

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 10, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATION(S)

1. Proclamation - National Service Dog Month
2. Proclamation - United Way Day of Caring
3. Legislative Update from Delegate Chad Green, Sr.
4. Introduction of Ed Harris, CEO of the Williamsburg Tourism Council
5. ShenTel (GloFiber)

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Appropriation of Funds to the Transportation Match Account - \$356,135
2. Grant Award - \$1,500,000 - Department of Historic Resources - Preservation Virginia Flooding Mitigation at Historic Jamestowne
3. Automated Speed Enforcement Agreement with Blue Line Solutions, LLC

H. PUBLIC HEARING(S)

1. Z-23-0001/SUP-23-0031. Monticello Avenue Shops
2. SUP-24-0014. 111 Druid Drive Rental of Rooms
3. Disposal of County Property Located at 4601 Ironbound Road
4. An ordinance to grant relief to a former owner, his heirs or assigns, for real estate sold in a delinquent tax sale.
5. SUP-24-0011. Revocation of Special Use Permit No. 2-92, Colonial Golf Design, Inc.

6. An Ordinance to Amend and Reordain Chapter 4, Building Regulations, of the Code of James City County, Virginia
7. An Ordinance to Amend and Reordain Chapter 10, Garbage and Refuse, of the Code of James City County, Virginia
8. An Ordinance to Amend and Reordain Chapter 23, Chesapeake Bay Preservation, of the Code of James City County, Virginia

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
2. Discussion concerning a prospective business or industry where no previous announcement has been made of the business', or industry's interest in location or expanding its facilities in the community, pursuant to Section 2.2-3711 (A)(5) of the Code of Virginia
3. Certification of Closed Session

M. ADJOURNMENT

1. Adjourn until 1 pm on September 24, 2024 for the Business Meeting

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

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

SUBJECT: Appropriation of Funds to the Transportation Match Account - \$356,135

In the early 2000s, the County and the Virginia Department of Transportation (VDOT) worked together to reconstruct Ironbound Road, in the vicinity of New Town, from a two-lane roadway to a four-lane roadway with medians, bike lanes, and multiuse paths.

The \$16.452 million project included federal funding, state funding, and local funding. Local funds consisted of required local matching funds for an approved Revenue Sharing application and funds to underground utility lines.

While physical construction of the roadway improvement project concluded some time ago, VDOT recently completed a financial analysis and financial closeout of the project. Reconciliation of project funding versus project expenditures resulted in \$356,135 in local match funding needing to be returned to James City County.

Staff recommends approval of the attached resolution appropriating the returned funds back to the Transportation Match Account. Such funds can then be used on new projects moving forward.

PDH/md
AppFdsTMA-Irnbd-mem

Attachment:
1. Resolution

RESOLUTION

APPROPRIATION OF FUNDS TO THE TRANSPORTATION MATCH ACCOUNT - \$356,135

WHEREAS, in the early 2000s, the County and the Virginia Department of Transportation (VDOT) worked together to reconstruct Ironbound Road, in the vicinity of New Town, from a two-lane roadway to a four-lane roadway with medians, bike lanes, and multiuse paths; and

WHEREAS, the \$16.452 million project included federal funding, state funding, and local funding. Local funds consisted of required local matching funds for an approved Revenue Sharing application and funds to underground utility lines; and

WHEREAS, VDOT recently completed a financial analysis and financial closeout of the project and reconciliation of project funding versus project expenditures resulted in \$356,135 in local match funding needing to be returned to James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance and appropriation of funds to the Special Projects/Grants Fund as follows:

Revenue:

Prior Year Expenditure Refund	<u>\$356,135</u>
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Expenditure:

Transportation Match Account	<u>\$356,135</u>
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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 10th day of September, 2024.

AppFdsTMA-Irnbd-res

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

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

SUBJECT: Grant Award - \$1,500,000 - Department of Historic Resources - Preservation Virginia
Flooding Mitigation at Historic Jamestowne

Funding was appropriated in the Fiscal Year 2024-2025 Virginia State Budget to be distributed through the Virginia Department of Historic Resources (DHR). Within that appropriation, \$1,500,000 was awarded to Preservation Virginia for Flooding Mitigation at Historic Jamestowne.

Preservation Virginia and its subsidiary, the Jamestown Rediscovery Foundation, are engaged in a process to address the urgent need to protect 22.5 acres at Jamestown, America's Birthplace, to preserve Virginians' and the American public's access to Jamestown's archaeology, landscape, and museum spaces. It is estimated that a total of \$11 million is needed for this phase of the necessary work. Funds from this appropriation will underwrite the studies, early permitting, schematic designs, and archaeology needed in advance of construction of flood protection measures to be implemented by 2027.

Because Preservation Virginia is a privately funded organization, the award letter indicates that the funds cannot be provided directly to the Preservation Virginia from the Commonwealth and, instead, must pass through the appropriate local government (in this case, the County). The funds will be disbursed by the County to Preservation Virginia as soon as the necessary Memorandum of Understanding (MOU) is executed and written notification to release funds is received from DHR. The County's sole responsibilities will be to: (1) accept the grant funds from the Commonwealth; and (2) distribute the grant funds to Preservation Virginia upon receipt of written notification to release funds from DHR. The foregoing limited County responsibilities will be memorialized in a three-party MOU/Grant Agreement executed by the parties following adoption of the attached resolution, subject to approval as to form by the County Attorney's Office.

The County will receive \$1,500,000 from the Commonwealth and then distribute such funds to the recipient when DHR directs the County to release the funds. As such, no direct impact/cost to the County is anticipated. Preservation Virginia will be responsible for maintaining accurate records on the use of the grant funds and submitting a final project report to DHR and the County within 30 days of the full expenditure of the grant funds.

Staff recommends acceptance of these grant funds and approval of the attached resolution.

PDH/ap
GA-HistJmstwn-mem

Attachments:

1. Resolution
2. Draft MOU
3. DHR Award Letter

RESOLUTION

GRANT AWARD - \$1,500,000 - DEPARTMENT OF HISTORIC RESOURCES -

PRESERVATION VIRGINIA FLOODING MITIGATION AT

HISTORIC JAMESTOWNE

WHEREAS, the Virginia Department of Historic Resources (DHR) has awarded \$1,500,000 to Preservation Virginia for Flooding Mitigation at Historic Jamestowne; and

WHEREAS, funds from the appropriation will be used to underwrite the studies, early permitting, schematic designs, and archaeology needed in advance of construction of flood protection measures to be implemented by 2027; and

WHEREAS, because Preservation Virginia is a privately funded organization, the award letter indicates that the funds cannot be provided directly to Preservation Virginia from the Commonwealth and, instead, must pass through the appropriate local government (in this case, the County); and

WHEREAS, the funds will be disbursed by the County to Preservation Virginia as soon as the necessary Memorandum of Understanding (MOU) is executed and written notification to release funds is received from DHR; and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance and appropriation of funds to the Special Projects/Grants Fund as follows and also authorizes the County Administrator to enter into a MOU with DHR and Preservation Virginia for the purposes of providing these funds to Preservation Virginia in order to implement these grant funds:

Revenue:

State - DHR Award	<u>\$1,500,000</u>
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Expenditure:

Preservation Virginia Flooding Mitigation at Historic Jamestowne	<u>\$1,500,000</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

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

Teresa J. Saeed
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
September, 2024.

GA-HistJmstwn-res

Memorandum of Understanding

Among

The Virginia Department of Historic Resources

And

James City County

And

Preservation Virginia

For the

Administration of the FY 2024-2025 State Grant for Historic Preservation

The Commonwealth of Virginia through the Department of Historic Resources will provide \$1,500,000 to Preservation Virginia for the exclusive support of the Historic Jamestowne Flooding Mitigation Project (hereinafter “the Project”).

This Memorandum of Understanding (hereinafter “MOU”) establishes a partnership among the Virginia Department of Historic Resources (hereinafter “DHR”), James City County, an official subdivision of the Commonwealth (hereinafter “the Local Government”), and Preservation Virginia (hereinafter “the Recipient”).

I. MISSION

DHR is the State Historic Preservation Office of the Commonwealth. DHR fosters, encourages, and supports the stewardship and use of Virginia’s significant architectural, archaeological, and historic resources as valuable assets for the economic, educational, social, and cultural benefit of citizens and communities. A significant responsibility is the administration and review of state and federal historic preservation grant programs for financial and programmatic compliance. DHR is authorized to administer state grants to non-state agencies under the Code of Virginia.

Preservation Virginia and its subsidiary, the Jamestown Rediscovery Foundation, are engaged in a process to address the urgent need to protect our 22.5 acres at Jamestown, America’s Birthplace, to preserve Virginians’ and the American public’s access to Jamestown’s archaeology, landscape and museum spaces. It is estimated that a total of \$11 million is needed for this phase of the necessary work. Funds from this appropriation will underwrite the studies, early permitting, schematic designs and archaeology needed in advance of construction of flood protection measures to be implemented by 2027.

Together, the Parties enter into this MOU to mutually promote efforts to execute the Project. Accordingly, DHR, the Local Government and the Recipient operating under this MOU agree as follows:

II. PURPOSE AND SCOPE

DHR, the Local Government, and the Recipient will cooperate to ensure the correct and timely administration of the grant and the appropriate use and disbursement of its funds.

1. The "Partners" are forming a collaboration to comply with the provisions of the 2024 Appropriation Act.
2. The collaboration is intended to benefit the citizens of James City County and the Commonwealth.
3. Each organization which is a party to this MOU is responsible for its own expenses related to this MOU.
4. There will be an exchange of funds between the parties for tasks associated with this MOU as outlined below.

III. RESPONSIBILITIES

Each party will appoint a person to serve as the official contact and coordinate the activities of each organization in carrying out this MOU. The initial appointees of each organization are:

DHR:	Sarah Spota, Deputy Director Sarah.Spota@dhr.virginia.gov (804) 482-6461 2801 Kensington Ave., Richmond, VA 23221
Local Government:	Paul D. Holt, III, Director of Community Development James City County Paul.Holt@jamescitycountyva.gov (757) 253-6671 101 Mount Bay Road, Building A Williamsburg, VA 23185
Recipient:	Cheryl Greenday, Chief Financial Officer Preservation Virginia Cgreenday@preservationvirginia.org (804) 357-1184 204 West Franklin Street, Richmond, VA 23220

DHR will:

- Transfer award funding in the amount of \$1,500,000 to the Local Government upon full execution of this MOU, but no later than June 30, 2025;
- Authorize and instruct the Local Government to transfer funds to the Recipient upon full execution of this MOU;
- Instruct the Recipient on the procedures for maintaining the financial records of the grant;

The Local Government will:

- Serve as fiscal conduit for the Project by receiving and transferring the grant funds in full to the Recipient upon full execution of this MOU.

The Recipient will:

- Submit project information form.
- Maintain accurate records for the use of the grant funds and retain the records for a minimum of five (5) years from completion of the Project.
- Submit a final project report (see Exhibit A) to DHR and the Local Government within 30 days of the full expenditure of the grant funds.

IV. TERMS OF UNDERSTANDING

The term of this MOU is for a period of two years from the effective date of this agreement and may be extended upon written mutual agreement. It shall be reviewed annually to ensure that it is fulfilling its purpose and to make any necessary revisions.

Authorization

On behalf of the organization I represent, I agree to the terms set forth in this agreement.

DHR: _____
(signature) (date)

Julie V. Langan, Director and SHPO

Local Government: _____ (signature) _____ (date)

Scott A. Stevens, County Administrator, James City County

Recipient: _____
(signature) (date)

Name/Title

EXHIBIT A

Name of Recipient:	
Project Director Name:	Project Director Title:
Project Director Phone:	Project Director Email:
Grant Period: End date ____/____/____	
Project Title:	

Final Report Instructions: Please answer all questions within this document. Label all pages with the name of the Recipient organization. The final project worksheet, and all supporting materials, including copies of all invoices and receipts, must be submitted to DHR with this report.

Project Description

1. Summarize the results of the project accomplished under this grant.
2. Describe any differences between the planned results as stated in the Project Scope of Work and the actual results. (*N/A is an allowable response*)

Financial Information

Please describe how the state funds were allocated to your project.

Note: You may indicate non-state funds that were used to complete the project, however, no matching funding is required.

Experience

Answers to the following questions will help us improve the administration of this grant program.

1. What were the major successes or obstacles you faced in implementing your grant project and what additional assistance (from partner organizations, the community, DHR, etc.) would have benefited your organization?
2. Provide a quote and citation/author that describes how this project has benefited the local community and the Commonwealth and how it has furthered the public's knowledge of significant historical/cultural event(s) that shaped the nation. This quote may be used by the Commonwealth and/or DHR in publications or other social media.

Final date due: _____ Final date submitted: _____

Recipients Official's Signature: _____ Date: _____

Printed Name: _____ Phone: _____

Email: _____

Date Final approved by DHR: _____

DHR Grant Manager Signature: _____



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Travis A. Voyles
*Secretary of Natural and Historic
Resources*

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director
Tel: (804) 482-6446
Fax: (804) 367-2391
www.dhr.virginia.gov

June 24, 2024

Ms. Elizabeth Kostelny
Preservation Virginia – Jamestown Rediscover Foundation
204 W Franklin Street
Richmond, Virginia 23220

Via Email To: ekostelny@preservationvirginia.org

Re: 2024/2025 State Grant for Preservation Virginia and its subsidiary, the Jamestown Rediscovery Foundation, to support studies, permitting, schematic designs, and archaeology needed to implement flood protection measures at Jamestown.

Dear Ms. Kostelny,

I am writing to notify you that the Commonwealth of Virginia's budget for the 2024/2025 fiscal year includes a \$1,500,000 appropriation for your project. This grant award is being administered by the Department of Historic Resources (DHR). Before your organization receives the funds, the grant must pass through the local government within which your project is located. The local government will disburse the full amount of the award to your organization.

This grant will be available for disbursement to the locality upon execution of the necessary Memorandum of Understanding (MOU) between the DHR, James City County which will initially receive the funds, and Preservation Virginia.

It is imperative that the funds be disbursed to James City County as quickly as possible and no later than June 30, 2025. Any funds not disbursed by that date will be forfeited.

Sarah Spota, DHR's Deputy Director, will be the main point of contact for you and for your local government/fiscal agent during the grant period of performance. She may be contacted by email at Sarah.Spota@dhr.virginia.gov or by her direct line, 804-482-8098.

The important next steps in awarding you this funding are:

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

- Return the attached Project Information Form. Once returned the MOU will be sent to you.
- Review, finalize and execute the MOU between DHR, James City County, and your organization as quickly as possible.
- Transfer the awarded funding from DHR to James City County upon full execution of the MOU.
- Authorize James City County to transfer the awarded funding to Preservation Virginia upon full execution of the MOU.

The Department looks forward to working with you in the coming months to ensure the success of your project. Thank you for your leadership in preserving Virginia's important history.

Sincerely,



Julie V. Langan
DHR Director

cc: Sarah Spota, DHR Deputy Director
Senator Ryan T. McDougle
Delegate W. Chad Green

Attachments: Project Information Form

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police

SUBJECT: Automated Speed Enforcement Agreement with Blue Line Solutions, LLC

The James City County Police Department seeks authorization to enter into an agreement with Blue Line Solutions, LLC (BLS) to implement an Automated Speed Enforcement (ASE) System within school zones across the County. This system is designed to enhance traffic safety by reducing speeding violations in school zones through the use of advanced photo speed enforcement technology.

BLS, a mission-driven organization, focuses on reducing traffic-related incidents, aiming for “Zero crashes, Zero injuries, Zero fatalities” in school zones. The ASE System, along with the Manned Photo Laser and Automated Photo Speed Trailer systems, will allow for comprehensive monitoring and enforcement of speed limits. These systems will capture and process speeding violations automatically, with a focus on education over citation where feasible. Under the agreement, BLS will provide and maintain all necessary equipment, handle citation processing, and support public education efforts.

Staff recommends the adoption of the attached resolution to authorize the County Administrator to sign the agreement with Blue Line Solutions, LLC, allowing for the installation and operation of the speed enforcement systems.

MLJ/ap
AutSpdEnfAgt-mem

Attachment

RESOLUTION

AUTOMATED SPEED ENFORCEMENT AGREEMENT WITH BLUE LINE SOLUTIONS, LLC

WHEREAS, the James City County Police Department is committed to enhancing the safety of school zones by reducing speeding through the implementation of advanced photo speed enforcement technology; and

WHEREAS, Blue Line Solutions, LLC (BLS) has been identified as a qualified provider of an Automated Speed Enforcement (ASE) System that will be used in school zones to capture and process speed violations; and

WHEREAS, BLS will provide and maintain all necessary equipment, process citations, and assist with public education efforts under the terms of the agreement; and

WHEREAS, there is no cost to the County for the implementation or operation of the ASE System; and

WHEREAS, the County will receive funds generated from civil fines issued through the ASE System as a result of speed violations in school zones.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the documents necessary to enter into the agreement with Blue Line Solutions, LLC, for the implementation of the ASE System in school zones.

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 10th day of September, 2024.

AutSpdEnfAgt-res



AN AGREEMENT BETWEEN

BLUE LINE SOLUTIONS, LLC.

AND

JAMES CITY COUNTY, VIRGINIA



TRUEBLUE™
SPEED ENFORCEMENT | SCHOOL ZONE



AUTOMATED SPEED ENFORCEMENT SYSTEM AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2024, by and between Blue Line Solutions, LLC, a Tennessee corporation with offices at 4409 Oakwood Drive, Chattanooga, TN 37416 (herein "BLS"), and James City County, with a Police Department office at 4600 Opportunity Way, Williamsburg, Virginia (herein "County")

RECITATIONS

WHEREAS, the General Assembly of the Commonwealth of Virginia has authorized localities to enact ordinances to monitor, enforce, and penalize violations of school zone and highway construction zone speed limits; and

WHEREAS, BLS has the legal possession and processes referred to collectively as the "Automated Speed Enforcement System" (herein "ASE" or "ASE System") and the "Manned Photo laser System" (herein "MPL" or "MPL System"), and "Automated Photo Speed Trailer" (herein "AST" or "AST System"); and

WHEREAS, County desires to use the ASE, MPL and AST Systems to monitor excessive speeding infractions and other potential traffic violations, issue traffic notices of violations and evaluate traffic movement and safety, affirms it has no other such equipment or service provider, and has the right, power and authority to execute this Agreement; and

WHEREAS, County relies on its Police Department for law enforcement functions, including speed and traffic enforcement, to include school and highway construction safety zones.

WHEREAS, the James City County Police Department has been a party to researching and instituting this additional enforcement and is included as a party to this agreement due to its role as the County agency authorized to enforce this state code and County ordinance;

NOW THEREFORE, the parties agree:

As used in this Agreement, the following words and terms shall apply:

"Notice of Liability" means a written notification or citation to the registered owner of a motor vehicle that is issued by a competent state or authorized law enforcement agency or by a court of competent jurisdiction relating to a violation that involves the motor vehicle owned by that registered owner as evidenced by the ASE, MPL and AST System.

"Person" or "Persons" means any individual, partnership, joint venture, corporation, trust, unincorporated association, governmental authority or political subdivision thereof or any other form of entity.



"ASE System" means Automated, Stationary Speed Enforcement System, described as photographic traffic monitoring devices capable of accurately detecting a traffic infraction and recording such data with images of such vehicle.

"AST System" means a mobile trailer equipped with an automated speed enforcement system containing a minimum of one LIDAR/camera for each lane of travel in which enforcement is conducted.

"MPL System" means Manned Photo Laser System, described as photographic traffic monitoring equipment capable of accurately detecting a traffic infraction and recording such data with images of such vehicle.

"Violation" means failure to obey the maximum speed limits set for "highway work zones" and "school crossing zones," as outlined in Va. Code §46.2-878.1 and Va. Code §46.2-873.

2. BLS AGREES TO PROVIDE:

The scope of work identified in **Exhibit A**.

3. COUNTY AGREES TO PROVIDE:

The scope of work identified in **Exhibit B**.

4. TERM AND TERMINATION

a. The term of this Agreement shall be for 4 (four) years beginning on the date of the first notice of a liability is issued and payable and may be extended upon mutual acceptance of both parties for an additional 2 (two) year period. Either party may terminate this Agreement at the expiration of any term providing written notice of its intent not to extend the Agreement at least thirty (30) days prior to the expiration of the current term.

Either party shall have the right to terminate this Agreement by written notice:

- i) At any time during the term of this Agreement without cause with 30-day notice, provided however, (a) if the County terminates the Agreement prior to the expiration of any term, the County shall pay the applicable costs set forth in Exhibit C; and (b) the County shall not terminate this Agreement without cause in the first year of the term;
- ii) If applicable law is changed so as to prohibit or substantially interfere with the operation or feasibility of either the ASE, MPL or AST Systems or the parties' obligations under this Agreement;
- iii) For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection may occur if the terminating party notifies the other party of its intent to terminate, stating the specific grounds therefore, and the other party fails to cure the default within sixty (60) days after receiving notice.



b. Upon any termination of this Agreement, the parties recognize that BLS and the County will use best efforts to continue to process any and all pending and legitimate traffic law Violations. Accordingly, the parties shall have the following obligations which continue during the termination process: County shall cease using the ASE, MPL and AST Systems, shall allow BLS to retrieve all equipment to BLS within a reasonable time not to exceed 60 days, and shall not generate further images to be processed. Unless reasonably agreed upon otherwise by both parties, BLS and the County shall continue to process all images and Violations that occurred before termination in accordance with this Agreement and BLS shall be entitled to all Fees (as described in Exhibit C) specified in the Agreement as if the Agreement were still in effect.

c. Notwithstanding any provision to the contrary this Agreement terminates automatically upon a determination by any Court of jurisdiction, State or Federal, that the ASE, MPL and AST Systems or the underlying infractions are unconstitutional, illegal, or otherwise prohibited. Any legislative act, State or Federal, which prohibits the use of the ASE, MPL and AST Systems or the enforcement of the underlying infractions, shall also automatically terminate this agreement.

5. ASSIGNMENT AND EFFECT OF AGREEMENT

Neither party may assign all or any portion of this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed; provided, however, the County hereby acknowledges that the performance of BLS's equipment and obligations pursuant to this Agreement require a significant investment by BLS, and that, in order to finance such investment, BLS may be required to enter into certain agreements or arrangements with financial institutions or other similar entities. The County hereby agrees that BLS shall have the right to assign or pledge its rights under this Agreement in connection with any financing subject to the County's prior written approval, which approval shall not be unreasonably withheld or delayed. The County further agrees that in the event BLS provides written notice to the County that it intends to assign or pledge its rights pursuant to this Agreement, and in the event that the County fails to provide such approval or fails to object within thirty (30) days after its receipt of such notice from BLS, then BLS shall be free to effect such transaction.

This Agreement shall inure to the benefit of and be binding upon all of the parties hereto and their respective executors, administrators, successors and assigns as permitted by law.

6. FEES AND PAYMENT

All equipment, services, and maintenance are based on the Service Fee schedule indicated in "Exhibit C."

BLS shall collect and accumulate all payments to the County on a monthly basis and provide proper payment to the County on or before the 15th day of the following month. County shall forward to BLS any payments received by County directly from violators within three (3) days of receipt in order for BLS to process and reconcile all payments due and owing under this Agreement.



7. AVAILABILITY OF INFORMATION

BLS agrees that all relevant information obtained by BLS through the operation of the ASE, MPL, and AST Systems shall be made available to the County at any time during BLS's normal working hours upon reasonable notice, excluding trade secrets and other confidential or proprietary information not reasonably necessary for the prosecution of Notices of Liability or the fulfillment of BLS's obligations to the County under this Agreement.

8. CONFIDENTIAL INFORMATION

No information provided by BLS to County will be of a confidential nature, unless specifically designated in writing as proprietary and confidential by BLS; however, nothing in this paragraph shall be construed contrary to the terms and provisions of Chapter 119, Virginia Statutes, or similar laws, insofar as they may be applicable.

9. OWNERSHIP OF SYSTEM

It is understood by the County that the ASE, MPL, and AST Systems and all associated hardware and software being provided by BLS is, and shall remain, the sole property of BLS unless separately procured by the County. The ASE, MPL, and AST Systems are being provided to the County only pursuant to the terms of this Agreement. County agrees that it shall not make any modifications to BLS's equipment, nor disassemble or perform any type or reverse engineering to the ASE, MPL, and AST Systems, nor infringe on any property or patent rights, nor cause or allow any other Person to do any of the foregoing. The parties agree that upon termination of this Agreement for any reason, BLS shall have the right, but not the obligation, to remove any equipment provided.

10. LEGAL COMPLIANCE

The County shall at all times comply with all federal, state, and local laws, ordinances, and regulations. County acknowledges that, based on representations by BLS, it reasonably believes that the ASE, MPL, and AST Systems and associated citation procedures comply with federal, state, and local laws and ordinances.

11. FORCE MAJEURE

Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control. Such causes may include, but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, unusually severe weather, epidemics, strikes, or governmental authority approval delays or denials. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

12. CORRESPONDENCE BETWEEN PARTIES

All notices required to be given under this Agreement shall be deemed provided upon the date postmarked when mailed by first class mail or by registered mail and addressed to the proper party at the address set forth in Section 20 below.



13. DISPUTE RESOLUTION

Both parties desire all disputes arising out of or in connection with this Agreement to be resolved through good-faith negotiations between the parties and to be followed, if necessary, by professionally assisted mediation within 45 days. Any such mediator must be acceptable to each party. The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to attempt to reach an amicable resolution of the dispute. The mediation will be treated as a settlement discussion and will remain confidential. Each party will bear its own costs in the mediation and will equally share the fees and expenses of the mediator. If good faith efforts by all parties to agree on a mediator fail within 45 days of one party notifying another party of a dispute in need of resolution, the parties are all permitted to seek resolution in a court of law with jurisdiction in James City County.

14. ADDITIONAL SERVICES

Additional systems and services provided by BLS may be added to this Agreement by mutual consent of the parties. In the event the County agrees to contract for other services provided by BLS or companies owned by Blue Line Holdings, LLC whether or not associated with the program herein, County authorizes BLS to withdraw invoiced amounts on a one-time basis or monthly basis, whichever is chosen by the County, as payment for products/services, subject to review and approval by the County. Such services may include but are not limited to Automated License Plate Recognition Systems, Surveillance Cameras, Video Management Systems, or other related technologies.

15. VALIDITY AND CONSTRUCTION OF TERMS

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision, and all remaining provisions of this Agreement shall remain in full force and effect.

16. ENTIRE AGREEMENT

This Agreement replaces any previous agreements and discussions and constitutes the entire agreement between the parties with respect to the subject matters herein. No amendments, modifications, or alterations of the terms herein shall be binding unless the same is in writing and duly executed by the parties.

17. AUDIT RIGHTS

Each party shall have the right to audit the records of the other party pertaining to the Citation issued pursuant to this Agreement solely for the purpose of verifying the accuracy of payments, if any, payable pursuant to this Agreement. Any such audit shall be conducted upon not less than forty-eight hours' notice at mutually convenient times. The cost of any such audit shall be borne by the party requesting the audit.



18. COVENANT OF FURTHER ASSURANCES

All parties to this Agreement shall, upon request, perform any and all acts and execute and deliver any and all certificates, instruments, and other documents that may be necessary or appropriate to carry out any of the terms, conditions, and provisions hereto or to carry out the intent of this Agreement.

19. NO AGENCY

The relationship between the parties shall be that of independent contractors, and the employees, agents, and servants of either party shall in no event be considered to be employees, agents, or servants of the other party. This Agreement shall not create an agency relationship between BLS and County and neither party may incur any debts or liabilities or obligations on behalf of the other party, except as specifically provided herein.

20. NOTICES

Any notices or demand which under the terms of this Agreement or under any law shall be in writing shall be made by personal service, first class mail, or by certified or registered mail to the parties at the following address:

Notices to Blue Line Solutions:

Mark Hutchinson, CEO

4409 Oakwood Dr.

Chattanooga, TN 37416

Notices to the County of James City County:

Mark Jamison, Chief of Police

4600 Opportunity Way

Williamsburg, VA 23188

21. COMPLIANCE WITH LAWS

Nothing contained in this Agreement shall be construed to require the commission of any act contrary to law, and whenever there is a conflict between any term, condition, or provision of this Agreement and any present or future statute, law, ordinance, or regulation contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law, provided it is consistent with the intent of the parties as expressed in this Agreement.

22. PUBLIC INFORMATION & EDUCATION

BLS agrees to work with the County toward the implementation of a public information & education program preceding any enforcement. Such efforts will include press releases for TV, radio, newspaper, and internet, social media posts (content), & dissemination of information through the County School System.



23. COOPERATIVE PROCUREMENT AGREEMENT

This Agreement is based on the Wythe County, VA agreement with Blue Line Solutions, LLC dated May 16, 2022, which was based on a cooperative procurement process. Wythe County and Blue Line Solutions LLC have extended to all Virginia public agencies and bodies, and public agencies and bodies outside of the Commonwealth of Virginia, the ability to contract based on their agreement, in accordance with the terms and conditions and specifications of that solicitation. On February, 2024 Wythe County further clarified the agreement in, "Contract Amendment Number 1." Attached below.

24. STATE LAW TO APPLY

This Agreement shall be construed under and in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date accepted by the Customer.

Blue Line Solutions, LLC.

By: Jason Friedberg
Vice President of Sales & Marketing

JAMES CITY COUNTY
COMMONWEALTH OF VIRGINIA

Authorized Signature (*Municipality*)

Approved and authorized this _____ day of _____, 20____.

Exhibit A

BLS Obligations and Scope of Work



- 1) BLS, at the request of the County, shall perform an analysis on selected roadways to determine potential Violation rates and assess the most suitable locations for the ASE, MPL, and AST System equipment.
- 2) BLS shall provide the quantities of ASE, MPL, and AST System equipment as indicated on Exhibit D. From time to time, the parties may agree to add or subtract the number of ASE, MPL, and AST Systems to be provided and may modify the location(s) without penalty or additional cost to the County if the parties agree in writing.
- 3) BLS shall provide an automated, web-based processing program for all valid Notices of Liability, including image processing, mailing of the initial Notice and a reminder Notice, printing, and mailing costs. The program shall be conducted in a timely manner to comply with any applicable statute of limitation for filing Notices of Liability. Subject to the approval and authorization from the County, each Notice shall be delivered by First Class mail to the registered owner within the agreed or statutory period. Subsequent Notices or collections notifications may be delivered by First Class, Certified Mail-Return Receipt Requested, or by process servers for additional compensation to BLS as agreed by parties.
- 4) BLS shall provide reasonably available vehicle registration information necessary to issue Notices of Liability resulting from the ASE, MPL, and AST Systems, assuming BLS is authorized to receive such registration data, at no additional cost to the County.
- 5) BLS shall provide the County with an Evidence Package to include a set of images with related documentation for each notice of violation contested.
- 6) BLS shall provide necessary training for persons designated by the County and provide reasonable public relations resources to the County.
- 7) BLS shall provide an expert witness as reasonably necessary to establish judicial notice for contested Violations to establish the accuracy and technical operations of the ASE, MPL and AST Systems.
- 8) BLS shall maintain files with regular updates of specific Notices of Liability issued and shall update the status of all accounts based on the disposition information provided by General District Court, indicating payments received, Notices of Liability outstanding, and cases otherwise closed, dismissed or resolved.
- 9) BLS shall provide to the County a monthly report of ASE, MPL, and AST Systems results within fifteen days of the end of each calendar month. The report shall include the following information:
 - i) Total number of Violation events.
 - ii) Total number of actionable Violation events.
 - iii) Total number of Notices of Liability issued.
 - iv) Total number of Notices of Liability paid.



v) Such reports on ongoing operations as are required, or such other reports and documents as are mutually agreed upon between BLS and the County.

10) BLS shall provide all routine maintenance of ASE, MPL and AST Systems equipment and timely respond to equipment repairs.

11) BLS will provide one (1) radar speed sign per ASE System utilized in school zones. Notwithstanding the foregoing, the parties agree that the County shall be solely responsible for placement, installation and obtaining any regulatory approval related thereto.

12) As related to the MPL System only, BLS agrees, upon request by the County, to provide reimbursement for overtime or part-time officer pay for hours of MPL System use outside of the officer's normal working hours provided, however that the foregoing shall not apply to warning periods (the first thirty (30) days following the implementation of each MPL system) and the following additional conditions shall apply:

i) personnel shall be selected by the County;

ii) the MPL Systems and accompanying personnel shall be deployed in areas required by Commonwealth or local statute and tracked daily for all court documents; and

iii) if and when this option of deployment with personnel is exercised:

a) The location(s) shall be mutually agreed upon by both BLS and the County.

b) BLS will reimburse the County for officer(s) utilizing the equipment at the following rates:

i. Full-time officer Overtime – **1.5 times the officer's rate of pay.**

ii. Full-time officer Regular Time – **Officer's rate of pay.**

iii. Police Department shall be responsible for normal on-duty use of the MPL System by on-duty officers.

c) County will provide an invoice and time sheet to BLS for reimbursement of officer pay by the fifth (5th) day of the month following the closing of the preceding month. All payments for the deployed personnel will be delivered to the County on or before the 15th day of the month following the closing of the preceding month. The first officer pay reimbursement will accompany the agency's first 30-day cycle citation revenue check. All payments shall be delivered to the address designated by the County in this Agreement.

d) BLS has the right to audit the hours of use as logged by the MPL system for verification of hours submitted for payment. Reimbursement will be provided for only those hours in which officers utilize the MPL system for its intended purpose as associated with this agreement.

13) BLS will provide an equal amount of Automated License Plate Recognition (ALPR) cameras as the number of ASE Systems under this agreement at no additional charge to the County as long



as this agreement remains in effect. Additional ALPR systems may be purchased as described in section 14 of this agreement.

14) BLS will provide services and data for public information & education (PI&E) campaigns prior to the deployment of any school zone and/or construction zone enforcement program.

15) BLS will provide data and reporting information as required by Virginia Code § 46.2-882.1.B.9. for filing the report to the Department of State Police by January 15 of each year.

DRAFT



Exhibit B

County Obligations and Scope of Work

- 1) County shall ensure that each ASE, MPL and AST System shall be in place and operating each month in areas of speed safety concern, barring unusual downtime for maintenance, weather, act of God or court order.
- 2) The County shall diligently prosecute each valid Notice of Liability and collect all fines.
- 3) The County shall cause an authorized officer of the Police Department to carefully review each potential Violation captured by the ASE System, AST, and MPL System and shall transmit an electronic signature to each Notice of Liability approved by the County. The County hereby acknowledges and agrees that the decision to issue a Notice of Liability shall be the sole, unilateral, and exclusive decision of the authorized officer in such officer's sole discretion, and in no event shall BLS have the ability or authorization to make a Notice of Liability decision.
- 4) The County agrees to reasonably pursue payments of valid Notices of Liability and serve follow-up letters or citations as required for unpaid Notices of Liability or contested citations as described in §46.2-882.1, Virginia Statutes.
- 5) County agrees to work with BLS to the best of their ability in efforts to implement the program.
- 6) County agrees to use due diligence in working with BLS to acquire in a timely manner any necessary permits under its control, and approvals or other necessary documentation from the County as necessary for the operation of the ASE, MPL and AST Systems.
- 7) The County ensure the programs and their enforcement procedures comply with all applicable laws, including §46.2-882.1, Virginia Statutes, and/or policies and shall assist BLS in securing all necessary DOT permits as well as any other permits necessary to erect ASE Systems and operate MPL Systems. Further, if ASE systems are operated in school zones, the County shall also assist BLS in obtaining any other permits or authorizations from the appropriate school district, Department of Transportation, County, or other government agency, as applicable, for operation in such locations at BLS cost. The County shall provide any necessary permits at no cost to BLS.
- 8) The County shall complete and sign any necessary letters to NLETS authorizing BLS to retrieve vehicle data records for processing.
- 9) As necessary, County shall provide assistance to BLS in obtaining access to vehicle ownership records data, and if requested, provide a letter and support for BLS to use with appropriate licensing bureau agencies indicating that BLS is acting as an authorized agent of County for the purposes of accessing vehicle ownership information on behalf of County.
- 10) County shall promptly reimburse BLS for negligent or intentional damage to the ASE, MPL and AST System caused by County, its employees or authorized agents.



14) County, if applicable, will make available to BLS their General Services Department, Electricians, or other staff to assist in determining locations of poles, placement of poles, gaining access to electricity, electrical hookup, etc. as needed. To the extent such is necessary, County will assist BLS in obtaining all County permits needed for placement of poles, electrical, or any other service needed for the installation and usage of the ASE Systems. BLS will place and install poles at the direction of the County. After installation by BLS, County shall make any requests for changes, alterations or modifications related thereto in writing and shall be responsible for any expenses incurred by BLS in making such changes, alterations or modifications.

15) If County operates the ASE or AST systems in school zones, County shall supply BLS with appropriate school schedules and times for pre-programming of cameras for use, as provided by the school system. County shall also notify BLS of any unscheduled school closings or disruptions in normal schedule. This includes early dismissals, snow days, school cancellations, etc. BLS shall wait one business day to process any violations received, so as to ensure adequate time is given for any potential such notification. To the extent permitted by law, the County shall indemnify and hold harmless BLS against all liabilities and expenses arising from County's failure to notify BLS of any closings or changes in school schedules.

16) County shall provide a project manager or other designated individual with authority to execute County's responsibilities under the Agreement.



Exhibit C

Service Fees

The County agrees to pay BLS the Fee(s) as itemized below:

Virginia Code (§46.2-882.1) authorizes the collection of a civil penalty of up to \$100 for speeding violations of 10 miles per hour or more in school and construction zones.

BLS provides all ASE, MPL and AST Systems equipment, installation, wireless integration, & infrastructure. Pricing includes all MPL and AST System equipment, installation, maintenance, processing services, first mailed notice, second reminder mailed notice, website and Call Center Support.

Costs associated with the ASE System installation, infrastructure, development, and implementation are recovered/amortized equally and monthly by BLS over the initial term of this agreement from net citation processing fees generated and apportioned to BLS under this agreement. In the event the agreement is terminated by the County as allowed by Section 4.a.(i), prior to the end of the initial term of this agreement and, hence, the full recovery/amortization of above stated costs by BLS, the County will be responsible for the balance. The parties agree the cost of installation, infrastructure, development, and implementation of the ASE System is \$75,000 per installed ASE System, and upon early termination under Section 4.a.(i) prior to the end of the initial term of this agreement, the County shall reimburse BLS for such costs as prorated for any monthly periods remaining in the initial term of this Agreement. Full payment of all such costs will be due within 30 days after the date of termination.

Processing Services

BLS shall provide processing services, which will include the following:

- a) Citation processing of speeding violations
- b) Agency citation approval process
- c) Citation Mailing
- d) Returned Mail
 - a. Change of Address (COA) lookup
 - b. COA Citation Reissue
- e) Affidavit process as defined in §46.2-882.1, Section 3
- f) Affidavit process as defined in §46.2-882.1, Section 5 "a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3"
- g) Reports as required by §46.2-882., Section 9 of Virginia Code
- h) Payment Services for collections of citation payments
 - a. Call Center Support
 - b. Mail Center Support



- c. Web Payment Support
- i) Court Liaison Services
 - a. Evidential case information on each contested citation
 - b. Assistance with the establishment of a court process

The fee for Processing Services, as described above will be \$15.00 per processed speeding citation and shall be subtracted from the County's gross receipts of paid citation's.

Violation Information Sheet

Optional: BLS will make available a Violation Information Sheet (VIS) for mailing with Violations. The VIS will include general information about the automated speed enforcement program, the varying methods in which it is administered and traffic related statistics to validate the need for the program. The fee for this service will be \$2.00 per Violation and shall be subtracted from the County's gross receipts. [X] Place X in box if declined.

Fees Charged to Violators

A credit card convenience fee of \$5.90 to be charged to the violator using a credit card (unless prohibited by Commonwealth statute) for Violation payment processed manually for phone payments. Such convenience fees shall be collected by BLS during payment of Violation and shall not be shared with County or included in County's share of Revenue.

Pricing Alteration

This pricing may be changed by agreement of both parties in the event the Commonwealth of Virginia changes allowable charges by statute.



Exhibit D

Number and Locations of ASE, MPL, and AST System Equipment

The number of ASE, MPL, and AST Systems, as well as the locations for equipment installation, will be determined after a careful analysis by the County, the County's Police Department, and BLS personnel, considering traffic dynamics, volume, and safety assessments on the County's roadways. Based on such analysis, BLS and the County have determined the following:

___ () ASE System(s) will be provided: Additional units may be added without contract amendment.

___ () MPL System(s) will be provided: Additional units may be added without contract amendment.

___ () AST System(s) will be provided: Additional units may be added without contract amendment.

Agreed to this date: _____

Authorized Signature

Date

Blue Line Solutions, LLC Signature

Date

Contract Amendment Number 1

The parties to this agreement hereby amend the cooperative procurement contract originally entered into May 16, 2022, such amendment effective as of February 27, 2024, as follows:

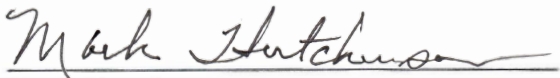
1. The language in the request for proposals and subsequent Contract for Camera Speed Enforcement & Related Services from this solicitation may be extended to any public agency or body in the Commonwealth of Virginia, and is intended to put the contractor on notice that it must enter into a contract with such public agency or body in accordance with the terms, conditions, and specifications of the Contract. Such language, however, does not prohibit a public agency or body outside of the Commonwealth of Virginia from purchasing from such Contract based on any applicable local law and with the consent of the Contractor.

For Wythe County:


For Blue Line Solutions



Stephen D. Bear
County Administrator



Mark Hutchinson
Chief Executive Officer



Charles Foster
Sheriff

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. Timothy Trant II, Kaufman & Canoles, P.C.

Landowners: Mr. Larry Cooke
Judy H. Ertl Trustee, Ms. Edith Ward
Judy Hodges Ertl Trustee, Mr. Ed Ward

Proposal: Rezoning of 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road from R-8, Rural Residential to B-1, General Business with Proffers, and a Special Use Permit (SUP) to allow a total of 12,000 square feet of commercial development in three separate buildings, each 4,000 square feet in area.

