Ms. Roberta Sulouff, Planner 1, stated that Ms. Susan Tarley, of Tarley Robinson, PLC, has applied on behalf of the Ford's Colony Homeowners Association (HOA) to amend the adopted Ford's Colony Master Plan and proffers. Ms. Sulouff stated that the amendment is in reference to the use of 6.76 acres of land located at 125 Firestone. Ms. Sulouff further stated that the subject property is located inside the PSA, zoned R-4, Residential Planned Community, and is designated Low Density Residential on the 2045 Comprehensive Plan.

Ms. Sulouff stated that the proffers and Master Plan for the Ford's Colony development had been amended several times since the subdivision's inception in the mid-1980s. Ms. Sulouff stated that the Planning Commission had reviewed amendment requests pertaining to the Ford's Village continuing care retirement community, and prior to that, for a general cleanup and revisiting of outstanding proffers - many of which were deemed satisfied or no longer applicable as the community is very near build-out after almost 40 years of growth. Ms. Sulouff further stated that the current proposal deals with a proffer from one of the earliest of such proffer amendments.

Ms. Sulouff stated that the current request would change the Master Plan designation of 6.76 acres from a Public Service Area for dedication to the County to a similar, non-residential service use designation, serving the HOA instead. Ms. Sulouff stated that the 6.76 acres were proffered for dedication in 1987. Ms. Sulouff stated that factors such as changing Resource Protection Area delineations, community build-out, and the selection of other sites around the County for the originally imagined public uses for 125 Firestone, and also based on feedback received from other reviewing agencies, staff finds the proposed categorization more appropriate in scale and applicability to the site.

Ms. Sulouff stated that staff finds the proposal compatible with surrounding zoning and development and generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance and recommends that the Planning Commission recommend approval of the amended proffers and Master Plan to the Board of Supervisors.

Mr. Haldeman asked for clarification on the site map that was provided in the Agenda Packet.

Mr. Haldeman asked if staff was satisfied that the County had no further use for this lot.

Ms. Sulouff stated that no feedback indicating interest in the lot had been received.



Mr. Haldeman asked if the proffer amendment would preclude the construction of any houses on the lot.

Ms. Sulouff stated that the Ford's Colony HOA would need to amend the Master Plan and proffers again if it wished to use the lot for housing.

Mr. O'Connor opened the Public Hearing.

Mr. Drew Mulhare, Ford's Colony HOA, 124 Henry Tyler Drive, gave a brief presentation to the Planning Commission.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Everson raised a question about the usage of proffers which set aside public lands interior to a development.

Ms. Liz Parman, Deputy County Attorney, stated that proffers with public land designations are still accepted by the County.

Mr. Everson raised concern about public lands not being utilized by the County.

Discussion ensued.

Mr. Everson made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of MP-24-0001/Z-24-0004. Ford's Colony Master Plan and Proffer Amendment. (7-0)

## MEMORANDUM

DATE: May 14, 2024

TO: The Board of Supervisors

FROM: Tom Leininger, Principal Planner

SUBJECT: Proposed Fiscal Year 2025-2030 Secondary Six-Year Plan

---

Each year the Virginia Department of Transportation (VDOT) works with the James City County Board of Supervisors to develop a list of project priorities for the Secondary Six-Year Plan (SSYP). The SSYP is a priority-funding plan for the improvement and construction of secondary roads (roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised for the May 14, 2024, meeting to provide an opportunity for public comment.

### **Allocations**

Through the SSYP, the County receives yearly state and federal allocations to fund proposed secondary improvements. Funding is primarily derived from state and federal gasoline taxes, vehicle title fees, vehicle sales tax, and state sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal and state government. For Fiscal Year (FY) 2025-2030, the proposed SSYP allocations for James City County total \$1,190,550, with an FY25 allocation of \$198,425 compared to the FY24 allocation of \$214,713.

Throughout the 2045 Comprehensive Plan update, the citizen responses to the surveys focused on prioritizing walking and biking amenities in locations that increase connectivity between neighborhoods and shopping, schools, employment areas, and greenways. Comments from the open-ended questions included that the County should encourage more walking and biking paths, increase public transportation, and reduce congestion while improving roadways. Public input demonstrates that biking and walking accessibility is important to our community for both recreation and essential transportation needs. Respondents supported prioritizing County resources for enhancing quality of life amenities. Applying these funds to create complete streets and multimodal corridors will help achieve the goals of the citizens.

Secondary allocations are not the only funding source for transportation projects. The County has applied and received or been recommended for competitive grants from the Construction District Grant Program and High Priority Projects Program via the SmartScale process, the Regional Surface Transportation Program (RSTP), and the Congestion Mitigation and Air Quality (CMAQ) program for Longhill Road and Croaker Road. County staff will continue to apply for more SmartScale, RSTP, CMAQ, and Revenue Sharing funds to help fund projects in future fiscal years.

Listed below is a brief summary of current and special funding projects for the priority list for the FY25-30 SSYP.

### **Current Projects**

#### Croaker Road (Route 607)

This project will widen the section of roadway between Richmond Road and the James City County Library from two to four lanes (Attachment No. 3). The project will include preliminary engineering, right-of-way acquisition, and construction of a new two-lane bridge parallel to the existing bridge over the CSX lines,

two additional travel lanes, and a shared use path. Staff recommends keeping this project as the top priority on the SSYP. This project is currently funded and construction is expected to begin later this calendar year.

### **Intersection Safety Improvements**

Over the past several years, VDOT has been studying two intersections. In March of 2021, VDOT placed temporary bollards at the intersections of Old Stage Road and Route 30 and Centerville Road and Route 5. These temporary improvements were done after VDOT completed Roadway Safety Assessments. In coordination with VDOT, the next step for these two intersections will be to construct the permanent safety improvements. Staff recommends including the following two projects in this year's priority rankings as the second and third priorities, respectfully:

- A. Old Stage Road and Route 30 Intersection Improvements  
VDOT's current cost estimate for this project is \$160,257.
- B. Centerville Road and Route 5 Intersection Improvements  
VDOT's current cost estimate for this project is \$170,000.

The Engineering phase is complete for these two projects and staff will continue to work with VDOT to keep the two projects fully funded.