Locations: 4744 Old News Road
3897 Ironbound Road
3905 Ironbound Road

Tax Map/Parcel Nos.: 3830100002A
3830100004
3830100003

Project Acreage: Total Acreage ± 2.75 acres

Current Zoning: R-8, Rural Residential

Proposed Zoning: B-1, General Business with Proffers

Comprehensive Plan: Neighborhood Commercial

Primary Service Area (PSA): Inside

Staff Contact: Ben Loppacker, Planner

PUBLIC HEARING DATES

Planning Commission: August 7, 2024, 6:00 p.m.

Board of Supervisors: September 10, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. With the proposed proffers and conditions, the proposal is compatible with surrounding zoning and development.
3. The applicant has proffered design guidelines that are generally consistent with the County's Character Design Guidelines (Attachment No. 6).
4. The proposal passes the Traffic Impact Analysis (TIA) Submittal Requirements Policy.
5. Impacts: Please see Impact Analysis on Pages 7-10.

FACTORS UNFAVORABLE

1. Impacts: Please see Impact Analysis on Pages 7-10.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application, subject to the proposed proffers and SUP conditions.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

PLANNING COMMISSION RECOMMENDATION

At its August 7, 2024, meeting, the Planning Commission voted to recommend approval of this application with the proposed proffers and conditions, by a vote of 6-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

There have been no changes made since the Planning Commission meeting on August 7, 2024.

PROJECT DESCRIPTION

Mr. Tim Trant II of Kaufman & Canoles, P.C., on behalf of Mr. Brett Skinner of Verdad Real Estate Development, has applied for a rezoning and an SUP for the development of three parcels along Monticello Avenue and Ironbound Road (double frontage). The three parcels are located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. The current zoning of the properties is R-8, Rural Residential and the applicant is proposing to combine the parcels and rezone them to B-1, General Business with Proffers. The site is located within the New Town Community Character Area (CCA) and along the Monticello Avenue Community Character Corridor (CCC). The Master Plan proposes three 4,000-square-foot buildings fronting Monticello Avenue with shared parking. The applicant has indicated that there is no specific commercial or office user at this point in time. The applicant has included a proffer to restrict certain uses that would otherwise be permitted in the B-1, General Business District, by-right; however, a commercial SUP is required per Section 24-11 of the Zoning Ordinance to allow for any commercial building or group of buildings which exceeds 10,000 square feet of floor area.

The proposed site will include one egress/ingress off Monticello Avenue that will be shared with the existing Monticello Marketplace Shoppes. There are a total of 83 proposed shared parking spaces to serve the entire development. The parking is calculated based on the highest intensity use; however, the final parking calculations will be determined during site plan review. The proposed development will include shared parking for the entire site, sidewalks, and pedestrian connectivity to surrounding development.

The applicant is proposing a decrease in the building setbacks and the landscape buffers along Ironbound Road and Monticello Avenue, respectively, citing the relatively narrow depth of the site (200 feet), the desire for development of this site to have enhanced architecture, and other site elements that are generally consistent with the New Town form of development.

- The applicant is proposing the following building setback reduction:
 - Required 50-foot building setback to a 35-foot building setback along Ironbound Road.
- The applicant is proposing the following landscape buffer reductions:
 - Required 50-foot landscape buffer to a 20-foot landscape buffer along Monticello Avenue.

The applicant is offering site design standards which meet or exceed the Comprehensive Plan Development Standards through its proffered Design Guidelines and meets the County's Character Design Guidelines (Attachment No. 6). Staff also notes that the Monticello Marketplace Shoppes development to the west of the project also features a 20-foot landscape buffer along Monticello Avenue and a 35-foot building setback along Ironbound Road.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Based on a preliminary review of the setback and landscape buffer reduction requests and with the proposed SUP Condition No. 4 requiring enhanced landscaping along Monticello Avenue and Ironbound Road, staff and the Director of Planning are generally supportive of these requests. The proposed SUP conditions require that the Director of Planning review the final landscape plan during site plan review to ensure that the proposal meets the criteria found in Section 24-98(a)(3) and Section 24-392 of the Zoning Ordinance to support the requested reductions.

PUBLIC IMPACTS

The scale of this proposal requires the submittal of a TIA. The TIA examines the existing conditions of vehicular traffic, including Level of Service (LOS), with a focus on the roads and intersections serving and impacted by the proposed development.

Per the TIA Submittal Requirements Policy, all Rezoning and SUP applications are subject to the adequate transportation facilities test. A proposed Rezoning or SUP application will pass the test if:

- No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation (VDOT); or
- All off-site improvements recommended by a TIA that are approved by both the Planning Director and VDOT are guaranteed in a form approved by the Planning Director and the County Attorney.

The TIA (Attachment No. 8) analyzed the AM and PM peak hour traffic which estimates that this development will generate 662 total vehicle trips per day. There is an estimated 48 AM and 72 PM peak hour trips entering and exiting the site. The following intersections were included in the study:

Monticello Avenue and Windsormeade Way

The current LOS at the intersection of Monticello Avenue and Windsormeade Way is an overall LOS A in the AM peak hour and LOS B in the PM peak hour with some individual through or turn movements operating at LOS D or E. With the proposed development, the LOS overall would remain LOS A in the AM peak hour and LOS B in the PM peak hour, which is still considered to be an acceptable LOS. The through movements on Monticello Avenue remain LOS A and B; however, similar to existing conditions, most turning movements are projected to operate at LOS D or E, with no movements decreasing in LOS in the AM peak hour. In the PM peak hour, there are three turning movements, Eastbound Approach, Southbound Approach and Southbound Left, that would decrease in LOS. However, the LOS for Southbound Left and Southbound Approach will decrease from LOS D to LOS E in both the build and no build scenarios.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Monticello Avenue at Windsormeade Way LOS - AM/PM Peak Hour	2022 Existing Conditions		Projected 2024 (“No-build”)		Projected 2024 with Monticello Shops (“Build”)	
	Level Of Service AM/PM		Level Of Service AM/PM		Level Of Service AM/PM	
Overall Intersection	A	B	A	B	A	B
Eastbound Approach	A	A	A	A	A	B
Eastbound U/Left	A	E	E	E	E	E
Eastbound Through	A	A	A	A	A	A
Westbound Approach	A	B	A	B	A	B
Westbound Through/Right	A	B	A	B	A	B
Southbound Approach	D	D	D	E	D	E
Southbound Left	D	D	D	E	D	E
Southbound Right	C	D	C	D	C	D

Monticello Avenue and Monticello Marketplace

The current LOS at the intersection of Monticello Avenue and Monticello Marketplace is an overall LOS C in the AM peak hour and LOS D in the PM peak hour with multiple individual turning movements operating at LOS D or E. With the proposed development, the overall LOS would remain at LOS C in the AM peak hour and LOS D in the PM peak hour. Similar to existing conditions, most turning movements are projected to operate at LOS D or E. In the AM peak hour, four turn movements, Eastbound Approach, Eastbound Through, Westbound U/Left, and Westbound Through, decreasing in LOS. In the PM peak hour, two turning movements, Westbound U/Left and Northbound U/Left/Through, decreasing in LOS. However, in the AM peak hour, the LOS for Eastbound Approach and Westbound Through movements would decrease in LOS in both the build and no-build scenarios. In the PM peak hour, the LOS for Northbound U/Left/Through will decrease from LOS D to LOS E in both the build and no-build scenarios.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Monticello Avenue at Monticello Marketplace LOS - AM/PM Peak Hour	2022 Existing Conditions		Projected 2024 ("No-build")		Projected 2024 with Monticello Shops ("Build")	
	Level Of Service AM/PM		Level Of Service AM/PM		Level Of Service AM/PM	
Overall Intersection	C	D	C	D	C	D
Eastbound Approach	B	C	C	C	C	C
Eastbound U/Left	D	E	D	E	D	E
Eastbound Through	B	C	B	C	C	C
Eastbound Right	B	C	B	C	B	C
Westbound Approach	D	D	D	D	D	D
Westbound U/Left	C	D	C	D	D	E
Westbound Through	B	D	C	D	C	D
Westbound Right	F	E	F	E	F	E
Northbound Approach	D	D	D	D	D	D
Northbound U/Left/Through	D	D	D	E	D	E
Northbound Right	D	D	D	D	D	D
Southbound Approach	D	E	D	E	D	E
Southbound Left	D	E	D	E	D	E
Southbound Left/Through/Right	D	E	D	E	D	E

Monticello Avenue and Old News Road

With the proposed development and improvements, the right-in-right-out entrance and exit at Old News Road would continue to operate at an overall LOS B for both the AM and PM peak hour, with no change in the LOS for through or turning movements.

The TIA recommends the following improvements:

- Construct a 100-foot eastbound right-turn taper on Monticello Avenue.

At build-out, all three intersections in the study would operate at a LOS D or better at the AM and PM peak hour. Each of the traffic movements would operate at a LOS E or better.

Staff has conditioned that development of the property shall not exceed 48 AM and 72 PM peak hour trips (Proposed Condition No. 9).

VDOT and the Director of Planning have reviewed and approved the traffic study. The proposed Rezoning and SUP applications provide off-site improvements recommended by the TIA that are approved by VDOT and shall be constructed or bonded in a manner acceptable to the County Attorney prior to a Certificate of Occupancy for the initial building.

PLANNING AND ZONING HISTORY

- During the 2009 Comprehensive Plan update, all three properties, as well as the property immediately to the east, were designated Neighborhood Commercial. Previously, the parcels were designated Moderate Density Residential.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

- In 2019, a Rezoning and SUP proposal was submitted for the subject parcels; however, it was withdrawn prior to the January 2020, Board of Supervisors meeting.
- During the 2020 Comprehensive Plan update, amending the land use from Neighborhood Commercial to Community Character Conservation, Open Space or Recreation was discussed for all three properties, as well as the property immediately to the east. Ultimately, the decision was made to retain the land use designation as Neighborhood Commercial.

SURROUNDING ZONING AND DEVELOPMENT

- The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	MU, Mixed Use District	Commercial	Mixed Use
SOUTH	R-2, General Residential District	Residential	Low Density Residential
EAST	R-8, Rural Residential District	Residential	Low Density Residential
WEST	R-4, Residential Planned Community District	Commercial	Neighborhood Commercial

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - The new development would take access from Monticello Avenue via a shared right-in-right-out ingress/egress with the adjacent Monticello Marketplace/Monticello Shops. - There shall be one shared ingress and egress with Monticello Marketplace as well as no vehicle access onto Ironbound Road (Proposed SUP Condition No. 3). - The improvements recommended in the final TIA as approved by both VDOT and the Director of Planning shall be constructed or bonded in a manner acceptable to the County Attorney prior to a Certificate of Occupancy for the initial building (Proposed SUP Condition No. 6). - Staff has conditioned that development of the property shall not exceed 48 AM and 72 PM peak hour trips (Proposed Condition No. 9). - The Eastbound Approach for the Monticello Avenue at Windsormeade Way intersection would decrease from a LOS A to LOS B in the PM peak hour due to this development. - The Eastbound Through and Westbound U/Left for the Monticello Avenue at Monticello Marketplace intersection would decrease from LOS B to C and C to D in the AM peak hour due to this development. - The Westbound U/Left for the Monticello Avenue at Monticello Marketplace intersection would decrease from LOS D to E in the PM peak hour due to this development. - The application passes the TIA Submittal Requirements Policy Test. - VDOT and the Director of Planning have reviewed and approved the traffic study.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Per the Pedestrian Accommodation’s Master Plan, a sidewalk is required along the north side of Ironbound Road and along Monticello Avenue. The adopted Regional Bikeways Master Plan specifies bike lanes along Monticello Avenue. The site is located within the New Town CCA Sidewalk Inclusion Zone and sidewalks shall be constructed on the north or east side of internal roads. A sidewalk is required along the north side of Ironbound Road. - There is an existing sidewalk and bike lane along Monticello Avenue. - The proposed Master Plan includes a sidewalk on the north side of Ironbound Road. - This property is within walking distance of a Williamsburg Area Transit Authority transit stop.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Fire Station 3 on John Tyler Highway serves this area of the County, approximately 2.3 miles from the proposed development. - Staff finds this project does not generate impacts that require mitigation to the County’s Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - The property is served by public water and sewer. - James City Service Authority (JCSA) has reviewed the proposal and noted items that will need to be addressed at the development stage. - The applicant has proffered the development of water conservation standards to be submitted and approved by JCSA (Proposed Proffer No. 3).

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Powhatan Creek Watershed.	<u>Mitigated</u>	<ul style="list-style-type: none"> - This project will need to demonstrate full compliance with environmental regulations at the development plan stage and provide evidence that the development will not negatively affect the existing off-site facilities. - Stormwater and Resource Protection reviewed and approved the application with Proposed SUP Condition Nos. 10 and 11 to address impervious cover capture and runoff reduction.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The Monticello Avenue Shops site is located in a moderate sensitivity area, which does not require a phase 1A archaeological study per Section 24-23 of the Zoning Ordinance. A study is required by the Zoning Ordinance at the time of site plan review.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Staff finds that this proposal is generally consistent with the character of the existing surrounding development, which is generally commercial in nature. Proffered design guidelines for this project help ensure consistency with the character of the area. - Proposed SUP Condition No. 4 addresses the requirement for enhanced landscaping and proper screening from adjacent properties. - The design of the property shall be consistent with the proffered Design Guidelines and be approved by the Director of Planning and New Town Design Review Board (Proposed SUP Condition No. 2). - An SUP condition is proposed to mitigate any negative impacts from the proposed dumpster enclosures (Proposed SUP Condition No. 6).

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Community Character</u> The project is located along the Monticello Avenue CCC.	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The Comprehensive Plan designates Monticello Avenue as a CCC. Monticello is characterized as an “Urban and Suburban” CCC. Urban and Suburban CCCs have high to moderate traffic, commercial, and some residential uses. The predominant visual character of these areas should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. - This parcel also falls within the New Town CCA and the Sidewalk Inclusion Zone. - A discussion of the project buffer along Monticello Avenue is included in the Project Description above. The applicant has proffered design guidelines to help ensure consistency with the character of the area. Proposed SUP Condition No. 4 requires enhanced landscaping for the landscape buffers along Monticello Avenue and Ironbound Road.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

COMPREHENSIVE PLAN

The site is designated Neighborhood Commercial on the Comprehensive Plan Land Use Map.

- Lands designated Neighborhood Commercial are located in the PSA and serve the residents of the surrounding neighborhoods in the immediate area with limited impact on nearby development. Sites are generally small, take access from collector or arterial streets, preferably at intersections, and are served by public water and sewer. The sites shall have environmental features such as soils and topography suitable for compact development with adequate buffering by physical features to protect nearby residential development and preserve the natural and wooded character of the County.
- The primary uses include Neighborhood-Scale Commercial, professional and office uses such as individual medical offices, branch banks, small service establishments, daycare centers, places of public assembly, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.
- The total building area within any area designated Neighborhood Commercial should generally be no more than 60,000 square feet in order to retain a small-scale neighborhood character. The maximum recommended floor to area ratio is 0.2.

Staff finds this proposal satisfies the requirements in the Comprehensive Plan for the Neighborhood Commercial land use designation through the proffering of design guidelines, the Master Plan, and the restriction of certain uses that are otherwise permitted in the B-1 Zoning District. The floor area ratio for the

project would be 0.1, which would not exceed the recommended floor area ratio in the Comprehensive Plan.

The property is located along the Richmond Road CCC, an Urban/Suburban CCC.

- Characterized as having high to moderate traffic, commercial uses, and some residential uses.
- Predominant visual character should be the built environment and natural landscape.
- Buffer treatments should incorporate existing and new vegetation, berms, and other desirable design features to complement and enhance the visual quality of the corridor.
- Vehicle-related activities such as parking lots, deliveries, and outdoor operations should be screened.

Staff finds this proposal satisfies the requirements in the Comprehensive Plan for Urban/Suburban CCCs through the proffering of design guidelines to help ensure consistency with surrounding development.

The property is also located within the New Town CCA. The area designated as the New Town CCA is mostly the same area shown on the adopted Master Plan for New Town; however, some parcels located within the CCA are not part of the Master Plan or subject to the same proffers. For the parcels that are located within the New Town Master Plan area and which were rezoned, development must follow the standards provided by the adopted Design Guidelines. For the parcels that are in the New Town Master Plan area and referenced in the design guidelines but were not rezoned or bound by proffers, development is strongly encouraged to follow the design guidelines.

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.

REZONING-23-0001/SUP-23-0031. Monticello Avenue Shops
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

For parcels located outside the New Town Master Plan area, development is encouraged to follow New Town's architectural and design features in order to maintain a unifying look and feel to the area.

Staff finds this proposal satisfies the requirements in the Comprehensive Plan for the New Town CCA through the proffering of design guidelines, as well as Condition No. 2, which requires all architectural elevations, building materials, colors, signage, site lighting, and hardscapes to be approved by the Director of Planning and the New Town Design Review Board.

Staff finds the proposed project to be consistent with the elements of the Comprehensive Plan noted above. The project proposes 12,000 square feet of commercial development with uses consistent with the recommended primary uses, and which is also consistent with its location near the Route 199 interchange. For the CCC and CCA, the applicant has submitted design guidelines to address these standards. Condition No. 2 requires that the Director of Planning and the New Town Design Review Board review and approve all architectural elevations, building materials, colors, signage, and other project elements at the development stage.

STAFF RECOMMENDATION

With the proposed conditions and proffers, staff finds that impacts to adjacent properties would be mitigated. Staff recommends that the Board of Supervisors approve this application, subject to the proposed proffers and SUP conditions.

BL/ap
RZ23-1_SUP23-31Mont

Attachments:

1. Ordinance
2. Resolution
3. Signed Proffers
4. Location Map
5. Master Plan
6. Design Guidelines
7. Community Impact Statement
8. TIA
9. Citizen Comments
10. Unapproved Minutes from the August 7, 2024, Planning Commission Meeting

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.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 2.75 ACRES FROM R-8, RURAL RESIDENTIAL TO B-1, GENERAL BUSINESS WITH PROFFERS.

WHEREAS, Mr. Timothy Trant II of Kaufman & Canoles P.C., on behalf of Mr. Brett Skinner of Verdad Real Estate Development, has applied to rezone approximately 2.75 acres from R-8, Rural Residential to B-1, General Business with Proffers; and

WHEREAS, the properties are located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel Nos. 3830100002A, 3830100004, and 3830100003 (the “Properties”) and shown on the Master Plan entitled “Monticello Avenue Shops” prepared by AES Consulting Engineers and dated July 12, 2024 (the “Master Plan”); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-23-0001; and

WHEREAS, the Planning Commission of James City County, Virginia, following its consideration on August 7, 2024, recommended approval of Case No. Z-23-0001 by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-23-0001 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-23-0001 is hereby approved as described therein.

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 10th day of September, 2024.

RESOLUTION

CASE NO. SUP-23-0031. MONTICELLO AVENUE SHOPS

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 (the “SUP”) process; and

WHEREAS, Mr. Larry Cooke, Judy H. Ertl Trustee and Ms. Edith Ward, and Judy Hodges Ertl Trustee and Mr. Ed Ward (the “Owners”) own properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel Nos. 3830100002A, 3830100004, and 3830100003 (the “Properties”). The Properties are zoned R-8, Rural Residential; and

WHEREAS, Mr. Timothy Trant II of Kaufman & Canoles P.C., has applied on behalf of Mr. Brett Skinner of Verdad Real Estate Development, for a commercial SUP to allow for the development of more than 10,000 square feet of commercial use on a Master Plan entitled “Monticello Avenue Shops” prepared by AES Consulting Engineers and dated July 12, 2024; and

WHEREAS, the Planning Commission, following its public hearing on August 7, 2024, recommended approval of the application by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0031; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 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-23-0031, as described herein with the following conditions:

1. *Master Plan.* This commercial SUP shall apply to property consisting of parcels located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel Nos. 3830100002A, 3830100004, and 3830100003, respectively (together, the “Property”). The SUP shall be valid for up to 12,000 square feet of commercial development on the Property (the “Proposal”). All final development plans for the Proposal shall be consistent with the Master Plan entitled, “Monticello Avenue Shops” prepared by AES Consulting Engineers and dated July 12, 2024 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. *Architectural Review.* The design and materials of the Proposal shall be consistent with the design guidelines, titled “Design Guidelines for Monticello Shops,” dated February 26, 2024, and submitted with Z-23-0001 (the “Design Guidelines”), as determined by the Director of Planning. Prior to site plan approval, the Director of Planning or designee, with consultation with the New Town Design Review Board, shall review the final design elements for consistency with the Design Guidelines.

3. Site Access. No vehicle entrance to the Property shall be constructed along Ironbound Road. Prior to preliminary site plan approval, the applicant shall, in a manner acceptable to the County Attorney's Office, provide permissions from the landowner of the property between Parcel ID Nos. 3830100002A and 3830100009C and commonly known as "Abandoned News Road" that the shared entrance on the western side can be constructed as shown on the Master Plan.
4. Landscaping. Prior to final approval of the site plan, the Director of Planning or designee shall review and approve the proposed landscaping plan for the Property. A minimum 35-foot-wide transitional landscape buffers shall be provided along the side and rear boundary lines of the Property and along Ironbound Road. A 20-foot-wide landscape buffer shall be provided along Monticello Avenue. The landscape buffers along Monticello Avenue and Ironbound Road shall contain enhanced landscaping as follows:
 - The perimeter buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas, except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.
 - Each buffer shall contain the following elements: (i) a minimum of two rows of deciduous shade trees, (ii) evergreen and ornamental understory plantings, and (iii) an evergreen hedgerow of a minimum height of three feet.

In addition to the required buffers, street trees shall be provided along the Monticello Avenue right-of-way. Unless otherwise prohibited by the Virginia Department of Transportation ("VDOT"), the required street tree plantings may be located within the right of way; however, such plantings shall be privately maintained.

5. Screening of Site Features. All dumpsters and roof and ground-mounted HVAC and mechanical units located on the Property shall be screened by an enclosure composed of masonry, closed-cell PVC, prefinished metal, or cementitious panels, in detail and colors to blend with adjacent building materials. Such features and enclosures shall be shown on the site plan and shall be reviewed and approved by the Director of Planning or designee for consistency with this condition prior to final site plan approval. Trash collection shall be limited to no earlier than 7 a.m. and no later than 9 p.m.
6. Traffic Improvements. Prior to final site plan approval, the recommended 100-foot eastbound right-turn taper on Monticello Avenue identified in the Traffic Impact Analysis titled "Traffic Impact Analysis Monticello Avenue Commercial" prepared by Gorove Slade, sealed September 2023, shall be guaranteed in a manner acceptable to the County Attorney and installed prior to the issuance of any Certificate of Occupancy (CO) for the Proposal.
7. Signage. The Property shall have only one freestanding sign, which shall be a monument-style sign. Such sign shall be externally illuminated and shall not exceed eight feet in height from finished grade. The base of the sign shall be brick or shall use materials similar in type and color with the Proposal's architecture. The design of the sign shall be approved by the Director of Planning for consistency with this condition.

8. Internal Access to Adjacent Property. As shown on the Master Plan, the Proposal contemplates future access to the adjacent property to the east of the Property. Prior to the issuance of a CO for the initial building on the Property (unless other timing is approved by the Director of Planning in writing), an ingress/egress easement to the adjacent property from the Monticello Avenue entrance shall be recorded. Such easement shall provide for any improvements necessary on the Property to allow for the construction of the future access and all needed corollary improvements, including, but not limited to, reconstruction of the parking lot, and the relocation of required lighting and landscaping.
9. Peak Hour Trips. Development of the Property shall not exceed 48 AM or 72 PM peak hour trips as determined by the most recent edition of the Institute of Transportation Engineers Trip Generation Manual (the "ITE Manual"). Prior to any site plan approval, the applicant shall provide the AM and PM peak hour trips for the Property. Further, if any proposed use on the Property would cause cumulative peak hour trips from the Property to exceed 48 AM or 72 PM peak hour trips, then an SUP amendment shall be required prior to operating.
10. Impervious Cover Capture. All proposed impervious cover on the Property resulting from the proposed site improvements shall be captured and conveyed to on-site stormwater management facilities. Special Stormwater Criteria credit(s), for the capture and conveyance of existing impervious cover to proposed on-site stormwater management facilities, shall be determined by the Director of Stormwater and Resource Protection Division.
11. Virginia Runoff Reduction Method. The Forested Open Space land use category may not be used toward the required water quality associated with the proposed development, within or outside of the proposed VDOT right-of-way.
12. Commencement for Construction. If construction has not commenced on the Property within 36 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as (i) obtaining permits for building construction, (ii) installation of footings and/or foundations, and (iii) passing the required inspections.
13. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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 10th day of September, 2024.

KAUFMAN & CANOLES
attorneys at law

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and

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Timothy O. Trant II
(757) 259.3823
totrant@kaufcan.com

July 17, 2024

VIA EMAIL AND HAND DELIVERY

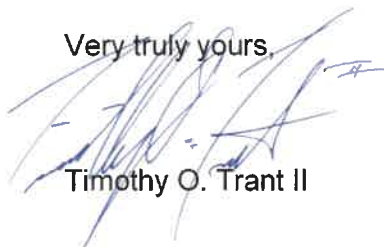
Ben Loppacker, Planner
James City County Community Development
101-A Mounts Bay Road
Williamsburg, VA 23185

**RE: Z-23-0001/SUP-23-0031 Monticello Shops
4744 Old News Road, 3897 and 3905 Ironbound Road (the "Property")
Our matter number 0184000**

Dear Mr. Loppacker:

In connection with the above referenced applications, enclosed please find the original signed Proffer Agreement. Please do not hesitate to contact us if you have any questions.

Very truly yours,



Timothy O. Trant II

TOT/ral
Enclosure

cc: Verdad Real Estate
Thomas Leininger

Tax Parcel Numbers 3830100002A, 3830100003, and 3830100004

PROFFERS

MONTICELLO AVENUE SHOPS

_____, 2024

Prepared by:
Kaufman & Canoles, P.C.
4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188

MONTICELLO AVENUE SHOPS PROFFERS

THESE PROFFERS ("Proffers") are made this ____ day of _____, 2024, by and between VERDAD REAL ESTATE, INC., a Texas corporation, LARRY R. COOKE, and CHERYL SUTHERLAND, AS SUCCESSOR TRUSTEE, OF THE HENRY NEAL ERTL FAMILY TRUST DATED JANUARY 1, 2011, (collectively, "Owner") (to be indexed as grantor), and THE COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("County") (to be indexed as grantee), provides as follows:

RECITALS

R-1. Owner is the owner of certain real property located in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property").

R-2. The Property is now zoned R8 – Rural Residential. The Property is designated Neighborhood Commercial on the County's Comprehensive Plan Future Land Use Map.

R-3. Owner has applied to rezone the Property from R8 – Rural Residential to B1 – General Business, with proffers. The rezoning of the Property to B1, with proffers, is consistent both with the land use designation for the Property in the County's Comprehensive Plan and the statement of intent for the General Business zoning district set forth in Section 24-389 of the County Zoning Ordinance, Section 24-1 *et seq.* of the County Code of Ordinances, in effect on the date hereof (the "Zoning Ordinance").

R-4. A community impact study ("Community Impact Study") entitled "Community Impact Statement Rezoning of Monticello Avenue Shops" prepared by AES Consulting Engineers, dated January 2023 and last revised May 2024, has been submitted to the County Planning Director for review by the County in connection with this proposed rezoning. The Community Impact Study is on file in the office of the County Planning Director.

R-5. Developer has submitted to the County a traffic impact study ("Traffic Impact Study") entitled "Traffic Impact Analysis" prepared by Grove Slade, dated September 18, 2023, which has been prepared to address traffic associated with the Property. The Traffic Study is on file in the office of the County Planning Director.

R-6. Developer has submitted to the County a conceptual plan of development ("Master Plan") entitled "Master Plan for Rezoning and Special Use Permit for Monticello Avenue Shops", dated January 27, 2023 and last revised June 7, 2024, prepared by AES Consulting Engineers, for the Property in accordance with the County Zoning Ordinance. The Master Plan is on file in the office of the County Planning Director.

R-7. Developer has submitted to the County design guidelines for the proposed improvements to the Property ("Design Guidelines") entitled "Design Guidelines for Monticello Shops in James City County, Virginia", dated February 26, 2023, prepared by Hopke | Harrison, Inc. The Design Guidelines are on file in the office of the County Planning Director.

R-8. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

R-9. The provisions of the Zoning Ordinance, may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of the above-described application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Sections 15.2-2303 and 15.2-2303.4(D)(1) of the Code of Virginia, as amended (the "Virginia Code"), Ordinance N0.31A-346 adopted by the James City County Board of Supervisors on October 8, 2019 and Sec 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Master Plan, and pursuant to Sections 15.2-

2303 and 15.2-2303.4(D)(1) of the Virginia Code, and Section 24-16 of the Zoning Ordinance, it is agreed that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

1. **Design**. The Property shall be developed generally in accordance with the Master Plan and Design Guidelines and with only changes thereto that the County or its duly authorized designee determines do not alter the basic concept or character of the development in accordance with Section 24-23(a)(2)(f) of the Zoning Ordinance in effect on the date hereof; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

2. **Prohibited Uses**. The following uses shall be prohibited on the Property:

- a. Convenience Store with fuel sales;
- b. Grocery Store;
- c. Fast Food Restaurant with drive-through;
- d. Funeral Home;
- e. Machinery Sales and Service;
- f. New and Rebuilt Automotive Parts Sales;
- g. Vehicle Repair and Service; and
- h. Vehicle and Trailer Sales and Service.

3. **Water Conservation**. Water conservation standards for the Property shall be developed and submitted to and approved by the James City Service Authority ("JCSA") for general consistency with the terms of this Proffer prior to final site plan approval for development of the Property. The standards shall address such customary and reasonable water conservation measures as limitations on use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water

conservation and minimize the use of public water resources. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to accomplish the limitation on use of public water and groundwater.

4. **Nutrient Management Plan.** The owner of any portion of the Property proposed for development shall be responsible for coordinating with an agent of the Colonial Soil and Water Conservation District (“CSWCD”) or, if a CSWCD agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, or other qualified professional approved by the County’s Director of Planning, to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the “Nutrient Plans”) for all turf areas within the portions of the Property proposed for development. A Nutrient Plan for each portion of the Property proposed for development shall be submitted to the County Stormwater & Resource Protection Director for review and approval prior to the issuance of a Certificate of Occupancy for each portion of the Property developed. Upon approval, the owner of such portion of the Property shall be responsible for ensuring that any nutrients applied to the turf areas on such portion of the Property be applied in accordance with the applicable Nutrient Plan or any updates or amendments thereto as may be approved by the County Stormwater & Resource Protection Director.

5. **Transportation.**

a. **Traffic Improvements.** Development of the Property shall include the construction of an 100 foot eastbound right-turn taper on Monticello Avenue at the entrance to the Property, which right-turn taper shall be installed (or guaranteed in accordance with Section 15.2-2299 of the Virginia Code, or such successor provision, and the applicable provisions of the County Code of Ordinances) by Owner when deemed warranted by the County and the Virginia Department of Transportation (“VDOT”), but in no event prior to final site plan approval for the first building to be constructed on the Property in accordance with the Master Plan.

b. Trip Generation. Development of the Property shall not exceed 72 PM peak hour trips as determined by the most recent edition of the Institute of Transportation Engineers Trip Generation Manual (the "ITE Manual") at the time of each site plan approval for the development of the Property. Accordingly, each site plan for the development of the Property shall, when submitted to the County for review, contain an accounting of the PM peak hour trip generation, as determined by the ITE Manual, associated with the development proposed by such site plan, all development shown on previously approved site plans for development of the Property (except to the extent the proposed site plan is in lieu of a previously approved site plan for development of the Property), and all development shown on site plans then under review by the County for development of the Property. No site plan for development of the Property shall be approved by the County which includes an amount of development that, together with all other development shown on previously approved site plans for development of the Property (except to the extent the proposed site plan is in lieu of a previously approved site plan for development of the Property), would generate more than 72 PM peak hour trips as determined by the ITE Manual. In determining and accounting for the foregoing PM peak hour trips: (i) internal and pass-by capture shall be determined in accordance with VDOT standards, and (ii) traffic counts for completed and occupied development on the Property may, with the approval of the County's Director of Planning, be substituted for ITE Manual estimated trips.

6. Headings. All section headings and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

7. Delegation of Subsequent Approvals. The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County,

such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

8. **Severability**. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

9. **Successors and Assigns**. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns; provided, however once a party ceases to own any portion of the Property, such party shall have no continuing liability hereunder.

10. **Void if Rezoning Not Approved**. In the event that any of the proposed rezoning sought by this application is not approved by the County as submitted or is overturned by subsequent judicial determination, these Proffers shall be null and void.

11. **Reasonable Proffers**. The Owner, as evidenced by its signature below, deems these proffers to be reasonable and appropriate.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

[COUNTERPART SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures, thereunto duly authorized:

VERDAD REAL ESTATE, INC.

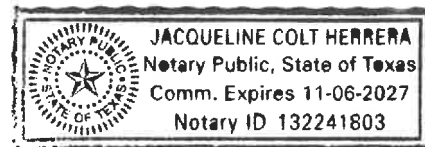
By: Johanna Lawrence
Name: Johanna Lawrence
Title: Chief Operating Officer

STATE OF TEXAS
COUNTY OF TARRANT

The foregoing instrument was acknowledged before me this 16 day of July, 2024, by Johanna Lawrence, COO of Verdad Real Estate, Inc., on its behalf.

My commission expires: 11-06-2027
My registration number is: 132241803

Jacqueline Colt Herrera
Notary Public



[COUNTERPART SIGNATURE PAGE TO PROFFERS]



Larry R. Cooke

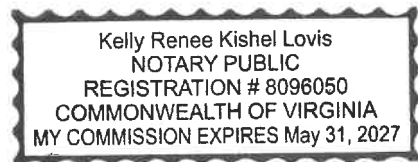
COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 16 day of July, 2024, by
Larry R. Cooke.



Notary Public

My commission expires: May 31, 2027
My registration number is: 8096050



[COUNTERPART SIGNATURE PAGE TO PROFFERS]

Cheryl E. Sutherland, Trustee
Cheryl Sutherland, as Successor Trustee of the
Henry Neal Ertl Family Trust Dated January 1,
2011

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 16 day of July, 2024, by
Cheryl Sutherland, as Successor Trustee of the Henry Neal Ertl Family Trust Dated January 1,
2011.

Nettie M. Burrell-Warner
Notary Public

My commission expires: July 31, 2026
My registration number is: 7604557



EXHIBIT A

Parcel ID: 3830100002A

ALL THAT certain piece or parcel of land, together with all improvements thereon and appurtenances thereunto, containing 2.0 acres, more or less, situated in James City County, Virginia, shown and designated as Section No. 1 on a plat entitled, "Plat Showing Two Parcels of Land Surveyed for Carlton C. Casey", made by V.D. McManus October 23, 1950, said plat being duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 12 at page 20.

LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia by deed dated April 15, 1966 and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia in Deed Book 108 at page 564.

FURTHER LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia by Certificate of Take recorded in the Clerk's Office of the Circuit Court of James City County, Virginia in Deed Book 792 at page 276, confirmed by Order recorded as Instrument Number 000003039, and further confirmed by Order recorded as Instrument Number 020006408.

Parcel ID: 3830100004

All that certain piece or parcel of land, situate in Jamestown District, James City County, Virginia, bounded and described as follows: at an iron stake on the westerly side of Iron Bound Road on the dividing line between the land hereby conveyed and that of Drummond E. New; thence in a southwesterly direction along the said Road the distance of 105 feet to a point; the said parcel of land then extends back between parallel lines N 54 degrees 30' W the distance of 438.91' on its northeasterly side and the distance of 439 feet, more or less, on its southwesterly side, all four corners being marked by iron stakes.

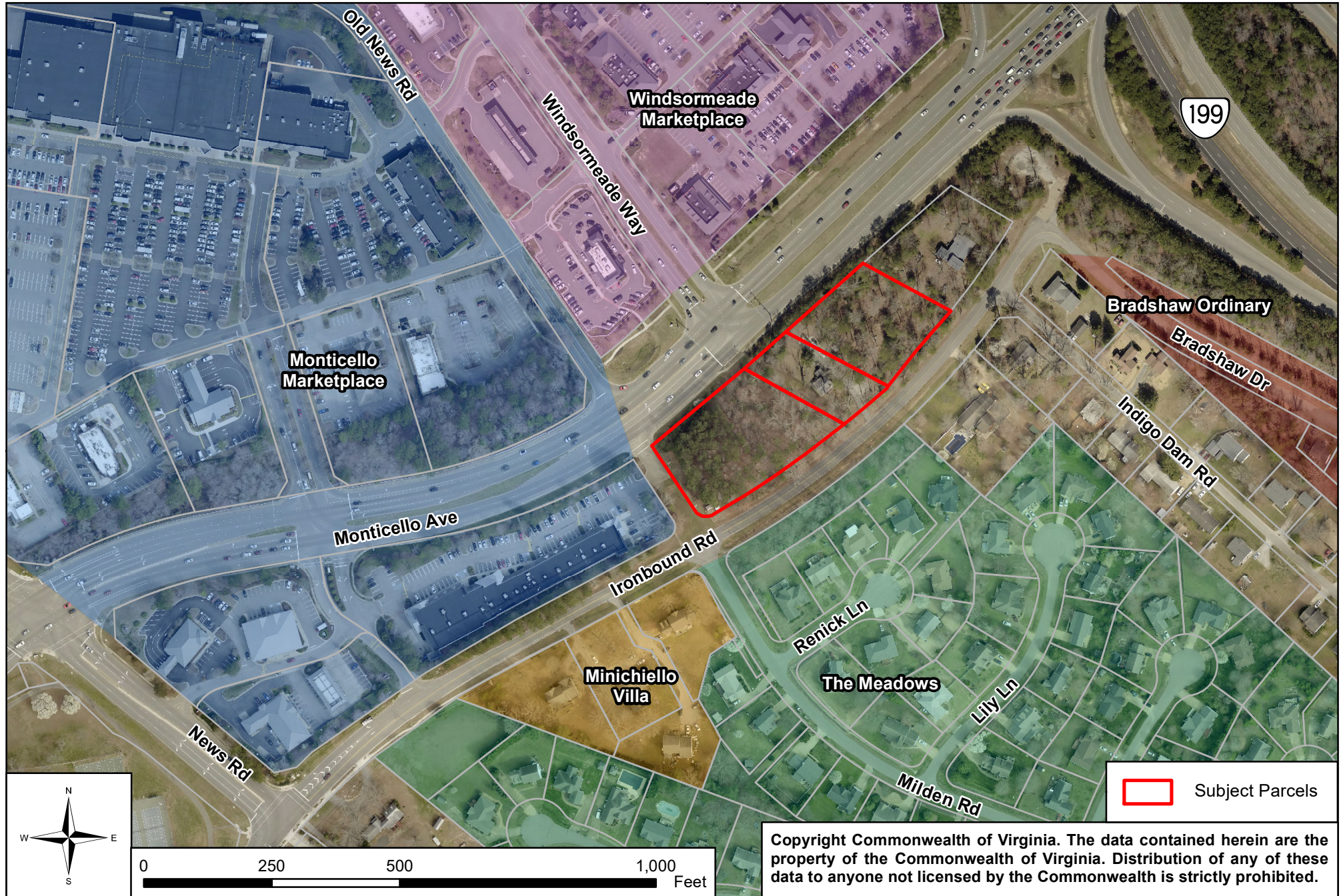
LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia by deed dated April 15, 1966 and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia in Deed Book 109 at page 386.

FURTHER LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia by deed dated May 3, 1996 and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia in Deed Book 787 at page 487.

Parcel ID: 3830100003

All that tract, piece or parcel of land situate in James City County, Virginia and containing 1.83 acres, more or less, as shown on that certain plat of survey entitled "Survey of a parcel of land for conveyance from the Drummond E. New estate to Henry F. Ertl and Edith D. Ertl", dated September 22, 1977, made by Douglas E. White, C.L.S., a copy of which plat is recorded in the Office of the Clerk of the Circuit Court of James City County, Virginia, in Deed Book 180 at page 243.