### **Recommendation**

Given the funding levels expected in the next six years and the current projects that are underway, staff recommends the following priorities:

- 1. Croaker Road
- 2. Old Stage Road and Route 30 Intersection Improvements
- 3. Centerville Road and Route 5 Intersection Improvements

Staff recommends adoption of the attached resolution, which endorses the secondary road priority list as set forth in this memorandum for the FY25-30 SSYP.

TL/md  
PropFY25-30SSYP-mem

#### **Attachments:**

- 1. Resolution
- 2. Map of FY25-30 SSYP Projects
- 3. Aerial Map - Croaker Road
- 4. Aerial Map - Old Stage Road
- 5. Aerial Map - Centerville Road

## RESOLUTION

### PROPOSED FISCAL YEAR 2025-2030 SECONDARY STATE HIGHWAY SIX-YEAR PLAN

WHEREAS, Section 33.2-331 of the Code of Virginia, 1950, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary State Highway Six-Year Plan; and

WHEREAS, James City County, Virginia (the “County”) has consulted with the VDOT District Project Manager to set priorities for improvements to the County’s secondary state highways; and

WHEREAS, a public hearing was advertised for the regularly scheduled Board of Supervisors meeting on May 14, 2024, so citizens of the County would have the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed list of priorities for improvement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the list of priorities for improvements to the Secondary State Highway System as presented at the public hearing and the County Administrator is hereby authorized to sign and execute all such documents as are necessary to evidence the Board’s approval of the Six-Year Plan.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

AYE    NAY    ABSTAIN    ABSENT

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_____	_____	_____	_____
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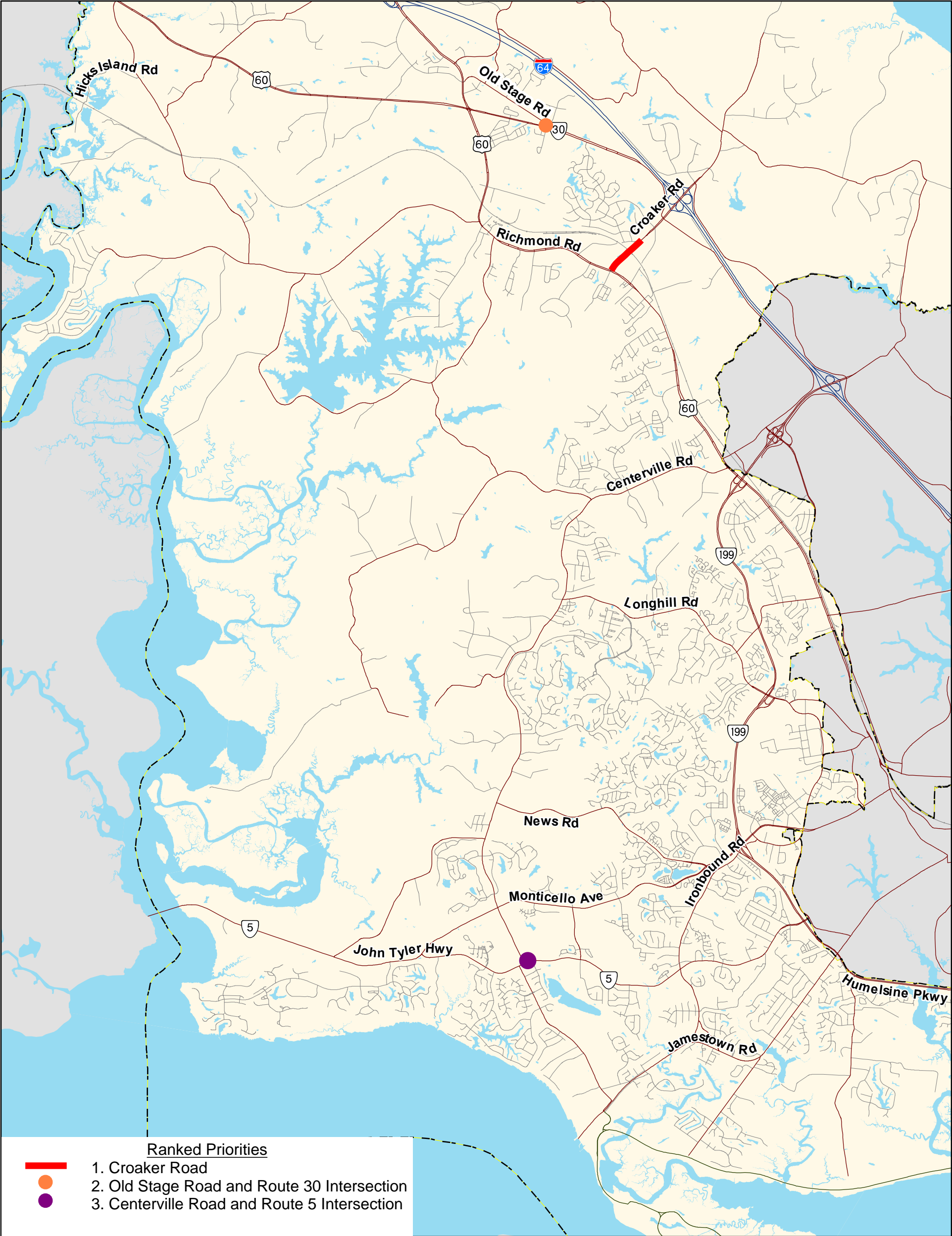
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

PropFY25-30SSYP-res



# James City County

## FY 25-30 SSYP Projects





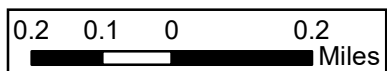
# Croaker Road (Route 607) Improvements



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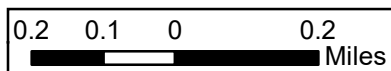
# Old Stage Road and Route 30 Intersection Improvements



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# Centerville Road and Route 5 Intersection Improvements



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## MEMORANDUM

DATE: May 14, 2024

TO: The Board of Supervisors

FROM: Andrew Dean, Assistant County Attorney

SUBJECT: Agreement to Purchase Property from James City Service Authority on New County Building Site

---

The County is moving forward with a study to build a new James City County Government Center to be located at 5231 Longhill Road (the "Parcel"). The entirety of the 5231 Longhill Road Parcel is 13.103 acres. The County currently owns 11.093 acres of the Parcel and James City Service Authority (JCSA) owns a 1.296-acre circular lot in the center of the Parcel referred to as the Water Tank Lot. The Water Tank Lot has a separate parcel address of 5255 Longhill Road.

JCSA desires to sell the 1.296-acre Water Tank Lot located at 5255 Longhill Road to the County "as is" for \$4,500.

Attached is a resolution authorizing the County Administrator to purchase the 5255 Longhill Road property from JCSA "as is" for \$4,500.

Staff recommends approval of the purchase of 5255 Longhill Road.

AD/md  
PurchAgr5255Lnghl-mem

Attachments:

1. Resolution
2. Special Warranty Deed

**RESOLUTION**

**AGREEMENT TO PURCHASE 5255 LONGHILL ROAD FROM THE JAMES CITY**

**SERVICE AUTHORITY**

WHEREAS, the James City Service Authority (“JCSA”) currently owns property known as 5255 Longhill Road, Williamsburg, Virginia 23187, James City County Real Estate Tax Map Parcel No. 3820100002 (the “Property”); and

WHEREAS, James City County, Virginia (the “County”) desires to purchase the Property; and

WHEREAS, a public hearing was advertised and a hearing conducted on the proposed purchase of the Property; and

WHEREAS, the Board of Supervisors of James City County finds the purchase of the Property to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute those documents necessary to Purchase the Property from JCSA.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

PurchAgr5255Lnghl-res



## Legend

Parcels



Feet  
0 50 100 150 200  
1:2,257 / 1"=188 Feet

**Title:**

**Date: 5/1/2024**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.*



## MEMORANDUM

DATE: May 14, 2024  
TO: The Board of Supervisors  
FROM: Andrew Dean, Assistant County Attorney  
SUBJECT: Conveyance of Easement to Virginia Electric and Power Company

---

Virginia Electric and Power Company (“Dominion Energy”) has asked the County to convey an easement to it for the burying of power lines across property owned by the County located at 1350 John Tyler Highway, also known as Chickahominy Riverfront Park.

Attached is a proposed Deed of Easement that will convey the aforesaid rights.

Staff recommends approval of the easement’s conveyance.

AD/md  
ConvEasemtDomEng-mem

Attachment

## RESOLUTION

### CONVEYANCE OF EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY

WHEREAS, James City County currently owns the property located at 1350 John Tyler Highway also known as Chickahominy Riverfront Park (the “Property”); and

WHEREAS, Virginia Electric and Power Company (“Dominion Energy”) has requested a utility easement for the burying of power lines across a portion of the Property; and

WHEREAS, a public hearing on the easement’s conveyance was advertised and a hearing conducted in accordance with Code of Virginia Section 15.2-1800; and

WHEREAS, the Board of Supervisors of James City County finds the easement’s conveyance to Virginia Electric and Power Company to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute those documents necessary to convey the easement to Virginia Electric and Power Company.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

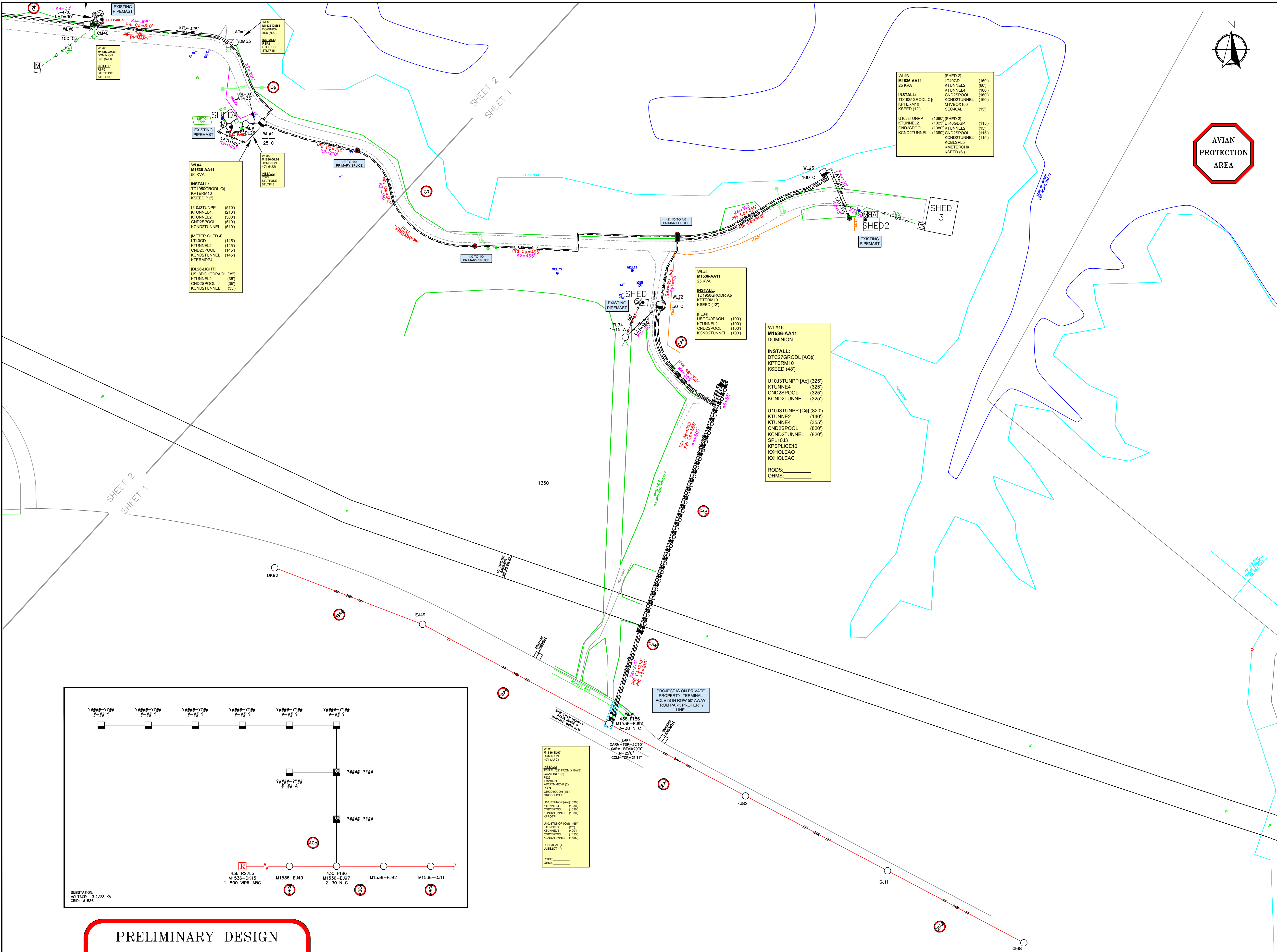
VOTES

AYE    NAY    ABSTAIN    ABSENT

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_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