JCC Z-23-0001/SUP-23-0031, Monticello Avenue Shops Rezoning



MASTER PLAN FOR REZONING FOR MONTICELLO AVENUE SHOPS

JAMES CITY COUNTY

VIRGINIA

AES PROJECT NUMBER W10509-01

ORIGINAL SUBMITTAL DATE: 1/27/2023

GENERAL NOTES

- PROPERTY OWNERS:**

COOKE, LARRY R
4005 POWHATAN SECONDARY
WILLIAMSBURG, VA 23188

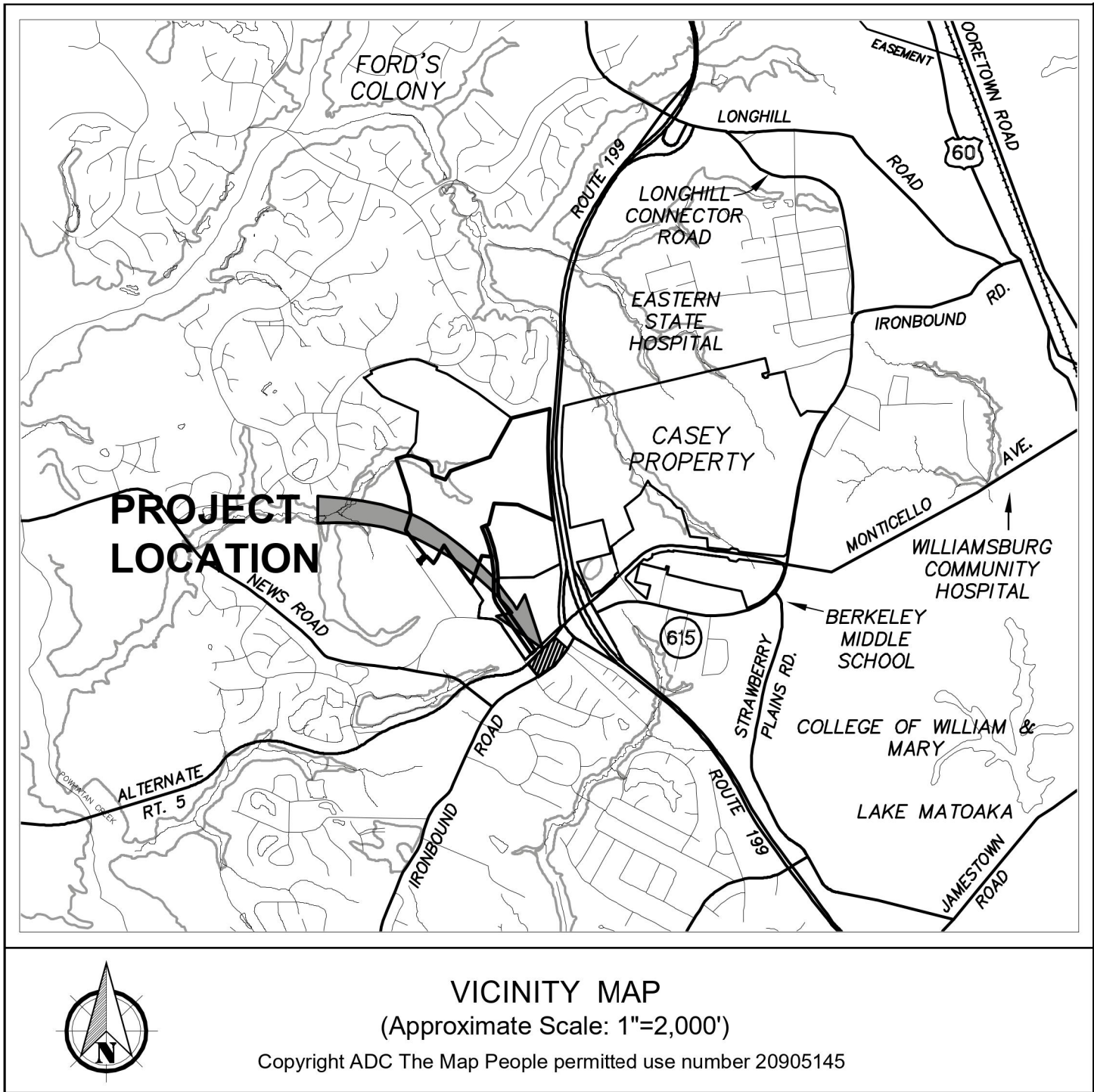
ERTL, JUDY HODGES TRUSTEE & WARD EDITH
140 OLD STAGE ROAD
TOANO, VA 23168

ERTL, JUDY HODGES TRUSTEE & WARD EDITH
140 OLD STAGE ROAD
TOANO, VA 23168
- PARCEL IDENTIFICATIONS**

PARCEL ID: 3830100002A
ADDRESS: 4744 OLD NEWS ROAD
WILLIAMSBURG, VA 23188

PARCEL ID: 3830100004
ADDRESS: 3897 IRONBOUND ROAD
WILLIAMSBURG, VA 23188

PARCEL ID: 3830100003
ADDRESS: 3905 IRONBOUND ROAD
WILLIAMSBURG, VA 23188
- SITE IS ZONED RURAL RESIDENTIAL (R8). NO CURRENT PROFFERS OR CONDITIONS FOR APPROVAL ARE ASSOCIATED WITH THESE SITES.
- SITE IS SITUATED IN SUBWATERSHED 210 OF THE POWHATAN CREEK WATERSHED. HYDROLOGIC UNIT CODE = JL31
- BASED ON THE FEMA FLOOD INSURANCE RATE MAP FOR JAMES CITY COUNTY, VIRGINIA (MAP PANEL 51095C0119D) NO PORTIONS OF THIS PROPERTY FALL WITHIN THE 100-YEAR FLOODPLAIN.
- SITE #1 AREA = 1.33 AC. ± (57,935 S.F.±)
SITE #2 AREA = 0.51 AC. ± (22,216 S.F.±)
SITE #3 AREA = 0.91 AC. ± (39,640 S.F.±)
TOTAL AREA = 2.75 AC. ± (119,790 S.F.±)



INDEX OF SHEETS

SHEET NO.	SHEET DESCRIPTION
MP1	COVER SHEET
MP2	EXISTING CONDITIONS
MP3	MASTER PLAN
MP4	CONCEPTUAL LANDSCAPE PLAN

DEVELOPER INFORMATION:

CONTACT: VERDAD REAL ESTATE
SOUTHLAKE, TX 76092

SITE DATA:

OWNERS: LARRY R. COOKE, JUDY HODGES TRUSTEE & EDITH WARD

PARCEL IDS: 3830100002A, 3830100004, 3830100003

SITE AREA: 2.75 AC.±; 119,790 S.F.± (TOTAL)
1.33 AC.±; 57,935 S.F.±
0.51 AC.±; 22,216 S.F.±
0.91 AC.±; 39,640 S.F.±

CURRENT ZONING: R8 - RURAL RESIDENTIAL

PROPOSED ZONING: B1 - GENERAL BUSINESS WITH PROFFERS

PROPOSED USES: OFFICE, RETAIL, MEDICAL OFFICE

*NOTE: SEE SHEET MP3 FOR PROPOSED PARCEL DATA.

Monticello Ave Commercial

Trip Generation

Land Use	ITE Code	Size	Units	Weekday							
				AM Peak Hour			PM Peak Hour			Weekday	
				In	Out	Total	In	Out	Total		
Medical Clinic	630	4,000 s.f.	14	3	17	5	12	17	178		
Animal Hospital / Veterinary Clinic	640	4,000 s.f.	10	5	15	6	8	14	86		
Strip Retail (<40ksf)	822	4,000 s.f.	9	7	16	20	21	41	398		
Total Trips		12,000 s.f.	33	15	48	31	41	72	662		

Rev.	Date	Description	Revised By
5	5/7/24	REVISED PER COUNTY COMMENTS	JAG
4	5/16/24	REVISED PER COUNTY COMMENTS	JAG
3	2/22/24	REVISED PER COUNTY COMMENTS	JAG
2	10/19/23	REVISED PER COUNTY COMMENTS	JAG
1	7/12/23	REVISED PER COMMENTS	JAG

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Williamsburg, Virginia 23188
Phone: (757) 283-0040
Fax: (757) 220-8994
www.aesva.com

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CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

MONTICELLO AVENUE SHOPS
MASTER PLAN

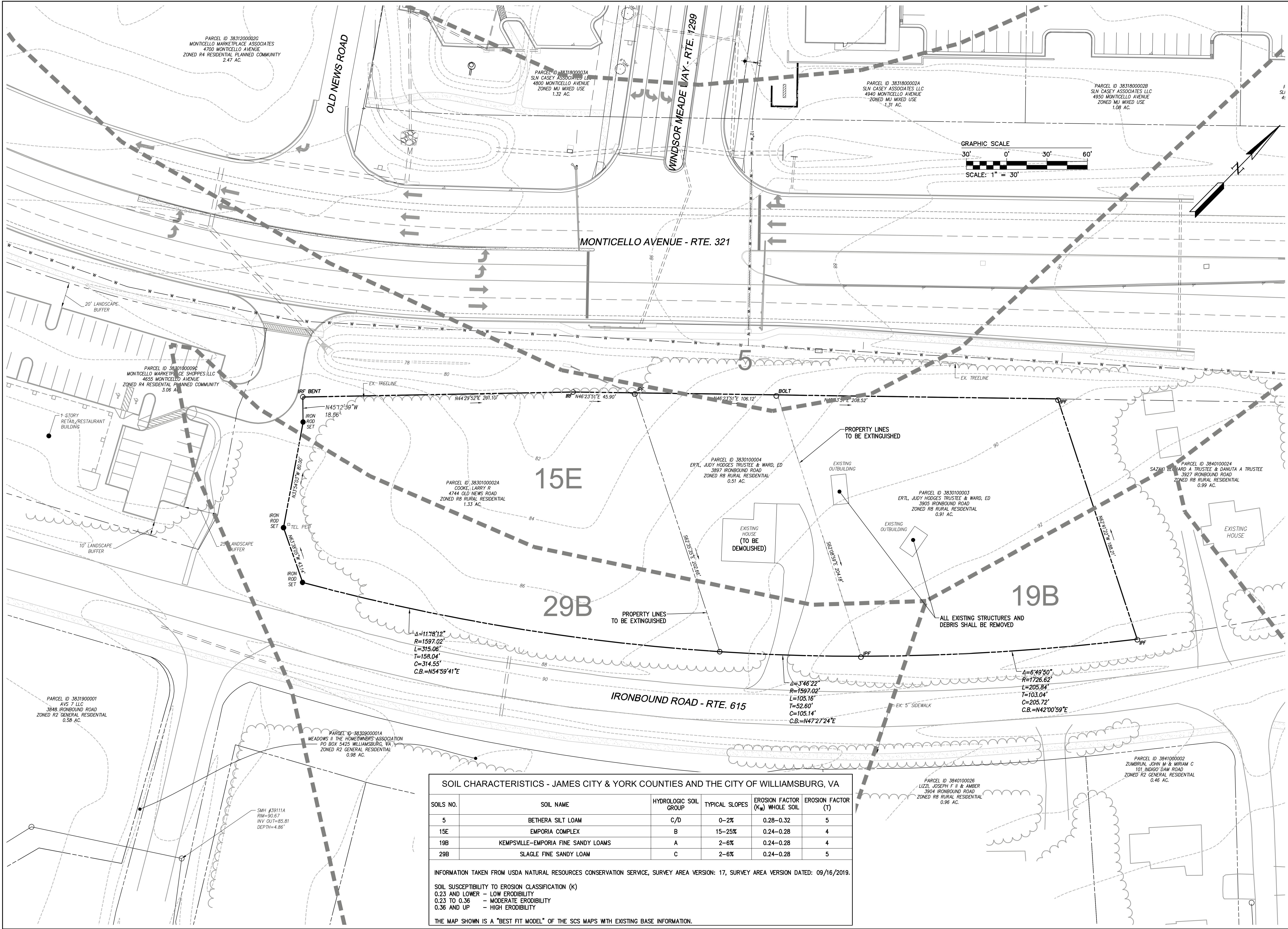
JAMES CITY COUNTY

VIRGINIA

Project Contacts: JAG
Project Number: W10509-01
Scale: N/A
Date: 1/27/2023

Sheet Title:
COVER SHEET

Sheet Number
MP1



SOIL CHARACTERISTICS - JAMES CITY & YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VA					
SOILS NO.	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K _w) WHOLE SOIL	EROSION FACTOR (T)
5	BETHERA SILT LOAM	C/D	0-2%	0.28-0.32	5
15E	EMPORIA COMPLEX	B	15-25%	0.24-0.28	4
19B	KEMPSVILLE-EMPORIA FINE SANDY LOAMS	A	2-6%	0.24-0.28	4
29B	SLAGLE FINE SANDY LOAM	C	2-6%	0.24-0.28	5
INFORMATION TAKEN FROM USDA NATURAL RESOURCES CONSERVATION SERVICE, SURVEY AREA VERSION: 17, SURVEY AREA VERSION DATED: 09/16/2019.					
SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)					
0.23 AND LOWER - LOW ERODIBILITY					
0.23 TO 0.36 - MODERATE ERODIBILITY					
0.36 AND UP - HIGH ERODIBILITY					
THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.					

Revised By	Date	Description
JAG	7/12/23	REVISED PER COMMENTS
JAG	10/19/23	REVISED PER COMMENTS
JAG	2/22/24	REVISED PER COMMENTS
JAG	5/16/24	REVISED PER COUNTY COMMENTS

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www.aesva.com

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MONTICELLO AVENUE SHOPS
MASTER PLAN

JAMES CITY COUNTY | VIRGINIA

Project Contacts: JAG

Project Number: W10509-01

Scale: 1"=30'

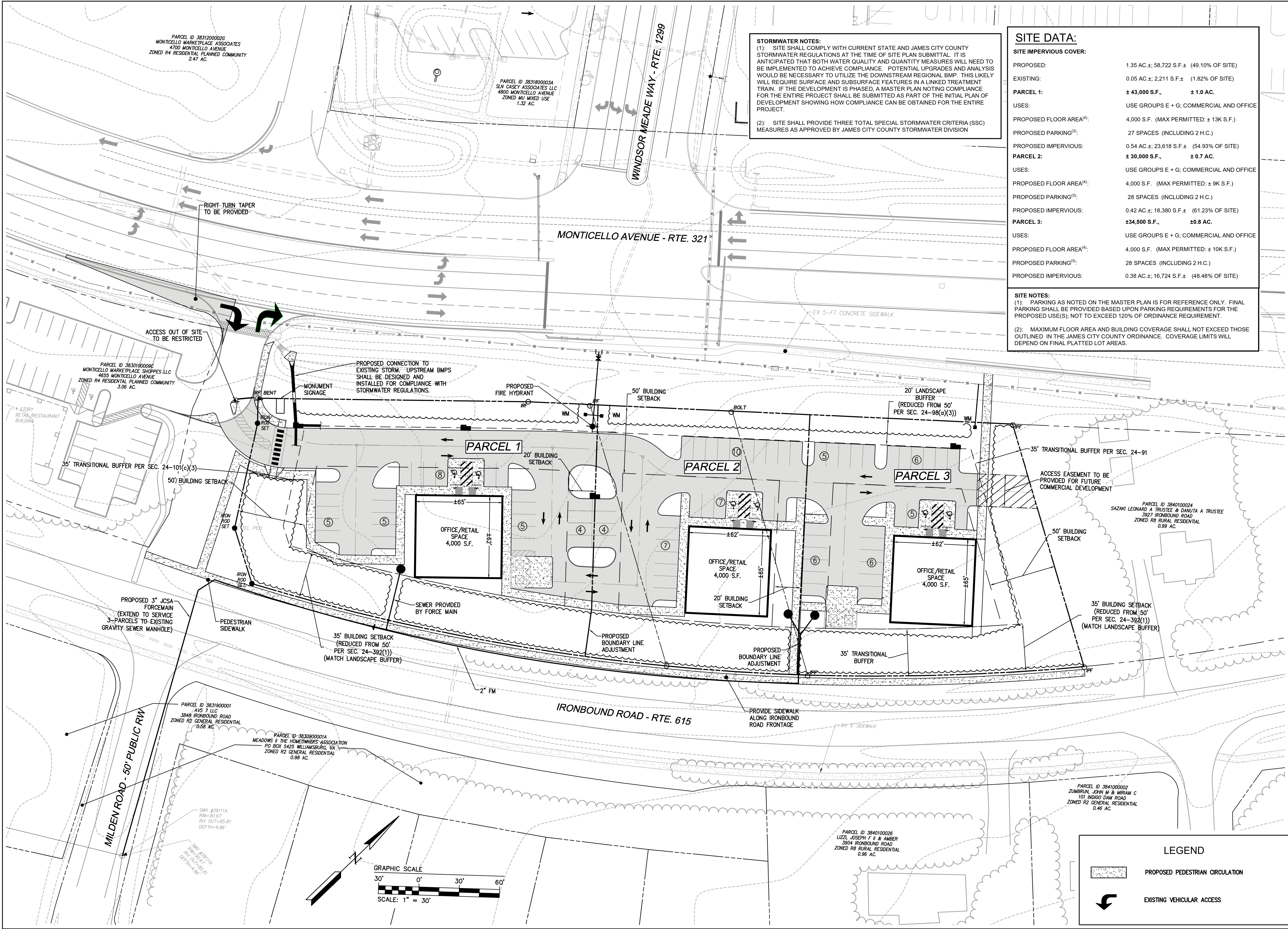
Date: 1/27/2023

Sheet Title:

EXISTING CONDITIONS

Sheet Number

MP2



STORMWATER NOTES:
(1): SITE SHALL COMPLY WITH CURRENT STATE AND JAMES CITY COUNTY STORMWATER REGULATIONS AT THE TIME OF SITE PLAN SUBMITTAL. IT IS ANTICIPATED THAT BOTH WATER QUALITY AND QUANTITY MEASURES WILL NEED TO BE IMPLEMENTED TO ACHIEVE COMPLIANCE. POTENTIAL UPGRADES AND ANALYSIS WOULD BE NECESSARY TO UTILIZE THE DOWNSTREAM REGIONAL BMP. THIS LIKELY WILL REQUIRE SURFACE AND SUBSURFACE FEATURES IN A LINKED TREATMENT TRAIN. IF THE DEVELOPMENT IS PHASED, A MASTER PLAN NOTING COMPLIANCE FOR THE ENTIRE PROJECT SHALL BE SUBMITTED AS PART OF THE INITIAL PLAN OF DEVELOPMENT SHOWING HOW COMPLIANCE CAN BE OBTAINED FOR THE ENTIRE PROJECT.
(2): SITE SHALL PROVIDE THREE TOTAL SPECIAL STORMWATER CRITERIA (SSC) MEASURES AS APPROVED BY JAMES CITY COUNTY STORMWATER DIVISION

SITE DATA:	
SITE IMPERVIOUS COVER:	
PROPOSED:	1.35 AC ±; 58,722 S.F. ± (49.10% OF SITE)
EXISTING:	0.05 AC ±; 2,211 S.F. ± (1.82% OF SITE)
PARCEL 1:	± 43,000 S.F., ± 1.0 AC.
USES:	USE GROUPS E + G; COMMERCIAL AND OFFICE
PROPOSED FLOOR AREA ⁽⁴⁾ :	4,000 S.F. (MAX PERMITTED: ± 13K S.F.)
PROPOSED PARKING ⁽³⁾ :	27 SPACES (INCLUDING 2 H.C.)
PROPOSED IMPERVIOUS:	0.54 AC ±; 23,618 S.F. ± (54.93% OF SITE)
PARCEL 2:	± 30,000 S.F., ± 0.7 AC.
USES:	USE GROUPS E + G; COMMERCIAL AND OFFICE
PROPOSED FLOOR AREA ⁽⁴⁾ :	4,000 S.F. (MAX PERMITTED: ± 9K S.F.)
PROPOSED PARKING ⁽³⁾ :	28 SPACES (INCLUDING 2 H.C.)
PROPOSED IMPERVIOUS:	0.42 AC ±; 18,380 S.F. ± (61.23% OF SITE)
PARCEL 3:	± 34,500 S.F., ± 0.8 AC.
USES:	USE GROUPS E + G; COMMERCIAL AND OFFICE
PROPOSED FLOOR AREA ⁽⁴⁾ :	4,000 S.F. (MAX PERMITTED: ± 10K S.F.)
PROPOSED PARKING ⁽³⁾ :	28 SPACES (INCLUDING 2 H.C.)
PROPOSED IMPERVIOUS:	0.38 AC ±; 16,724 S.F. ± (48.48% OF SITE)

SITE NOTES:
(1): PARKING AS NOTED ON THE MASTER PLAN IS FOR REFERENCE ONLY. FINAL PARKING SHALL BE PROVIDED BASED UPON PARKING REQUIREMENTS FOR THE PROPOSED USE(S); NOT TO EXCEED 120% OF ORDINANCE REQUIREMENT.
(2): MAXIMUM FLOOR AREA AND BUILDING COVERAGE SHALL NOT EXCEED THOSE OUTLINED IN THE JAMES CITY COUNTY ORDINANCE. COVERAGE LIMITS WILL DEPEND ON FINAL PLATTED LOT AREAS.

REVISED PER COUNTY COMMENTS	DATE	REVISION
JAG	5/16/24	1
JAG	2/22/24	2
JAG	10/19/23	3
JAG	7/12/23	4

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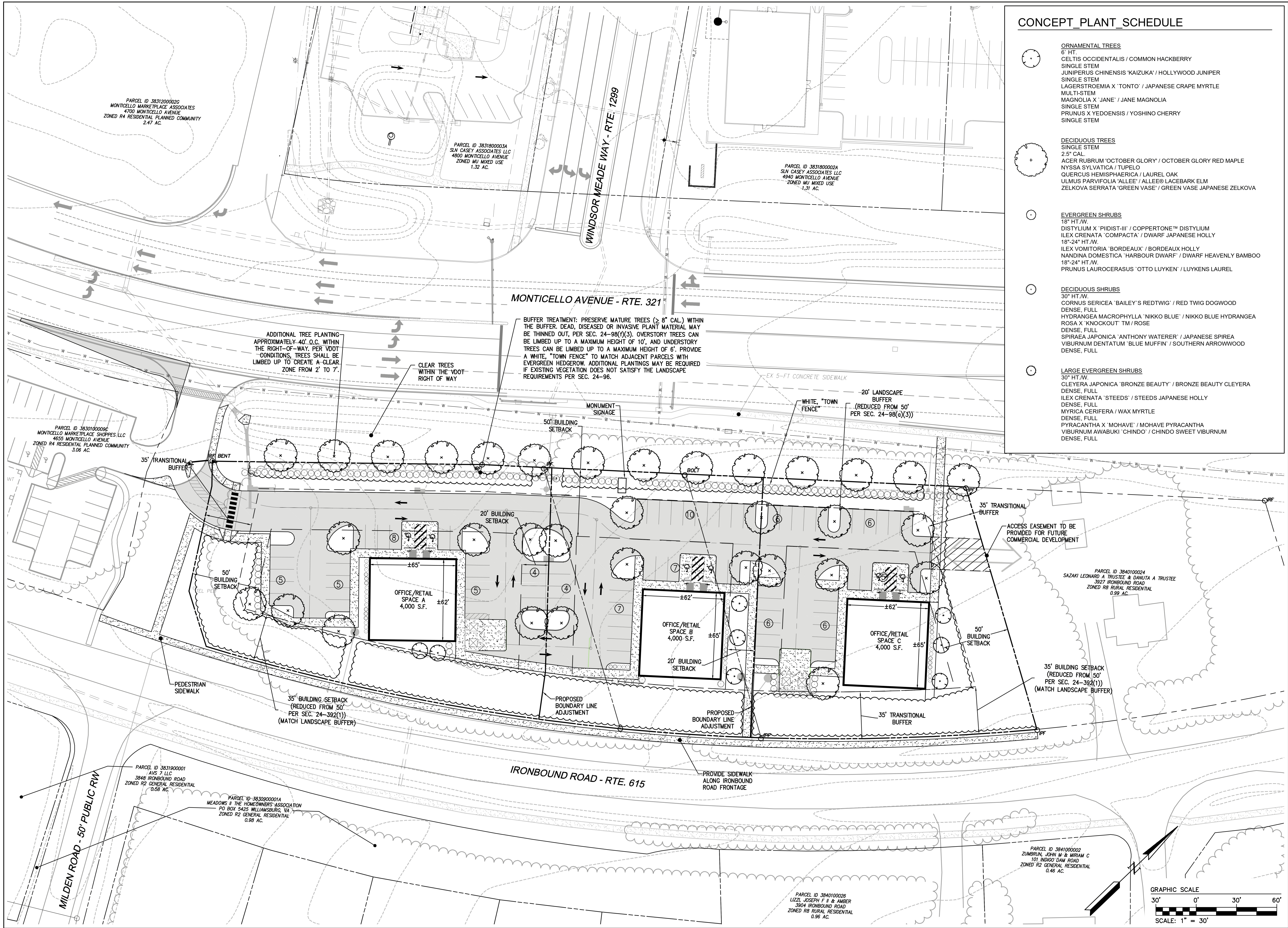
**MONTICELLO AVENUE SHOPS
MASTER PLAN**

JAMES CITY COUNTY VIRGINIA

Project Contacts: JAG
Project Number: W10509-01
Scale: 1"=30'
Date: 1/27/2023

Sheet Title:
MASTER PLAN

Sheet Number:
MP3



CONCEPT_PLANT_SCHEDULE

- ORNAMENTAL TREES**
6' HT.
CELTIS OCCIDENTALIS / COMMON HACKBERRY
SINGLE STEM
JUNIPERUS CHINENSIS 'KAIZUKA' / HOLLYWOOD JUNIPER
SINGLE STEM
LAGERSTROEMIA X 'TONTO' / JAPANESE CRAPE MYRTLE
MULTI-STEM
MAGNOLIA X 'JANE' / JANE MAGNOLIA
SINGLE STEM
PRUNUS X YEDOENSIS / YOSHINO CHERRY
SINGLE STEM
- DECIDUOUS TREES**
SINGLE STEM
2.5" CAL.
ACER RUBRUM 'OCTOBER GLORY' / OCTOBER GLORY RED MAPLE
NYSSA SYLVATICA / TUPELO
QUERCUS HEMISPHERICA / LAUREL OAK
ULMUS PARVIFOLIA 'ALLEE' / ALLEE LACEBARK ELM
ZELKOVA SERRATA 'GREEN VASE' / GREEN VASE JAPANESE ZELKOVA
- EVERGREEN SHRUBS**
18" HT./W.
DISTYLUM X 'PIDIST-III' / COPPERTONE™ DISTYLUM
ILEX CRENATA 'COMPACTA' / DWARF JAPANESE HOLLY
18"-24" HT./W.
ILEX VOMITORIA 'BORDEAUX' / BORDEAUX HOLLY
NANDINA DOMESTICA 'HARBOR DWARF' / DWARF HEAVENLY BAMBOO
18"-24" HT./W.
PRUNUS LAUROCERASUS 'OTTO LUYKEN' / LUYKENS LAUREL
- DECIDUOUS SHRUBS**
30" HT./W.
CORNUS SERICEA 'BAILEY'S REDTIG' / RED TWIG DOGWOOD
DENSE, FULL
HYDRANGEA MACROPHYLLA 'NIKKO BLUE' / NIKKO BLUE HYDRANGEA
ROSA X 'KNOCKOUT' TM / ROSE
DENSE, FULL
SPIRAEA JAPONICA 'ANTHONY WATERER' / JAPANESE SPIREA
VIBURNUM DENTATUM 'BLUE MUFFIN' / SOUTHERN ARROWWOOD
DENSE, FULL
- LARGE EVERGREEN SHRUBS**
30" HT./W.
CLEYERA JAPONICA 'BRONZE BEAUTY' / BRONZE BEAUTY CLEYERA
DENSE, FULL
ILEX CRENATA 'STEEDS' / STEEDS JAPANESE HOLLY
DENSE, FULL
MYRTA CERIFERA / WAX MYRTLE
DENSE, FULL
PYRACANTHA X 'MOHAVE' / MOHAVE PYRACANTHA
VIBURNUM AWABUKI 'CHINDO' / CHINDO SWEET VIBURNUM
DENSE, FULL

Rev.	Date	Description
1	7/12/23	Revised
2	10/19/23	Revised
3	2/22/24	Revised
4	5/16/24	Revised

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JAMES CITY COUNTY | VIRGINIA

MONTICELLO AVENUE SHOPS
MASTER PLAN

Project Contacts: JAG
Project Number: W10509-01
Scale: 1"=30'
Date: 1/27/2023

Sheet Title:
CONCEPTUAL
LANDSCAPE
PLAN

Sheet Number:
MP4

Design Guidelines
for the
Monticello Shops

in
James City County, Virginia
Draft: 26 Feb 2024



Prepared for

Verdad Real Estate, Inc.
and Verdad Construction Services LLC.
1211 South White Chapel Blvd.
Southlake, TX, 76092

Provided by

HOPKE | HARRISON, Inc.
1156 Jamestown Road, Suite C
Williamsburg, VA 23185
www.hopke.com

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Site Features and Opportunities 5

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Architectural Character 11

Allowable Materials 14

Landscape, Hardscape and Planting 16

Site Lighting..... 18

Signage 19

Introduction

1. The Monticello Shops will be a mix of commercial uses located in James City County along the south Side of the Monticello Avenue corridor, near the intersection with Route 199 and in proximity to the New Town development and other properties which have been developed in a cooperative spirit.
2. These design guidelines function to provide architectural design guidance to the developer and designers and/or subsequent owners of the property. Although this property is not a part of New Town, it is instructive to reference the following, from the New Town Guidelines:

The more urban centers of New Town are appropriately located at the [through-] intersection of Monticello and Ironbound, while more regionally targeted development occurs near Monticello's intersection with Route 199. These commercial centers establish the first image and impression of New Town to those who pass by or visit from other areas in the region. The planning and design of these sites, then, becomes paramount in setting the desired character for all of the neighborhoods located in the town. [Cooper Robertson, quoted from design guidelines for Windsor Meade Shopping Center].

3. Given that the character, rhythm and quality of the corridor is now well established, development of this property should be consistent -- addressing arrival by automobile, with adequate, convenient and logical on-site parking, while also promoting movement within the project and between adjacent parcels by foot.



1 Area Map

4. The following guidelines are written in that spirit, along with certain unique site constraints and opportunities:
- The geometry of the land parcel is long but narrow, with its long dimension along Monticello Avenue. Its shallowness in depth creates a challenge in accommodating a customary retail building shell with adequate showroom depth and service access.



- Access to the site by automobile is dictated by existing intersections. The only vehicular access to the site from Monticello Avenue will be through a right-in-right out intersection that aligns with Old News Road. This necessitates a considerable amount of land consumed by the geometry of vehicular movement. It also limits options for the positioning of buildings. Reasonable development of the property thus requires relief of rear building buffers.
- Properties to the south of the parcel are residential and should be screened from the proposed development and building with appropriately selected and sized landscaping.
- The site can also be seen as an extension of the successful, narrow retail sites already developed along



2 (Adjacent) MarketPlace Shoppes

the south side of Monticello. Thus, pedestrian access from and to those sites should be accommodated.

- Architecturally, the development should also extend the current quality of building forms that give the appearance of smaller buildings assembled to create a “village-scape” along Monticello. This is to be accomplished by breaking large building footprints into smaller footprints with offsets and architectural features that address the human scale.



4 Courthouse Commons



3 Settlers Market

Site Features and Opportunities

1. This site features a long but narrow geometry, with its long dimension along Monticello Avenue. With this location, the site can be seen as an extension of the successful, narrow retail sites already developed along the south side of Monticello and adjacent to the subject site. With carefully designed vehicular and pedestrian access to and from these established sites, these established retail projects will benefit from the new development.
2. The middle of the property is on-axis with Windsor Meade Way, providing the opportunity for a building to serve as a terminus to that important street in New Town.



5 Preliminary Site Plan provided by AES, Consulting Engineers

3. Access to the site by automobile is dictated by existing intersections. The only vehicular access to the site will be through a right-in-right out intersection that aligns with Old News Road. This necessitates a considerable amount of land be consumed by the geometry of vehicular movement. It also limits options for the positioning of buildings. Reasonable development of the property thus requires relief of rear building buffers.
4. Parking access and organization will be designed to limit the amount of curb, gutter and asphalt on the site and promote the ease of movement about the site by pedestrians. To that end, raised or surface patterned crosswalks, shade trees, building-mounted pedestrian lights and/or formal sidewalk geometries should be incorporated to emphasize the primacy of the pedestrian over the automobile.

5. Arrival by bicycle and by foot will also be anticipated and promoted. Natural connectivity with adjacent pedestrian ways is to be a part of the landscape/hardscape plan. As well, a bike rack is to be included at a location convenient to appropriate services and retailers and within 50' of the main entrance of each building. Bicycle racks should be an ornamental design that will support the bicycle in two places, is durable and securely anchored. Paths should be provided to and from bicycle storage to ensure safe travel throughout the site.

Pedestrian Circulation

Pedestrian circulation is to be promoted as an organizing planning objective. Following are specific concepts and measures which shall be drawn from in the specific site design:

1. Curb design should accommodate pedestrian safety and reduce pedestrian conflicts with vehicles. Where sidewalks cross a drive lane, a demarcated and ADA accessible crosswalk shall be provided. Pedestrian circulation routes shall be physically separated from the flow of vehicular traffic. Protection from weather elements is also encouraged. Methods and techniques include:
 - Arcades, porticos, or other shade structures;
 - Pedestrian light features;
 - Curbs or curbing;
 - Bollards;
 - Seat walls or benches;
 - Drinking water fountains; or
 - Landscape planters.
2. Pedestrian walkways shall be a minimum width of five feet in width and connect to:
 - Entrances to each building on the site;
 - Focal points of pedestrian activity such as, but not limited to, street crossings, buildings and stores;
 - Sidewalks located on the perimeter of the site.
3. When located within a parking area or vehicle right of way, clearly demarcate pedestrian walkways and crosswalks. Methods and techniques include:
 - Changing paving material, patterns, or color;
 - Changing paving height;
 - Decorative bollards;
 - Raised median walkways with landscaped buffers; or
 - Stamped asphalt.
4. Pedestrian circulation routes shall be physically separated from the flow of vehicular traffic. Protection from weather elements is also encouraged. Methods and techniques include:
 - Arcades, porticos, or other shade structures;
 - Pedestrian light features;
 - Curbs or curbing;
 - Bollards;
 - Seat walls or benches;
 - Drinking water fountains; or
 - Landscape planters.

5. Where space is adequate and not in conflict with vehicular travel and parking, gathering spaces are to be provided between buildings, with pedestrian amenities (e.g. benches, pedestrian-scale decorative lighting, and landscaping) and have direct access to the site's pedestrian network.

Building Placement and Massing

1. Buildings should be organized to anticipate vehicular and pedestrian arrival to the site. Thus, buildings, including their main façade, will be oriented to Monticello Avenue. Where parking must be behind or to the side of a building, a secondary entrance more convenient to vehicle access is acceptable.



6 Example of Massing and Entries (prospective building, by Verdad)

2. Fundamentally, building masses are to be broken down into smaller, pedestrian scaled elements. Architectural elements, businesses and services with street activities such as sidewalk-dining and balcony overlooks are strongly encouraged. There should be a mix of sloped roof elements and/or parapet-roofed facades. Buildings are to have a predominantly 1-1/2 story expression.

3. The sense of scale of the proposed buildings shall be in keeping with existing adjacent developments. The total square footage of buildings will be limited to 12,000 sf (gross), comprised in two to four separate buildings. Large floor plates (exceeding 10,000 sf) are generally not preferred, but if such a use is offered requiring a larger floor plate, building masses are to be visually broken down into smaller elements to give the appearance of an assembly of multiple smaller buildings.



7 Courthouse Commons: example of arcade use



8 Courthouse Commons: example of desired massing

4. Front building façades of more than 50 feet in length shall be articulated into a series of evenly-spaced storefronts to increase visual interest and pedestrian orientation. Incorporate two or more of the following



9 Settlers Market

design elements on each façade visible from a street:

- Changes in wall plane (such as projections or recesses) with an offset or depth of at least one foot, a width of at least ten feet, located a minimum of every 25 feet;
 - Distinct changes in texture and color of wall surfaces;
 - Variations in roof form and parapet heights;
 - Vertical accents or focal points; or
 - Features such as arcades, display windows, entry areas, or awnings.
5. Building massing shall prioritize human scale. Building massing shall not detract from the pedestrian experience, but rather enhance it. Visual rhythm of massing shall relate as closely as possible to existing massing, creating similar visual masses throughout the development. This rhythm and articulation across the massing helps relate to both the people that use the buildings and the other adjacent buildings.
6. Building materials for walls shall promote visual interest. Large, monolithic structures with a single material should be avoided. Building walls shall prioritize the use of brick, wood, stucco, and glazing.

Architectural Character

1. Architectural Style:

These guidelines are not intended to require a specific architectural style. Rather, once chosen, there should be a consistency of architectural style and character throughout the site. The following visual design criteria are meant to be style-independent, although they clearly lend themselves to existing similar examples in New Town.

2. Edge Definition and Screening:

Fences and walls shall be architecturally consistent with the building designs. Walls are to be made of a combination of materials, including brick, decorative cmu, siding, stone, and to a limited extent, stucco. Fences and privacy screens are to be made of wood pickets, pvc lumber, wrought iron, vinyl board on board fencing, or painted metal. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities.

Dumpsters are to be screened by a fully enclosing wall and/or opaque fencing.



Figure 10: Example of acceptable dumpster screen

3. Scale and Articulation:

Scale is the relationship in size between buildings and the human form. Articulation is the way in which architectural elements are used to reduce the scale of the masses that compose the building form. Buildings shall be designed to appear smaller through the articulation of the overall massing and being organized as a collection of smaller component masses.

The building designs will use of architectural elements which add interest to building facades and aid in relating the scale of any building to human dimensions, such as canopies, columns, pilasters and reveals. Roofs may be articulated through the use of varying parapet heights, mansard roofs, and/or other building forms. Such devices are intended to add character and interest to the buildings of the development which, in turn, will reinforce the site character envisioned by these guidelines.

All buildings should conform to the nature of the streets and/or open spaces which they front. Variations in the building facades are required to express multi-tenant occupancies. Each building shall be designed to look attractive from all “public” sides – i.e. facades visible from Monticello Avenue. Building facades not exposed to Monticello shall nevertheless be articulated by architectural relief, material changes and landscape screening.

4. Roofs and Parapets

Roof forms shall be evocative of a traditional small-town commercial quality.

Buildings with parapets are acceptable, but must be broken up to appear as an assembly of smaller buildings. Utilizing some pitched-roof elements to relate to the scale and quality of the residential district are encouraged.

Articulations in the roof form should follow the form of the façade, breaking roof spans over 50 feet in length into a series of roofs with variations in shape, size, and height to create visual interest and better integrate with surrounding building masses.

Flat roofs are to have horizontal parapets. Roofing shall be designed to drain efficiently without water pooling on the surface of the roof. Parapets shall be used to create cohesion between masses.

Building materials for roofs shall match context. Buildings with flat roofs shall prioritize the use of reflective colored roofing materials to help reduce the heat absorbed into the buildings from the roof. These include light colored roofing membranes such as EPDM or TPO. Building with pitched roofs shall prioritize the use of asphalt or slate, both of which exemplify the traditional and historic character of the massing.

Sloped roofs can be gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion with a slope of 4:12 to 8:12. Secondary sloped roofs shall be a shed shape with minimum slope of 2:12.

Special roof-top elements shall be symmetrically situated or aligned with the rhythm of structural bays and fenestration. Roof-top mechanical enclosures must be concealed from view by sloped roofs or parapets.

5. Storefront windows and doors

Windows and doors shall help dictate the organization of masses, articulating entries, pedestrian pathways, and other massing features.

- Retail Windows shall have storefront elements that break up glazing into panes of no more than 16 square feet or otherwise articulate the surface with other architectural devices.
- Office Windows shall be rectangular with a minimum proportion of 1.5 vertical to 1 horizontal.
- Bay windows may be rectangular or chamfered.
- Doors shall be rectangular with rectangular transoms, if used. Glazing within doors shall be consistent with window glazing.

6. Frontage and Façade Treatments

Frontage conditions shall prioritize a pedestrian scale on the ground floor. Front façades and entrances shall be scaled appropriately for pedestrian use. If the height or width of a front façade is too large, the façade shall be broken up into smaller façades, which can relate much better to pedestrians who use them. Provide one or more of the following elements at the primary facade:

- Plaza;
- Placement of primary pedestrian entry;

- Distinctive roof form; or
 - Other architectural features.
7. The building façade containing the primary entrance is considered as the primary façade and shall face a public street, parking court or courtyard. Public entrances shall feature no less than three of the following:
- Canopies or porticos;
 - Overhangs;
 - Recesses/projections;
 - Arcades;
 - Raised corniced parapets over the door;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural detail such as tile work and moldings integrated into the building structure and design; or
 - Integral planters that incorporate landscaped areas and places for siting.
8. The front façade of buildings shall have high fenestration. Include glazing for at least 40 percent of the ground floor façade area between 2 feet above grade to 8 feet above grade towards the street that the front façade faces.
9. All street-level windows shall be visually permeable between a height of three feet and eight feet above the walkway grade. Reflective or tinted glass that obstructs views into the building should not be used on 1st floor building façades adjacent to sidewalks.

Allowable Materials

All buildings are to use a similar or complementary palette of materials on this site. Fitting with a desire to respect the existing architectural fabric, this material palette will require the use of exterior finishes already in heavy use along the Monticello corridor. Specifically:

1. Walls:

- Brick veneer
- Fiber Cement Panel (rain screen) siding systems
- Stucco (EIFS) siding.
- Wood or Cementitious Siding (with 5/8" or greater relief in profile or overlap)
- Cast Stone Trim, Veneer, and/or Coping
- Wood or Cellular PVC for Trim
- Fiberglass, Aluminum, or EIFS Cornice and Fascia
- Pigmented, Textured Concrete Block is acceptable on rear and non-public facades
- Horizontal vinyl clapboard siding is not acceptable.
- Textured concrete block as a primary building element of the public facades is not acceptable.
- Thin-stone or cultured stone veneer is also acceptable if corner units are utilized to wrap the corners to give the appearance of a depth of 4 inches or more.
- Each façade shall have a balance of two or three siding materials. One material, such as lapped weatherboard shall be primary to establish consistency while the others are secondary and utilized to provide interest and variation.

2. Roofing:

- Sloped roofing may be: Slate, Simulated Slate (rubber); fiberglass asphalt roofing (300# or better); standing seam Metal (aluminum, copper, or steel).
- Gutters and Downspouts: copper or aluminum, round or box (residential Ogee shape is not acceptable).
- Flat or Low-sloped roofs may be of metal or synthetic membrane, where concealed from public view by a parapet.

3. Building Elements:

- Columns may be pre-fabricated synthetic, or field-fabricated wood or masonry. Chimneys are to be of brick or stucco.
- Posts, spindles, balusters may be of painted wood or metal. Synthetics such as hard foam or cellular PVC may be utilized if adequately heavy in dimension and anchored and painted.
- Stoops and exterior steps: brick or stone (concrete may be utilized for non-public entrances where screened or not visible to the general public).
- Awnings and Canopies: canvas covered with metal support structure.
- Chimneys: brick or stucco
- Arcades and colonnades: brick, stucco, wood
- Posts, spindles, balusters: painted wood, painted metal,
- Stoops, exterior stairs: brick, concrete
- Decks: wood
- Signs: Wood, painted metal, hard foam, or as otherwise allowed by James City County ordinances.

4. Fenestration:

- Windows may be wood or metal
- Storefront window mullions should not exceed 48" in the horizontal dimension or should be mullion-less "all glass" window systems.
- Bay windows: wood or metal with metal roofing.
- Shutters: wood, fiberglass resin or cellular pvc; shutters should be equipped with shutter hardware and be operable or give the appearance of being operable.
- Doors: wood, metal, or glass; utility doors should be metal or fiberglass.
- Where clear windows are not useful to the function with portions of buildings, a false window (with "spandrel glass", for example), closed shutters, or masonry recesses may be utilized to add interest to a façade's fenestration.
- Ground story fenestration shall comprise 40% to 90% of the surface area on public facing walls of retail buildings. Upper stories and other uses shall have fenestration comprising 20% to 70% of the surface area of public facing walls.
- Windows shall appear as "punched openings" in façades. The horizontal dimension of the opening may not exceed the vertical dimension. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least seven inches wide.
- Windows may be no closer than 30 inches to building corners (excluding bay windows and storefronts).
- For storefront windows, a minimum of 80% of the window surface shall allow a view into the building for a depth of at least 15 feet.