ConvEasemtDomEng-res



### Vicinity Map

### Construction Notes

- VDOT/COUNTY PERMIT REQUIRED
- PUBLIC/PRIVATE WATER
- PUBLIC SEWER PRESENT
- HOUSE AT (ADDRESS) TO REMAIN OVERHEAD
- HOUSE AT (ADDRESS) HAS PIPE MAST, CONTACT CUSTOMER FOR ANY NECESSARY PREPARATION PRIOR TO CONSTRUCTION.

### General Notes

- TOTAL PRIMARY OH CONDUCTOR REMOVAL IS 4205 FT (0.80 MI)
- AVERAGE HOME SIZE IS \_\_\_\_\_ SQ. FT
- PROJECT TO BE WORKED WITH UG INSTALL WR# 10625014
- JOINT USE COMPANIES: COX AND VERIZON

Revisions		
Date	Description	By

PLAN PREPARED BY:

**130 Research Drive, Suite B**  
Hampton, Virginia 23666  
PHONE: 757-766-0791  
FAX: 757-802-4872

Call Miss Utility @ 811 before you dig.

### Legend

Existing	Proposed	Replace	Return		Existing	Proposed	Replace	Return	
				Dominion Pole					Manhole
				UG Transformer					Closed Conduit Span
				Voltage Regulator					OH Open Point
				UG Switch					Undergroud Meter Base (Existing)

### Project Data

Sub. Sta.	LIGHTFOOT	Cir No.	186	Map No.	M1536
Tax District	24000	Miss "U"	VA-811		
Easement No.	SEE PLAT FILE	NJUNS Ticket No.	####		
Project Manager	Phone Number	Parent Device No.	28 436 R37		
PM: BRIAN HORSLEY	804-514-8404	Scale	1" = 100'		

VIRGINIA ELECTRIC AND POWER COMPANY  
doing business as  
**Dominion Energy Virginia**

REVISION #1	Sheet 1 of 2
Project 1350 JOHN TYLER HWY - OVERHEAD REMOVAL	
Location WILLIAMSBURG, VA 23185	
Work Request # 10625015	Designer KEITH WOODHOUSE   (757) 766-5173
	Date 01/20/2024

PRELIMINARY DESIGN  
—  
NOT FOR CONSTRUCTION





- Construction Notes
1. WILLIAMSBURG COUNTY PERMIT REQUIRED
  2. PUBLIC/PRIVATE WATER
  3. PUBLIC SEWER/DRAINFIELDS PRESENT
  4. HOUSE AT (ADDRESS) HAS PIPE MAST, CONTACT CUSTOMER FOR ANY NECESSARY PREPARATION PRIOR TO CONSTRUCTION.

- General Notes
1. TOTAL PRIMARY OH CONDUCTOR REMOVAL IS 4205 FT (0.80 MI)
  2. AVERAGE HOME SIZE IS \_\_\_\_\_ SQ. FT
  3. PROJECT TO BE WORKED WITH UG INSTALL WR# 10625014
  4. JOINT USE COMPANIES: COX

Revisions

Date	Description	By

PLAN PREPARED BY:

**TEAM FISHER** 130 Research Drive, Suite B  
Hampton, Virginia 23666  
PHONE: 757-766-0791  
FAX: 757-802-4872

**Dig With CARE**  
Call Miss Utility @ 811 before you dig.

Legend

Existing	Proposed	Replace	Return	
○	●	◐	✕	Dominion Pole
○	●	◐	✕	Foreign Pole
○	●	◐	✕	OH Transformer
○	●	◐	✕	OH Step Transformer
○	●	◐	✕	UG Transformer
○	●	◐	✕	Dummy Transformer
○	●	◐	✕	UG Step Transformer
○	●	◐	✕	Fuse
○	●	◐	✕	Recloser
○	●	◐	✕	Voltage Regulator
○	●	◐	✕	Sectionalizer
○	●	◐	✕	OH Switch
○	●	◐	✕	Capacitor
○	●	◐	✕	UG Switch
○	●	◐	✕	Manhole
○	●	◐	✕	Vault
○	●	◐	✕	Splice Box
○	●	◐	✕	Secondary Ped Conduit
○	●	◐	✕	Closed Conduit Span
○	●	◐	✕	Duct Bank
○	●	◐	✕	Street Light
○	●	◐	✕	Watch Light
○	●	◐	✕	OH Fault Indicator
○	●	◐	✕	UG Sec. Current Limiting Fuses
○	●	◐	✕	Existing/Proposed Open Points
○	●	◐	✕	Exist/Pro. Arrestor
○	●	◐	✕	Exist/Pro. OV Arrestor
○	●	◐	✕	Push Brace
○	●	◐	✕	Down Guy & Anchor
○	●	◐	✕	Span Guy
○	●	◐	✕	OH or UG Conductors See Sketch for Voltage, Phase, Number & Size
VB	VB	VB	VB	Vertical Connection Box
HB	HB	HB	HB	Horizontal Connection Box
LB	LB	LB	LB	Left Connection Box
RB	RB	RB	RB	Right Connection Box
M	M	M	M	Underground Meter Base (Existing)
M	M	M	M	Overhead Meter Base (Existing)