5. Stylistically, all buildings within the development are to retain a common identity, incorporating the use of brick and cast stone or cast stone-like elements. The use of porches, balconies, bays, loggias, arcades, chimneys, cupolas, dormers, and operable windows are encouraged as devices that help reduce the scale of buildings, making them more approachable and village-like. The principal roof forms are to be parapeted. Where slope roofs are incorporated, gabled or hipped and may range between 4/12 and 12/12. Shed roofs should be 2/12 to 6/12 in slope.

6.

Mechanical units and building utilities, such as electrical meters and panels, are to be located so as not to detract from the architecture and are to be screened. Roof-top equipment should be architecturally screened and not visible from major roads, except for reasonable exception to the elevated portions of Rte 199. Generally, screens should be constructed of permanent materials that relate to the building architecture, such as stone and stucco. Where located against the property buffers, or otherwise not plainly visible from adjacent streets, utilities and mechanical units may be screened with landscaping alone. Drainage from building roofs should be channeled underground to the storm water system unless "spilling at grade" can be engineered without compromising landscaping or pedestrian areas.

Landscape, Hardscape and Planting

1. Building Perimeters - Landscaping at buildings shall meet or exceed the requirements as specified in the James City County Zoning Ordinance, Section 24-97. The use of trellis and landscape structures to facilitate the growth of live plant material immediately in front of or on the buildings is encouraged.
2. Landscaped open spaces, parking areas and pedestrian ways shall have emphasis placed on their edges either with buildings or plantings to create the effect of “outdoor rooms.” Walk-ways adjacent to buildings shall reinforce the sense of a public street. Walk-ways adjacent to open spaces shall be lined with trees or plants to reinforce the edge of the open space. Landscaping along residential areas should provide visibility into the development while creating an effective buffer for parking and “back of house” building elements. Other property edges should retain natural buffers, to the extent practical, to maintain a character consistent with the surrounding area
3. Landscape plantings shall be selected to reinforce a purpose, based on their location:
 - Plantings for the purpose screening will occur to screen the building and parking areas from the adjacent residential properties to the south. These planting are to be primarily evergreen with the intent of screening the view of automobiles and reduce the scale of the rear building façade. Evergreen hedges are to be used adjacent to parking spaces which face Monticello Avenue or Ironbound Road.
 - Foundation plantings will be selected and provide a natural base to the service side facade of the building and enhance the public facades. Public side plantings will be chosen to complement the architecture without limiting visibility of building face signage.
 - Transitional landscaping will occur along the east and west property lines to augment existing natural landscaping, or replace existing landscaping which must be removed to accommodate construction.
 - Street-side landscape will be provided along Monticello Avenue, selected to create a lush setting for the building, while promoting the pedestrian character of the corridor and ensuring adequate visibility into the development from the street, similar to the nearby Wendy’s property (see below).
 - Landscaping with vertical elements of a minimum 10 feet high should be included on sides adjacent to residential uses to provide screening. Tree rows or groups of trees are appropriate, and/or lower bushes and vegetation combined with berming, natural topographic features, and fencing. Fences should not occur within the front 10 feet of the lot so as to not impede pedestrian connectivity and visibility along the sidewalks between uses



11 View of existing Wendy's development from Monticello Avenue

4. Parking layout and landscaping is to comply with the requirements of the relevant landscape standards of the James City County Zoning Ordinance (Article II, Division 4). Hedges planted to screen the parking lots from the perimeter 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 2-1/2" caliper at installation.



12 Example of bike rack (New Town)

5. To further link the development to the New Town community, the developer is encouraged to incorporate similarly inspired design details used in New Town. For example, at pedestrian crossings and along streets, a combination of concrete pavers, brick pavers and gray concrete can be used to emphasize points of arrival and to create a sense of hierarchy among the site elements.



13 Example of street furnishings (New Town)

6. Street Furnishings, including street and parking lot light fixtures, benches, trash receptacles, bike racks and bollards, shall include selections from or comparable to those items identified and/or illustrated in the New Town Streetscape Package prepared by Cooper Robertson & Partners dated May 5, 2003 and/or present within the nearby Courthouse Commons development.

Site Lighting

1. 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 (30' maximum), delivering a general lighting level as required or recommended by local law enforcement or an end user's specific site safety standards. These fixtures may be contemporary in nature and are not intended to be architectural elements in-and-of themselves, but rather deliver an ambient lighting level where critical.
 - Lighting for pedestrians should consist of decorative building-mounted fixtures or bollard-type fixtures. 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.
2. Site light fixtures shall be selected so as to complement the building architecture, with the exception of the parking lot lighting which is expected to be taller and contemporary in character.

Signage

1. All signage recommendations shall be subject to the provisions of Article II, Division 3 of the James City County Zoning Ordinance.
2. Building mounted signs and free-standing signs will comply with the James City County Zoning Ordinance for sign location and construction. Wall mounted signage should be integrated with and/or be properly proportionate to the architecture of the building. They are to be mounted flat upon the facade or with "stand-offs" no greater than 6".
3. A free-standing sign for the development, if provided, is to be located in accordance with the master plan accompanying these guidelines. This sign is to be monument style and designed to promote visual unity within the development. Individual letters in signs may be internally lit. Its size and scale should be in keeping with established monument signs on the corridor (e.g. Settlers Market and Courthouse Commons).
4. Other signs, when illuminated, must be externally lit. "Halo" lighting of individual letter signs (where the letters are opaque but an internal light washes the background of the letters) are acceptable as externally lit signage.
5. Way-finding signage is encouraged, but subject to regulation by the zoning administrator per James City County Zoning Ordinance, Section 24-73. Lettering and mounting height should be sized to assist the pedestrian in finding a building entrance, or a driver of a vehicle to find a parking space. Number and size of such signage is not specifically dictated but should be kept to the minimum number necessary and clearly subservient to other site signage. Generally, lettering should not be over 4" in height, and logos of that same size are permissible but shall not dominate the message of the sign. Street signs and traffic control signs within State right-of-way will utilize the New Town, Courthouse Commons or Settler's Market models, subject to VDOT approval.



14 Example of acceptable street sign design (New Town)

Community Impact Statement

Rezoning

Of

Monticello Avenue Shops

Prepared For

Verdad Real Estate
1211 S. White Chapel Blvd
Southlake, TC 76092

January 2023
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AES Project Number: W10509-03

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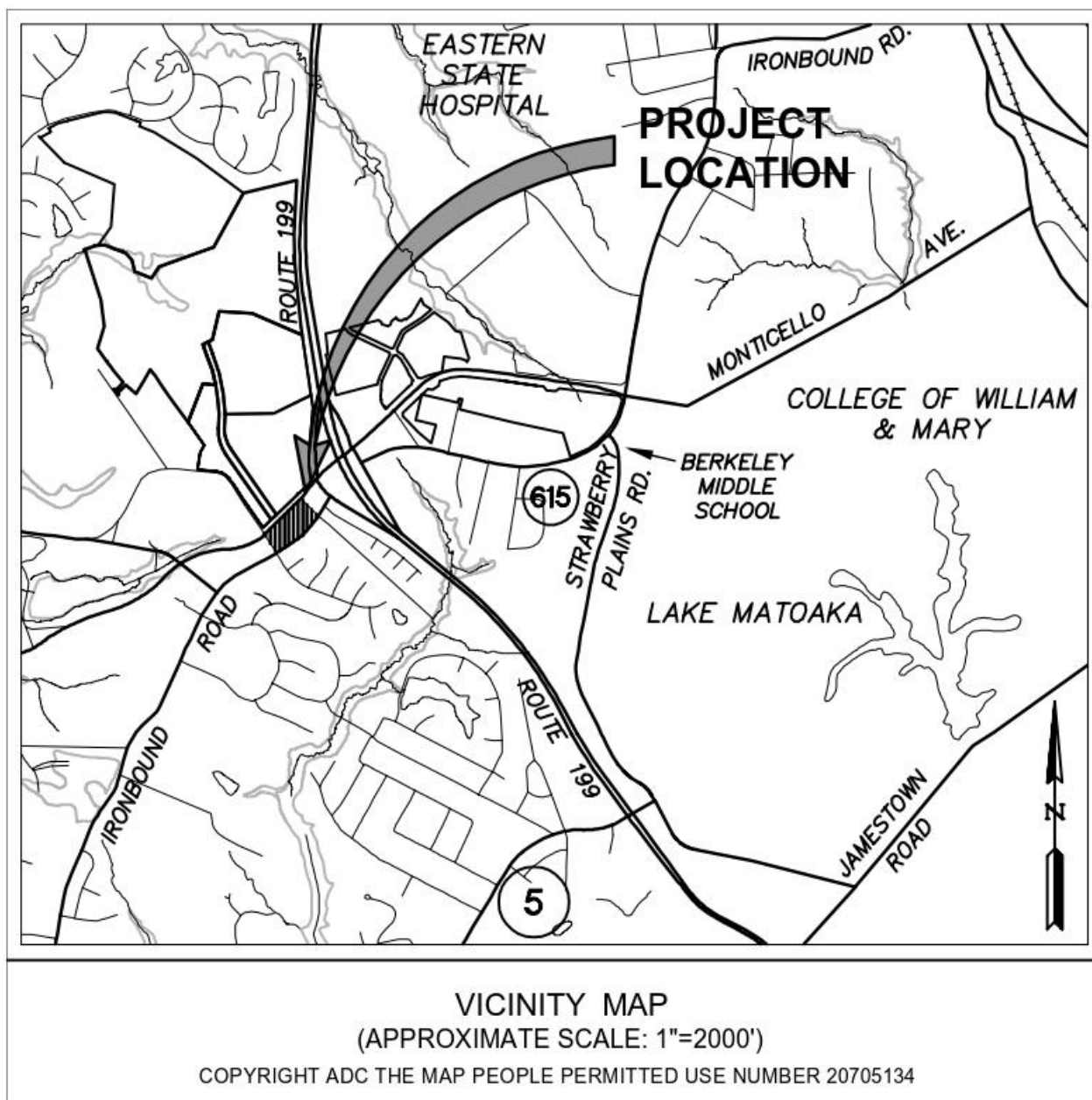
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I. INTRODUCTION

On behalf of Mr. Brett Skinner of Verdad Real Estate, we are applying to rezone three parcels located at 4744 Old News Road, 3905 Ironbound Road and 3897 Ironbound Road (the “Property”) in the Jamestown District from R-8 (Rural Residential) to B-1 (General Business), with proffers. The project is to be called the Monticello Avenue Shops. These Properties are approximately 2.75 acres total, are designated Neighborhood Commercial on the Comprehensive Plan and is located within the Primary Service Area (PSA). The property is located on the South-Eastern side of Monticello Avenue, Rte. 321, and accessible on the North-Western side by Monticello Avenue. The proposal includes up to 12,000 square feet of commercial development. The proposed proffers will limit the permitted uses of the site consistent with its Comprehensive Plan designation, provide for required traffic improvements and establish Design Guidelines for the project to ensure the project will be consistent in appearance with surrounding development.

Exhibit 1 – Location Map



II. THE PROJECT TEAM

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

- Developer - Verdad Real Estate
- Legal - Kaufman & Canoles, P.C.
- Land Planning - AES Consulting Engineers
- Civil Engineering - AES Consulting Engineers
- Traffic - Grove Slade Associates
- Architecture - Hopke and Associates

III. PROJECT DESCRIPTION AND PLANNING CONSIDERATIONS

Project Description

The developer is proposing to rezone three parcels from R-8 to B-1 for the purpose of developing a project to include a medical office and retail/commercial on approximately 2.75 acres in the Jamestown District in James City County.

Planning Considerations

The Monticello Avenue Shops lies within the New Town Community Character Area, the Primary Service Area (PSA) of the County, is designated Neighborhood Commercial in the JCC Comprehensive Plan and is bounded by Monticello Avenue (US Rte. 321), which is identified by James City County as a Community Character Corridor.

The property falls within the New Town Community Character Area and is intended to be complimentary to the surrounding development within the New Town master plan. The architectural guidelines submitted for this project intend to be consistent with the surrounding developments, creating a “village-scape” along Monticello and the residential development to the rear. The “village-scape” is created by having smaller residential scale buildings with smaller parking fields and architectural significance on multiple sides of the buildings.

The Primary Service Area (PSA) is an important planning tool within James City County and it encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time, and minimizes well and septic failures. As this Site is within the PSA it has been identified as one where James City County has planned for growth with the knowledge that services can be brought to the site and that there is ample capacity in these systems to support

this project.

The project frontage along Monticello Avenue (US Rte. 321) is designated as a Community Character Corridor classification. It is the intent to create an enhancement with the installation of a project that matches the character of this area of the County and do so by implementation of Design Guidelines. The site is designated as Neighborhood Commercial on the Comprehensive Plan and is suitable for business development, physical attributes and density of the property being planned, and the degree of the project's consistency with the Comprehensive Plan.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

Public water and public sanitary sewer services (and other public services such as police, fire and life rescue, and transportation) are presently provided to parcels within the Primary Service Area.

A. Public Water Facilities

The subject property will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains a 12" water line in the right of way of Monticello Avenue (Rte. 321). Discussions with representatives of the James City Service Authority have not revealed any concerns on the ability of the current water system to meet the demands of this proposed project.

The project's internal water system will likely consist of 8-inch water mains, thus providing the project adequate volumes and pressures for consumption and fire protection. Verification of the adequacy of the JCSA existing water system and design of the on-site water main extensions will be further analyzed with modeling techniques during development of construction plans for the project.

Water consumption for the proposed project is estimated at a Daily Water Demand of 2,400 gallons per day. Peak Hour Water Demand for this project is estimated at approximately 13.3 gallons per minute.

TABLE 1 - PROJECTED WATER USAGE

Type of Use	Design Units	Flow (GPD/Unit)	Total Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
Shopping Center	12,000 SF	0.2	2,400	12	3.33	13.33
Total			2,400		3.33	13.33

B. Public Sewer Facilities

This project is to serve as a commercial development including uses such as retail shops, restaurant, and a quick service automotive facility. The properties and buildings in the development are anticipated to be served by two sanitary private package stations which will flow into the adjacent JCSA gravity sewer. The estimated average daily flow generated from the proposed development is 2,400 gallons per day (GPD) with a peak flow rate of 10.0 gallons per minute (GPM). See Table 2 below for details of projected wastewater flows.

Table 2 – Wastewater Flows

Type of Use	Design Units	Flow (GPD/Unit)	Total Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
Shopping Center	12,000 SF	0.2	2,400	12	3.33	10.00
Total			2,400		3.33	10.00

C. Fire Protection and Emergency Services

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

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

D. Solid Waste

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

E. Franchise Utility Service Providers

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

F. Transit

The Monticello Avenue Shops site is located along the Monticello route of the Williamsburg Area Transit Authority (WATA). Stop 1225, Monticello Ave. (at Marketplace Shoppes) is the nearest bus stop to the proposed site.

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

Initial evaluation of the property determined that there were no environmentally sensitive areas associated with these properties. There is an existing residential home and several outbuildings located on the properties that will require demolition. Through an onsite investigation, review of JCC GIS and National Wetlands inventory there appear to be no wetlands, surface waters or potential locations for these to exist on the property.

VI. ANALYSIS OF STORMWATER MANAGEMENT

AES reviewed the requirements for the site in accordance with the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements and noted the following items:

- The property currently drains to an existing regional BMP (BMP PC140) via drainage within Monticello Avenue
- The existing sites are mostly forested with a couple of residential homes and outbuildings
- The project site largely consists of flatter site grades with 0 to 6% slopes, there are steeper slopes just outside the property which are 3:1 within the existing ditches.

In evaluating the stormwater management needs of the proposed development we understand that the site will need to be approved to handle the necessary water quality and quantity needs as outlined in the current state stormwater standards. In discussions with JCC, it is understood that the existing BMP PC140 will not be able to be utilized (in its current status) to provide stormwater benefits from this site. As part of the site plan process, the site will need to

show compliance with the state regulations and additionally will need to provide Special Stormwater Criteria measures per the regulations at the time the site plan is prepared. It is anticipated that bioretention and similar treatment devices will be utilized for water quality and that potential retention measures will be utilized to ensure compliance for offsite discharge. Any stormwater measures proposed with the site will be designed and installed in accordance with all current applicable standards.

We would note that the existing downstream regional BMP that was originally designed to handle the drainage from this parcel has been identified to require upgrades as part of the 2023 Powhatan Creek Watershed Management Plan. Changes or upgrades to that facility would be outside of the ability of this project to handle.

VII. ANALYSIS OF IMPACTS TO TRAFFIC

The traffic impacts for the proposed development have been reviewed and improvements shown on the master plan to address those impacts. A traffic analysis was prepared by Groove Slade Associates. The project has undergone extensive review from previous applications and the current plan avoids additional access breaks along Monticello and does not impact the current Monticello and WindsorMeade intersection. The access between the existing adjoining shopping center is restricted to prevent cut through traffic and a new right turn taper will be added at the existing entrance to the development in accordance with the traffic analysis.

X. CONCLUSION

In summary, The Monticello Avenue Shops are being planned as a neighborhood commercial center generally matching the aesthetics of the surrounding centers as a commercial development. The Community Impact Statement for The Monticello Avenue Shops development concludes that the County and the community would realize the tangible public benefits to include the following:

- The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area
- The Master Plan and proffered Design Guidelines will provide a high standard of architecture and layout to enhance this area of the County for decades to come
- The development provides a tax benefit to the County
- There is adequate capacity in the roadway network serving this project, with limited impacts on existing traffic patterns
- The stormwater management will be performed in such a way as to add water quality benefits for the site through the use of Special Stormwater Criteria measures, in

addition to State stormwater requirements.

Traffic Impact Analysis

Monticello Avenue Commercial

James City County, Virginia

September 2023

Prepared for:

Verdad Real Estate
1211 S. White Chapel Boulevard
Southlake, TX 76092



GOROVE SLADE
Transportation Planners and Engineers

TRAFFIC IMPACT ANALYSIS

To: John Risinger James City County
 CC: Brett Skinner Verdad Real Estate, Inc.
 From: Mike Bailey, P.E. Gorove Slade Associates
 Subject: **Monticello Avenue Commercial** – Traffic Impact Analysis (TIA)
 Date: September 14, 2023

Introduction

Verdad Real Estate is proposing to construct a commercial development on the south side of Monticello Avenue, directly across from Windsormeade Way. The proposed development plan includes 12,000 square feet (s.f.) of commercial space, and the proposed access plan includes utilizing the existing right-in / right out access east of the Monticello Marketplace shopping center.

The purpose of this letter is to provide a Traffic Impact Analysis (TIA) for the existing site driveways. This analysis was developed in accordance with County and VDOT standards.

Scope of the Traffic Impact Analysis

The objective of this analysis is to identify potential impacts to the transportation network due to the proposed development. The study area includes the following intersections:

- Monticello Avenue at Monticello Marketplace
- Monticello Avenue at Old News Road / Right-In/Right Out Driveway (Turn Lane Warrant analysis)
- Monticello Avenue at Windsormeade Way

Figure 1 shows the site location and study intersections, and the site plan is shown in Figure 2.

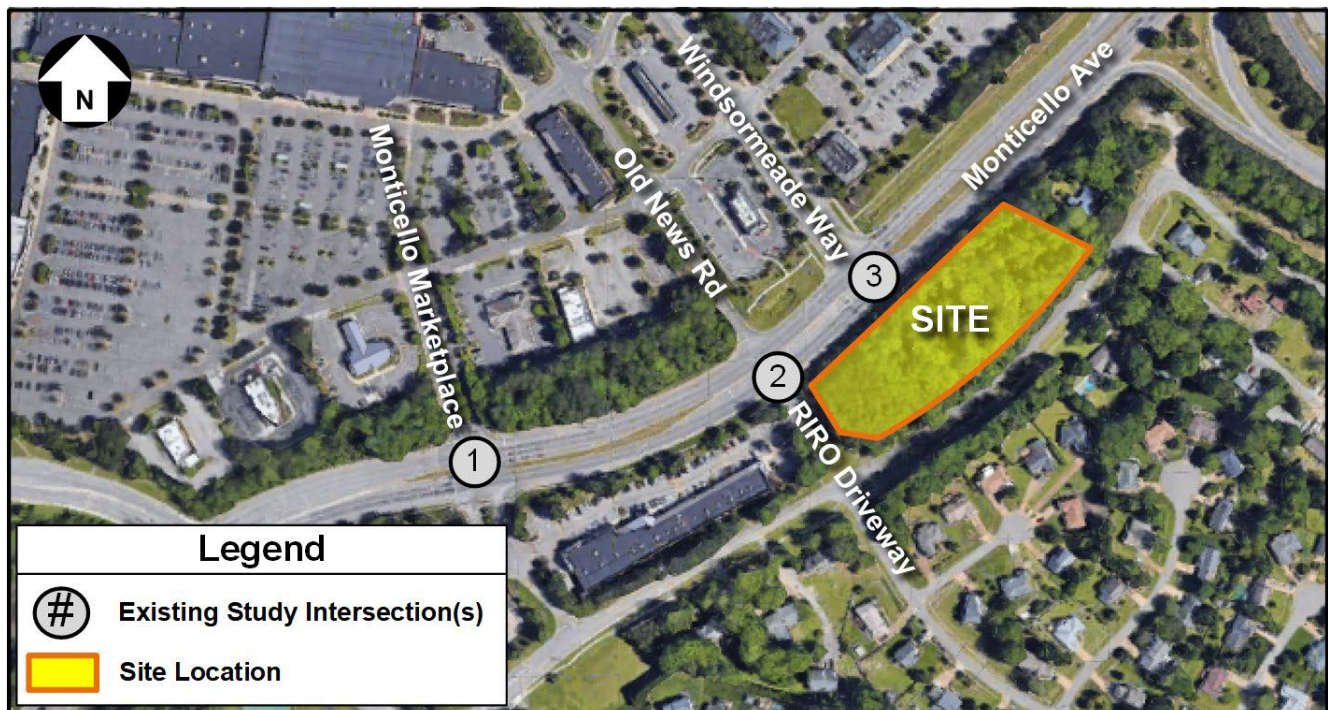


Figure 1: Site Location and Study Intersections

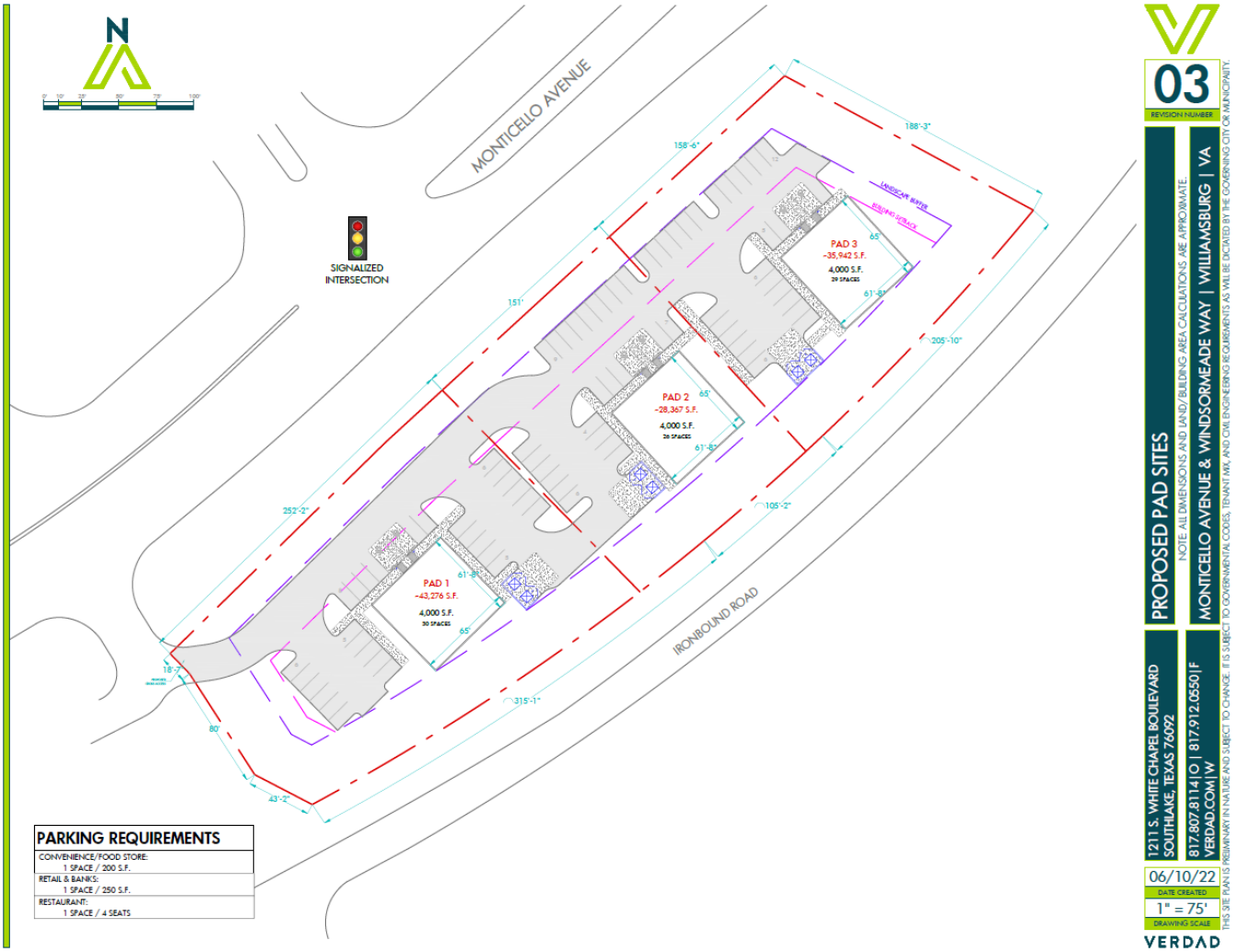


Figure 2: Site Plan (Provided by Verdad)

Existing Conditions (2022)

Existing Roadway Network

A description of the major roadways within the study area is provided in Table 1. The AADT's shown are based on published 2019 VDOT data.

Table 1: Existing Roadway Network

Roadway	RTE #	VDOT Classification	Legal / Design Speed Limit (mph)	AADT (vpd)	Road Segment Between:	
Monticello Avenue	321	Minor Arterial	45	41,000	News Road	SR-199
Windsormeade Way	1299	Local	40	1,300	Monticello Ave	Cul-de-sac

The existing lane configuration is shown in Figure 3.

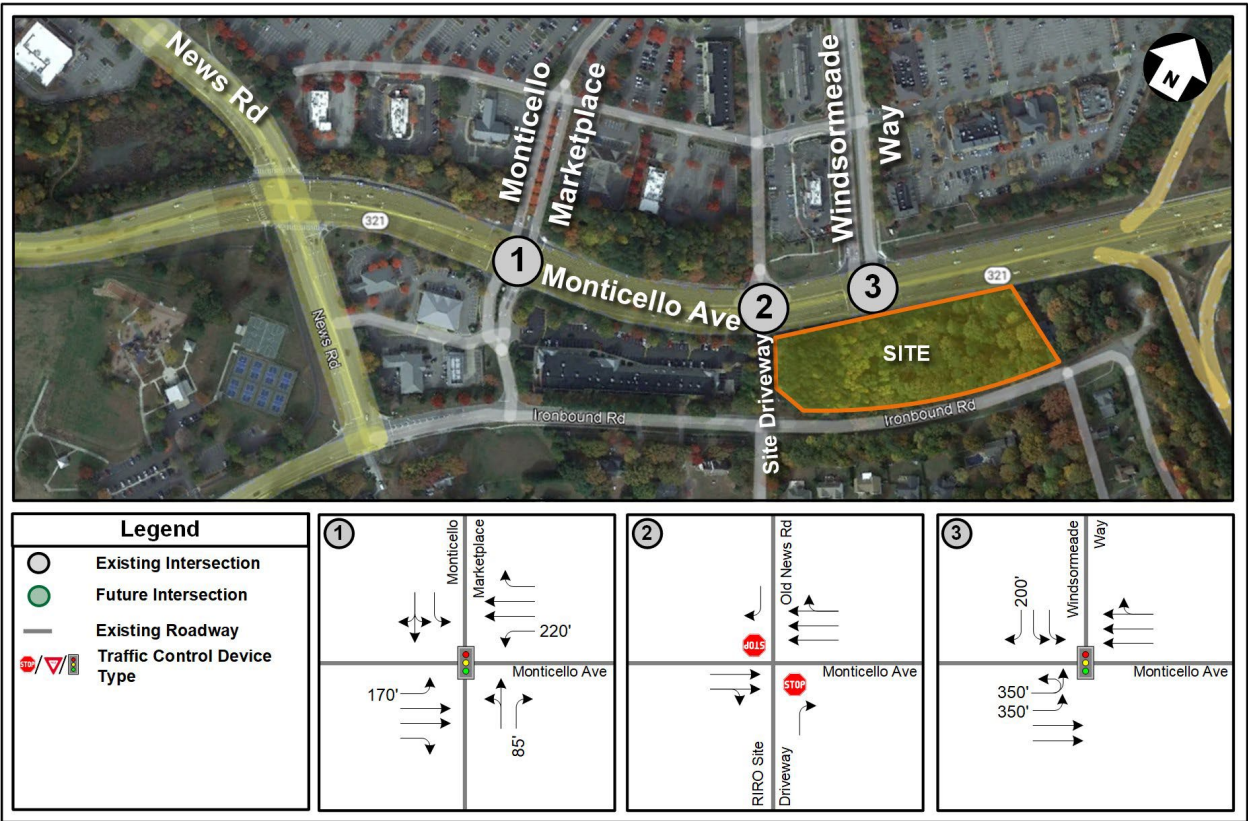


Figure 3: Existing Lane Configuration

Existing Traffic Volumes

Turning movement counts were conducted during the AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) by Burns Services Inc. (BSI), during the week of October 10, 2022, at the following intersections:

- Monticello Avenue at Monticello Marketplace
- Monticello Avenue at Old News Road / Right-In/Right Out Driveway

Additional peak hour turning movement count data was collected by BSI on June 7 at the intersection of Monticello Avenue at Windsormeade Way. Traffic volumes from the 2023 count were decreased by the annual growth rate to estimate the 2022 turning movement count volumes. Finally, some movements were increased as necessary to balance between study intersections to be conservative. Figure 4 shows the existing 2022 AM and PM peak hour traffic volumes.

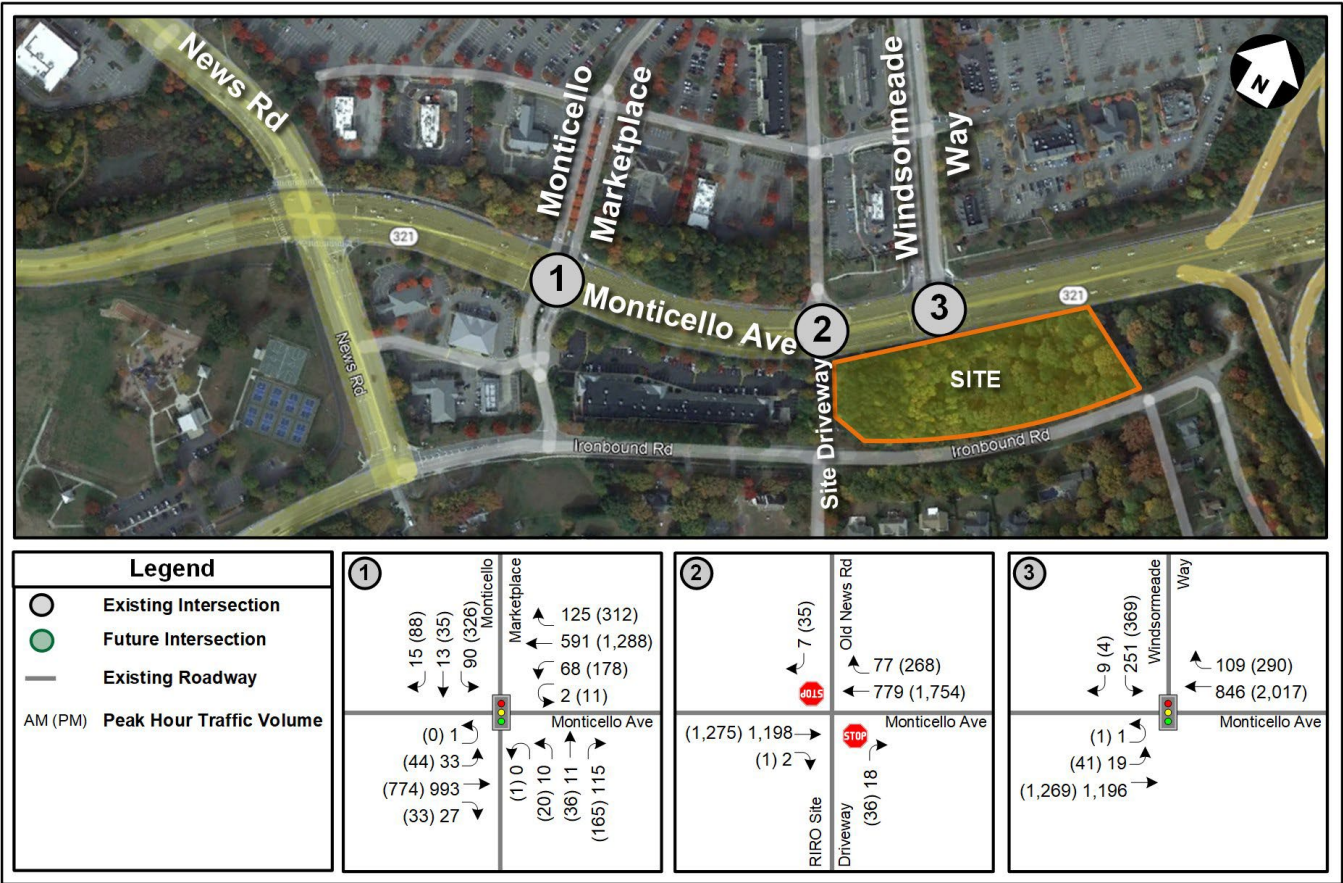


Figure 4: Existing (2022) Peak Hour Traffic Volumes

No-Build Conditions (2024)

Approved Developments

Based on discussion with the development team, we understand there are no approved developments in the vicinity of the site that will have a significant impact on the study intersections.

No-Build (2024) Traffic Volumes

An annual growth rate of 2.0% was applied to the existing traffic volumes to estimate the No-Build (2024) peak hour traffic volumes, which are shown in Figure 5.

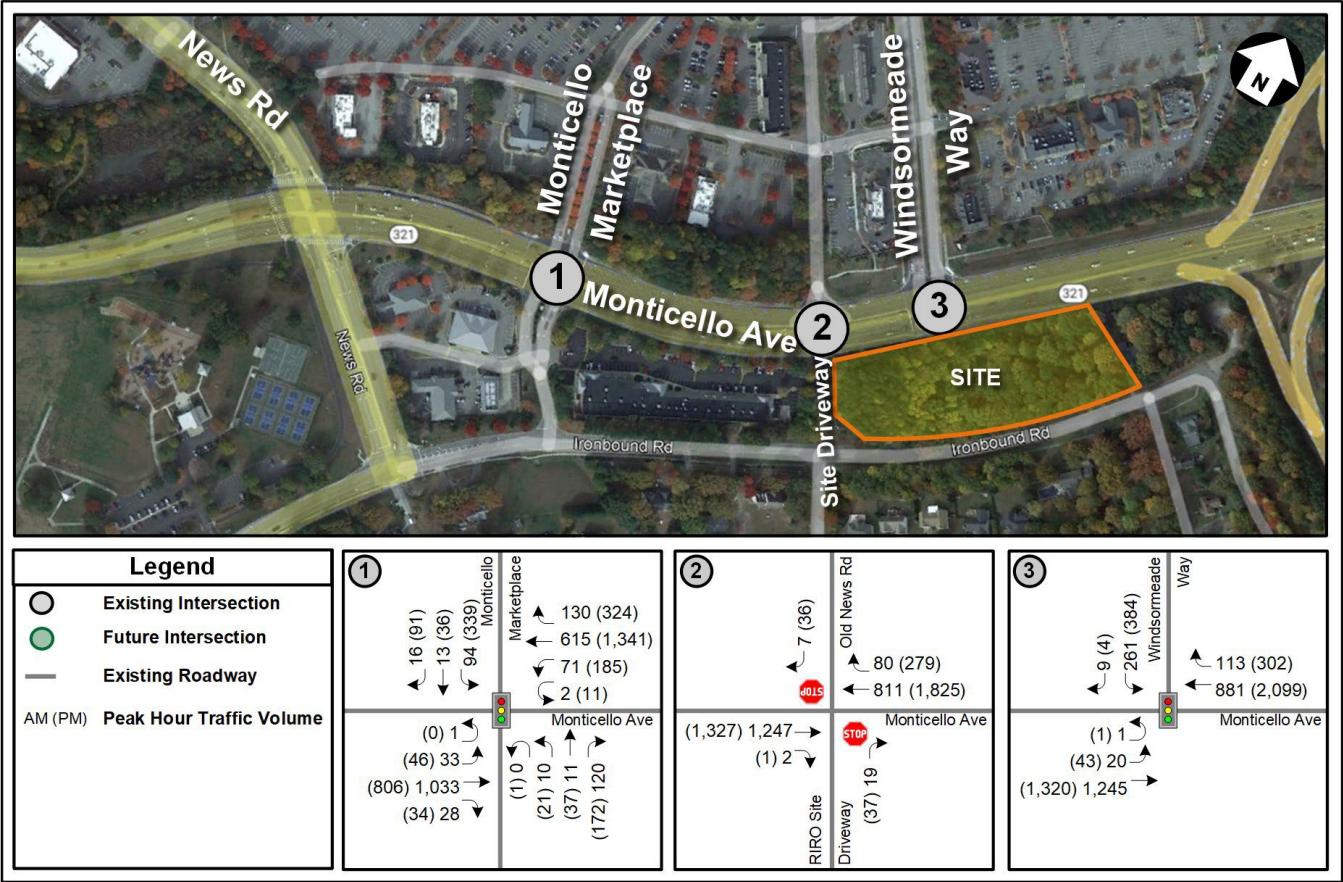


Figure 5: No-Build (2024) Peak Hour Traffic Volumes

Build Conditions (2024)

Site Generated Volumes

Table 2 shows the trip generation potential of the proposed development based on the Institute of Traffic Engineers (ITE) *Trip Generation Manual 11th Edition*.

Table 2: ITE Trip Generation – Typical Weekday – 11th Edition

Land Use	ITE Code	Size	Units	----- Week day -----					
				AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Weekday Total
Medical Clinic	630	4,000 s.f.		14	3	17	5	12	178
Animal Hospital / Veterinary Clinic	640	4,000 s.f.		10	5	15	6	8	86
Strip Retail (<40ksf)	822	4,000 s.f.		9	7	16	20	21	398
Total Trips		12,000 s.f.		33	15	48	31	41	662

Site Traffic Distribution

The site trip distribution was determined based on the proposed land uses, a review of existing traffic patterns, and engineering judgement. The following site trip distribution was applied:

- 60% to / from the east on Monticello Avenue
- 40% to / from the west on Monticello Avenue

Figure 6 shows the site trip distribution and Figure 7 shows site trip assignment. The Build 2024 peak hour volumes are shown in Figure 8.

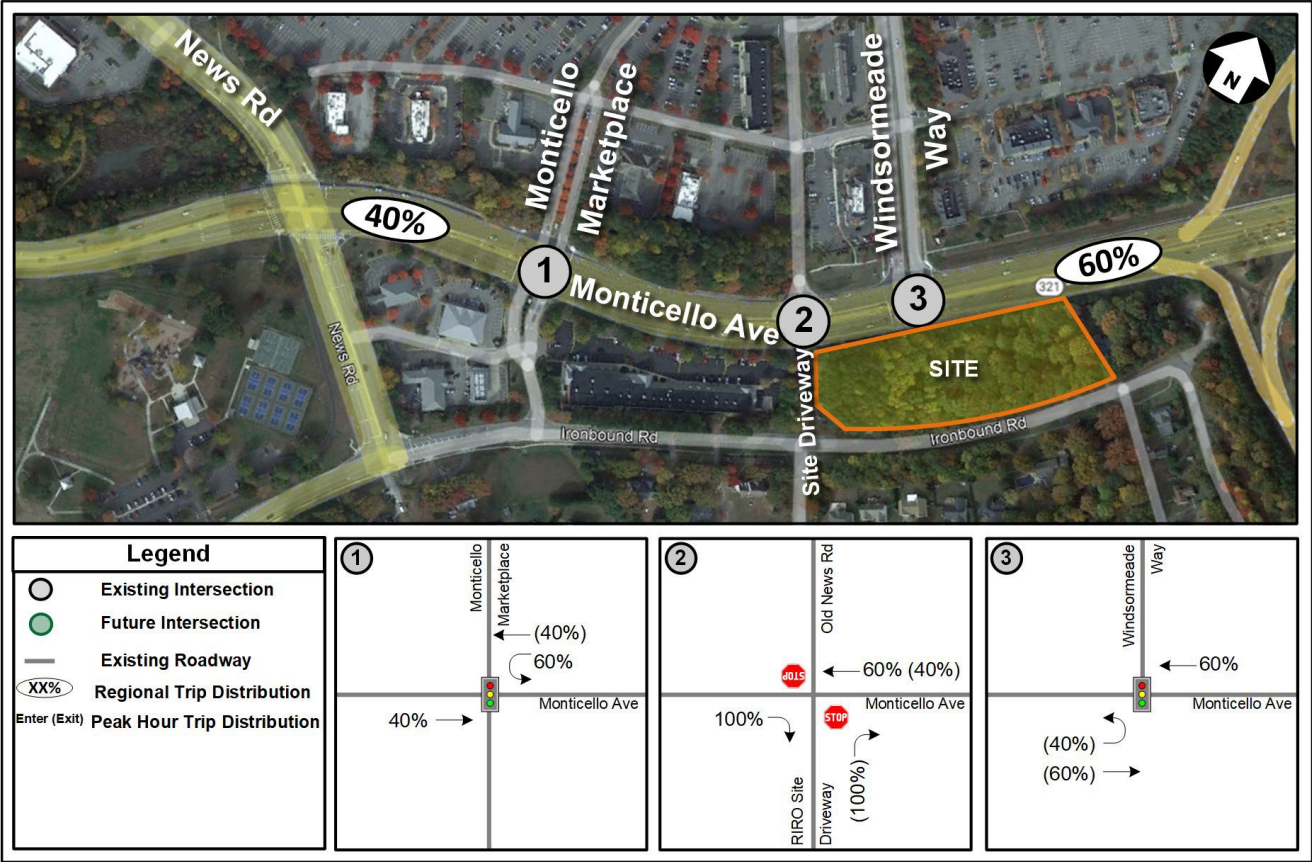


Figure 6: Site Trip Distribution

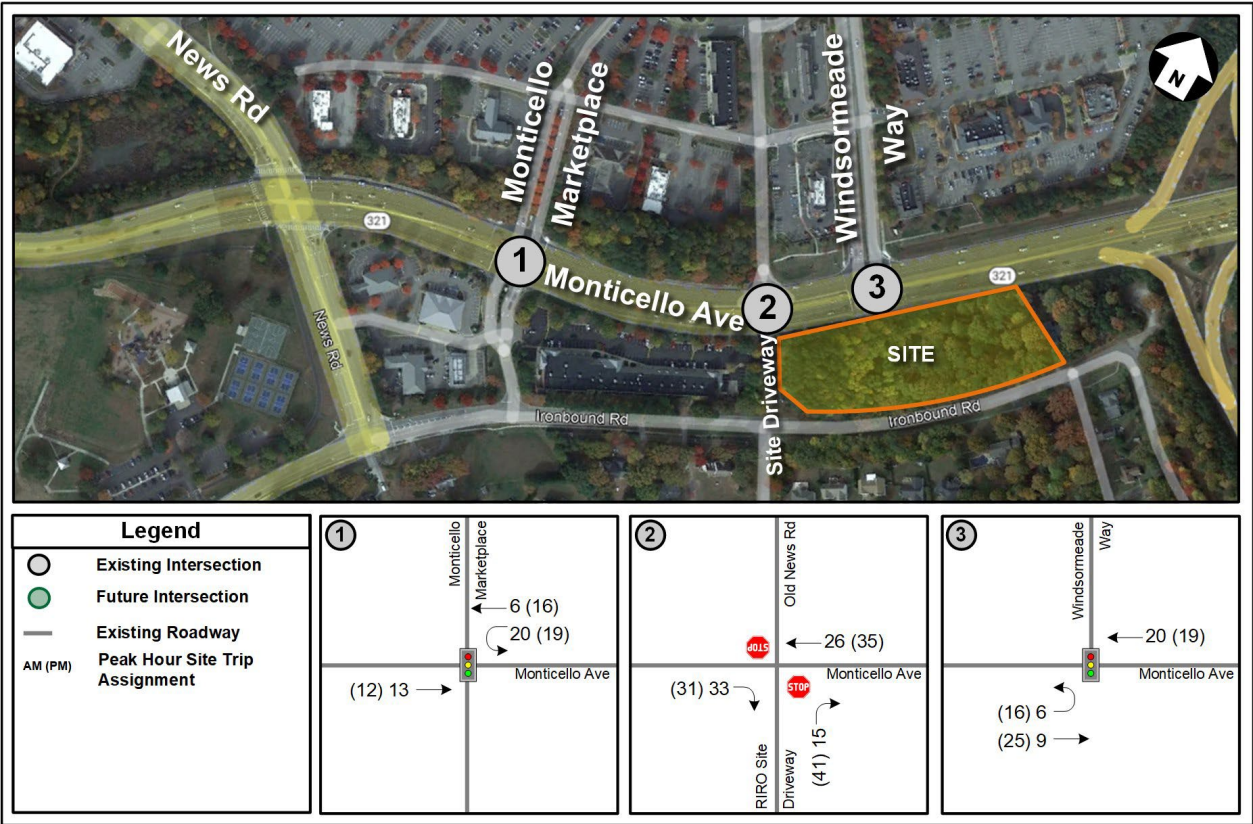


Figure 7: Site Trip Assignment

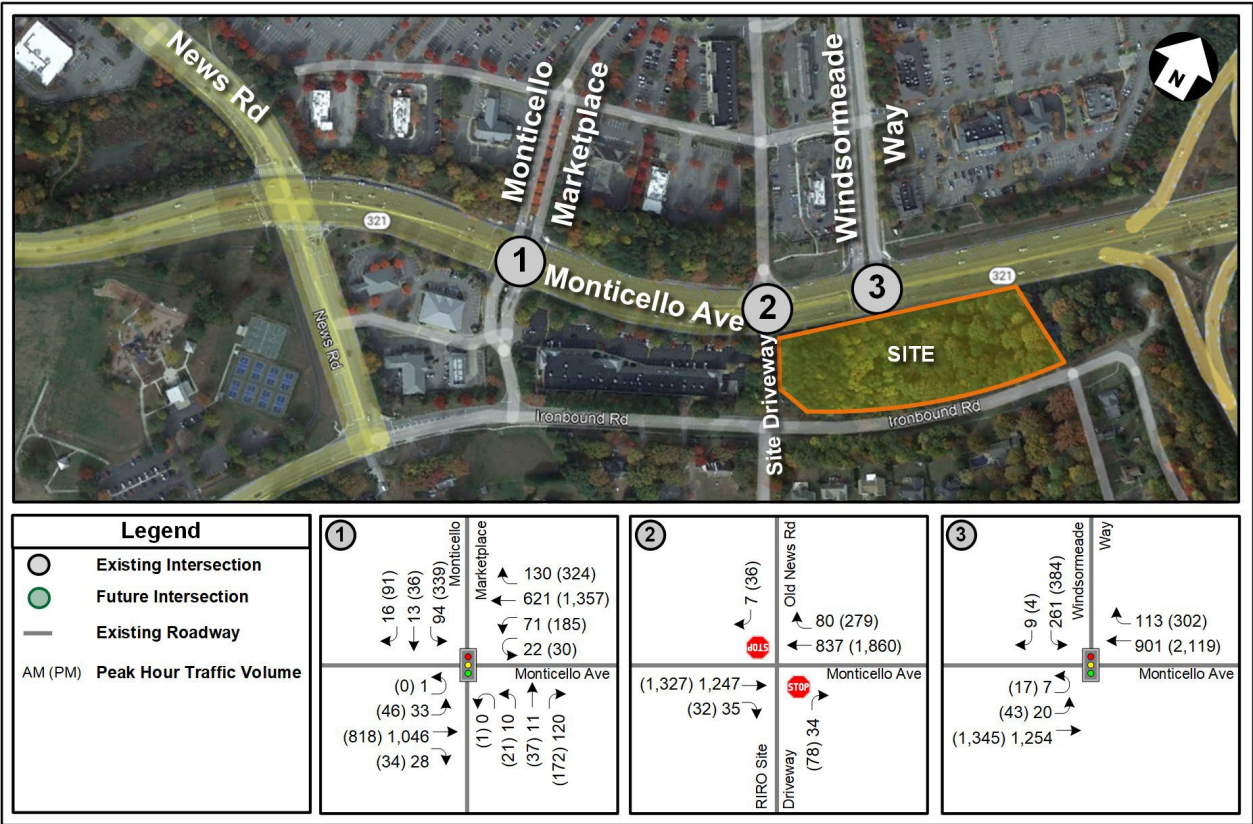


Figure 8: Build (2024) Peak Hour Traffic Volumes

Traffic Capacity Analysis

Capacity analysis was performed at the study intersection during the weekday AM and PM peak hours. *Synchro, Version 11* was used to analyze the study intersection based on the *Highway Capacity Manual* (HCM) 2000 Edition methodology and includes level of service (LOS) and delay comparisons for the turning movements analyzed. HCM 2000 methodology was used because HCM 6th Edition is unable to process U-turn movements, which were present in the existing traffic counts. Queue lengths were generated using SimTraffic and were based on the maximum of an average of 10 microsimulation runs. The capacity analysis results are summarized in Table 3 through Table 5 and the Synchro / SimTraffic output reports are included in the attachments.

Table 3: Level-of-Service Summary for Monticello Avenue at Monticello Marketplace

Analysis Scenario	Intersection (Movement)	Effective Storage Length (ft.)	AM Peak Hour			PM Peak Hour		
			LOS	Delay (sec/veh)	Ave. Max Queue (ft.)	LOS	Delay (sec/veh)	Ave. Max Queue (ft.)
			Synchro		SimTraffic	Synchro		SimTraffic
Existing (2022) Conditions	Overall Intersection		C	33.9		D	46.5	
	Eastbound Approach		B	19.4		C	28.8	
	Eastbound U/Left	170	D	42.7	174	E	56.2	194
	Eastbound Through		B	18.8	294	C	27.6	351
	Eastbound Right		B	12.2	41	C	20.5	41
	Westbound Approach		D	51.3		D	48.3	
	Westbound U/Left	220	C	32.7	121	D	48.9	245
	Westbound Through		B	17.7	198	D	42.6	605
	Westbound Right		F	220.8	48	E	71.2	90
	Northbound Approach		D	39.8		D	53.3	
	Northbound U/Left/Through		D	40.2	48	D	55.0	112
	Northbound Right	85	D	39.7	64	D	52.7	103
	Southbound Approach		D	40.7		E	69.3	
No-Build (2024) Conditions	Southbound Left		D	41.0	114	E	74.5	258
	Southbound Left/Through/Right		D	40.4	83	E	63.8	245
	Overall Intersection		C	34.2		D	48.0	
	Eastbound Approach		C	20.1		C	31.5	
	Eastbound U/Left	170	D	42.8	150	E	59.7	194
	Eastbound Through		B	19.6	321	C	30.3	396
	Eastbound Right		B	12.3	45	C	21.8	53
	Westbound Approach		D	51.2		D	49.5	
	Westbound U/Left	220	C	34.6	148	D	50.9	245
	Westbound Through		C	21.1	218	D	44.9	630
	Westbound Right		F	203.1	60	E	67.5	195
	Northbound Approach		D	39.7		D	54.2	
	Northbound U/Left/Through		D	40.1	60	E	56.9	145
	Northbound Right	85	D	39.6	82	D	53.2	108
Build (2024) Conditions	Southbound Approach		D	40.7		E	70.4	
	Southbound Left		D	41.0	122	E	72.0	304
	Southbound Left/Through/Right		D	40.3	89	E	68.7	284
	Overall Intersection		C	34.3		D	48.3	
	Eastbound Approach		C	20.8		C	32.4	
	Eastbound U/Left	170	D	42.8	167	E	59.7	194
	Eastbound Through		C	20.3	327	C	31.3	381
	Eastbound Right		B	12.6	40	C	22.3	45
	Westbound Approach		D	50.2		D	49.6	
	Westbound U/Left	220	D	37.5	151	E	55.1	245
	Westbound Through		C	20.9	215	D	45.0	636
	Westbound Right		F	199.8	58	E	65.3	320
	Northbound Approach		D	39.7		D	54.2	
	Northbound U/Left/Through		D	40.1	58	E	56.9	133
	Northbound Right	85	D	39.6	84	D	53.2	108
	Southbound Approach		D	40.7		E	70.4	
	Southbound Left		D	41.0	111	E	72.0	292
	Southbound Left/Through/Right		D	40.3	84	E	68.7	278

Capacity analysis indicates that the intersection currently operates at LOS C during the AM peak hour and at LOS D during the PM peak hour. Under no-build conditions, the intersection is expected to continue to operate at LOS C during the AM peak hour and at LOS D during the PM peak hour.

Under build conditions, the intersection is expected to continue to operate at LOS C during the AM peak hour and at LOS D during the PM peak hour, with all movements operating at LOS E or better.

No improvements are warranted or recommended at this intersection at build-out of the proposed commercial center.

Table 4: Level-of-Service for Monticello Avenue at Right-in/Right-out Site Driveway

Analysis Scenario	Intersection (Movement)	Effective Storage Length (ft.)	AM Peak Hour			PM Peak Hour		
			LOS	Delay (sec/veh)	Ave. Max Queue (ft.)	LOS	Delay (sec/veh)	Ave. Max Queue (ft.)
			Synchro		SimTraffic	Synchro		SimTraffic
Existing (2022) Conditions	Eastbound Approach		-	-		-	-	
	Eastbound Through/Right		-	-	-	-	-	-
	Westbound Approach		-	-		-	-	
	Westbound Through/Right		-	-	-	-	-	-
	Northbound Approach		B	10.4		B	10.7	
	Northbound Right		B	10.4	38	B	10.7	62
	Southbound Approach		A	8.6		B	10.1	
	Southbound Right		A	8.6	28	B	10.1	54
No-Build (2024) Conditions	Eastbound Approach		-	-		-	-	
	Eastbound Through/Right		-	-	-	-	-	-
	Westbound Approach		-	-		-	-	
	Westbound Through/Right		-	-	-	-	-	-
	Northbound Approach		B	10.6		B	11.0	
	Northbound Right		B	10.6	45	B	11.0	60
	Southbound Approach		A	8.7		B	10.3	
	Southbound Right		A	8.7	26	B	10.3	54
Build (2024) Conditions	Eastbound Approach		-	-		-	-	
	Eastbound Through/Right		-	-	-	-	-	-
	Westbound Approach		-	-		-	-	
	Westbound Through/Right		-	-	-	-	-	-
	Northbound Approach		B	10.9		B	11.6	
	Northbound Right		B	10.9	59	B	11.6	92
	Southbound Approach		A	8.7		B	10.4	
	Southbound Right		A	8.7	28	B	10.4	56

The minor street right-turn movements currently operate with short delays during the AM and PM peak hours. Under no-build conditions, the minor street right-turn movements are expected to continue to operate with short delays during both peak hours.

Under build conditions, the minor street right-turn movements are expected to continue to operate with short delays during the AM and PM peak hours with queue lengths of four vehicles or less with the following improvement:

- Construct a 100-foot eastbound right-turn taper on Monticello Avenue

Table 5: Level-of-Service Summary for Monticello Avenue at Windsormeade Way

Analysis Scenario	Intersection (Movement)	Effective Storage Length (ft.)	AM Peak Hour			PM Peak Hour		
			LOS	Delay (sec/veh)	Ave. Max Queue (ft.) ^[2]	LOS	Delay (sec/veh)	Ave. Max Queue (ft.) ^[2]
			Synchro		SimTraffic	Synchro		SimTraffic
Existing (2022) Conditions	Overall Intersection		A	10.0		B	16.0	
	Eastbound Approach		A	5.3		A	4.9	
	Eastbound U/Left	350	E	55.2	54	E	72.6	75
	Eastbound Thru		A	4.5	223	A	2.7	228
	Westbound Approach		A	8.0		B	16.0	
	Westbound Through/Right		A	8.0	187	B	16.0	502
	Southbound Approach		D	39.0		D	54.7	
	Southbound Left		D	39.1	191	D	54.8	280
No-Build (2024) Conditions	Overall Intersection		A	9.2		B	17.8	
	Eastbound Approach		A	3.7		A	9.5	
	Eastbound U/Left	350	E	62.9	62	E	62.3	72
	Eastbound Thru		A	2.7	220	A	7.8	224
	Westbound Approach		A	8.1		B	16.2	
	Westbound Through/Right		A	8.1	189	B	16.2	500
	Southbound Approach		D	39.1		E	56.9	
	Southbound Left		D	39.2	200	E	57.0	276
Build (2024) Conditions	Overall Intersection		A	9.5		B	18.2	
	Eastbound Approach		A	3.9		B	10.3	
	Eastbound U/Left	350	E	59.4	63	E	61.9	71
	Eastbound Thru		A	2.6	228	A	8.0	233
	Westbound Approach		A	8.8		B	16.5	
	Westbound Through/Right		A	8.8	209	B	16.5	523
	Southbound Approach		D	39.1		E	56.9	
	Southbound Left		D	39.2	207	E	57.0	284
	Southbound Right	200	C	34.3	32	D	43.7	27

Capacity analysis indicates that the intersection currently operates at LOS A during the AM peak hour and at LOS B during the PM peak hour. Under no-build conditions, the intersection is expected to continue to operate at LOS A during the AM peak hour and at LOS B during the PM peak hour.

Under build conditions, the intersection is expected to continue to operate at LOS A during the AM peak hour and at LOS B during the PM peak hour, with all movements operating at LOS E or better.

No improvements are warranted or recommended at this intersection at build-out of the proposed commercial center.

Turn Lane Warrant Analysis

A right turn lane warrant analysis was performed for the existing right-in / right-out site driveway based on the Build (2024) peak hour traffic volumes. The results of the analysis are shown in Table 6 below, and the turn lane warrant diagram is included in the attachments.

Table 6: Turn Lane Warrant Summary

Study Scenario	Approach Volume	Right Turn Volume	Minimum Right Turn Taper Threshold	Minimum Right Turn Full Lane Threshold	Treatment
INT 1 - EBR - 2024 Build AM Peak	1,282	35	10	40	Taper Required
INT 1 - EBR - 2024 Build PM Peak	1,359	32	10	40	Taper Required

As shown in Table 6, a right-turn taper is warranted during both peak hours.

Conclusions

Based on the capacity analysis, all study intersections will operate with acceptable delay and queueing with the following recommendations:

Monticello Avenue at Right-In / Right-Out Site Driveway:

- Construct an eastbound right-turn taper on Monticello Avenue with 100 feet of taper length

The recommended lane configuration is shown in Figure 9.

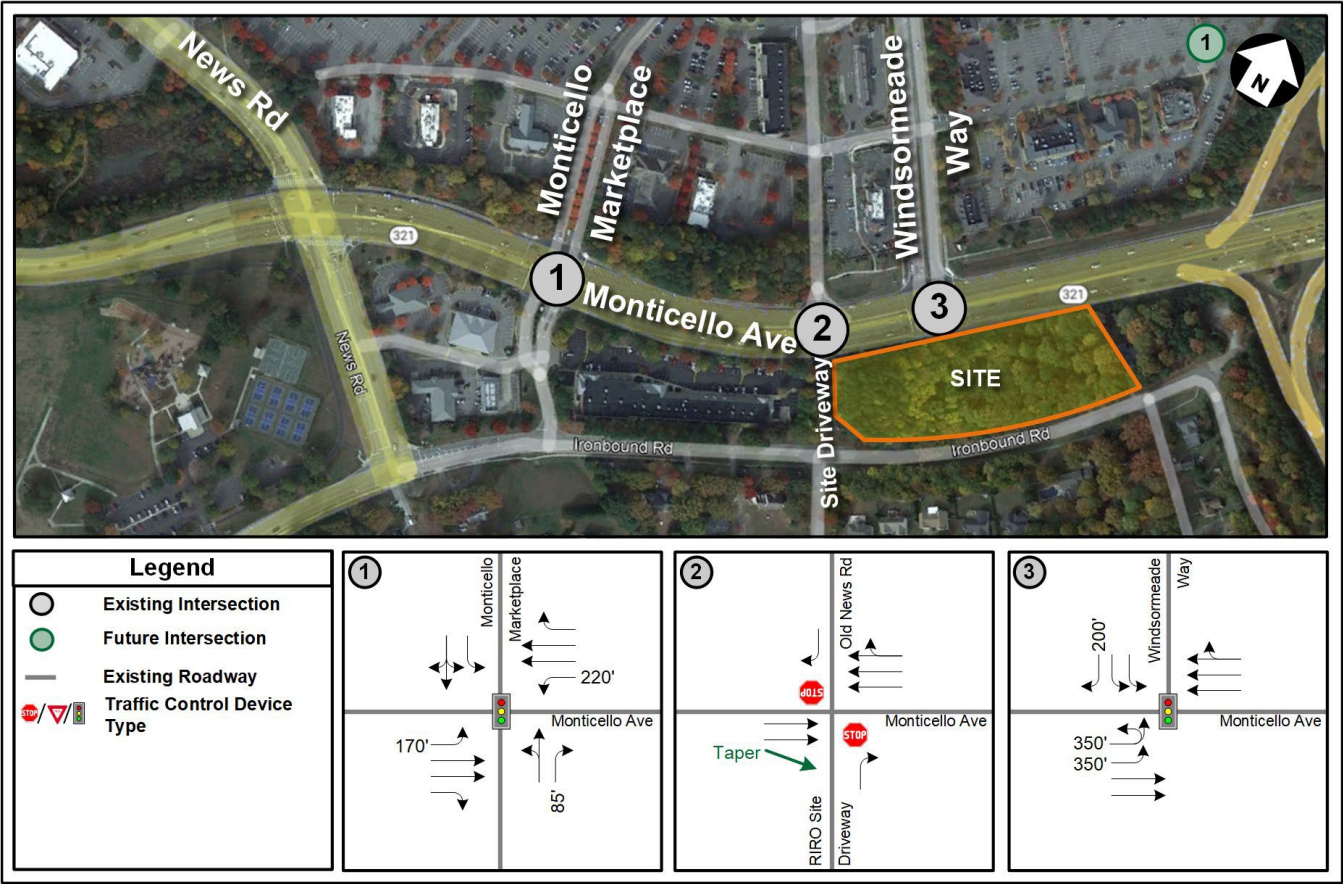


Figure 9: Recommended Lane Configuration

Monticello Avenue Commercial

TECHNICAL APPENDIX

Monticello Avenue Commercial

TECHNICAL APPENDIX

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Turn Lane Warrant Assessment

Monticello Avenue Commercial

APPENDIX A

Turning Movement Count Data and Signal Timing Plans



TRAFFIC DATA COLLECTION

File Name : James City(Monticello Avenue and Marketplace Shoppes Driveway)
 Site Code :
 Start Date : 10/11/2022
 Page No : 1

Groups Printed- Cars + - Trucks

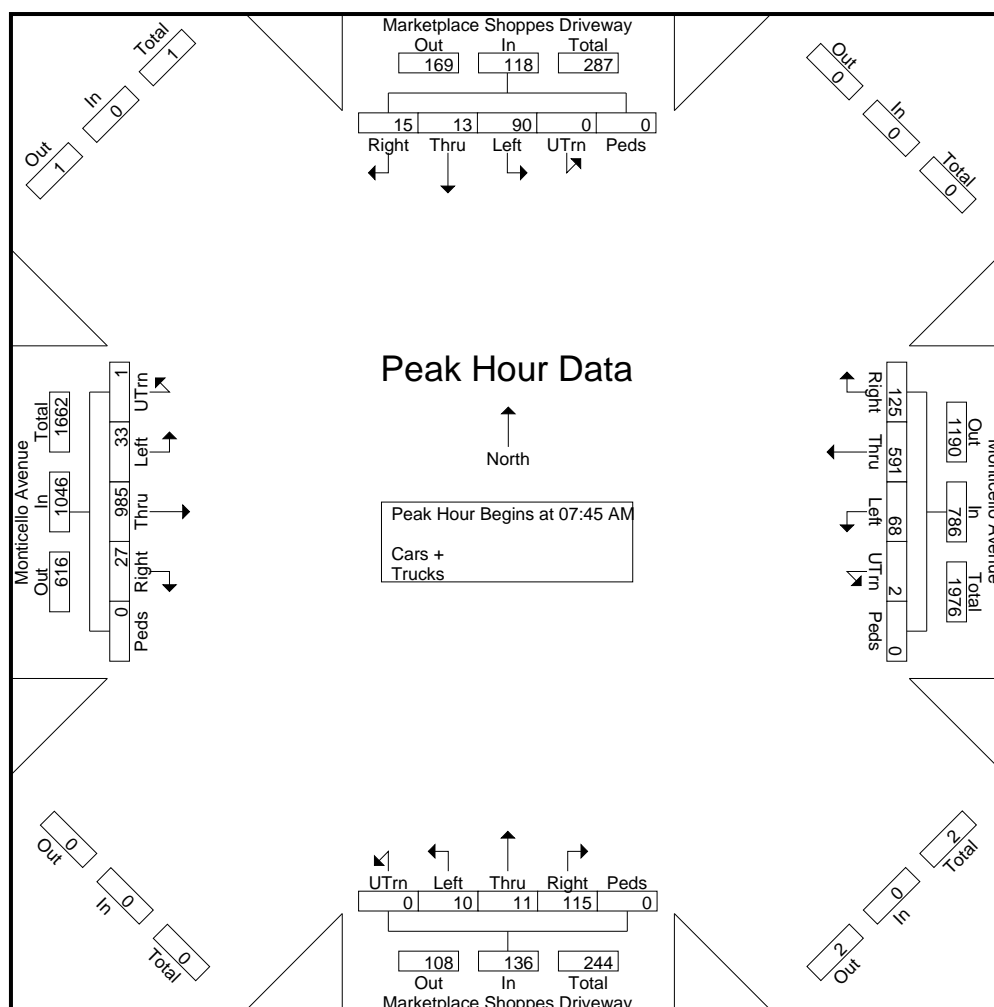
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07:00 AM	2	2	12	0	0	16	18	93	5	1	0	117	30	0	0	0	0	30	12	146	1	0	0	159	322
07:15 AM	5	1	8	0	0	14	11	86	12	0	0	109	27	1	2	0	0	30	3	250	2	0	0	255	408
07:30 AM	1	3	10	0	0	14	25	88	13	1	0	127	42	4	0	0	0	46	5	258	4	0	0	267	454
07:45 AM	4	1	24	0	0	29	24	154	18	0	0	196	35	6	0	0	0	41	9	274	7	0	0	290	556
Total	12	7	54	0	0	73	78	421	48	2	0	549	134	11	2	0	0	147	29	928	14	0	0	971	1740
08:00 AM	3	5	19	0	0	27	38	121	13	1	0	173	32	0	5	0	0	37	7	227	11	1	0	246	483
08:15 AM	3	4	18	0	0	25	29	154	21	1	0	205	20	2	3	0	0	25	3	247	9	0	0	259	514
08:30 AM	5	3	29	0	0	37	34	162	16	0	0	212	28	3	2	0	0	33	8	237	6	0	0	251	533
08:45 AM	9	2	31	0	0	42	41	148	23	3	0	215	36	3	5	0	0	44	6	236	6	0	0	248	549
Total	20	14	97	0	0	131	142	585	73	5	0	805	116	8	15	0	0	139	24	947	32	1	0	1004	2079
Grand Total	32	21	151	0	0	204	220	1006	121	7	0	1354	250	19	17	0	0	286	53	1875	46	1	0	1975	3819
Apprch %	15.7	10.3	74	0	0		16.2	74.3	8.9	0.5	0		87.4	6.6	5.9	0	0		2.7	94.9	2.3	0.1	0		
Total %	0.8	0.5	4	0	0	5.3	5.8	26.3	3.2	0.2	0	35.5	6.5	0.5	0.4	0	0	7.5	1.4	49.1	1.2	0	0	51.7	
Cars +	26	21	151	0	0	198	217	964	121	7	0	1309	249	19	17	0	0	285	51	1838	46	1	0	1936	3728
% Cars +	81.2	100	100	0	0	97.1	98.6	95.8	100	100	0	96.7	99.6	100	100	0	0	99.7	96.2	98	100	100	0	98	97.6
Trucks	6	0	0	0	0	6	3	42	0	0	0	45	1	0	0	0	0	1	2	37	0	0	0	39	91
% Trucks	18.8	0	0	0	0	2.9	1.4	4.2	0	0	0	3.3	0.4	0	0	0	0	0.3	3.8	2	0	0	0	2	2.4



TRAFFIC DATA COLLECTION

File Name : James City(Monticello Avenue and Marketplace Shoppes Driveway)
 Site Code :
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	Marketplace Shoppes Driveway Southbound						Monticello Avenue Westbound						Marketplace Shoppes Driveway Northbound						Monticello Avenue Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																									
Peak Hour for Entire Intersection Begins at 07:45 AM																									
07:45 AM	4	1	24	0	0	29	24	154	18	0	0	196	35	6	0	0	0	41	9	274	7	0	0	290	556
08:00 AM	3	5	19	0	0	27	38	121	13	1	0	173	32	0	5	0	0	37	7	227	11	1	0	246	483
08:15 AM	3	4	18	0	0	25	29	154	21	1	0	205	20	2	3	0	0	25	3	247	9	0	0	259	514
08:30 AM	5	3	29	0	0	37	34	162	16	0	0	212	28	3	2	0	0	33	8	237	6	0	0	251	533
Total Volume	15	13	90	0	0	118	125	591	68	2	0	786	115	11	10	0	0	136	27	985	33	1	0	1046	2086
% App. Total	12.7	11	76.3	0	0		15.9	75.2	8.7	0.3	0		84.6	8.1	7.4	0	0		2.6	94.2	3.2	0.1	0		
PHF	.750	.650	.776	.000	.000	.797	.822	.912	.810	.500	.000	.927	.821	.458	.500	.000	.000	.829	.750	.899	.750	.250	.000	.902	.938





TRAFFIC DATA COLLECTION

File Name : James City(Monticello Avenue and Marketplace Shoppes Driveway)
 Site Code :
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 Page No : 1

Groups Printed- Cars + - Trucks

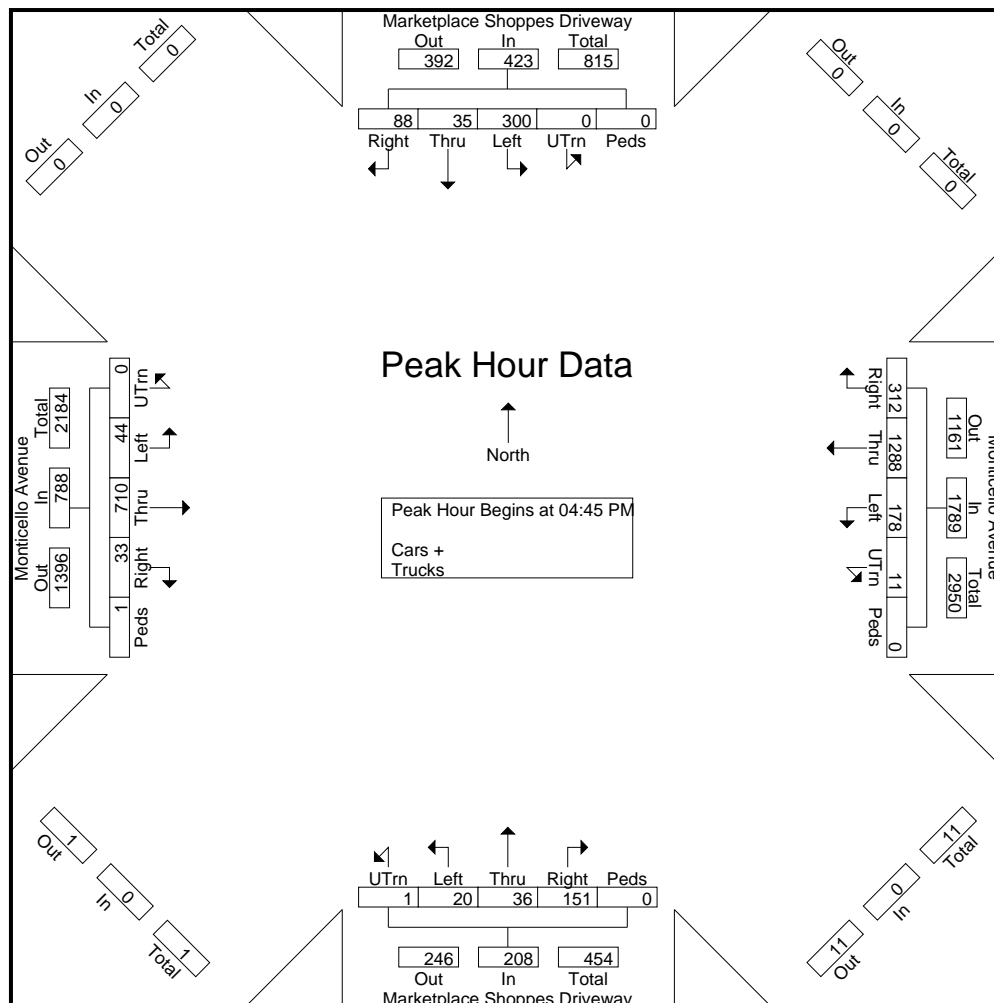
	Marketplace Shoppes Driveway Southbound						Monticello Avenue Westbound						Marketplace Shoppes Driveway Northbound						Monticello Avenue Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
04:00 PM	19	9	84	0	0	112	86	238	27	5	0	356	39	5	3	0	0	47	7	173	6	0	0	186	701
04:15 PM	24	7	85	0	0	116	60	294	42	2	0	398	55	5	5	0	0	65	12	202	11	0	0	225	804
04:30 PM	21	6	74	0	0	101	86	268	36	5	0	395	33	6	7	0	0	46	11	182	10	0	0	203	745
04:45 PM	28	7	70	0	0	105	74	351	51	1	0	477	42	4	7	0	0	53	9	167	13	0	0	189	824
Total	92	29	313	0	0	434	306	1151	156	13	0	1626	169	20	22	0	0	211	39	724	40	0	0	803	3074
05:00 PM	17	9	82	0	0	108	82	278	38	5	0	403	34	8	6	1	0	49	10	190	10	0	1	211	771
05:15 PM	15	10	76	0	0	101	80	348	46	2	0	476	43	13	2	0	0	58	9	179	12	0	0	200	835
05:30 PM	28	9	72	0	0	109	76	311	43	3	0	433	32	11	5	0	0	48	5	174	9	0	0	188	778
05:45 PM	26	12	52	0	0	90	54	285	53	1	0	393	29	5	6	0	0	40	5	184	13	0	0	202	725
Total	86	40	282	0	0	408	292	1222	180	11	0	1705	138	37	19	1	0	195	29	727	44	0	1	801	3109
Grand Total	178	69	595	0	0	842	598	2373	336	24	0	3331	307	57	41	1	0	406	68	1451	84	0	1	1604	6183
Apprch %	21.1	8.2	70.7	0	0		18	71.2	10.1	0.7	0		75.6	14	10.1	0.2	0		4.2	90.5	5.2	0	0.1		
Total %	2.9	1.1	9.6	0	0	13.6	9.7	38.4	5.4	0.4	0	53.9	5	0.9	0.7	0	0	6.6	1.1	23.5	1.4	0	0	25.9	
Cars +	178	69	594	0	0	841	598	2355	336	24	0	3313	305	57	41	1	0	404	68	1430	84	0	1	1583	6141
% Cars +	100	100	99.8	0	0	99.9	100	99.2	100	100	0	99.5	99.3	100	100	100	0	99.5	100	98.6	100	0	100	98.7	99.3
Trucks	0	0	1	0	0	1	0	18	0	0	0	18	2	0	0	0	0	2	0	21	0	0	0	21	42
% Trucks	0	0	0.2	0	0	0.1	0	0.8	0	0	0	0.5	0.7	0	0	0	0	0.5	0	1.4	0	0	0	1.3	0.7



TRAFFIC DATA COLLECTION

File Name : James City(Monticello Avenue and Marketplace Shoppes Driveway)
 Site Code :
 Start Date : 10/11/2022
 Page No : 2

	Marketplace Shoppes Driveway Southbound						Monticello Avenue Westbound						Marketplace Shoppes Driveway Northbound						Monticello Avenue Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																									
Peak Hour for Entire Intersection Begins at 04:45 PM																									
04:45 PM	28	7	70	0	0	105	74	351	51	1	0	477	42	4	7	0	0	53	9	167	13	0	0	189	824
05:00 PM	17	9	82	0	0	108	82	278	38	5	0	403	34	8	6	1	0	49	10	190	10	0	1	211	771
05:15 PM	15	10	76	0	0	101	80	348	46	2	0	476	43	13	2	0	0	58	9	179	12	0	0	200	835
05:30 PM	28	9	72	0	0	109	76	311	43	3	0	433	32	11	5	0	0	48	5	174	9	0	0	188	778
Total Volume	88	35	300	0	0	423	312	1288	178	11	0	1789	151	36	20	1	0	208	33	710	44	0	1	788	3208
% App. Total	20.8	8.3	70.9	0	0		17.4	72	9.9	0.6	0		72.6	17.3	9.6	0.5	0		4.2	90.1	5.6	0	0.1		
PHF	.786	.875	.915	.000	.000	.970	.951	.917	.873	.550	.000	.938	.878	.692	.714	.250	.000	.897	.825	.934	.846	.000	.250	.934	.960





TRAFFIC DATA COLLECTION

File Name : James City(Monticello and Old News)

Site Code :

Start Date : 10/11/2022

Page No : 1

Groups Printed- Cars + - Trucks

	Old News Road Southbound					Monticello Avenue Westbound					Commerical Driveway Northbound					Monticello Avenue Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
07:00 AM	2	0	0	0	2	13	114	0	0	127	1	0	0	0	1	0	189	0	0	189	319
07:15 AM	0	0	0	0	0	14	109	0	0	123	2	0	0	0	2	0	279	0	0	279	404
07:30 AM	0	0	0	0	0	18	129	0	0	147	3	0	0	0	3	1	308	0	0	309	459
07:45 AM	2	0	0	0	2	14	196	0	0	210	7	0	0	0	7	0	332	0	1	333	552
Total	4	0	0	0	4	59	548	0	0	607	13	0	0	0	13	1	1108	0	1	1110	1734
08:00 AM	1	0	0	0	1	20	171	0	0	191	4	0	0	0	4	1	274	0	0	275	471
08:15 AM	2	0	0	0	2	18	200	0	0	218	4	0	0	1	5	0	289	0	0	289	514
08:30 AM	2	0	0	0	2	25	212	0	0	237	3	0	0	0	3	1	293	0	0	294	536
08:45 AM	2	0	0	0	2	31	206	0	0	237	3	0	0	1	4	0	307	0	0	307	550
Total	7	0	0	0	7	94	789	0	0	883	14	0	0	2	16	2	1163	0	0	1165	2071
Grand Total	11	0	0	0	11	153	1337	0	0	1490	27	0	0	2	29	3	2271	0	1	2275	3805
Apprch %	100	0	0	0		10.3	89.7	0	0		93.1	0	0	6.9		0.1	99.8	0	0		
Total %	0.3	0	0	0	0.3	4	35.1	0	0	39.2	0.7	0	0	0.1	0.8	0.1	59.7	0	0	59.8	
Cars +	10	0	0	0	10	140	1293	0	0	1433	27	0	0	2	29	3	2233	0	1	2237	3709
% Cars +	90.9	0	0	0	90.9	91.5	96.7	0	0	96.2	100	0	0	100	100	100	98.3	0	100	98.3	97.5
Trucks	1	0	0	0	1	13	44	0	0	57	0	0	0	0	0	0	38	0	0	38	96
% Trucks	9.1	0	0	0	9.1	8.5	3.3	0	0	3.8	0	0	0	0	0	0	1.7	0	0	1.7	2.5



TRAFFIC DATA COLLECTION

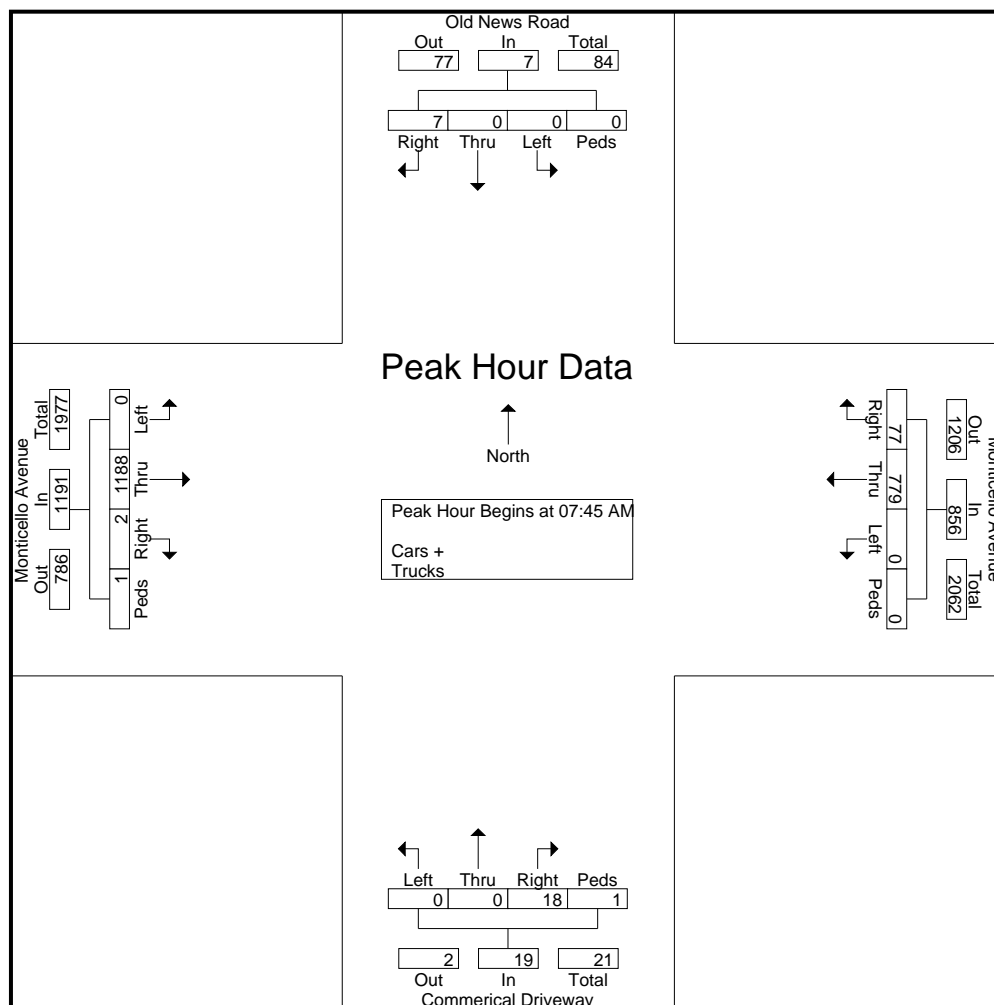
File Name : James City(Monticello and Old News)

Site Code :