Project Data

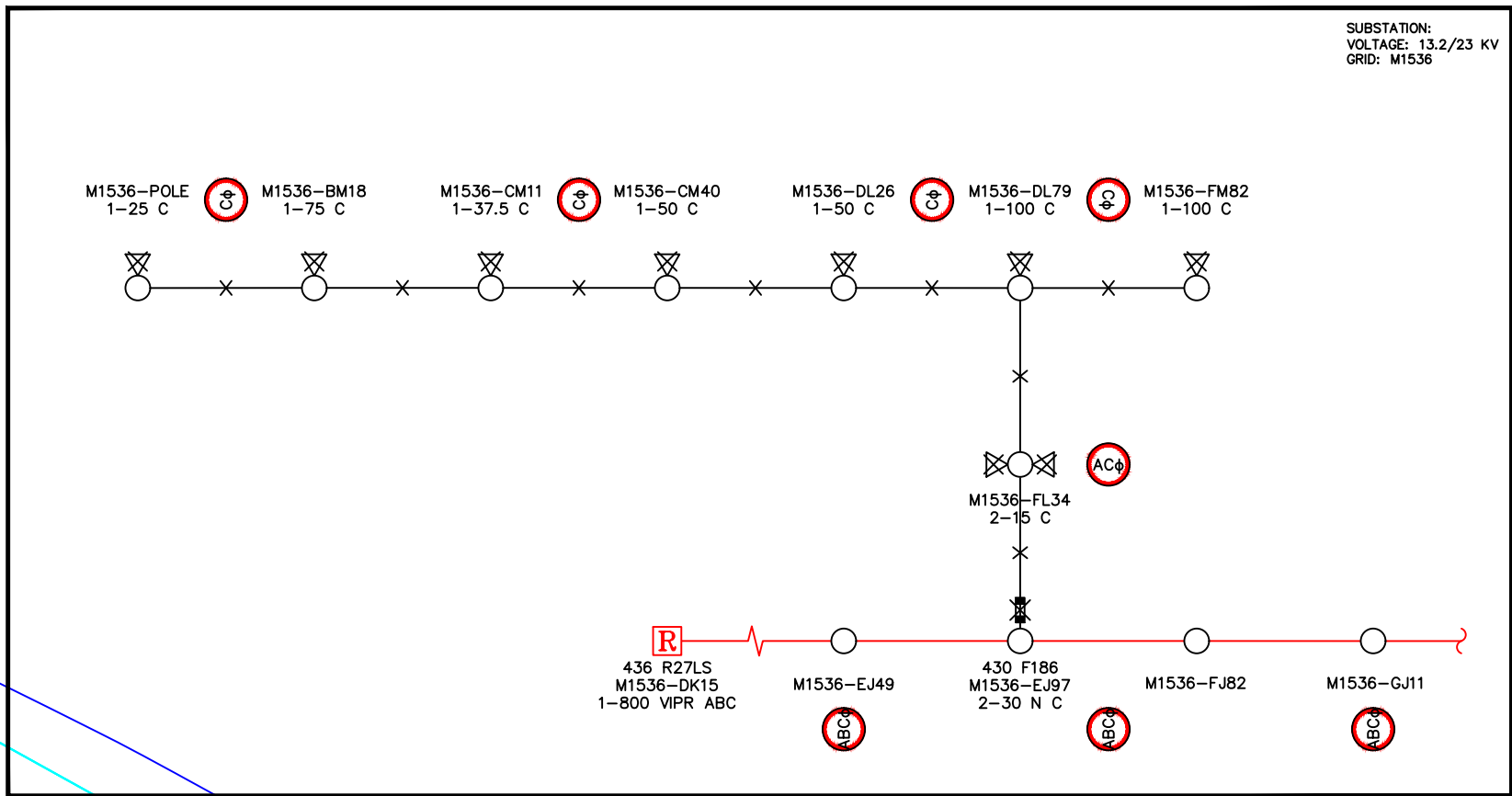
Sub. Sta.	Cir No.	Map No.
LIGHTFOOT	186	M1536
Tax District	24000	Miss "U"
Easement No.	SEE PLAT FILE	NJUNS Ticket No. VA-811
		####
		Scope Device No. 28 436 F186
Project Manager	Phone Number	Parent Device No. 28 436 R37
PM: BRIAN HORSLEY	804-514-8404	Scale 1" = 100'

VIRGINIA ELECTRIC AND POWER COMPANY  
doing business as  
**Dominion Energy Virginia**

REVISION #1

Project	1350 JOHN TYLER HWY - OVERHEAD REMOVAL	Sheet 2 of 2
Location	WILLIAMSBURG, VA 23185	
Work Request #	10625015	Date 01/20/2024
Designer	KEITH WOODHOUSE   (757) 766-5173	

- LEGEND
- EXISTING OH #2 PRIMARY W/ #2 NEUTRAL
  - EXISTING OH #? TRIPLEX SERVICE DROP
  - PROPOSED UG 1/0 JACKETED PRIMARY CABLE IN 2" CONDUIT
  - PROPOSED UG 4/0 SERVICE LATERAL IN 2" CONDUIT
  - PROPOSED UG #? CU STREETLIGHT DUPLEX IN 2" CONDUIT
  - CABLE CROSSING ON VDOT/COUNTY R/W
  - PRIMARY SPLICE PIT
  - SECONDARY SPLICE PIT
  - PIPE MAST



GORDONS CREEK

SHEET 2  
SHEET 1

WL#11  
M1536-AA11  
50 KVA  
INSTALL:  
TD150GROD C4  
KPTERM10  
KSEED (12)  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#12  
M1536-AM03  
50 KVA  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#13  
M1536-AM01  
50 KVA  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#14  
M1536-AM04  
50 KVA  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#9  
M1536-AA11  
50 KVA  
INSTALL:  
TD150GROD C4  
KPTERM10  
KSEED (12)  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#6  
M1536-AA11  
50 KVA  
INSTALL:  
TD150GROD C4  
KPTERM10  
KSEED (12)  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#4  
M1536-AA11  
50 KVA  
INSTALL:  
TD150GROD C4  
KPTERM10  
KSEED (12)  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

WL#5  
M1536-AM03  
50 KVA  
INSTALL:  
[AM03]  
USJDCUGDPACH (15)  
KTUNNEL4 (15)  
KNDZSPPOOL (15)  
KNDZTUNNEL (15)

PRELIMINARY DESIGN  
—  
NOT FOR CONSTRUCTION

## MEMORANDUM

DATE: May 14, 2024

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Amend Section 20-27.1 of the James City County Code to Permit the Board of Supervisors to Refund Surplus Real Estate Tax Revenue

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The Virginia Code allows local governments to refund surplus real estate tax revenue back to the taxpayers if: (1) the locality reports an overall surplus for the fiscal year and (2) the governing body adopts an Ordinance approving the refund.

Should the Board wish to have the option of refunding surplus real estate tax revenue in the current or any future year, I recommend that it adopt the attached Ordinance.

ARK/md  
Sec20-27.1SurpRETx-mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, REAL ESTATE ASSESSMENT, SECTION 20-27.1, WHEN REAL PROPERTY TAXES DUE AND PAYABLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article VI, Real Estate Assessment, Section 20-27.1, When real property taxes due and payable.

**Chapter 20. Taxation**

**Article VI. Real Estate Assessment**

**Sec. 20-27.1. When real property taxes due and payable.**

- (a) County taxes on real property shall be due and payable in two equal installments. One installment shall be due and payable on or before June fifth of the year after such taxes are assessed and the other installment shall be due and payable on or before December fifth of the year such taxes are assessed. This section shall not be construed to prohibit the payment of the whole of any taxes levied against any taxpayer in one lump sum at any time, provided that any penalty and interest that may have accrued on the whole or any part thereof shall be paid therewith.
- (b) *Following any fiscal year in which the county reports a surplus of revenue from real property taxes, the board of supervisors may include provisions in its adopted budget by which some or all the previous fiscal year surplus revenue is returned to taxpayers.*

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

Sec20-27.1SurpRETx-ord



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, REAL ESTATE ASSESSMENT, SECTION 20-27.1, WHEN REAL PROPERTY TAXES DUE AND PAYABLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article VI, Real Estate Assessment, Section 20-27.1, When real property taxes due and payable.

### **Chapter 20. Taxation**

#### **Article VI. Real Estate Assessment**

##### **Sec. 20-27.1. When real property taxes due and payable.**

- (a) County taxes on real property shall be due and payable in two equal installments. One installment shall be due and payable on or before June fifth of the year after such taxes are assessed and the other installment shall be due and payable on or before December fifth of the year such taxes are assessed. This section shall not be construed to prohibit the payment of the whole of any taxes levied against any taxpayer in one lump sum at any time, provided that any penalty and interest that may have accrued on the whole or any part thereof shall be paid therewith.
- (b) Following any fiscal year in which the county reports a surplus of revenue from real property taxes, the board of supervisors may include provisions in its adopted budget by which some or all the previous fiscal year surplus revenue is returned to taxpayers.

Sec20-27.1SurpRETx-ord-final

## MEMORANDUM

DATE: May 14, 2024

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director, Financial and Management Services

SUBJECT: Fiscal Year 2025 Budget Appropriation

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Attached is a resolution to appropriate the Fiscal Year (FY) 2025 Budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at the Budget meetings.

The attached errata sheet details these changes, including a reduction in Real Estate Tax revenue and use of Fund Balance in the amount of \$6.5 million to provide a \$0.05 tax credit in FY2025.

SBM/ap  
FY25BdgtAppn-mem

Attachment

## RESOLUTION

### FISCAL YEAR 2025 BUDGET APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the Fiscal Year (FY) 2025 General Fund for the offices and activities in the amounts as shown below:

<u>GENERAL FUND REVENUES:</u>	<u>FY 2025</u>
General Property Taxes	\$176,282,000
Other Local Taxes	43,835,000
Licenses, Permits, and Fees	2,010,000
Fines and Forfeitures	168,000
Use of Money and Property	700,000
Commonwealth	16,106,000
Federal Government	9,000
Charges for Services	9,620,000
Miscellaneous	170,000
Use of Fund Balance - Tax Credit	<u>6,500,000</u>
Total Revenues	\$255,400,000
Use of Fund Balance - Transfer to Capital Projects	<u>6,219,000</u>
Total Revenues & Other Funding Sources	<u>\$261,619,000</u>
 <u>GENERAL FUND EXPENDITURES:</u>	 <u>FY 2025</u>
General Administration	\$ 5,031,550
Court Services	5,841,270
Public Safety	38,977,280
Financial Administration	7,030,240
Information Resources Management	6,441,780
Community Development	4,405,450
General Services	18,487,640
Parks & Recreation	9,840,120



Contribution to Williamsburg-James City County (WJCC) Schools - Operations	96,552,800
Contribution to WJCC Schools - Debt Service	13,941,530
Contribution to Williamsburg Regional Library	6,223,210
Contributions to Outside Entities	8,490,920
Transfers to Other Funds	27,807,550
Nondepartmental	<u>6,328,660</u>
Total Expenditures	\$255,400,000
Use of Fund Balance - Transfer to Capital Projects	<u>6,219,000</u>
Total Expenditures and Other Funding Uses	<u>\$261,619,000</u>

The appropriation for education includes \$96,552,800 as a local contribution to the WJCC Schools operations, of which \$96,503,040 represents the County's contribution directly to the Schools and \$49,760 represents the County's payment of compensation to the School Board.

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES:

Real Estate on each \$100 assessed value	\$0.83
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Boats, weighing 5 tons or more, on each \$100 assessed value	\$1.00
Boats, weighing less than 5 tons, on each \$100 assessed value	\$3.50

3. That the following amounts are hereby appropriated in other budgets in FY2025 for the activities in the amounts as shown below:

CAPITAL PROJECTS FUND:

Revenues:

Transfer from General Fund	\$5,870,000
1% Additional Sales Tax	6,400,000
Cigarette Tax	500,000
General Fund - Fund Balance	6,219,000
General Fund - Fund Balance (WJCCS Surplus)	5,805,780
Capital Projects - Fund Balance	1,000,000
Tourism Revenue	1,000,000
Proffers	500,000
Grants and Donations	393,000
City of Williamsburg	<u>73,000</u>
Total Capital Projects Fund Revenues	<u>\$27,760,780</u>

Expenditures:

Schools	\$11,315,780
General Services	9,441,000
Williamsburg Regional Library	250,000
Public Safety	2,894,000
Parks and Recreation	1,820,000
Other	<u>2,040,000</u>
Total Capital Projects Fund Expenditures	<u>\$27,760,780</u>