Start Date : 10/11/2022

Page No : 2

	Old News Road Southbound					Monticello Avenue Westbound					Commerical Driveway Northbound					Monticello Avenue Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:45 AM																					
07:45 AM	2	0	0	0	2	14	196	0	0	210	7	0	0	0	7	0	332	0	1	333	552
08:00 AM	1	0	0	0	1	20	171	0	0	191	4	0	0	0	4	1	274	0	0	275	471
08:15 AM	2	0	0	0	2	18	200	0	0	218	4	0	0	1	5	0	289	0	0	289	514
08:30 AM	2	0	0	0	2	25	212	0	0	237	3	0	0	0	3	1	293	0	0	294	536
Total Volume	7	0	0	0	7	77	779	0	0	856	18	0	0	1	19	2	1188	0	1	1191	2073
% App. Total	100	0	0	0		9	91	0	0		94.7	0	0	5.3		0.2	99.7	0	0.1		
PHF	.875	.000	.000	.000	.875	.770	.919	.000	.000	.903	.643	.000	.000	.250	.679	.500	.895	.000	.250	.894	.939





TRAFFIC DATA COLLECTION

File Name : James City(Monticello and Old News)
 Site Code :
 Start Date : 10/11/2022
 Page No : 1

Groups Printed- Cars + - Trucks

	Old News Road Southbound					Monticello Avenue Westbound					Commerical Driveway Northbound					Monticello Avenue Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	4	0	0	0	4	64	350	0	0	414	7	0	0	0	7	1	291	0	0	292	717
04:15 PM	4	0	0	0	4	49	389	0	0	438	10	0	0	0	10	1	341	0	0	342	794
04:30 PM	7	0	0	0	7	64	385	0	0	449	10	0	0	0	10	2	285	0	0	287	753
04:45 PM	4	0	0	0	4	66	461	0	0	527	10	0	0	0	10	1	274	0	0	275	816
Total	19	0	0	0	19	243	1585	0	0	1828	37	0	0	0	37	5	1191	0	0	1196	3080
05:00 PM	15	0	0	0	15	74	395	0	0	469	10	0	0	0	10	0	297	0	0	297	791
05:15 PM	7	0	0	0	7	64	458	0	0	522	7	0	0	0	7	0	297	0	0	297	833
05:30 PM	9	0	0	0	9	64	422	0	0	486	9	0	0	0	9	0	276	0	0	276	780
05:45 PM	5	0	0	0	5	54	383	0	0	437	8	0	0	0	8	0	264	0	0	264	714
Total	36	0	0	0	36	256	1658	0	0	1914	34	0	0	0	34	0	1134	0	0	1134	3118
Grand Total	55	0	0	0	55	499	3243	0	0	3742	71	0	0	0	71	5	2325	0	0	2330	6198
Apprch %	100	0	0	0		13.3	86.7	0	0		100	0	0	0		0.2	99.8	0	0		
Total %	0.9	0	0	0	0.9	8.1	52.3	0	0	60.4	1.1	0	0	0	1.1	0.1	37.5	0	0	37.6	
Cars +	55	0	0	0	55	496	3226	0	0	3722	71	0	0	0	71	5	2301	0	0	2306	6154
% Cars +	100	0	0	0	100	99.4	99.5	0	0	99.5	100	0	0	0	100	100	99	0	0	99	99.3
Trucks	0	0	0	0	0	3	17	0	0	20	0	0	0	0	0	0	24	0	0	24	44
% Trucks	0	0	0	0	0	0.6	0.5	0	0	0.5	0	0	0	0	0	0	1	0	0	1	0.7



TRAFFIC DATA COLLECTION

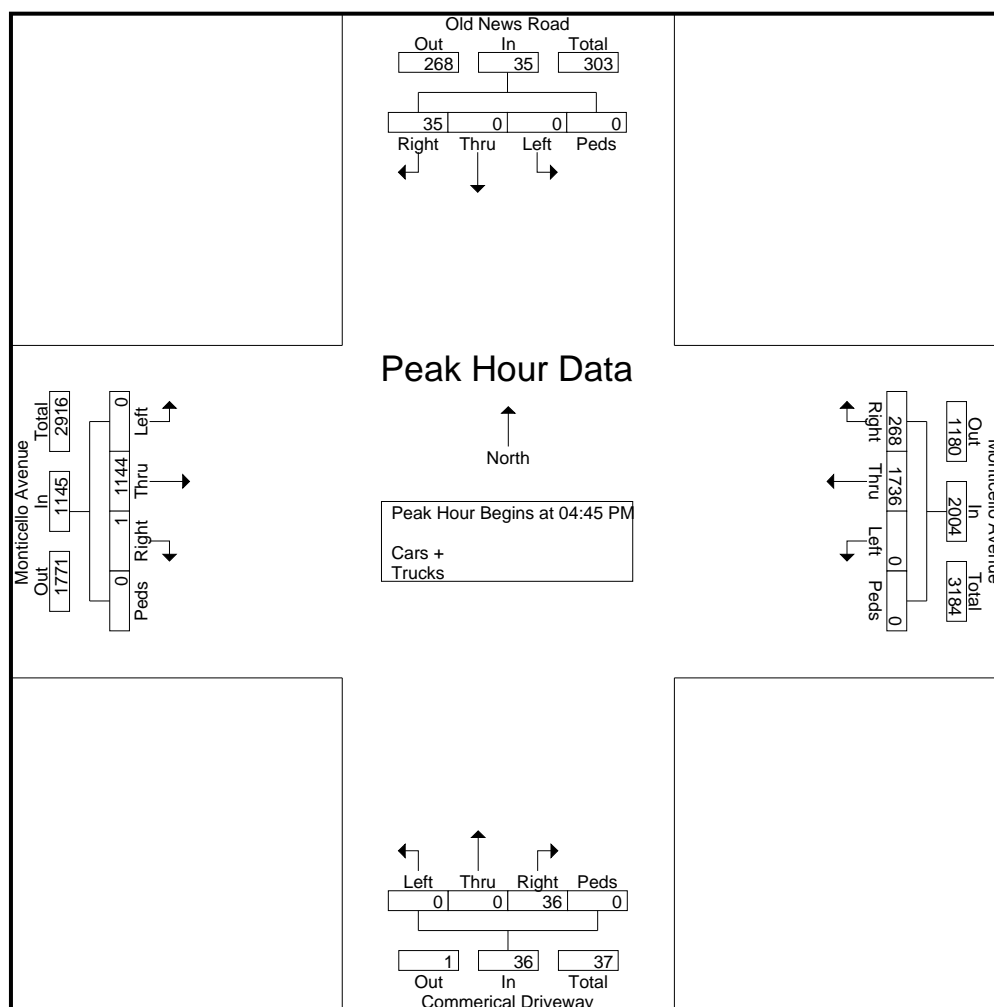
File Name : James City(Monticello and Old News)

Site Code :

Start Date : 10/11/2022

Page No : 2

	Old News Road Southbound					Monticello Avenue Westbound					Commerical Driveway Northbound					Monticello Avenue Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	4	0	0	0	4	66	461	0	0	527	10	0	0	0	10	1	274	0	0	275	816
05:00 PM	15	0	0	0	15	74	395	0	0	469	10	0	0	0	10	0	297	0	0	297	791
05:15 PM	7	0	0	0	7	64	458	0	0	522	7	0	0	0	7	0	297	0	0	297	833
05:30 PM	9	0	0	0	9	64	422	0	0	486	9	0	0	0	9	0	276	0	0	276	780
Total Volume	35	0	0	0	35	268	1736	0	0	2004	36	0	0	0	36	1	1144	0	0	1145	3220
% App. Total	100	0	0	0		13.4	86.6	0	0		100	0	0	0		0.1	99.9	0	0		
PHF	.583	.000	.000	.000	.583	.905	.941	.000	.000	.951	.900	.000	.000	.000	.900	.250	.963	.000	.000	.964	.966





TRAFFIC DATA COLLECTION

File Name : Williamsburg(Windsormeade Way and Monticello Ave)

Site Code :

Start Date : 6/7/2023

Page No : 1

Groups Printed- Cars + - Trucks

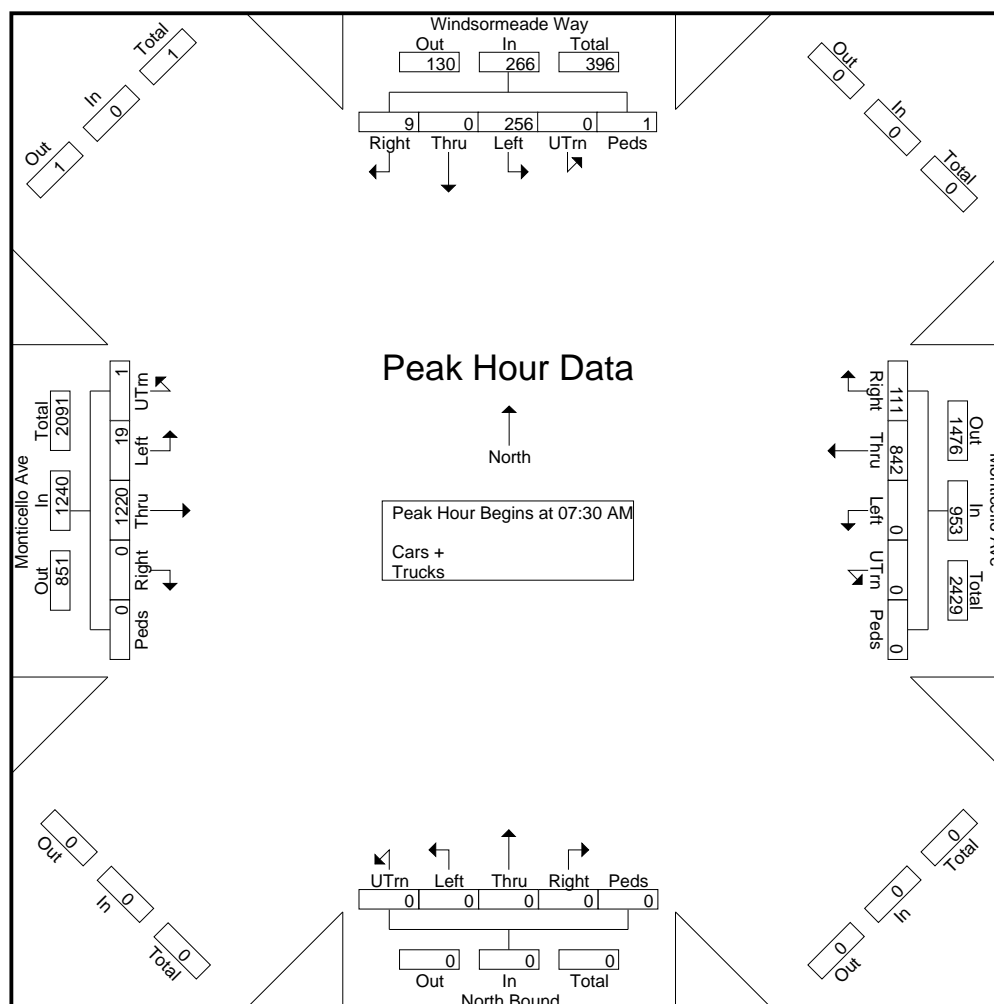
	Windsormeade Way Southbound						Monticello Ave Westbound						North Bound Northbound						Monticello Ave Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
07:00 AM	2	0	32	0	1	35	19	133	0	0	0	152	0	0	0	0	0	0	0	219	1	0	0	220	407
07:15 AM	6	0	56	0	0	62	18	168	0	0	0	186	0	0	0	0	0	0	0	253	1	0	0	254	502
07:30 AM	5	0	73	0	0	78	21	161	0	0	0	182	0	0	0	0	0	0	0	335	3	1	0	339	599
07:45 AM	1	0	66	0	0	67	33	234	0	0	0	267	0	0	0	0	0	0	0	340	7	0	0	347	681
Total	14	0	227	0	1	242	91	696	0	0	0	787	0	0	0	0	0	0	0	1147	12	1	0	1160	2189
08:00 AM	0	0	67	0	0	67	32	223	0	0	0	255	0	0	0	0	0	0	0	271	2	0	0	273	595
08:15 AM	3	0	50	0	1	54	25	224	0	0	0	249	0	0	0	0	0	0	0	274	7	0	0	281	584
08:30 AM	4	0	70	0	0	74	22	215	0	0	0	237	0	0	0	0	0	0	0	261	4	0	0	265	576
08:45 AM	2	0	61	0	0	63	41	266	0	0	0	307	0	0	0	0	0	0	0	294	3	0	0	297	667
Total	9	0	248	0	1	258	120	928	0	0	0	1048	0	0	0	0	0	0	0	1100	16	0	0	1116	2422
Grand Total	23	0	475	0	2	500	211	1624	0	0	0	1835	0	0	0	0	0	0	0	2247	28	1	0	2276	4611
Apprch %	4.6	0	95	0	0.4		11.5	88.5	0	0	0		0	0	0	0	0	0	0	98.7	1.2	0	0		
Total %	0.5	0	10.3	0	0	10.8	4.6	35.2	0	0	0	39.8	0	0	0	0	0	0	0	48.7	0.6	0	0	49.4	
Cars +	22	0	469	0	1	492	207	1573	0	0	0	1780	0	0	0	0	0	0	0	2202	26	1	0	2229	4501
% Cars +	95.7	0	98.7	0	50	98.4	98.1	96.9	0	0	0	97	0	0	0	0	0	0	0	98	92.9	100	0	97.9	97.6
Trucks	1	0	6	0	1	8	4	51	0	0	0	55	0	0	0	0	0	0	0	45	2	0	0	47	110
% Trucks	4.3	0	1.3	0	50	1.6	1.9	3.1	0	0	0	3	0	0	0	0	0	0	0	2	7.1	0	0	2.1	2.4



TRAFFIC DATA COLLECTION

File Name : Williamsburg(Windsormeade Way and Monticello Ave)
 Site Code :
 Start Date : 6/7/2023
 Page No : 2

	Windsormeade Way Southbound						Monticello Ave Westbound						North Bound Northbound						Monticello Ave Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																									
Peak Hour for Entire Intersection Begins at 07:30 AM																									
07:30 AM	5	0	73	0	0	78	21	161	0	0	0	182	0	0	0	0	0	0	0	335	3	1	0	339	599
07:45 AM	1	0	66	0	0	67	33	234	0	0	0	267	0	0	0	0	0	0	0	340	7	0	0	347	681
08:00 AM	0	0	67	0	0	67	32	223	0	0	0	255	0	0	0	0	0	0	0	271	2	0	0	273	595
08:15 AM	3	0	50	0	1	54	25	224	0	0	0	249	0	0	0	0	0	0	0	274	7	0	0	281	584
Total Volume	9	0	256	0	1	266	111	842	0	0	0	953	0	0	0	0	0	0	0	1220	19	1	0	1240	2459
% App. Total	3.4	0	96.2	0	0.4		11.6	88.4	0	0	0		0	0	0	0	0	0	0	98.4	1.5	0.1	0		
PHF	.450	.000	.877	.000	.250	.853	.841	.900	.000	.000	.000	.892	.000	.000	.000	.000	.000	.000	.000	.897	.679	.250	.000	.893	.903





TRAFFIC DATA COLLECTION

File Name : Williamsburg(Windsormeade Way and Monticello Ave)
 Site Code :
 Start Date : 6/7/2023
 Page No : 1

Groups Printed- Cars + - Trucks

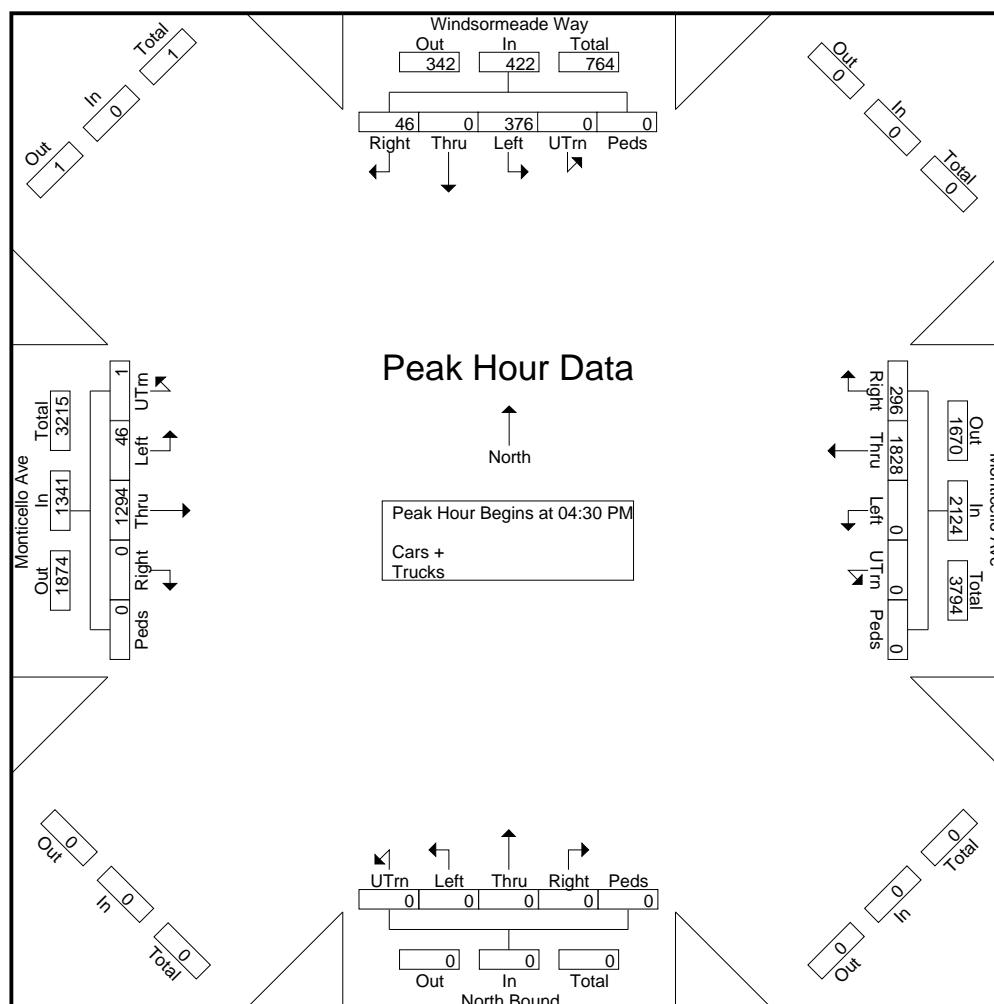
	Windsormeade Way Southbound						Monticello Ave Westbound						North Bound Northbound						Monticello Ave Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
04:00 PM	4	0	86	0	0	90	71	441	0	0	0	512	0	0	0	0	0	0	0	290	7	0	0	297	899
04:15 PM	7	0	85	0	0	92	61	411	0	0	0	472	0	0	0	0	0	0	0	336	8	1	0	345	909
04:30 PM	13	0	76	0	0	89	70	419	0	0	0	489	0	0	0	0	0	0	0	347	6	0	0	353	931
04:45 PM	9	0	110	0	0	119	77	433	0	0	0	510	0	0	0	0	0	0	0	321	13	0	0	334	963
Total	33	0	357	0	0	390	279	1704	0	0	0	1983	0	0	0	0	0	0	0	1294	34	1	0	1329	3702
05:00 PM	10	0	98	0	0	108	81	475	0	0	0	556	0	0	0	0	0	0	0	294	11	1	0	306	970
05:15 PM	14	0	92	0	0	106	68	501	0	0	0	569	0	0	0	0	0	0	0	332	16	0	0	348	1023
05:30 PM	12	0	88	0	0	100	71	422	0	0	0	493	0	0	0	0	0	0	0	295	20	0	0	315	908
05:45 PM	17	0	91	0	0	108	58	396	0	0	0	454	0	0	0	0	0	0	0	289	8	1	0	298	860
Total	53	0	369	0	0	422	278	1794	0	0	0	2072	0	0	0	0	0	0	0	1210	55	2	0	1267	3761
Grand Total	86	0	726	0	0	812	557	3498	0	0	0	4055	0	0	0	0	0	0	0	2504	89	3	0	2596	7463
Apprch %	10.6	0	89.4	0	0		13.7	86.3	0	0	0		0	0	0	0	0	0	0	96.5	3.4	0.1	0		
Total %	1.2	0	9.7	0	0	10.9	7.5	46.9	0	0	0	54.3	0	0	0	0	0	0	0	33.6	1.2	0	0	34.8	
Cars +	86	0	722	0	0	808	555	3480	0	0	0	4035	0	0	0	0	0	0	0	2483	88	3	0	2574	7417
% Cars +	100	0	99.4	0	0	99.5	99.6	99.5	0	0	0	99.5	0	0	0	0	0	0	0	99.2	98.9	100	0	99.2	99.4
Trucks	0	0	4	0	0	4	2	18	0	0	0	20	0	0	0	0	0	0	0	21	1	0	0	22	46
% Trucks	0	0	0.6	0	0	0.5	0.4	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0.8	1.1	0	0	0.8	0.6



TRAFFIC DATA COLLECTION

File Name : Williamsburg(Windsormeade Way and Monticello Ave)
 Site Code :
 Start Date : 6/7/2023
 Page No : 2

	Windsormeade Way Southbound						Monticello Ave Westbound						North Bound Northbound						Monticello Ave Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																									
Peak Hour for Entire Intersection Begins at 04:30 PM																									
04:30 PM	13	0	76	0	0	89	70	419	0	0	0	489	0	0	0	0	0	0	0	347	6	0	0	353	931
04:45 PM	9	0	110	0	0	119	77	433	0	0	0	510	0	0	0	0	0	0	0	321	13	0	0	334	963
05:00 PM	10	0	98	0	0	108	81	475	0	0	0	556	0	0	0	0	0	0	0	294	11	1	0	306	970
05:15 PM	14	0	92	0	0	106	68	501	0	0	0	569	0	0	0	0	0	0	0	332	16	0	0	348	1023
Total Volume	46	0	376	0	0	422	296	1828	0	0	0	2124	0	0	0	0	0	0	0	1294	46	1	0	1341	3887
% App. Total	10.9	0	89.1	0	0		13.9	86.1	0	0	0		0	0	0	0	0	0	0	96.5	3.4	0.1	0		
PHF	.821	.000	.855	.000	.000	.887	.914	.912	.000	.000	.000	.933	.000	.000	.000	.000	.000	.000	.000	.932	.719	.250	.000	.950	.950



Intersection Information:

Operations Region: Eastern

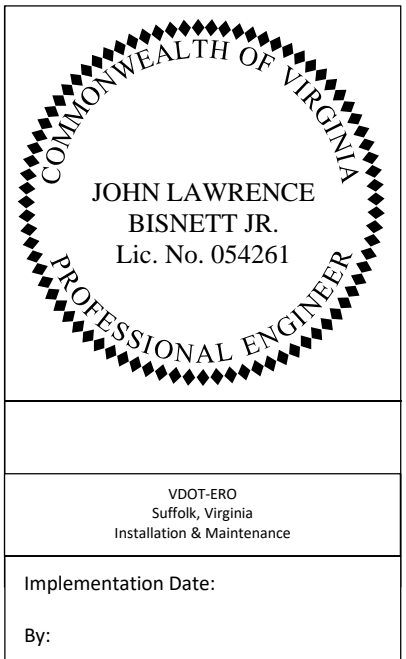
Locality: James City County

Intersection Node: N/A

Reference #: 095016

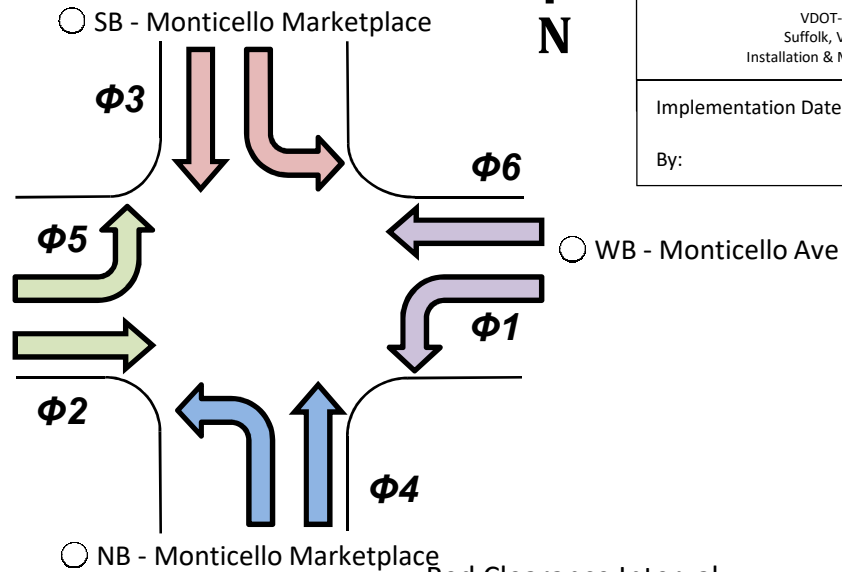
EB/WB Street: Monticello Ave - Route 321

NB/SB Street: Monticello Marketplace - Route Private

Traffic Engineering
**VDOT Yellow Change & Red
Clearance Interval Calculator**


Additional Notes:

○ EB - Monticello Ave



Yellow Change Interval:

$$Y = t + \frac{1.47 * V}{2a + 64.4g}$$

$$a = 10 \text{ ft/s}^2$$

$$t = 1 \text{ s}$$

Red Clearance Interval:

$$R = \frac{w + L}{1.47 * V} - 1$$

V_{lts} is used in place of V for calculation of R_{lt}

Approach - Street - Movement	V (mph)*	V data	g	V_{LTS} (mph)*	L (ft)*	w (ft)*	Y (s)**	R (s)**
EB - Monticello Ave - Through	42	SL + 7	0.00		20	100	4.1	0.9 (1.0)
EB - Monticello Ave - Left	30	SL - 5	0.00	20	20	85	3.2	2.6
WB - Monticello Ave - Through	42	SL + 7	0.00		20	100	4.1	0.9 (1.0)
WB - Monticello Ave - Left	30	SL - 5	0.00	20	20	125	3.2	3.9
NB - Monticello Marketplace - Through	32	Engr Jgmt	0.00		20	120	3.4	2.0
NB - Monticello Marketplace - Left	20	Engr Jgmt	0.00	20	20	125	2.5 (3.0)	3.9
SB - Monticello Marketplace - Through	32	Engr Jgmt	0.00		20	120	3.4	2.0
SB - Monticello Marketplace - Left	20	Engr Jgmt	0.00	20	20	125	2.5 (3.0)	3.9

Engineering judgment applied for all numbers in red and italics. Provide supporting documentation.

*** Calculated intervals in blue indicate values below the minimum required time. ***

Phase Street - Movement	Right Turn Overlap	Left Turn Phase Type	Y Output Phase Adjusted	R Output Phase Adjusted	Controller Input Y	Controller Input R
1 WB - Monticello Ave - Left		Protected	3.2	3.9	3.2	3.9
2 EB - Monticello Ave - Through			4.1	1.0	4.1	1.0
3 SB - Monticello Marketplace - Through + Left		Split - Shared Signal	3.4	3.9	3.4	3.9
4 NB - Monticello Marketplace - Through + Left		Split - Shared Signal	3.4	3.9	3.4	3.9
5 EB - Monticello Ave - Left		Protected	3.2	2.6	3.2	2.6
6 WB - Monticello Ave - Through			4.1	1.0	4.1	1.0

**All values shown in red and italics on Page 1 require additional documentation in order to support the decision to use engineering judgment en lieu of parameters specified in TE 306.1.*

****Yellow and Red Intervals shown in blue on Page 1 illustrate calculated values that were below the minimum required values. The calculated value is shown outside the parentheses with the minimum required value enclosed in parentheses.**

- No posted speed limit exists for the SB or NB approaches. Based on the characteristics of the roadway it is assumed speed limit of 45 mph. This is consistent with the clearance interval deployed in 2013.
- This Clearance Interval is being developed as a phasing update for the mainline left turns. All the data for these calculations are obtained from the original clearance interval dated 2013. This would include grades, crossing distances, and speed limits.
- Rounded values per the TE-306.1 rounding conversion.

- Adhere to all the requirements of TE-306.1 and TE-362.1;
- Validate the applicability of the location(s) being studied for use with the YRIC Tool;
- Exercise independent Engineering Judgment in calculating traffic signal intervals, and provide written justification for any deviations from the standard inputs for traffic signal interval calculations; and,
- Agree that it is your responsibility to understand fully the limitations of and assumptions underlying the YRIC tool and that you will not use it without the assistance of personnel with appropriate expertise.
- Accept all responsibility for review, application, and the use of the program output; and,
- Accept all responsibility for certification that said output meets provisions of any applicable design code, standard or any project specification.

Intersection Information:

Operations Region: Eastern

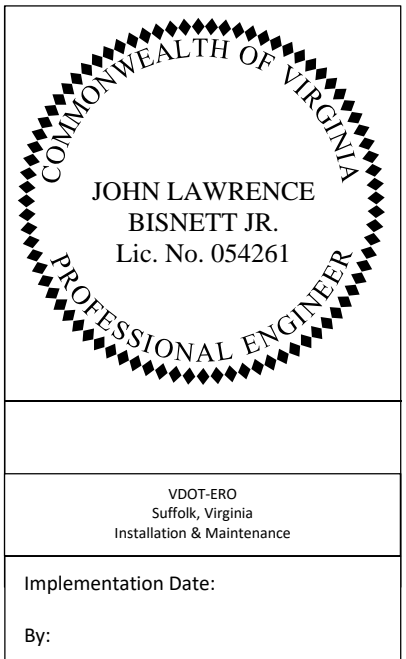
Locality: James City County

Intersection Node: N/A

Reference #: 095017

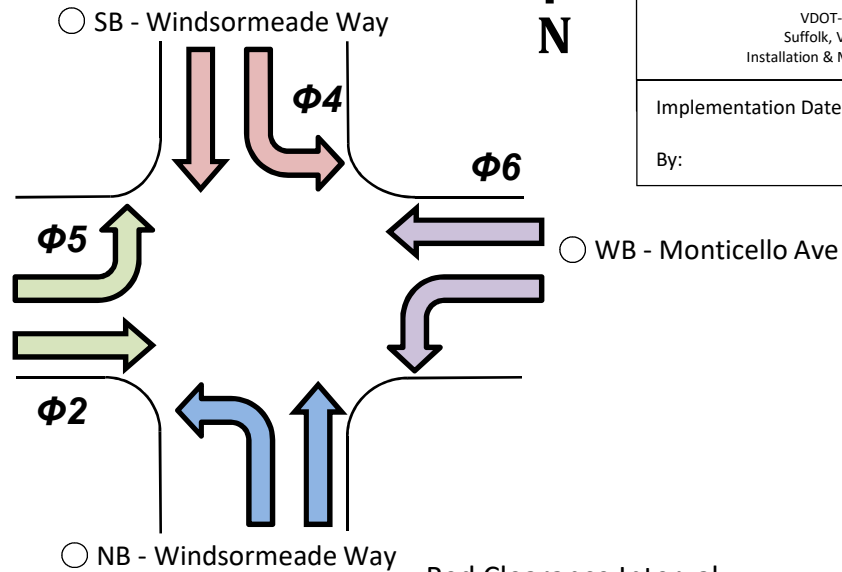
EB/WB Street: Monticello Ave - Route 321

NB/SB Street: Windsormeade Way - Route N/A

Traffic Engineering
**VDOT Yellow Change & Red
Clearance Interval Calculator**


Additional Notes:

○ EB - Monticello Ave



Yellow Change Interval:

$$Y = t + \frac{1.47 * V}{2a + 64.4g} \quad a = 10 \text{ ft/s}^2 \quad t = 1 \text{ s}$$

Red Clearance Interval:

$$R = \frac{w + L}{1.47 * V} - 1 \quad V_{lts} \text{ is used in place of } V \text{ for calculation of } R_{lt}$$

Approach - Street - Movement	V (mph)*	V data	g	V _{LTS} (mph)*	L (ft)*	w (ft)*	Y (s)**	R (s)**
EB - Monticello Ave - Through	52	SL + 7	0.01		20	82	4.7	0.3 (1.0)
EB - Monticello Ave - Left	40	SL - 5	0.01	20	20	103	3.8	3.2
WB - Monticello Ave - Through	52	SL + 7	-0.01		20	107	4.9	0.7 (1.0)
WB - Monticello Ave - Left								
NB - Windsormeade Way - Through								
NB - Windsormeade Way - Left								
SB - Windsormeade Way - Through								
SB - Windsormeade Way - Left	35	SL - 5	0.01	20	20	107	3.5	3.3

Engineering judgment applied for all numbers in red and italics. Provide supporting documentation.

*** Calculated intervals in blue indicate values below the minimum required time. ***

Phase Street - Movement	Right Turn Overlap	Left Turn Phase Type	Y Output Phase Adjusted	R Output Phase Adjusted	Controller Input Y	Controller Input R
2 EB - Monticello Ave - Through			4.7	1.0	4.7	1.0
4 SB - Windsormeade Way - Left		Protected	3.5	3.3	3.5	3.3
5 EB - Monticello Ave - Left		Protected	3.8	3.2	3.8	3.2
6 WB - Monticello Ave - Through			4.9	1.0	4.9	1.0

**All values shown in red and italics on Page 1 require additional documentation in order to support the decision to use engineering judgment en lieu of parameters specified in TE 306.1.*

****Yellow and Red Intervals shown in blue on Page 1 illustrate calculated values that were below the minimum required values. The calculated value is shown outside the parentheses with the minimum required value enclosed in parentheses.**

User Agreement:

This Yellow & Red Interval Calculation Tool (YRIC Tool) is provided to supplement but not replace or serve as a substitute for the exercise of Engineering Judgment, or any aspect thereof, in determining appropriate traffic signal interval calculations. Use of this YRIC Tool does not negate or eliminate the requirements or methodologies for calculating Yellow Change Red Clearance Intervals as specified in TE-306.1 or for Sealing and Signing of Plans and Documents by Licensed Professional Engineers as specified in TE-362.1.

The independent exercise of Engineering Judgment is expected and must be documented at all times while using this YRIC Tool.

In using this YRIC Tool, you acknowledge that you will:

- Adhere to all the requirements of TE-306.1 and TE-362.1;
- Validate the applicability of the location(s) being studied for use with the YRIC Tool;
- Exercise independent Engineering Judgment in calculating traffic signal intervals, and provide written justification for any deviations from the standard inputs for traffic signal interval calculations; and,
- Agree that it is your responsibility to understand fully the limitations of and assumptions underlying the YRIC tool and that you will not use it without the assistance of personnel with appropriate expertise.
- Accept all responsibility for review, application, and the use of the program output; and,
- Accept all responsibility for certification that said output meets provisions of any applicable design code, standard or any project specification.

Monticello Avenue Commercial

APPENDIX B

Level of Service Definitions

TECHNICAL MEMORANDUM

Subject: Level of Service Definitions

Introduction

The purpose of this memorandum is to define the level of service (LOS) metric that commonly used as a measure of effectiveness (MOE) for traffic operations.

All capacity analyses are based on the procedures specified by the Transportation Research Board's (TRB) Highway Capacity Manual (HCM), which is currently on its sixth edition. Level of service ranges from A to F. A brief description of each level of service for signalized and unsignalized intersections is provided below.

Signalized Intersections

Level of service is based upon the traffic volume present in each lane on the roadway, the capacity of each lane at the intersection and the delay associated with each directional movement. The levels of service for signalized intersections are defined below:

- **Level of Service A** describes operations with very low average delay per vehicle, i.e., less than 10.0 seconds. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop. Short signal cycle lengths may also contribute to low delay.
- **Level of Service B** describes operations with average delay in the range of 10.1 to 20.0 seconds per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.
- **Level of Service C** describes operations with delay in the range of 20.1 to 35.0 seconds per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level although many still pass through the intersection without stopping. This is generally considered the lower end of the range of the acceptable level of service in rural areas.
- **Level of Service D** describes operations with delay in the range of 35.1 to 55.0 seconds per vehicle. At LOS D, the influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, and/or high traffic volumes as compared to the roadway capacity. Many vehicles are required to stop and the number of vehicles that do not have to stop declines. Individual signal cycle failures, where all waiting vehicles do not clear the intersection during a single green time, are noticeable. This is generally considered the lower end of the range of the acceptable level of service in urban areas.
- **Level of Service E** describes operations with delay in the range of 55.1 to 80.0 seconds per vehicle. These higher delay values generally indicate poor progression, long cycle lengths, and high traffic volumes. Individual cycle failures are frequent occurrences. LOS E has been set as the limit of acceptable conditions.
- **Level of Service F** describes operations with average delay in excess of 80.0 seconds per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with over-saturation, i.e., when traffic arrives at a flow rate that exceeds the capacity of the intersection. It may also occur at high volumes with many individual cycle failures. Poor progression and long cycle lengths may also contribute to such delays.

Unsignalized Intersections

At an unsignalized intersection, the major street through traffic and right-turns are assumed to operate unimpeded and therefore receive no level of service rating. The level of service for the minor street and the major street left-turn traffic is dependent on the volume and capacity of the available lanes, and, the number and frequency of acceptable gaps in the major street traffic to make a conflicting turn. The level of service grade is provided for each conflicting movement at an unsignalized intersection and is based on the total average delay experienced by each vehicle. The delay includes the time it takes a vehicle to move from the back of a queue through the intersection.

The unsignalized intersection level of service analysis does not account for variations in driver behavior or the effects of nearby traffic signals. Therefore, the results from this analysis usually indicate worse levels of service than may be experienced in the field. The unsignalized intersection level of service descriptions are provided below:

- **Level of Service A** describes operations where there is very little to no conflicting traffic for a minor side street movement, i.e., an average total delay of less than 10.0 seconds per vehicle.
- **Level of Service B** describes operations with average total delay in the range of 10.1 to 15.0 seconds per vehicle.
- **Level of Service C** describes operations with average total delay in the range of 15.1 to 25.0 second per vehicle.
- **Level of Service D** describes operations with average total delay in the range of 25.1 to 35.0 seconds per vehicle.
- **Level of Service E** describes operations with average total delay in the range of 35.1 to 50.0 seconds per vehicle.
- **Level of Service F** describes operations with average total delay of 50 seconds per vehicle. LOS F exists when there are insufficient gaps of suitable size to allow a side street demand to cross safely through or enter a major street traffic stream. This level of service is generally evident from extremely long total delays experienced by side street traffic and by queuing on the minor approaches. It is important to note that LOS F may not always result in long queues but may result in adjustments to normal driver behavior.