DEBT SERVICE FUND:

Revenues:

Transfer from General Fund - Schools	\$13,941,530
Transfer from General Fund - Other	7,458,470
Debt Service - Fund Balance	506,450
Qualified School Construction Bonds	<u>42,500</u>
Total Debt Service Fund Revenues	<u>\$21,948,950</u>

Expenditures:

Total Debt Service Fund Expenditures	<u>\$21,948,950</u>
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TOURISM INVESTMENT FUND:

Revenues:	<u>\$3,377,080</u>
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Expenditures:	<u>\$3,377,080</u>
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VIRGINIA PUBLIC ASSISTANCE FUND:

Revenues:	<u>\$7,896,480</u>
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Expenditures:	<u>\$7,896,480</u>
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HOUSING AND NEIGHBORHOOD DEVELOPMENT FUND:

Revenues:	<u>\$3,890,490</u>
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Expenditures:	<u>\$3,890,490</u>
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COLONIAL COMMUNITY CORRECTIONS FUND:

Revenues:	<u>\$1,448,740</u>
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Expenditures:	<u>\$1,448,740</u>
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SPECIAL PROJECTS/GRANTS FUND:

Revenues:	<u>\$4,332,130</u>
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Expenditures:	<u>\$4,332,130</u>
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4. The County Administrator or his/her designee be authorized to adjust the appropriation for the 3/5 Room Tax dollar per dollar for any amount collected over or below the original appropriation amount.
5. The County Administrator or his/her designee be authorized to adjust the appropriation for the Additional \$2 per Night Room Tax dollar per dollar for any amount collected over or below the original appropriation amount.
6. The County Administrator or his/her designee be authorized to adjust the appropriation for the Historic Triangle 1% Sales Tax dollar per dollar for any amount collected over or below the original appropriation amount.

7. The County Administrator or his/her designee be authorized to adjust the appropriation for the Cigarette Tax dollar per dollar for any amount collected over or below the original appropriation amount.
8. The County Administrator or his/her designee be authorized to adjust the appropriation for the Spay or Neuter funding from the Commonwealth dollar per dollar for any amount collected over or below the original appropriation amount.
9. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution when deemed in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
10. The County Administrator be authorized to transfer up to \$50,000 per occurrence from the Contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer unless the total amount to be transferred for the item does not exceed \$50,000. Total transfers for the year are not to exceed the amount budgeted for Contingency.
11. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:
  - a) Insurance recoveries received for damage to any County property, including vehicles, for which County funds have been expended to make repairs or purchase a replacement; and
  - b) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
12. The County Administrator be authorized to adjust the appropriations for grants in the applicable fund (General Fund, Capital Projects Fund, Virginia Public Assistance Fund, Housing and Neighborhood Development Fund, Colonial Corrections Fund, and Special Projects Fund), as applicable if and when additional federal, state, and/or local funds become available or are reduced, not to exceed \$50,000 for each individual grant, unless the terms of the grant or program require specific actions by the Board of Supervisors.
13. The County Administrator be authorized to adjust the appropriations for the Constitutional Officers (Commonwealth Attorney, Clerk of Court, Sheriff, Treasurer, and Commissioner of the Revenue), as applicable if and when additional funding from the State Compensation Board becomes available or is reduced, not to exceed \$50,000 by Constitutional Officer, to be expended in accordance with guidelines as established by the state government.
14. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
15. All outstanding encumbrances, Capital Projects, Grants, and Special Projects in all County funds at June 30, 2024, shall be an amendment to the FY 2025 budget, and appropriated to the FY 2025 budget to the same department and account for which they were encumbered in the previous year.
16. The County Administrator or his/her designee be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.



17. The County Administrator or his/her designee be authorized to appropriate a budget for Chesapeake Bay Mitigation, the Virginia Forfeited Asset Sharing Program, and the Virginia Department of Fire Programs Aid to Localities Program in the Special Projects/Grants Fund dollar per dollar with funding received for these purposes.
18. The County Administrator or his/her designee be authorized to assign fund balance as necessary for uses consistent with the County's fiscal policies.
19. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2026:

General Fund	\$259,420,000
Capital Projects	123,537,000
Debt Service	25,249,610
Tourism Investment	3,708,550
Virginia Public Assistance	8,030,840
Housing and Neighborhood Development	3,922,620
Colonial Community Corrections	1,450,930
Special Projects/Grants	4,367,440

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that:

20. The Board finds that a surplus of real property tax revenues existed in the County's fiscal year ended June 30, 2023 (the "Surplus").
21. Pursuant to section 15.2-2511.1 of the *Code of Virginia*, 1950, as amended, and section 20-27.1(b) of the James City County Code, the Board desires to return up to six million five hundred thousand dollars of the Surplus to taxpayers by granting a one-time tax credit of the equivalent of five cents per one hundred dollars (5¢ / \$100) of the assessed value of real property during the County's 2025 Fiscal Year.
22. That the one-time tax credit permitted hereunder will be derived from the County's General Fund Unassigned Fund Balance and adopted and appropriated as part of the County's 2025 Fiscal Year budget resolution, herein.
23. That the County Administrator is authorized and directed to confer with the Commissioner of the Revenue, the Treasurer, the County's financial advisors, and County staff to prepare a resolution setting forth in detail the process by which this tax credit will be implemented. This resolution should be presented to the Board as soon as possible but not later than November 1, 2024.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