Monticello Avenue Commercial

APPENDIX C






















Intersection Capacity Analysis Results – Existing Conditions (2022)

Monticello Ave Commercial - James City Co, VA

101: Monticello Mktplc & Monticello Ave

Existing 2022 Conditions

Timing Plan: AM Peak Hour

												
Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	1	33	993	27	2	68	591	125	10	11	115	90
Future Volume (vph)	1	33	993	27	2	68	591	125	10	11	115	90
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.8	5.1	5.1		7.1	5.1	5.1		7.3	7.3	7.3
Lane Util. Factor		1.00	0.95	1.00		1.00	0.95	1.00		1.00	1.00	0.95
Frt		1.00	1.00	0.85		1.00	1.00	0.85		1.00	0.85	1.00
Flt Protected		0.95	1.00	1.00		0.95	1.00	1.00		0.98	1.00	0.95
Satd. Flow (prot)		1805	3539	1553		1805	3471	1599		1856	1615	1715
Flt Permitted		0.95	1.00	1.00		0.95	1.00	1.00		0.98	1.00	0.95
Satd. Flow (perm)		1805	3539	1553		1805	3471	1599		1856	1615	1715
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Adj. Flow (vph)	1	35	1056	29	2	72	629	133	11	12	122	96
RTOR Reduction (vph)	0	0	0	15	0	0	0	63	0	0	114	0
Lane Group Flow (vph)	0	36	1056	14	0	74	629	70	0	23	8	63
Heavy Vehicles (%)	0%	0%	2%	4%	0%	0%	4%	1%	0%	0%	0%	0%
Turn Type	Prot	Prot	NA	Perm	Prot	Prot	NA	Perm	Split	NA	Perm	Split
Protected Phases	5	5	2		1	1	6		4	4		3
Permitted Phases				2				6			4	
Actuated Green, G (s)		4.4	43.5	43.5		7.1	47.5	47.5		5.8	5.8	6.8
Effective Green, g (s)		4.4	43.5	43.5		7.1	47.5	47.5		5.8	5.8	6.8
Actuated g/C Ratio		0.05	0.48	0.48		0.08	0.53	0.53		0.06	0.06	0.08
Clearance Time (s)		5.8	5.1	5.1		7.1	5.1	5.1		7.3	7.3	7.3
Vehicle Extension (s)		2.0	4.0	4.0		2.0	4.0	4.0		2.0	2.0	2.0
Lane Grp Cap (vph)		88	1710	750		142	1831	843		119	104	129
v/s Ratio Prot		0.02	c0.30			c0.04	c0.18			c0.01		c0.04
v/s Ratio Perm				0.01				0.04			0.00	
v/c Ratio		0.41	0.62	0.02		0.52	0.34	0.08		0.19	0.08	0.49
Uniform Delay, d1		41.5	17.1	12.1		39.8	12.3	10.5		39.9	39.6	39.9
Progression Factor		1.00	1.00	1.00		0.78	1.40	21.01		1.00	1.00	1.00
Incremental Delay, d2		1.1	1.7	0.0		1.5	0.5	0.2		0.3	0.1	1.1
Delay (s)		42.7	18.8	12.2		32.7	17.7	220.8		40.2	39.7	41.0
Level of Service		D	B	B		C	B	F		D	D	D
Approach Delay (s)			19.4				51.3			39.8		
Approach LOS			B				D			D		
Intersection Summary												
HCM 2000 Control Delay			33.9									
HCM 2000 Volume to Capacity ratio			0.56									
Actuated Cycle Length (s)			90.0									
Intersection Capacity Utilization			64.9%									
Analysis Period (min)			15									
c Critical Lane Group												

















Monticello Ave Commercial - James City Co, VA
101: Monticello Mktplc & Monticello Ave

Existing 2022 Conditions
Timing Plan: AM Peak Hour

	↓	↙
Movement	SBT	SBR
Lane Configurations	↕	
Traffic Volume (vph)	13	15
Future Volume (vph)	13	15
Ideal Flow (vphpl)	1900	1900
Total Lost time (s)	7.3	
Lane Util. Factor	0.95	
Frt	0.96	
Flt Protected	0.97	
Satd. Flow (prot)	1614	
Flt Permitted	0.97	
Satd. Flow (perm)	1614	
Peak-hour factor, PHF	0.94	0.94
Adj. Flow (vph)	14	16
RTOR Reduction (vph)	15	0
Lane Group Flow (vph)	48	0
Heavy Vehicles (%)	0%	19%
Turn Type	NA	
Protected Phases	3	
Permitted Phases		
Actuated Green, G (s)	6.8	
Effective Green, g (s)	6.8	
Actuated g/C Ratio	0.08	
Clearance Time (s)	7.3	
Vehicle Extension (s)	2.0	
Lane Grp Cap (vph)	121	
v/s Ratio Prot	0.03	
v/s Ratio Perm		
v/c Ratio	0.40	
Uniform Delay, d1	39.7	
Progression Factor	1.00	
Incremental Delay, d2	0.8	
Delay (s)	40.4	
Level of Service	D	
Approach Delay (s)	40.7	
Approach LOS	D	
Intersection Summary		

Monticello Ave Commercial - James City Co, VA
102: Existing Site Driveway/Old News Rd & Monticello Ave

Existing 2022 Conditions
Timing Plan: AM Peak Hour













												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1198	2	0	779	77	0	0	18	0	0	7
Future Volume (Veh/h)	0	1198	2	0	779	77	0	0	18	0	0	7
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Hourly flow rate (vph)	0	1274	2	0	829	82	0	0	19	0	0	7
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		626			245							
pX, platoon unblocked	0.91						0.91	0.91		0.91	0.91	0.91
vC, conflicting volume	911			1276			1558	2186	320	1208	2146	317
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	559			1276			1270	1959	320	885	1915	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	97	100	100	99
cM capacity (veh/h)	931			551			115	59	682	215	62	993
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	SB 1			
Volume Total	364	364	364	184	332	332	248	19	7			
Volume Left	0	0	0	0	0	0	0	0	0			
Volume Right	0	0	0	2	0	0	82	19	7			
cSH	1700	1700	1700	1700	1700	1700	1700	682	993			
Volume to Capacity	0.21	0.21	0.21	0.11	0.20	0.20	0.15	0.03	0.01			
Queue Length 95th (ft)	0	0	0	0	0	0	0	2	1			
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.4	8.6			
Lane LOS								B	A			
Approach Delay (s)	0.0				0.0			10.4	8.6			
Approach LOS								B	A			
Intersection Summary												
Average Delay			0.1									
Intersection Capacity Utilization			27.4%		ICU Level of Service					A		
Analysis Period (min)			15									

Monticello Ave Commercial - James City Co, VA

103: Monticello Ave & Windsormeade Way

Existing 2022 Conditions

Timing Plan: AM Peak Hour

							
Movement	EBU	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	1	19	1196	846	109	251	9
Future Volume (vph)	1	19	1196	846	109	251	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		7.0	5.7	5.9		6.8	6.8
Lane Util. Factor		0.97	0.95	0.91		0.97	1.00
Frt		1.00	1.00	0.98		1.00	0.85
Flt Protected		0.95	1.00	1.00		0.95	1.00
Satd. Flow (prot)		3282	3539	4955		3467	1553
Flt Permitted		0.95	1.00	1.00		0.95	1.00
Satd. Flow (perm)		3282	3539	4955		3467	1553
Peak-hour factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1	21	1329	940	121	279	10
RTOR Reduction (vph)	0	0	0	12	0	0	0
Lane Group Flow (vph)	0	22	1329	1049	0	279	10
Heavy Vehicles (%)	0%	7%	2%	3%	2%	1%	4%
Turn Type	Prot	Prot	NA	NA		Prot	Perm
Protected Phases	5	5	2	6		4	
Permitted Phases							4
Actuated Green, G (s)		2.3	65.9	56.4		11.6	11.6
Effective Green, g (s)		2.3	65.9	56.4		11.6	11.6
Actuated g/C Ratio		0.03	0.73	0.63		0.13	0.13
Clearance Time (s)		7.0	5.7	5.9		6.8	6.8
Vehicle Extension (s)		2.0	4.0	4.0		2.0	2.0
Lane Grp Cap (vph)		83	2591	3105		446	200
v/s Ratio Prot		0.01	c0.38	0.21		c0.08	
v/s Ratio Perm							0.01
v/c Ratio		0.27	0.51	0.34		0.63	0.05
Uniform Delay, d1		43.0	5.2	8.0		37.1	34.4
Progression Factor		1.27	0.74	1.00		1.00	1.00
Incremental Delay, d2		0.5	0.6	0.1		2.0	0.0
Delay (s)		55.2	4.5	8.0		39.1	34.4
Level of Service		E	A	A		D	C
Approach Delay (s)			5.3	8.0		39.0	
Approach LOS			A	A		D	
Intersection Summary							
HCM 2000 Control Delay			10.0		HCM 2000 Level of Service		A
HCM 2000 Volume to Capacity ratio			0.58				
Actuated Cycle Length (s)			90.0		Sum of lost time (s)		19.7
Intersection Capacity Utilization			50.6%		ICU Level of Service		A
Analysis Period (min)			15				
c Critical Lane Group							

Existing 2022 Conditions Queuing and Blocking Report

Monticello Ave Commercial - James City Co, VA
AM Peak Hour

Intersection: 101: Monticello Mktplc & Monticello Ave

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	UL	T	T	R	UL	T	T	LT	R	UL	LTR
Maximum Queue (ft)	174	294	261	41	121	198	184	48	64	114	83
Average Queue (ft)	35	170	120	8	52	88	75	11	25	55	26
95th Queue (ft)	104	265	225	30	98	175	161	33	51	100	64
Link Distance (ft)		554	554	554		554	554	493		332	332
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	170				220				85		
Storage Blk Time (%)	0	6				0			0		
Queuing Penalty (veh)	0	2				0			0		

Intersection: 102: Existing Site Driveway/Old News Rd & Monticello Ave

Movement	EB	EB	WB	WB	NB	SB
Directions Served	T	TR	T	TR	R	R
Maximum Queue (ft)	27	29	1	5	38	28
Average Queue (ft)	2	2	0	0	14	5
95th Queue (ft)	15	19	1	5	39	21
Link Distance (ft)	554	554	167	167	371	400
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 103: Monticello Ave & Windsormeade Way

Movement	EB	EB	EB	EB	WB	WB	WB	SB	SB	SB
Directions Served	UL	L	T	T	T	T	TR	L	L	R
Maximum Queue (ft)	33	54	215	223	187	128	154	191	156	28
Average Queue (ft)	3	16	84	103	88	36	55	105	41	5
95th Queue (ft)	19	43	184	203	154	90	116	169	120	20
Link Distance (ft)	167	167	167	167	580	580	580	410	410	
Upstream Blk Time (%)			1	2						
Queuing Penalty (veh)			3	6						
Storage Bay Dist (ft)										200
Storage Blk Time (%)									0	
Queuing Penalty (veh)									0	

Network Summary






















Network wide Queuing Penalty: 11

Monticello Ave Commercial - James City Co, VA

101: Monticello Mktplc & Monticello Ave

Existing 2022 Conditions

Timing Plan: PM Peak Hour

												
Movement	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	44	774	33	11	178	1288	312	1	20	36	165	326
Future Volume (vph)	44	774	33	11	178	1288	312	1	20	36	165	326
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.8	5.1	5.1		7.1	5.1	5.1			7.3	7.3	7.3
Lane Util. Factor	1.00	0.95	1.00		1.00	0.95	1.00			1.00	1.00	0.95
Frt	1.00	1.00	0.85		1.00	1.00	0.85			1.00	0.85	1.00
Flt Protected	0.95	1.00	1.00		0.95	1.00	1.00			0.98	1.00	0.95
Satd. Flow (prot)	1805	3574	1615		1805	3574	1615			1866	1615	1715
Flt Permitted	0.95	1.00	1.00		0.95	1.00	1.00			0.98	1.00	0.95
Satd. Flow (perm)	1805	3574	1615		1805	3574	1615			1866	1615	1715
Peak-hour factor, PHF	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Adj. Flow (vph)	46	806	34	11	185	1342	325	1	21	38	172	340
RTOR Reduction (vph)	0	0	20	0	0	0	130	0	0	0	160	0
Lane Group Flow (vph)	46	806	14	0	196	1342	195	0	0	60	12	238
Heavy Vehicles (%)	0%	1%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%
Turn Type	Prot	NA	Perm	Prot	Prot	NA	Perm	Split	Split	NA	Perm	Split
Protected Phases	5	2		1	1	6		4	4	4		3
Permitted Phases			2				6				4	
Actuated Green, G (s)	6.6	50.2	50.2		15.9	60.8	60.8			8.1	8.1	19.0
Effective Green, g (s)	6.6	50.2	50.2		15.9	60.8	60.8			8.1	8.1	19.0
Actuated g/C Ratio	0.05	0.42	0.42		0.13	0.51	0.51			0.07	0.07	0.16
Clearance Time (s)	5.8	5.1	5.1		7.1	5.1	5.1			7.3	7.3	7.3
Vehicle Extension (s)	2.0	4.0	4.0		2.0	4.0	4.0			2.0	2.0	2.0
Lane Grp Cap (vph)	99	1495	675		239	1810	818			125	109	271
v/s Ratio Prot	0.03	0.23			c0.11	c0.38				c0.03		c0.14
v/s Ratio Perm			0.01				0.12				0.01	
v/c Ratio	0.46	0.54	0.02		0.82	0.74	0.24			0.48	0.11	0.88
Uniform Delay, d1	55.0	26.2	20.5		50.7	23.4	16.6			53.9	52.6	49.4
Progression Factor	1.00	1.00	1.00		0.69	1.74	4.26			1.00	1.00	1.00
Incremental Delay, d2	1.3	1.4	0.1		13.8	1.9	0.5			1.1	0.2	25.2
Delay (s)	56.2	27.6	20.5		48.9	42.6	71.2			55.0	52.7	74.5
Level of Service	E	C	C		D	D	E			D	D	E
Approach Delay (s)		28.8				48.3				53.3		
Approach LOS		C				D				D		
Intersection Summary												
HCM 2000 Control Delay			46.5			HCM 2000 Level of Service				D		
HCM 2000 Volume to Capacity ratio			0.79									
Actuated Cycle Length (s)			120.0			Sum of lost time (s)				26.8		
Intersection Capacity Utilization			77.0%			ICU Level of Service				D		
Analysis Period (min)			15									
c Critical Lane Group												

Monticello Ave Commercial - James City Co, VA
101: Monticello Mktplc & Monticello Ave

















Existing 2022 Conditions
Timing Plan: PM Peak Hour

	↓	↙
Movement	SBT	SBR
Lane Configurations	↕	
Traffic Volume (vph)	35	88
Future Volume (vph)	35	88
Ideal Flow (vphpl)	1900	1900
Total Lost time (s)	7.3	
Lane Util. Factor	0.95	
Frt	0.94	
Flt Protected	0.98	
Satd. Flow (prot)	1660	
Flt Permitted	0.98	
Satd. Flow (perm)	1660	
Peak-hour factor, PHF	0.96	0.96
Adj. Flow (vph)	36	92
RTOR Reduction (vph)	20	0
Lane Group Flow (vph)	210	0
Heavy Vehicles (%)	0%	0%
Turn Type	NA	
Protected Phases	3	
Permitted Phases		
Actuated Green, G (s)	19.0	
Effective Green, g (s)	19.0	
Actuated g/C Ratio	0.16	
Clearance Time (s)	7.3	
Vehicle Extension (s)	2.0	
Lane Grp Cap (vph)	262	
v/s Ratio Prot	0.13	
v/s Ratio Perm		
v/c Ratio	0.80	
Uniform Delay, d1	48.7	
Progression Factor	1.00	
Incremental Delay, d2	15.1	
Delay (s)	63.8	
Level of Service	E	
Approach Delay (s)	69.3	
Approach LOS	E	
Intersection Summary		

Monticello Ave Commercial - James City Co, VA
 102: Existing Site Driveway/Old News Rd & Monticello Ave

Existing 2022 Conditions

Timing Plan: PM Peak Hour













												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1275	1	0	1754	268	0	0	36	0	0	35
Future Volume (Veh/h)	0	1275	1	0	1754	268	0	0	36	0	0	35
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Hourly flow rate (vph)	0	1314	1	0	1808	276	0	0	37	0	0	36
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		626			245							
pX, platoon unblocked	0.67						0.67	0.67		0.67	0.67	0.67
vC, conflicting volume	2084			1315			1953	3398	329	2312	3261	741
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	919			1315			726	2868	329	1257	2664	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	94	100	100	95
cM capacity (veh/h)	506			533			203	11	673	83	15	736
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	SB 1			
Volume Total	375	375	375	189	723	723	638	37	36			
Volume Left	0	0	0	0	0	0	0	0	0			
Volume Right	0	0	0	1	0	0	276	37	36			
cSH	1700	1700	1700	1700	1700	1700	1700	673	736			
Volume to Capacity	0.22	0.22	0.22	0.11	0.43	0.43	0.38	0.06	0.05			
Queue Length 95th (ft)	0	0	0	0	0	0	0	4	4			
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.7	10.1			
Lane LOS								B	B			
Approach Delay (s)	0.0				0.0			10.7	10.1			
Approach LOS								B	B			
Intersection Summary												
Average Delay			0.2									
Intersection Capacity Utilization			49.9%		ICU Level of Service				A			
Analysis Period (min)			15									

Monticello Ave Commercial - James City Co, VA

103: Monticello Ave & Windsormeade Way

Existing 2022 Conditions

Timing Plan: PM Peak Hour

							
Movement	EBU	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	1	41	1269	2017	290	369	4
Future Volume (vph)	1	41	1269	2017	290	369	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		7.0	5.7	5.9		6.8	6.8
Lane Util. Factor		0.97	0.95	0.91		0.97	1.00
Frt		1.00	1.00	0.98		1.00	0.85
Flt Protected		0.95	1.00	1.00		0.95	1.00
Satd. Flow (prot)		3468	3574	5045		3467	1615
Flt Permitted		0.95	1.00	1.00		0.95	1.00
Satd. Flow (perm)		3468	3574	5045		3467	1615
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	1	43	1336	2123	305	388	4
RTOR Reduction (vph)	0	0	0	12	0	0	0
Lane Group Flow (vph)	0	44	1336	2416	0	388	4
Heavy Vehicles (%)	0%	1%	1%	1%	0%	1%	0%
Turn Type	Prot	Prot	NA	NA		Prot	Perm
Protected Phases	5	5	2	6		4	
Permitted Phases							4
Actuated Green, G (s)		5.1	89.8	77.5		17.7	17.7
Effective Green, g (s)		5.1	89.8	77.5		17.7	17.7
Actuated g/C Ratio		0.04	0.75	0.65		0.15	0.15
Clearance Time (s)		7.0	5.7	5.9		6.8	6.8
Vehicle Extension (s)		2.0	4.0	4.0		2.0	2.0
Lane Grp Cap (vph)		147	2674	3258		511	238
v/s Ratio Prot		0.01	c0.37	c0.48		c0.11	
v/s Ratio Perm							0.00
v/c Ratio		0.30	0.50	0.74		0.76	0.02
Uniform Delay, d1		55.7	6.1	14.4		49.1	43.7
Progression Factor		1.30	0.35	1.00		1.00	1.00
Incremental Delay, d2		0.3	0.6	1.6		5.7	0.0
Delay (s)		72.6	2.7	16.0		54.8	43.7
Level of Service		E	A	B		D	D
Approach Delay (s)			4.9	16.0		54.7	
Approach LOS			A	B		D	
Intersection Summary							
HCM 2000 Control Delay			16.0		HCM 2000 Level of Service		B
HCM 2000 Volume to Capacity ratio			0.75				
Actuated Cycle Length (s)			120.0		Sum of lost time (s)		19.7
Intersection Capacity Utilization			66.5%		ICU Level of Service		C
Analysis Period (min)			15				
c Critical Lane Group							

Existing 2022 Conditions Queuing and Blocking Report

Monticello Ave Commercial - James City Co, VA
PM Peak Hour

Intersection: 101: Monticello Mktplc & Monticello Ave

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	UL	T	T	R	UL	T	T	R	ULT	R	UL	LTR
Maximum Queue (ft)	194	351	316	41	245	605	595	90	112	103	258	245
Average Queue (ft)	59	220	174	14	200	394	383	3	36	42	170	144
95th Queue (ft)	152	316	273	38	303	580	557	70	85	88	243	224
Link Distance (ft)		554	554	554		554	554	554	493		332	332
Upstream Blk Time (%)						1	1					
Queuing Penalty (veh)						8	6					
Storage Bay Dist (ft)	170				220					85		
Storage Blk Time (%)	0	17			3	22			3	1		
Queuing Penalty (veh)	0	8			20	42			5	0		

Intersection: 102: Existing Site Driveway/Old News Rd & Monticello Ave

Movement	EB	EB	WB	WB	WB	NB	SB
Directions Served	T	TR	T	T	TR	R	R
Maximum Queue (ft)	59	62	20	28	2	62	54
Average Queue (ft)	3	4	1	1	0	23	20
95th Queue (ft)	26	30	13	17	3	48	46
Link Distance (ft)	554	554	167	167	167	371	400
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)							
Storage Blk Time (%)	0						
Queuing Penalty (veh)	0						

Intersection: 103: Monticello Ave & Windsormeade Way

Movement	EB	EB	EB	EB	WB	WB	WB	SB	SB	SB
Directions Served	UL	L	T	T	T	T	TR	L	L	R
Maximum Queue (ft)	51	75	220	228	414	458	502	280	235	25
Average Queue (ft)	12	30	55	74	258	224	252	178	134	2
95th Queue (ft)	39	63	172	189	378	390	425	244	222	13
Link Distance (ft)	167	167	167	167	580	580	580	410	410	
Upstream Blk Time (%)			1	2		0	0			
Queuing Penalty (veh)			4	6		0	0			
Storage Bay Dist (ft)										200
Storage Blk Time (%)									0	
Queuing Penalty (veh)									0	

Network Summary

Network wide Queuing Penalty: 99

Monticello Avenue Commercial

APPENDIX D






















Intersection Capacity Analysis Results – No-Build Conditions (2024)

Monticello Ave Commercial - James City Co, VA

101: Monticello Mktplc & Monticello Ave

No-Build 2024 Conditions

Timing Plan: AM Peak Hour

												
Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	1	33	1033	28	2	71	615	130	10	11	120	94
Future Volume (vph)	1	33	1033	28	2	71	615	130	10	11	120	94
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.8	5.1	5.1		7.1	5.1	5.1		7.3	7.3	7.3
Lane Util. Factor		1.00	0.95	1.00		1.00	0.95	1.00		1.00	1.00	0.95
Frt		1.00	1.00	0.85		1.00	1.00	0.85		1.00	0.85	1.00
Flt Protected		0.95	1.00	1.00		0.95	1.00	1.00		0.98	1.00	0.95
Satd. Flow (prot)		1770	3539	1553		1770	3471	1583		1819	1583	1681
Flt Permitted		0.95	1.00	1.00		0.95	1.00	1.00		0.98	1.00	0.95
Satd. Flow (perm)		1770	3539	1553		1770	3471	1583		1819	1583	1681
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Adj. Flow (vph)	1	35	1099	30	2	76	654	138	11	12	128	100
RTOR Reduction (vph)	0	0	0	16	0	0	0	66	0	0	120	0
Lane Group Flow (vph)	0	36	1099	14	0	78	654	72	0	23	8	66
Heavy Vehicles (%)	2%	2%	2%	4%	2%	2%	4%	2%	2%	2%	2%	2%
Turn Type	Prot	Prot	NA	Perm	Prot	Prot	NA	Perm	Split	NA	Perm	Split
Protected Phases	5	5	2		1	1	6		4	4		3
Permitted Phases				2				6			4	
Actuated Green, G (s)		4.4	43.2	43.2		7.1	47.2	47.2		5.9	5.9	7.0
Effective Green, g (s)		4.4	43.2	43.2		7.1	47.2	47.2		5.9	5.9	7.0
Actuated g/C Ratio		0.05	0.48	0.48		0.08	0.52	0.52		0.07	0.07	0.08
Clearance Time (s)		5.8	5.1	5.1		7.1	5.1	5.1		7.3	7.3	7.3
Vehicle Extension (s)		2.0	4.0	4.0		2.0	4.0	4.0		2.0	2.0	2.0
Lane Grp Cap (vph)		86	1698	745		139	1820	830		119	103	130
v/s Ratio Prot		0.02	c0.31			c0.04	c0.19			c0.01		c0.04
v/s Ratio Perm				0.01				0.05			0.01	
v/c Ratio		0.42	0.65	0.02		0.56	0.36	0.09		0.19	0.08	0.51
Uniform Delay, d1		41.6	17.7	12.3		39.9	12.5	10.7		39.8	39.5	39.8
Progression Factor		1.00	1.00	1.00		0.79	1.64	19.02		1.00	1.00	1.00
Incremental Delay, d2		1.2	1.9	0.0		3.0	0.5	0.2		0.3	0.1	1.1
Delay (s)		42.8	19.6	12.3		34.6	21.1	203.1		40.1	39.6	41.0
Level of Service		D	B	B		C	C	F		D	D	D
Approach Delay (s)			20.1				51.2			39.7		
Approach LOS			C				D			D		
Intersection Summary												
HCM 2000 Control Delay			34.2				HCM 2000 Level of Service			C		
HCM 2000 Volume to Capacity ratio			0.59									
Actuated Cycle Length (s)			90.0				Sum of lost time (s)			26.8		
Intersection Capacity Utilization			66.5%				ICU Level of Service			C		
Analysis Period (min)			15									
c Critical Lane Group												

Monticello Ave Commercial - James City Co, VA
101: Monticello Mktplc & Monticello Ave

No-Build 2024 Conditions

















Timing Plan: AM Peak Hour

	↓	↙
Movement	SBT	SBR
Lane Configurations	↕	
Traffic Volume (vph)	13	16
Future Volume (vph)	13	16
Ideal Flow (vphpl)	1900	1900
Total Lost time (s)	7.3	
Lane Util. Factor	0.95	
Frt	0.96	
Flt Protected	0.97	
Satd. Flow (prot)	1588	
Flt Permitted	0.97	
Satd. Flow (perm)	1588	
Peak-hour factor, PHF	0.94	0.94
Adj. Flow (vph)	14	17
RTOR Reduction (vph)	15	0
Lane Group Flow (vph)	50	0
Heavy Vehicles (%)	2%	19%
Turn Type	NA	
Protected Phases	3	
Permitted Phases		
Actuated Green, G (s)	7.0	
Effective Green, g (s)	7.0	
Actuated g/C Ratio	0.08	
Clearance Time (s)	7.3	
Vehicle Extension (s)	2.0	
Lane Grp Cap (vph)	123	
v/s Ratio Prot	0.03	
v/s Ratio Perm		
v/c Ratio	0.41	
Uniform Delay, d1	39.5	
Progression Factor	1.00	
Incremental Delay, d2	0.8	
Delay (s)	40.3	
Level of Service	D	
Approach Delay (s)	40.7	
Approach LOS	D	
Intersection Summary		

Monticello Ave Commercial - James City Co, VA
102: Existing Site Driveway/Old News Rd & Monticello Ave

No-Build 2024 Conditions

Timing Plan: AM Peak Hour













												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1247	2	0	811	80	0	0	19	0	0	7
Future Volume (Veh/h)	0	1247	2	0	811	80	0	0	19	0	0	7
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Hourly flow rate (vph)	0	1327	2	0	863	85	0	0	20	0	0	7
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		626			245							
pX, platoon unblocked	0.91						0.91	0.91		0.91	0.91	0.91
vC, conflicting volume	948			1329			1623	2276	333	1257	2234	330
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	582			1329			1326	2047	333	923	2001	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	97	100	100	99
cM capacity (veh/h)	909			515			102	51	663	200	55	989
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	SB 1			
Volume Total	379	379	379	192	345	345	258	20	7			
Volume Left	0	0	0	0	0	0	0	0	0			
Volume Right	0	0	0	2	0	0	85	20	7			
cSH	1700	1700	1700	1700	1700	1700	1700	663	989			
Volume to Capacity	0.22	0.22	0.22	0.11	0.20	0.20	0.15	0.03	0.01			
Queue Length 95th (ft)	0	0	0	0	0	0	0	2	1			
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.6	8.7			
Lane LOS								B	A			
Approach Delay (s)	0.0				0.0			10.6	8.7			
Approach LOS								B	A			
Intersection Summary												
Average Delay			0.1									
Intersection Capacity Utilization			28.1%		ICU Level of Service				A			
Analysis Period (min)			15									

Monticello Ave Commercial - James City Co, VA

103: Monticello Ave & Windsormeade Way

No-Build 2024 Conditions

Timing Plan: AM Peak Hour

							
Movement	EBU	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	1	20	1245	881	113	261	9
Future Volume (vph)	1	20	1245	881	113	261	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		7.0	5.7	5.9		6.8	6.8
Lane Util. Factor		0.97	0.95	0.91		0.97	1.00
Frt		1.00	1.00	0.98		1.00	0.85
Flt Protected		0.95	1.00	1.00		0.95	1.00
Satd. Flow (prot)		3282	3539	4955		3467	1553
Flt Permitted		0.95	1.00	1.00		0.95	1.00
Satd. Flow (perm)		3282	3539	4955		3467	1553
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1	22	1353	958	123	284	10
RTOR Reduction (vph)	0	0	0	14	0	0	0
Lane Group Flow (vph)	0	23	1353	1067	0	284	10
Heavy Vehicles (%)	0%	7%	2%	3%	2%	1%	4%
Turn Type	Prot	Prot	NA	NA		Prot	Perm
Protected Phases	5	5	2	6		4	
Permitted Phases							4
Actuated Green, G (s)		2.3	65.8	56.3		11.7	11.7
Effective Green, g (s)		2.3	65.8	56.3		11.7	11.7
Actuated g/C Ratio		0.03	0.73	0.63		0.13	0.13
Clearance Time (s)		7.0	5.7	5.9		6.8	6.8
Vehicle Extension (s)		2.0	4.0	4.0		2.0	2.0
Lane Grp Cap (vph)		83	2587	3099		450	201
v/s Ratio Prot		0.01	c0.38	0.22		c0.08	
v/s Ratio Perm							0.01
v/c Ratio		0.28	0.52	0.34		0.63	0.05
Uniform Delay, d1		43.0	5.3	8.0		37.1	34.3
Progression Factor		1.45	0.39	1.00		1.00	1.00
Incremental Delay, d2		0.6	0.6	0.1		2.1	0.0
Delay (s)		62.9	2.7	8.1		39.2	34.3
Level of Service		E	A	A		D	C
Approach Delay (s)			3.7	8.1		39.1	
Approach LOS			A	A		D	
Intersection Summary							
HCM 2000 Control Delay			9.2		HCM 2000 Level of Service		A
HCM 2000 Volume to Capacity ratio			0.59				
Actuated Cycle Length (s)			90.0		Sum of lost time (s)		19.7
Intersection Capacity Utilization			52.3%		ICU Level of Service		A
Analysis Period (min)			15				
c Critical Lane Group							

No-Build 2024 Conditions Queuing and Blocking Report

Monticello Ave Commercial - James City Co, VA
AM Peak Hour

Intersection: 101: Monticello Mktplc & Monticello Ave

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	UL	T	T	R	UL	T	T	LT	R	UL	LTR
Maximum Queue (ft)	150	321	292	45	148	218	202	60	82	122	89
Average Queue (ft)	36	176	127	11	55	94	81	12	29	55	27
95th Queue (ft)	110	286	241	36	112	187	176	41	65	103	70
Link Distance (ft)		554	554	554		554	554	493		332	332
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	170				220				85		
Storage Blk Time (%)		8				0		0	0		
Queuing Penalty (veh)		3				0		0	0		

Intersection: 102: Existing Site Driveway/Old News Rd & Monticello Ave

Movement	EB	EB	WB	NB	SB
Directions Served	T	TR	TR	R	R
Maximum Queue (ft)	23	31	4	45	26
Average Queue (ft)	1	1	0	16	6
95th Queue (ft)	12	16	0	42	23
Link Distance (ft)	554	554	167	371	400
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 103: Monticello Ave & Windsormeade Way

Movement	EB	EB	EB	EB	WB	WB	WB	SB	SB	SB
Directions Served	UL	L	T	T	T	T	TR	L	L	R
Maximum Queue (ft)	39	62	200	220	189	144	143	200	160	26
Average Queue (ft)	5	20	66	90	90	38	56	114	45	5
95th Queue (ft)	24	53	157	188	155	96	109	177	128	20
Link Distance (ft)	167	167	167	167	580	580	580	410	410	
Upstream Blk Time (%)			1	1						
Queuing Penalty (veh)			2	5						
Storage Bay Dist (ft)										200
Storage Blk Time (%)										
Queuing Penalty (veh)										

Network Summary






















Network wide Queuing Penalty: 10

Monticello Ave Commercial - James City Co, VA

101: Monticello Mktplc & Monticello Ave

No-Build 2024 Conditions

Timing Plan: PM Peak Hour

												
Movement	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	46	806	34	11	185	1341	324	1	21	37	172	339
Future Volume (vph)	46	806	34	11	185	1341	324	1	21	37	172	339
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.8	5.1	5.1		7.1	5.1	5.1			7.3	7.3	7.3
Lane Util. Factor	1.00	0.95	1.00		1.00	0.95	1.00			1.00	1.00	0.95
Frt	1.00	1.00	0.85		1.00	1.00	0.85			1.00	0.85	1.00
Flt Protected	0.95	1.00	1.00		0.95	1.00	1.00			0.98	1.00	0.95
Satd. Flow (prot)	1770	3539	1553		1770	3471	1583			1829	1583	1681
Flt Permitted	0.95	1.00	1.00		0.95	1.00	1.00			0.98	1.00	0.95
Satd. Flow (perm)	1770	3539	1553		1770	3471	1583			1829	1583	1681
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Adj. Flow (vph)	49	857	36	12	197	1427	345	1	22	39	183	361
RTOR Reduction (vph)	0	0	22	0	0	0	139	0	0	0	171	0
Lane Group Flow (vph)	49	857	14	0	209	1427	206	0	0	62	12	253
Heavy Vehicles (%)	2%	2%	4%	2%	2%	4%	2%	2%	2%	2%	2%	2%
Turn Type	Prot	NA	Perm	Prot	Prot	NA	Perm	Split	Split	NA	Perm	Split
Protected Phases	5	2		1	1	6		4	4	4		3
Permitted Phases			2				6				4	
Actuated Green, G (s)	6.1	48.1	48.1		16.8	60.1	60.1			7.6	7.6	20.7
Effective Green, g (s)	6.1	48.1	48.1		16.8	60.1	60.1			7.6	7.6	20.7
Actuated g/C Ratio	0.05	0.40	0.40		0.14	0.50	0.50			0.06	0.06	0.17
Clearance Time (s)	5.8	5.1	5.1		7.1	5.1	5.1			7.3	7.3	7.3
Vehicle Extension (s)	2.0	4.0	4.0		2.0	4.0	4.0			2.0	2.0	2.0
Lane Grp Cap (vph)	89	1418	622		247	1738	792			115	100	289
v/s Ratio Prot	0.03	0.24			c0.12	c0.41				c0.03		c0.15
v/s Ratio Perm			0.01				0.13				0.01	
v/c Ratio	0.55	0.60	0.02		0.85	0.82	0.26			0.54	0.12	0.88
Uniform Delay, d1	55.6	28.4	21.7		50.3	25.4	17.2			54.5	53.0	48.4
Progression Factor	1.00	1.00	1.00		0.70	1.65	3.90			1.00	1.00	1.00
Incremental Delay, d2	4.1	1.9	0.1		15.6	3.1	0.5			2.4	0.2	23.6
Delay (s)	59.7	30.3	21.8		50.9	44.9	67.5			56.9	53.2	72.0
Level of Service	E	C	C		D	D	E			E	D	E
Approach Delay (s)		31.5				49.5				54.2		
Approach LOS		C				D				D		
Intersection Summary												
HCM 2000 Control Delay			48.0			HCM 2000 Level of Service				D		
HCM 2000 Volume to Capacity ratio			0.85									
Actuated Cycle Length (s)			120.0			Sum of lost time (s)				26.8		
Intersection Capacity Utilization			79.2%			ICU Level of Service				D		
Analysis Period (min)			15									
c Critical Lane Group												

Monticello Ave Commercial - James City Co, VA
101: Monticello Mktplc & Monticello Ave

No-Build 2024 Conditions

















Timing Plan: PM Peak Hour

	↓	↙
Movement	SBT	SBR
Lane Configurations	↕	
Traffic Volume (vph)	36	91
Future Volume (vph)	36	91
Ideal Flow (vphpl)	1900	1900
Total Lost time (s)	7.3	
Lane Util. Factor	0.95	
Frt	0.94	
Flt Protected	0.98	
Satd. Flow (prot)	1526	
Flt Permitted	0.98	
Satd. Flow (perm)	1526	
Peak-hour factor, PHF	0.94	0.94
Adj. Flow (vph)	38	97
RTOR Reduction (vph)	21	0
Lane Group Flow (vph)	222	0
Heavy Vehicles (%)	2%	19%
Turn Type	NA	
Protected Phases	3	
Permitted Phases		
Actuated Green, G (s)	20.7	
Effective Green, g (s)	20.7	
Actuated g/C Ratio	0.17	
Clearance Time (s)	7.3	
Vehicle Extension (s)	2.0	
Lane Grp Cap (vph)	263	
v/s Ratio Prot	0.15	
v/s Ratio Perm		
v/c Ratio	0.85	
Uniform Delay, d1	48.1	
Progression Factor	1.00	
Incremental Delay, d2	20.6	
Delay (s)	68.7	
Level of Service	E	
Approach Delay (s)	70.4	
Approach LOS	E	
Intersection Summary		

Monticello Ave Commercial - James City Co, VA
102: Existing Site Driveway/Old News Rd & Monticello Ave

No-Build 2024 Conditions

Timing Plan: PM Peak Hour













												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1327	1	0	1825	279	0	0	37	0	0	36
Future Volume (Veh/h)	0	1327	1	0	1825	279	0	0	37	0	0	36
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.97	0.94	0.94	0.94	0.94	0.97	0.94	0.97	0.94	0.97	0.97	0.97
Hourly flow rate (vph)	0	1412	1	0	1941	288	0	0	39	0	0	37
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh												
Upstream signal (ft)		626			245							
pX, platoon unblocked	0.65						0.65	0.65		0.65	0.65	0.65
vC, conflicting volume	2229			1413			2096	3642	354	2477	3498	791
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1019			1413			816	3184	354	1400	2964	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	94	100	100	95
cM capacity (veh/h)	449			478			166	7	643	62	10	712
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	SB 1			
Volume Total	403	403	403	203	776	776	676	39	37			
Volume Left	0	0	0	0	0	0	0	0	0			
Volume Right	0	0	0	1	0	0	288	39	37			
cSH	1700	1700	1700	1700	1700	1700	1700	643	712			
Volume to Capacity	0.24	0.24	0.24	0.12	0.46	0.46	0.40	0.06	0.05			
Queue Length 95th (ft)	0	0	0	0	0	0	0	5	4			
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	11.0	10.3			
Lane LOS								B	B			
Approach Delay (s)	0.0				0.0			11.0	10.3			
Approach LOS								B	B			
Intersection Summary												
Average Delay			0.2									
Intersection Capacity Utilization			51.5%		ICU Level of Service				A			
Analysis Period (min)			15									

Monticello Ave Commercial - James City Co, VA

103: Monticello Ave & Windsormeade Way

No-Build 2024 Conditions

Timing Plan: PM Peak Hour

							
Movement	EBU	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	1	43	1320	2099	302	384	4
Future Volume (vph)	1	43	1320	2099	302	384	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		7.0	5.7	5.9		6.8	6.8
Lane Util. Factor		0.97	0.95	0.91		0.97	1.00
Frt		1.00	1.00	0.98		1.00	0.85
Flt Protected		0.95	1.00	1.00		0.95	1.00
Satd. Flow (prot)		3468	3574	5045		3467	1615
Flt Permitted		0.95	1.00	1.00		0.95	1.00
Satd. Flow (perm)		3468	3574	5045		3467	1615
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	1	45	1389	2209	318	404	4
RTOR Reduction (vph)	0	0	0	15	0	0	0
Lane Group Flow (vph)	0	46	1389	2512	0	404	4
Heavy Vehicles (%)	0%	1%	1%	1%	0%	1%	0%
Turn Type	Prot	Prot	NA	NA		Prot	Perm
Protected Phases	5	5	2	6		4	
Permitted Phases							4
Actuated Green, G (s)		4.3	89.8	78.3		17.7	17.7
Effective Green, g (s)		4.3	89.8	78.3		17.7	17.7
Actuated g/C Ratio		0.04	0.75	0.65		0.15	0.15
Clearance Time (s)		7.0	5.7	5.9		6.8	6.8
Vehicle Extension (s)		2.0	4.0	4.0		2.0	2.0
Lane Grp Cap (vph)		124	2674	3291		511	238
v/s Ratio Prot		0.01	c0.39	c0.50		c0.12	
v/s Ratio Perm							0.00
v/c Ratio		0.37	0.52	0.76		0.79	0.02
Uniform Delay, d1		56.5	6.2	14.4		49.4	43.7
Progression Factor		1.09	1.16	1.00		1.00	1.00
Incremental Delay, d2		0.5	0.6	1.7		7.6	0.0
Delay (s)		62.3	7.8	16.2		57.0	43.7
Level of Service		E	A	B		E	D
Approach Delay (s)			9.5	16.2		56.9	
Approach LOS			A	B		E	
Intersection Summary							
HCM 2000 Control Delay			17.8		HCM 2000 Level of Service		B
HCM 2000 Volume to Capacity ratio			0.78				
Actuated Cycle Length (s)			120.0		Sum of lost time (s)		19.7
Intersection Capacity Utilization			68.8%		ICU Level of Service		C
Analysis Period (min)			15				
c Critical Lane Group							

No-Build 2024 Conditions Queuing and Blocking Report

Monticello Ave Commercial - James City Co, VA
PM Peak Hour

Intersection: 101: Monticello Mktplc & Monticello Ave

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	UL	T	T	R	UL	T	T	R	ULT	R	UL	LTR
Maximum Queue (ft)	194	396	358	53	245	630	620	195	145	108	304	284
Average Queue (ft)	64	232	188	16	203	418	413	12	38	45	183	154
95th Queue (ft)	164	345	305	42	298	622	599	132	94	92	263	244
Link Distance (ft)		554	554	554		554	554	554	493		332	332
Upstream Blk Time (%)		0				3	2	0			0	0
Queuing Penalty (veh)		0				17	12	0			0	0
Storage Bay Dist (ft)	170				220					85		
Storage Blk Time (%)	0	19			3	22			2	1		
Queuing Penalty (veh)	0	9			21	44			4	1		

Intersection: 102: Existing Site Driveway/Old News Rd & Monticello Ave

Movement	EB	EB	WB	WB	WB	NB	SB
Directions Served	T	TR	T	T	TR	R	R
Maximum Queue (ft)	29	41	50	45	5	60	54
Average Queue (ft)	1	2	3	2	0	23	22
95th Queue (ft)	14	22	29	20	5	50	47
Link Distance (ft)	554	554	167	167	167	371	400
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)							
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 103: Monticello Ave & Windsormeade Way

Movement	EB	EB	EB	EB	WB	WB	WB	SB	SB	SB
Directions Served	UL	L	T	T	T	T	TR	L	L	R
Maximum Queue (ft)	48	72	217	224	414	459	500	276	230	25
Average Queue (ft)	13	32	76	100	262	225	251	178	131	2
95th Queue (ft)	39	65	190	206	380	378	413	246	227	14
Link Distance (ft)	167	167	167	167	580	580	580	410	410	
Upstream Blk Time (%)			1	2		0	0			
Queuing Penalty (veh)			3	5		0	0			
Storage Bay Dist (ft)										200
Storage Blk Time (%)									0	
Queuing Penalty (veh)									0	

Network Summary

Network wide Queuing Penalty: 116

Monticello Avenue Commercial

APPENDIX E






















Intersection Capacity Analysis Results – Build Conditions (2024)

Monticello Ave Commercial - James City Co, VA

101: Monticello Mktplc & Monticello Ave

Build 2024 Conditions

Timing Plan: AM Peak Hour

												
Movement	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	1	33	1046	28	22	71	621	130	10	11	120	94
Future Volume (vph)	1	33	1046	28	22	71	621	130	10	11	120	94
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.8	5.1	5.1		7.1	5.1	5.1		7.3	7.3	7.3
Lane Util. Factor		1.00	0.95	1.00		1.00	0.95	1.00		1.00	1.00	0.95
Frt		1.00	1.00	0.85		1.00	1.00	0.85		1.00	0.85	1.00
Flt Protected		0.95	1.00	1.00		0.95	1.00	1.00		0.98	1.00	0.95
Satd. Flow (prot)		1770	3539	1553		1770	3471	1583		1819	1583	1681
Flt Permitted		0.95	1.00	1.00		0.95	1.00	1.00		0.98	1.00	0.95
Satd. Flow (perm)		1770	3539	1553		1770	3471	1583		1819	1583	1681
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Adj. Flow (vph)	1	35	1113	30	23	76	661	138	11	12	128	100
RTOR Reduction (vph)	0	0	0	16	0	0	0	66	0	0	120	0
Lane Group Flow (vph)	0	36	1113	14	0	99	661	72	0	23	8	66
Heavy Vehicles (%)	2%	2%	2%	4%	2%	2%	4%	2%	2%	2%	2%	2%
Turn Type	Prot	Prot	NA	Perm	Prot	Prot	NA	Perm	Split	NA	Perm	Split
Protected Phases	5	5	2		1	1	6		4	4		3
Permitted Phases				2				6			4	
Actuated Green, G (s)		4.4	42.6	42.6		7.7	47.2	47.2		5.9	5.9	7.0
Effective Green, g (s)		4.4	42.6	42.6		7.7	47.2	47.2		5.9	5.9	7.0
Actuated g/C Ratio		0.05	0.47	0.47		0.09	0.52	0.52		0.07	0.07	0.08
Clearance Time (s)		5.8	5.1	5.1		7.1	5.1	5.1		7.3	7.3	7.3
Vehicle Extension (s)		2.0	4.0	4.0		2.0	4.0	4.0		2.0	2.0	2.0
Lane Grp Cap (vph)		86	1675	735		151	1820	830		119	103	130
v/s Ratio Prot		0.02	c0.31			c0.06	c0.19			c0.01		c0.04
v/s Ratio Perm				0.01				0.05			0.01	
v/c Ratio		0.42	0.66	0.02		0.66	0.36	0.09		0.19	0.08	0.51
Uniform Delay, d1		41.6	18.2	12.6		39.9	12.6	10.7		39.8	39.5	39.8
Progression Factor		1.00	1.00	1.00		0.76	1.62	18.71		1.00	1.00	1.00
Incremental Delay, d2		1.2	2.1	0.0		7.3	0.5	0.2		0.3	0.1	1.1
Delay (s)		42.8	20.3	12.6		37.5	20.9	199.8		40.1	39.6	41.0
Level of Service		D	C	B		D	C	F		D	D	D
Approach Delay (s)			20.8				50.2			39.7		
Approach LOS			C				D			D		
Intersection Summary												
HCM 2000 Control Delay			34.3									
HCM 2000 Volume to Capacity ratio			0.61									
Actuated Cycle Length (s)			90.0									
Intersection Capacity Utilization			68.0%									
Analysis Period (min)			15									
c Critical Lane Group												