FY25BdgtAppn-res

Adjustments to FY2025 Proposed Budget for FY2025 Adopted Budget	
General Fund	
	Revenues
Beginning Balance	\$ 254,500,000
<i>Adjustments for \$0.05 Tax Credit</i>	
General Property Taxes	(6,500,000)
Fund Balance	6,500,000
<i>Adjustments to Charges for Services</i>	
Recycling	382,000
Recreation Center Single Fees	113,000
Park Revenues	300,000
Recreation Facility Rentals	20,000
Before & After School Fees	85,000
<b>Total Revenues</b>	<b>\$ 255,400,000</b>
	Expenditures
Beginning Balance	\$ 254,500,000
<i>Adjustments to Transfers to Other Funds</i>	
Transfer to Virginia Public Assistance Fund	400,000
Transfer to Capital Projects Fund	45,000
<i>Miscellaneous Reallocations</i>	
Contribution to Outside Entities (York County E911)	(2,855,660)
Emergency Communications (York County E911)	2,855,660
Personnel Adjustments	20,000
Vehicle Replacements	421,000
Contribution to Williamsburg Regional Library	10,340
Contingency	3,660
<b>Total Expenditures</b>	<b>\$ 255,400,000</b>
Capital Projects Fund	
	Revenues
Beginning Balance	\$ 34,248,780
Transfer from General Fund	45,000
General Fund - Fund Balance	(6,500,000)
City of Williamsburg	(33,000)
<b>Total Revenues</b>	<b>\$ 27,760,780</b>
	Expenditures
Beginning Balance	\$ 34,248,780
<i>School Projects</i>	
Laurel Lane Elementary	(520,000)
J. Blaine Blayton Elementary	(498,000)
Berkeley Middle	(606,000)
Lois S. Hornsby Middle	(494,000)
Cooley Field	(951,000)
<i>General Services Projects</i>	
Capital Building Maintenance	(527,000)
Courthouse Maintenance	(202,000)
Building/Energy Improvements	(192,000)
Construction Management Software	(165,000)
HVAC/Electrical Improvements	(99,000)
<i>Public Safety Projects</i>	
Fire Brush Truck	(240,000)
Fire Vehicle Replacement	(90,000)
<i>Parks and Recreation Projects</i>	
Veterans Park - Splash Pad	(964,000)
Upper County Park - Splash Pad	(800,000)
Warhill Sports Complex - Field Netting	(140,000)
<b>Total Expenditures</b>	<b>\$ 27,760,780</b>
Debt Service Fund	
	Revenues
Beginning Balance	\$ 21,948,950

Adjustments to FY2026 Proposed Plan for FY2026 Adopted Plan	
General Fund	
	Revenues
Beginning Balance	\$ 258,900,000
<i>Adjustments to Charges for Services</i>	
Recycling	520,000
<b>Total Revenues</b>	<b>\$ 259,420,000</b>
	Expenditures
Beginning Balance	\$ 258,900,000
<i>Adjustments to Transfers to Other Funds</i>	
Transfer to Virginia Public Assistance Fund	800,000
Transfer to Capital Projects Fund	28,500
<i>Miscellaneous Reallocations</i>	
Contribution to Outside Entities (York County E911)	(2,855,660)
Emergency Communications (York County E911)	2,855,660
Personnel Adjustments	20,000
Contribution to Williamsburg Regional Library	10,340
Reserve for Compensation	(338,840)
<b>Total Expenditures</b>	<b>\$ 259,420,000</b>
Capital Projects Fund	
	Revenues
Beginning Balance	\$ 123,537,000
Transfer from General Fund	28,500
General Fund - Fund Balance	(28,500)
<b>Total Revenues</b>	<b>\$ 123,537,000</b>
	Expenditures
Beginning Balance	\$ 123,537,000
<b>Total Expenditures</b>	<b>\$ 123,537,000</b>
Debt Service Fund	
	Revenues
Beginning Balance	\$ 25,249,610



Adjustments to FY2025 Proposed Budget for FY2025 Adopted Budget	
Total Revenues	\$ 21,948,950
Expenditures	
Beginning Balance	\$ 21,948,950
Total Expenditures	\$ 21,948,950
Tourism Investment Fund	
Revenues	
Beginning Balance	\$ 3,377,080
Total Revenues	\$ 3,377,080
Expenditures	
Beginning Balance	\$ 3,377,080
Total Expenditures	\$ 3,377,080
Virginia Public Assistance Fund	
Revenues	
Beginning Balance	\$ 8,030,980
Transfer from General Fund	400,000
Fund Balance	(534,500)
Total Revenues	\$ 7,896,480
Expenditures	
Beginning Balance	\$ 8,030,980
Administration	(75,000)
Purchased Services	(59,500)
Total Expenditures	\$ 7,896,480
Housing & Neighborhood Development Fund	
Revenues	
Beginning Balance	\$ 3,890,490
Total Revenues	\$ 3,890,490
Expenditures	
Beginning Balance	\$ 3,890,490
Total Expenditures	\$ 3,890,490
Colonial Community Corrections Fund	
Revenues	
Beginning Balance	\$ 1,448,740
Total Revenues	\$ 1,448,740
Expenditures	
Beginning Balance	\$ 1,448,740
Total Expenditures	\$ 1,448,740
Special Projects/Grants Fund	
Revenues	
Beginning Balance	\$ 4,332,130
Total Revenues	\$ 4,332,130
Expenditures	
Beginning Balance	\$ 4,332,130
Total Expenditures	\$ 4,332,130

Adjustments to FY2026 Proposed Plan for FY2026 Adopted Plan	
Total Revenues	\$ 25,249,610
Expenditures	
Beginning Balance	\$ 25,249,610
Total Expenditures	\$ 25,249,610
Tourism Investment Fund	
Revenues	
Beginning Balance	\$ 3,708,550
Total Revenues	\$ 3,708,550
Expenditures	
Beginning Balance	\$ 3,708,550
Total Expenditures	\$ 3,708,550
Virginia Public Assistance Fund	
Revenues	
Beginning Balance	\$ 8,189,540
Transfer from General Fund	800,000
Fund Balance	(958,700)
Total Revenues	\$ 8,030,840
Expenditures	
Beginning Balance	\$ 8,189,540
Administration	(99,200)
Purchased Services	(59,500)
Total Expenditures	\$ 8,030,840
Housing & Neighborhood Development Fund	
Revenues	
Beginning Balance	\$ 3,922,620
Total Revenues	\$ 3,922,620
Expenditures	
Beginning Balance	\$ 3,922,620
Total Expenditures	\$ 3,922,620
Colonial Community Corrections Fund	
Revenues	
Beginning Balance	\$ 1,450,930
Total Revenues	\$ 1,450,930
Expenditures	
Beginning Balance	\$ 1,450,930
Total Expenditures	\$ 1,450,930
Special Projects/Grants Fund	
Revenues	
Beginning Balance	\$ 4,367,440
Total Revenues	\$ 4,367,440
Expenditures	
Beginning Balance	\$ 4,367,440
Total Expenditures	\$ 4,367,440