Monticello Ave Commercial - James City Co, VA
101: Monticello Mktplc & Monticello Ave

















Build 2024 Conditions
Timing Plan: AM Peak Hour

	↓	↙
Movement	SBT	SBR
Lane Configurations	↕	
Traffic Volume (vph)	13	16
Future Volume (vph)	13	16
Ideal Flow (vphpl)	1900	1900
Total Lost time (s)	7.3	
Lane Util. Factor	0.95	
Frt	0.96	
Flt Protected	0.97	
Satd. Flow (prot)	1588	
Flt Permitted	0.97	
Satd. Flow (perm)	1588	
Peak-hour factor, PHF	0.94	0.94
Adj. Flow (vph)	14	17
RTOR Reduction (vph)	15	0
Lane Group Flow (vph)	50	0
Heavy Vehicles (%)	2%	19%
Turn Type	NA	
Protected Phases	3	
Permitted Phases		
Actuated Green, G (s)	7.0	
Effective Green, g (s)	7.0	
Actuated g/C Ratio	0.08	
Clearance Time (s)	7.3	
Vehicle Extension (s)	2.0	
Lane Grp Cap (vph)	123	
v/s Ratio Prot	0.03	
v/s Ratio Perm		
v/c Ratio	0.41	
Uniform Delay, d1	39.5	
Progression Factor	1.00	
Incremental Delay, d2	0.8	
Delay (s)	40.3	
Level of Service	D	
Approach Delay (s)	40.7	
Approach LOS	D	
Intersection Summary		

Monticello Ave Commercial - James City Co, VA
102: Existing Site Driveway/Old News Rd & Monticello Ave

Build 2024 Conditions

Timing Plan: AM Peak Hour













												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1247	35	0	837	80	0	0	34	0	0	7
Future Volume (Veh/h)	0	1247	35	0	837	80	0	0	34	0	0	7
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Hourly flow rate (vph)	0	1327	37	0	890	85	0	0	36	0	0	7
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh												
Upstream signal (ft)		626			245							
pX, platoon unblocked	0.90						0.90	0.90		0.90	0.90	0.90
vC, conflicting volume	975			1364			1649	2320	350	1300	2296	339
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	583			1364			1332	2078	350	945	2052	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	94	100	100	99
cM capacity (veh/h)	901			500			100	49	646	187	51	982
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	SB 1			
Volume Total	379	379	379	227	356	356	263	36	7			
Volume Left	0	0	0	0	0	0	0	0	0			
Volume Right	0	0	0	37	0	0	85	36	7			
cSH	1700	1700	1700	1700	1700	1700	1700	646	982			
Volume to Capacity	0.22	0.22	0.22	0.13	0.21	0.21	0.15	0.06	0.01			
Queue Length 95th (ft)	0	0	0	0	0	0	0	4	1			
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.9	8.7			
Lane LOS								B	A			
Approach Delay (s)	0.0				0.0			10.9	8.7			
Approach LOS								B	A			
Intersection Summary												
Average Delay			0.2									
Intersection Capacity Utilization			28.7%		ICU Level of Service				A			
Analysis Period (min)			15									

Monticello Ave Commercial - James City Co, VA

103: Monticello Ave & Windsormeade Way

Build 2024 Conditions

Timing Plan: AM Peak Hour

							
Movement	EBU	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	7	20	1254	901	113	261	9
Future Volume (vph)	7	20	1254	901	113	261	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		7.0	5.7	5.9		6.8	6.8
Lane Util. Factor		0.97	0.95	0.91		0.97	1.00
Frt		1.00	1.00	0.98		1.00	0.85
Flt Protected		0.95	1.00	1.00		0.95	1.00
Satd. Flow (prot)		3331	3539	4957		3467	1553
Flt Permitted		0.95	1.00	1.00		0.95	1.00
Satd. Flow (perm)		3331	3539	4957		3467	1553
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	8	22	1363	979	123	284	10
RTOR Reduction (vph)	0	0	0	14	0	0	0
Lane Group Flow (vph)	0	30	1363	1088	0	284	10
Heavy Vehicles (%)	0%	7%	2%	3%	2%	1%	4%
Turn Type	Prot	Prot	NA	NA		Prot	Perm
Protected Phases	5	5	2	6		4	
Permitted Phases							4
Actuated Green, G (s)		3.5	65.8	55.1		11.7	11.7
Effective Green, g (s)		3.5	65.8	55.1		11.7	11.7
Actuated g/C Ratio		0.04	0.73	0.61		0.13	0.13
Clearance Time (s)		7.0	5.7	5.9		6.8	6.8
Vehicle Extension (s)		2.0	4.0	4.0		2.0	2.0
Lane Grp Cap (vph)		129	2587	3034		450	201
v/s Ratio Prot		0.01	c0.39	0.22		c0.08	
v/s Ratio Perm							0.01
v/c Ratio		0.23	0.53	0.36		0.63	0.05
Uniform Delay, d1		41.9	5.3	8.7		37.1	34.3
Progression Factor		1.41	0.37	1.00		1.00	1.00
Incremental Delay, d2		0.3	0.7	0.1		2.1	0.0
Delay (s)		59.4	2.6	8.8		39.2	34.3
Level of Service		E	A	A		D	C
Approach Delay (s)			3.9	8.8		39.1	
Approach LOS			A	A		D	
Intersection Summary							
HCM 2000 Control Delay			9.5		HCM 2000 Level of Service		A
HCM 2000 Volume to Capacity ratio			0.60				
Actuated Cycle Length (s)			90.0		Sum of lost time (s)		19.7
Intersection Capacity Utilization			52.5%		ICU Level of Service		A
Analysis Period (min)			15				
c Critical Lane Group							

Build 2024 Conditions Queuing and Blocking Report

Monticello Ave Commercial - James City Co, VA
AM Peak Hour

Intersection: 101: Monticello Mktplc & Monticello Ave

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	UL	T	T	R	UL	T	T	LT	R	UL	LTR
Maximum Queue (ft)	167	327	273	40	151	215	210	58	84	111	84
Average Queue (ft)	35	181	135	9	65	97	88	12	28	51	27
95th Queue (ft)	104	295	254	32	123	187	181	38	61	95	65
Link Distance (ft)		554	554	554		554	554	493		332	332
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	170				220				85		
Storage Blk Time (%)		8				0			0		
Queuing Penalty (veh)		3				0			0		

Intersection: 102: Existing Site Driveway/Old News Rd & Monticello Ave

Movement	EB	EB	WB	WB	NB	SB
Directions Served	T	TR	T	TR	R	R
Maximum Queue (ft)	42	61	6	3	59	28
Average Queue (ft)	2	3	0	0	22	4
95th Queue (ft)	21	25	6	4	51	20
Link Distance (ft)	554	554	167	167	371	400
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)						
Storage Blk Time (%)	0					
Queuing Penalty (veh)	0					

Intersection: 103: Monticello Ave & Windsormeade Way

Movement	EB	EB	EB	EB	WB	WB	WB	SB	SB	SB
Directions Served	UL	L	T	T	T	T	TR	L	L	R
Maximum Queue (ft)	46	63	208	228	209	167	159	207	164	32
Average Queue (ft)	8	18	68	93	103	43	61	119	48	6
95th Queue (ft)	32	51	166	192	180	114	120	186	136	22
Link Distance (ft)	167	167	167	167	580	580	580	410	410	
Upstream Blk Time (%)			1	1						
Queuing Penalty (veh)			2	5						
Storage Bay Dist (ft)										200
Storage Blk Time (%)									0	
Queuing Penalty (veh)									0	

Network Summary






















Network wide Queuing Penalty: 10

Monticello Ave Commercial - James City Co, VA

101: Monticello Mktplc & Monticello Ave

Build 2024 Conditions

Timing Plan: PM Peak Hour

												
Movement	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	46	818	34	30	185	1357	324	1	21	37	172	339
Future Volume (vph)	46	818	34	30	185	1357	324	1	21	37	172	339
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.8	5.1	5.1		7.1	5.1	5.1			7.3	7.3	7.3
Lane Util. Factor	1.00	0.95	1.00		1.00	0.95	1.00			1.00	1.00	0.95
Frt	1.00	1.00	0.85		1.00	1.00	0.85			1.00	0.85	1.00
Flt Protected	0.95	1.00	1.00		0.95	1.00	1.00			0.98	1.00	0.95
Satd. Flow (prot)	1770	3539	1553		1770	3471	1583			1829	1583	1681
Flt Permitted	0.95	1.00	1.00		0.95	1.00	1.00			0.98	1.00	0.95
Satd. Flow (perm)	1770	3539	1553		1770	3471	1583			1829	1583	1681
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Adj. Flow (vph)	49	870	36	32	197	1444	345	1	22	39	183	361
RTOR Reduction (vph)	0	0	22	0	0	0	138	0	0	0	171	0
Lane Group Flow (vph)	49	870	14	0	229	1444	207	0	0	62	12	253
Heavy Vehicles (%)	2%	2%	4%	2%	2%	4%	2%	2%	2%	2%	2%	2%
Turn Type	Prot	NA	Perm	Prot	Prot	NA	Perm	Split	Split	NA	Perm	Split
Protected Phases	5	2		1	1	6		4	4	4		3
Permitted Phases			2				6				4	
Actuated Green, G (s)	6.1	47.3	47.3		17.6	60.1	60.1			7.6	7.6	20.7
Effective Green, g (s)	6.1	47.3	47.3		17.6	60.1	60.1			7.6	7.6	20.7
Actuated g/C Ratio	0.05	0.39	0.39		0.15	0.50	0.50			0.06	0.06	0.17
Clearance Time (s)	5.8	5.1	5.1		7.1	5.1	5.1			7.3	7.3	7.3
Vehicle Extension (s)	2.0	4.0	4.0		2.0	4.0	4.0			2.0	2.0	2.0
Lane Grp Cap (vph)	89	1394	612		259	1738	792			115	100	289
v/s Ratio Prot	0.03	0.25			c0.13	c0.42				c0.03		c0.15
v/s Ratio Perm			0.01				0.13				0.01	
v/c Ratio	0.55	0.62	0.02		0.88	0.83	0.26			0.54	0.12	0.88
Uniform Delay, d1	55.6	29.2	22.2		50.2	25.6	17.2			54.5	53.0	48.4
Progression Factor	1.00	1.00	1.00		0.70	1.63	3.76			1.00	1.00	1.00
Incremental Delay, d2	4.1	2.1	0.1		20.0	3.2	0.5			2.4	0.2	23.6
Delay (s)	59.7	31.3	22.3		55.1	45.0	65.3			56.9	53.2	72.0
Level of Service	E	C	C		E	D	E			E	D	E
Approach Delay (s)		32.4				49.6				54.2		
Approach LOS		C				D				D		
Intersection Summary												
HCM 2000 Control Delay			48.3			HCM 2000 Level of Service				D		
HCM 2000 Volume to Capacity ratio			0.86									
Actuated Cycle Length (s)			120.0			Sum of lost time (s)				26.8		
Intersection Capacity Utilization			80.6%			ICU Level of Service				D		
Analysis Period (min)			15									
c Critical Lane Group												

Monticello Ave Commercial - James City Co, VA
101: Monticello Mktplc & Monticello Ave

Build 2024 Conditions

















Timing Plan: PM Peak Hour

	↓	↙
Movement	SBT	SBR
Lane Configurations	↕	
Traffic Volume (vph)	36	91
Future Volume (vph)	36	91
Ideal Flow (vphpl)	1900	1900
Total Lost time (s)	7.3	
Lane Util. Factor	0.95	
Frt	0.94	
Flt Protected	0.98	
Satd. Flow (prot)	1526	
Flt Permitted	0.98	
Satd. Flow (perm)	1526	
Peak-hour factor, PHF	0.94	0.94
Adj. Flow (vph)	38	97
RTOR Reduction (vph)	21	0
Lane Group Flow (vph)	222	0
Heavy Vehicles (%)	2%	19%
Turn Type	NA	
Protected Phases	3	
Permitted Phases		
Actuated Green, G (s)	20.7	
Effective Green, g (s)	20.7	
Actuated g/C Ratio	0.17	
Clearance Time (s)	7.3	
Vehicle Extension (s)	2.0	
Lane Grp Cap (vph)	263	
v/s Ratio Prot	0.15	
v/s Ratio Perm		
v/c Ratio	0.85	
Uniform Delay, d1	48.1	
Progression Factor	1.00	
Incremental Delay, d2	20.6	
Delay (s)	68.7	
Level of Service	E	
Approach Delay (s)	70.4	
Approach LOS	E	
Intersection Summary		

Monticello Ave Commercial - James City Co, VA
102: Existing Site Driveway/Old News Rd & Monticello Ave

Build 2024 Conditions

Timing Plan: PM Peak Hour













												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	1327	32	0	1860	279	0	0	78	0	0	36
Future Volume (Veh/h)	0	1327	32	0	1860	279	0	0	78	0	0	36
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.97	0.94	0.94	0.94	0.94	0.97	0.94	0.97	0.94	0.97	0.97	0.97
Hourly flow rate (vph)	0	1412	34	0	1979	288	0	0	83	0	0	37
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh												
Upstream signal (ft)		626			245							
pX, platoon unblocked	0.64						0.64	0.64		0.64	0.64	0.64
vC, conflicting volume	2267			1446			2126	3696	370	2559	3569	804
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1038			1446			819	3253	370	1491	3057	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	87	100	100	95
cM capacity (veh/h)	437			465			163	6	627	49	8	704
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	SB 1			
Volume Total	403	403	403	236	792	792	684	83	37			
Volume Left	0	0	0	0	0	0	0	0	0			
Volume Right	0	0	0	34	0	0	288	83	37			
cSH	1700	1700	1700	1700	1700	1700	1700	627	704			
Volume to Capacity	0.24	0.24	0.24	0.14	0.47	0.47	0.40	0.13	0.05			
Queue Length 95th (ft)	0	0	0	0	0	0	0	11	4			
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	11.6	10.4			
Lane LOS								B	B			
Approach Delay (s)	0.0				0.0			11.6	10.4			
Approach LOS								B	B			
Intersection Summary												
Average Delay			0.4									
Intersection Capacity Utilization			52.2%		ICU Level of Service				A			
Analysis Period (min)			15									

Monticello Ave Commercial - James City Co, VA

103: Monticello Ave & Windsormeade Way

Build 2024 Conditions

Timing Plan: PM Peak Hour

							
Movement	EBU	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	17	43	1345	2118	302	384	4
Future Volume (vph)	17	43	1345	2118	302	384	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		7.0	5.7	5.9		6.8	6.8
Lane Util. Factor		0.97	0.95	0.91		0.97	1.00
Frt		1.00	1.00	0.98		1.00	0.85
Flt Protected		0.95	1.00	1.00		0.95	1.00
Satd. Flow (prot)		3477	3574	5046		3467	1615
Flt Permitted		0.95	1.00	1.00		0.95	1.00
Satd. Flow (perm)		3477	3574	5046		3467	1615
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	18	45	1416	2229	318	404	4
RTOR Reduction (vph)	0	0	0	14	0	0	0
Lane Group Flow (vph)	0	63	1416	2533	0	404	4
Heavy Vehicles (%)	0%	1%	1%	1%	0%	1%	0%
Turn Type	Prot	Prot	NA	NA		Prot	Perm
Protected Phases	5	5	2	6		4	
Permitted Phases							4
Actuated Green, G (s)		4.5	89.8	78.1		17.7	17.7
Effective Green, g (s)		4.5	89.8	78.1		17.7	17.7
Actuated g/C Ratio		0.04	0.75	0.65		0.15	0.15
Clearance Time (s)		7.0	5.7	5.9		6.8	6.8
Vehicle Extension (s)		2.0	4.0	4.0		2.0	2.0
Lane Grp Cap (vph)		130	2674	3284		511	238
v/s Ratio Prot		0.02	c0.40	c0.50		c0.12	
v/s Ratio Perm							0.00
v/c Ratio		0.48	0.53	0.77		0.79	0.02
Uniform Delay, d1		56.6	6.3	14.7		49.4	43.7
Progression Factor		1.08	1.19	1.00		1.00	1.00
Incremental Delay, d2		0.8	0.6	1.8		7.6	0.0
Delay (s)		61.9	8.0	16.5		57.0	43.7
Level of Service		E	A	B		E	D
Approach Delay (s)			10.3	16.5		56.9	
Approach LOS			B	B		E	
Intersection Summary							
HCM 2000 Control Delay			18.2		HCM 2000 Level of Service		B
HCM 2000 Volume to Capacity ratio			0.79				
Actuated Cycle Length (s)			120.0		Sum of lost time (s)		19.7
Intersection Capacity Utilization			69.2%		ICU Level of Service		C
Analysis Period (min)			15				
c Critical Lane Group							

Build 2024 Conditions Queuing and Blocking Report

Monticello Ave Commercial - James City Co, VA
PM Peak Hour

Intersection: 101: Monticello Mktplc & Monticello Ave

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	UL	T	T	R	UL	T	T	R	ULT	R	UL	LTR
Maximum Queue (ft)	194	381	332	45	245	636	626	320	133	108	292	278
Average Queue (ft)	61	236	191	14	214	433	424	14	38	47	181	161
95th Queue (ft)	158	343	297	40	299	649	624	149	94	95	264	252
Link Distance (ft)		554	554	554		554	554	554	493		332	332
Upstream Blk Time (%)						4	3	0			0	0
Queuing Penalty (veh)						28	21	1			0	0
Storage Bay Dist (ft)	170				220					85		
Storage Blk Time (%)	0	21			9	20			2	2		
Queuing Penalty (veh)	0	10			58	42			4	1		

Intersection: 102: Existing Site Driveway/Old News Rd & Monticello Ave

Movement	EB	EB	WB	WB	WB	NB	SB
Directions Served	T	TR	T	T	TR	R	R
Maximum Queue (ft)	17	45	119	97	24	92	56
Average Queue (ft)	1	3	8	5	0	42	22
95th Queue (ft)	11	22	54	45	7	77	48
Link Distance (ft)	554	554	167	167	167	371	400
Upstream Blk Time (%)			0	0	0		
Queuing Penalty (veh)			1	1	0		
Storage Bay Dist (ft)							
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 103: Monticello Ave & Windsormeade Way

Movement	EB	EB	EB	EB	WB	WB	WB	SB	SB	SB
Directions Served	UL	L	T	T	T	T	TR	L	L	R
Maximum Queue (ft)	71	67	204	233	469	523	514	284	251	27
Average Queue (ft)	24	28	66	96	276	237	254	189	145	3
95th Queue (ft)	59	59	171	203	407	409	419	262	234	16
Link Distance (ft)	167	167	167	167	580	580	580	410	410	
Upstream Blk Time (%)			1	2	0	0	0			
Queuing Penalty (veh)			3	6	0	0	0			
Storage Bay Dist (ft)										200
Storage Blk Time (%)									1	
Queuing Penalty (veh)									0	

Network Summary

Network wide Queuing Penalty: 175

Monticello Avenue Commercial

APPENDIX F

Turn Lane Warrant Assessment

RDM Right Turn Lane Warrant Assessment
Four-Lane Highway

Right Turn Lane Warrant Assessment

Four-Lane Highways

Based on NCHRP Report 279 / VDOT RDM Appendix F
"Intersection Channelization Guide"

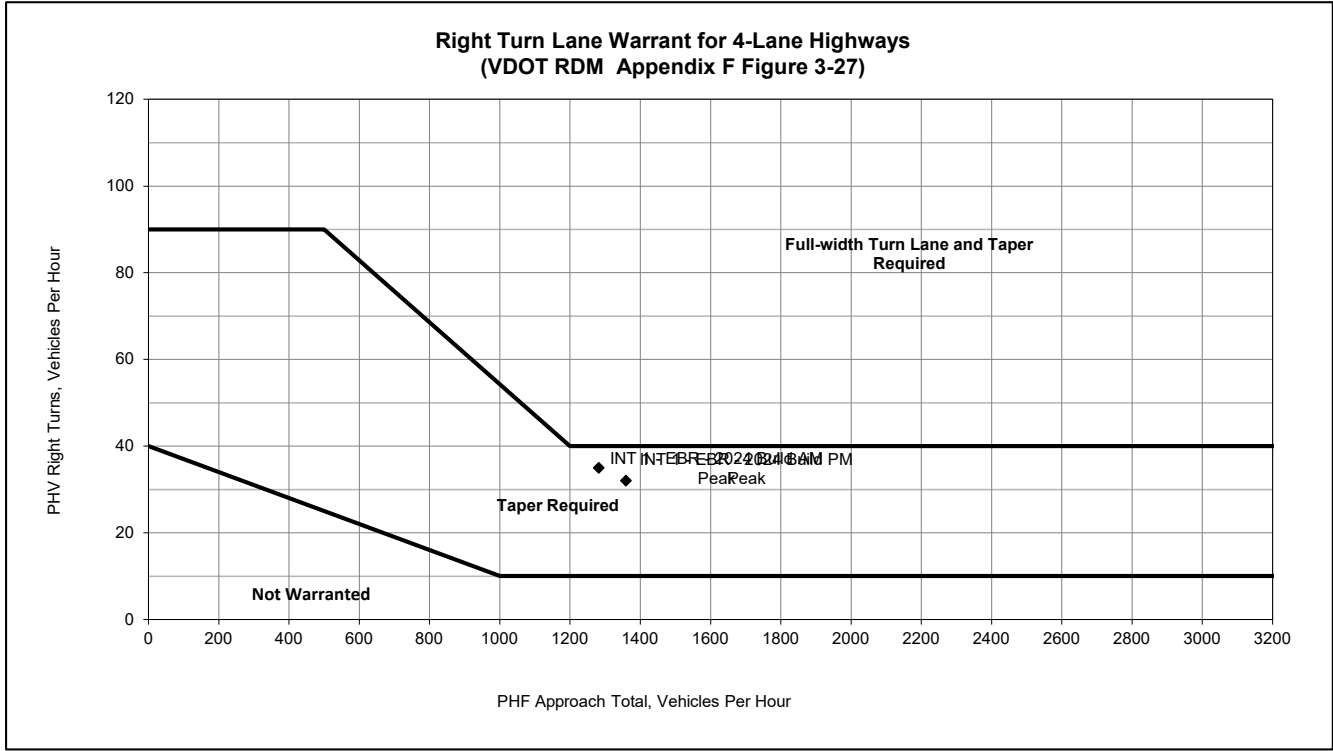
Background:

Warrants for right-turn storage lanes on four-lane highways at unsignalized intersections are based on Figure 3-27 in Appendix F of the Virginia Department of Transportation's (VDOT) *Road Design Manual* (RDM). This figure provides a graphical representation for determining the necessity of a right turn lane and / or taper by comparing the total volumes of a given approach with their respective right turn volumes.

Project Information:

Project:	Monticello Avenue Commercial
Project ID:	
Intersection(s) and Movement(s):	1 - Monticello Avenue at Site Driveway
Scenario:	Build (2024) Conditions
Analyst:	Gorove Slade

Study Scenario	Approach Volume	Right Turn Volume	Minimum Right Turn Taper Threshold	Minimum Right Turn Full Lane Threshold	Treatment
INT 1 - EBR - 2024 Build AM Peak	1,282	35	10	40	Taper Required
INT 1 - EBR - 2024 Build PM Peak	1,359	32	10	40	Taper Required



Ben Loppacker

From: Amanda Frazier
Sent: Tuesday, January 9, 2024 1:16 PM
To: Ben Loppacker
Subject: FW: [External]Re: SUP-23-0031 - Monticello Redevelopment

From: WDTP Info <info@wdtp.com>
Sent: Tuesday, January 9, 2024 12:11 PM
To: Amanda Frazier <Amanda.Frazier@jamescitycountyva.gov>
Cc: Frank Polster <Frank.Polster@jamescitycountyva.gov>; Richard Krapf <Richard.Krapf@jamescitycountyva.gov>; Tim OConnor <Tim.OConnor@jamescitycountyva.gov>; Steve Rodgers <Steve.Rodgers@jamescitycountyva.gov>; Rob Rose <Rob.Rose@jamescitycountyva.gov>; Barbara Null <Barbara.Null@jamescitycountyva.gov>
Subject: [External]Re: SUP-23-0031 - Monticello Redevelopment

Amanda,

I'm curious as to why this is listed as Monticello Avenue shops rezoning when it appears to be a residential rezoning to business.

This area has been up for discussion a few times over the years with rezoning having been denied in the past due to traffic concerns by VDOT and planning commission members. See articles/videos below:

<https://www.youtube.com/watch?v=D3GLIvxH9Sc&t=3327s>

<https://www.ipetitions.com/petition/stop-building-on-monticello-avenue-in>

<https://www.13newsnow.com/article/news/local/virginia/williamsburg/petition-circulating-to-stop-building-on-monticello-avenue-in-williamsburg/291-c35321b8-3af4-46ea-926b-775b95630087>

<https://wydaily.com/news/local/2020/01/22/no-go-for-new-retail-shops-on-monticello-avenue/>

Community members have spoken out against an SUP or rezoning for this area due to traffic concerns and it has only gotten worse over the past four years. **Is there new information the planning commission is considering with regards to development at this intersection? The county is currently flush with VACANT commercial space.**

The introduction statement made by Verdad Real Estate (Community Impact Statement_Nov 2023.pdf) states that the parcels located at 3897 IRONBOUND RD and 3905 IRONBOUND RD are designated **Neighborhood Commercial** on the Comprehensive Plan. According to James City County Property information system, this not the case for these residential properties. They are designated R8.

Will this be voted on by planning commission members during the February meeting? I haven't seen any physical signs located on this property of upcoming zoning hearings.

Susan Tisdale

**Unapproved Minutes of the August 7, 2024,
Planning Commission Regular Meeting**

Z-23-0001/SUP-23-0031. Monticello Avenue Shops

Mr. Ben Loppacker, Planner, stated that Mr. Tim Trant, Kaufman & Canoles, P.C. on behalf of Mr. Brett Skinner of Verdad Real Estate Development, applied for a Rezoning and a commercial SUP for the development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. The three parcels are currently zoned R-8, Rural Residential, and are designated Neighborhood Commercial by the Comprehensive Plan Land Use Map.

Mr. Loppacker stated that the proposal is to rezone 2.75 acres from R-8, Rural Residential, to B-1, General Business, with Proffers. The commercial SUP is to permit more than 10,000 square feet of commercial development of three 4,000-square-foot buildings fronting Monticello Avenue with shared parking. Mr. Loppacker noted that the applicant has indicated there is no specific commercial or office user at this point and the proposed site would take access from the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes.

Mr. Loppacker stated that the proposed site is located along the Monticello Community Character Corridor and is within the New Town Community Character Area. Mr. Loppacker stated that the applicant provided proffered design guidelines to ensure consistency with the character of the area.

Mr. Loppacker stated that staff finds this proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. He stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors subject to the proposed proffers and SUP conditions. He further stated that staff also recommend modifying Condition No. 2 to require architectural elevations to be approved by the Director of Planning with consultation from the New Town Design Review Board (DRB).

Mr. Polster asked if the condition regarding maximum vehicle trips of 72 PM peak hour trips for this site would restrict the approval of the development of the adjoining parcel to the east if the potential new project led to an estimated PM peak hour trip count of over 72 for both sites.

Mr. Loppacker stated that the condition only applies to the three parcels included in this case. He further stated that the intent of the condition is that if a future proposed commercial use at the adjoining site were to cause the combined site to exceed 72 PM or 48 AM peak hour trips staff would be able to enforce that limit upon the submittal of a site plan. Mr. Loppacker further noted that not all changes of use on this site would require a site plan.

Mr. Polster stated he was concerned about how or if the condition in this SUP regarding vehicle trips would affect a potential future SUP for the adjoining parcel to the east of this site.

Mr. Loppacker stated that any future commercial use on that property would likely require a rezoning which would need to go before the Planning Commission and receive Board approval. He stated that he would have to double check if the vehicle trip cap condition for this SUP would apply to the adjoining parcel.

Mr. O'Connor opened the Public Hearing.

Mr. Trant, Kaufman & Canoles P.C., 4801 Courthouse Street, Suite 300, made a presentation to the Commission in support of the project.

Mr. Haldeman noted his concern about the required sidewalk on the southern side of the site.

Mr. Trant stated that the applicant was willing for that to not be included but his understanding was that it is required by the Ordinance and cannot be waived.

Mr. Polster stated he had concerns regarding the traffic impacts that this project would have. He referred to Table 3 on Page 8 of the project's Traffic Impact Analysis (TIA) which shows many traffic movements after the project is built with Level of Service ratings of D, E, and F. He noted that the County's Comprehensive Plan calls for ratings of C and above.

Mr. Trant stated that the ratings describe measures or ranges of delay at specific intersections. Mr. Trant stated that at the Monticello Avenue and Monticello Marketplace intersection the AM rating is C and the PM rating is D in both the build and no-build projections. Mr. Trant stated that he believes the only traffic movement that is notably impacted in the TIA is the westbound left turn lane on Monticello Avenue at the Monticello Avenue and Monticello Marketplace intersection. He stated that he believed this was because the entrance to the site was right-in/right-out and could not be directly entered from the west. He stated that the impact on that movement from the build to no-build projection was 34.6 seconds in the no-build projection to 37.5 seconds which he noted was less than 3 seconds.

Mr. Rodgers asked what was the maximum peak hour trips generated by the existing site to the west of this case's site.

Mr. Trant stated it was significantly more than 72 but he did not know the specific number.

Mr. Haldeman asked if Mr. Trant knew if any of these three parcels were previously taken to expand Monticello Avenue.

Mr. Trant stated that he did not know the answer but that Ms. Sutherland, who is a member of the family that owns two of the parcels, intends to speak to the Commission and that she may know the answer.

Mr. O'Connor asked if vape shops or CBD shops would be a permitted use if this case is approved with the proposed proffers and conditions.

Mr. Trant stated that he did not see either of those uses in the prohibited use list in the proffers but that it was not an intentional omission.

Mr. O'Connor stated that he views those uses as inconsistent with the Neighborhood Commercial designation.

Mr. Loppacker stated that vape shops and CBD shops would require a SUP to operate in the B-1 District which the applicant has requested for the rezoning of the properties.

Mr. O'Connor thanked Mr. Loppacker.

Mr. Polster asked Mr. Jason Grimes about the planned stormwater management measures for the site.

Mr. Grimes, AES Consulting Engineers, 5248 Olde Towne Road, Suite 1, stated that the intent was to manage the stormwater on-site as opposed to directing or sending it to any nearby sites. He further stated that the stormwater management for the site has not been fully designed and that it was purposefully not depicted on the Master Plan for this case because of the present state of flux that the State and County stormwater regulations were in. Mr. Grimes noted that if it were included there was the possibility that what was shown might not comply with the new regulations which would require an amendment to the Master Plan. Mr. Grimes stated that some of the stormwater management concepts they are considering are underground storage, manufactured treatment devices built for smaller footprints, and small rain gardens.

Mr. Polster asked if the drainage of any stormwater would go to the nearby VDOT drainage area.

Mr. Grimes stated yes and further described the current stormwater flow on the property.

Ms. Miriam Zumbrum, 101 Indigo Dam Road, spoke about her thoughts and concerns regarding the application.

Ms. Cheryl Ertl Sutherland, 1010 Brandon Court, Danville, VA, spoke in support of the application.

Mr. Leonard Sazaki, 3927 Ironbound Road, spoke about his thoughts on the application.

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

Mr. Polster spoke about the history of a similar project at this property and the traffic conditions and projections on Monticello Avenue near the project site. Mr. Polster stated that the Powhatan Creek subwatershed is rated suboptimal by the Powhatan Creek Watershed Management Plan due to the amount of impervious surface and that this project would compound the issue. He stated his wish that the forest area be preserved while compensating the landowners for the commercial value of the property. He recognized that option carries its own issues.

Mr. Everson inquired about how projected traffic impacts factor into the recommendation made by staff.

Mr. Loppacker stated that staff is guided by the Traffic Impact Analysis Submittal Requirements Policy which describes the Adequate Transportation Facilities Test for rezonings and SUPs. He stated that this test

is passed if either no off-site improvements are required by the TIA approved by VDOT and the Planning Director, which he noted is not the case for this project, or all off-site improvements that are recommended by the approved TIA report are guaranteed in a form approved by the Planning Director and the County Attorney. Mr. Loppacker stated that the only warranted improvement by the TIA report was the construction of a 100-foot eastbound right turn taper at the right-in/right-out intersection that accesses the site. Mr. Loppacker stated that the improvement was shown on the Master Plan, which means that the Adequate Transportation Facilities Test was passed. Mr. Loppacker noted that the passing of the test was noted in the Factors Favorable section of the staff report.

Mr. Polster asked if it was correct that the Comprehensive Plan has a traffic service goal of a C rating.

Mr. Loppacker stated yes.

Mr. Haldeman asked if it was correct that the intersections would not pass the test regardless of whether the project is built.

Mr. Loppacker stated yes.

Mr. Everson stated that the previous application for this property was the last case he voted on during his previous time on the Planning Commission and that he regretted his vote. He stated that the area surrounding the project was prone to high traffic due to its somewhat urban nature. He stated the area is roughly the same size as the commercial area near Patrick Henry Mall and Oyster Point Road in Newport News. Mr. Everson stated that at the time the area surrounding the project site was developed the high traffic was expected to be a result. He stated he saw two options for this property; either the County purchases the site or a project like this one is approved because he believes nothing would be made worse. He stated that he thought the required sidewalk did not make sense and asked if there was any possibility to waive it.

Mr. Loppacker stated that it is a requirement in the County's Ordinance but that there were specific exceptions and exemptions in Section 24-35 that he would double check to ensure they were not possible.

Mr. Haldeman spoke about the previous application for this property. He noted that he supported the previous application. He stated that the current traffic conditions on Monticello Avenue are the result of James City County's Land Use policies of the last 50 years. He stated that the intent of New Town and the Monticello Avenue corridor was to concentrate commercial and residential development to create a close-knit community without sprawl. He noted that sprawl developed nonetheless and has added to traffic issues in the area. He noted the Comprehensive Plan's TIA from 2017 found that on Monticello Avenue from News Road to Ironbound Road there were 43,254 average daily trips and it projected 69,000 average daily trips for that same area in 2045 which is a 60% increase. He stated that on Ironbound Road from John Tyler Highway to Monticello Avenue the average daily trips were 13,700 in 2017 while projecting 18,436 for 2045 which is a 40% increase. He noted that both of those projections would lead to a rating of severe for those roads and that the scope of these projections outweigh the traffic impacts of this application. He stated his belief that the owners of the properties in the application have been treated unfairly and that they deserve an opportunity to sell their properties. He noted his support for the application.

Mr. O'Connor noted his agreement with Mr. Haldeman about the responsibility of finding a way for the project to make sense for the property owners as well as the community. He thanked the applicant for the thoughtful nature of the application. He noted his preference for an exit onto Ironbound Road while acknowledging the benefits of the right-in/right-out on Monticello Avenue. He stated that he felt this was a smart use for the properties.

Mr. Rodgers stated that he felt this application was a no brainer due to its proximity to Route 199 and Monticello Avenue. He stated that since these are low density businesses this project would be the lesser of evils.

Mr. O'Connor asked for disclosures and apologized for not asking sooner.

Mr. Haldeman, Mr. Polster, and Mr. Maye each stated that they spoke with Mr. Trant earlier in the day.

Mr. Rodgers made a motion to approve Z-23-0001/SUP-23-0031. Monticello Avenue Shops with the attached conditions.

The motion passed 6-0.

SPECIAL USE PERMIT-24-0014. 111 Druid Drive Rental of Rooms
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Ms. Roberta Valentine

Landowner: Ms. Roberta Valentine

Proposal: To allow for a short-term rental of one bedroom within the existing four-bedroom house.

Location: 111 Druid Drive

Tax Map/Parcel No.: 4720700075

Property Acreage: ± 0.39 acres

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Ben Loppacker, Planner

PUBLIC HEARING DATES

Planning Commission: August 7, 2024, 6:00 p.m.

Board of Supervisors: September 10, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, there is adequate off-street parking.
2. The applicant has acknowledged that should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. The owner will reside on-site during the time of the rentals.
4. Impacts: See Impact Analysis on Pages 3-4.

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 3-4.

SUMMARY STAFF RECOMMENDATION

Staff finds the proposal to be not fully consistent with the recommendations for short-term rentals in the Comprehensive Plan. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

PLANNING COMMISSION RECOMMENDATION

At its August 7, 2024, meeting, the Planning Commission voted to recommend denial of this application by a vote of 6-0.

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-24-0014. 111 Druid Drive Rental of Rooms
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing**

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

There have been no changes made since the Planning Commission meeting on August 7, 2024.

PROJECT DESCRIPTION

Ms. Roberta Valentine has applied for a Special Use Permit (SUP) to allow for a short-term rental of one bedroom within the existing four-bedroom house on the property. 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 applicant states that it is her intent to rent out only one bedroom on a regular basis.

The property is accessed via an existing driveway off Druid Drive. The property has an existing parking area sufficient to accommodate guests. The four-bedroom home is on public water and sewer. 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 1974.

- The Zoning Division mailed a notification in 2022 indicating that the property was being used for a short-term rental without an SUP. Furthermore in 2023 and 2024, Zoning issued Notices of Violation for the continued operation of a short-term rental of rooms without an SUP.

SURROUNDING ZONING AND DEVELOPMENT

- The property is located within the Druid Hills subdivision.
- The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-1, Limited Residential	Residential	Low Density Residential
SOUTH	R-1, Limited Residential	Residential	Low Density Residential
EAST	R-1, Limited Residential	Residential	Low Density Residential
WEST	R-1, Limited Residential	Residential	Low Density Residential

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-24-0014. 111 Druid Drive Rental of Rooms
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The proposal is not anticipated to generate traffic exceeding a typical residential use. - The subject property is located on a local road. However, staff believes that the road is adequate for this use.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance. This property is not within walking distance of a Williamsburg Area Transit Authority transit stop.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 1.9 miles from the proposed rental of rooms property. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The property is served by public water and sewer. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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-24-0014. 111 Druid Drive Rental of Rooms
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Mill Creek Watershed.	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - 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>	<ul style="list-style-type: none"> - The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - 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>	<ul style="list-style-type: none"> - Druid Drive 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>	<ul style="list-style-type: none"> - The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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-24-0014. 111 Druid Drive Rental of Rooms
Staff Report for the September 10, 2024, Board of Supervisors Public Hearing

COMPREHENSIVE PLAN

The site is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. The Comprehensive Plan provides recommendations regarding locations for short-term rentals.

Per the Comprehensive Plan, due to the unique impacts that can arise from transient residents in short-term rentals, the County should continue to carefully consider the impacts these uses can have on a community's quality of life. The thriving rural character of James City County continues to offer a variety of agri-tourism opportunities, for which short-term rentals may provide a truly unique opportunity and experience; one that provides economic benefits to rural property owners but does not directly compete with more conventional tourism-based opportunities inside the PSA. 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 Low Density Residential on the 2045 Comprehensive Plan Land Use Map. Therefore, the application does not meet this recommendation set forth in the Comprehensive Plan.

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

This property is located within an existing platted subdivision. It is internal to the subdivision. Therefore, the application does not meet this recommendation set forth in the Comprehensive Plan.

- Be located on a major road.

This property is located on Druid Drive which is classified by the Virginia Department of Transportation as a local road. Therefore, the application does not meet this recommendation set forth in the Comprehensive Plan.

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

The owner of the property will continue to reside on-site during the rentals. Therefore, the application does meet this recommendation set forth in the Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds the proposal to be not fully consistent with the recommendations for short-term rentals in the Comprehensive Plan. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors wish to approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

BL/md
SUP24-14_111Druid

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Citizen Comments
6. Unapproved Minutes from the August 7, 2024, Planning Commission Meeting

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-24-0014. 111 DRUID DRIVE 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. Roberta Valentine has applied for an SUP to allow for the rental of one bedroom within a single-family dwelling located at 111 Druid Drive and further identified as James City County Real Estate Tax Map Parcel No. 4720700075 (the “Property”); and

WHEREAS, the Planning Commission, following its public hearing on August 7, 2024, recommended denial of the application by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0014; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 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-24-0014 as described herein with the following conditions:

1. *Master Plan.* This SUP shall permit the rental of rooms on property located at 111 Druid Drive and further identified as James City County Real Estate Tax Map Parcel No. 4720700075 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “JCC SUP-24-0014, 111 Druid Drive Rental of Rooms” and date stamped July 12, 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 twelve (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 (1) bedroom available for rent to visitors and no more than two (2) 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. Prior to the issuance of a Certificate of Occupancy for the use, the applicant shall submit a parking plan depicting four parking spaces in compliance with Section 24-59 of the James City County Zoning Ordinance. The parking plan shall be approved by the Director of Planning or their designee prior to the issuance of the Certificate of Occupancy.
7. Validity. This SUP shall be valid until December 31, 2027.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

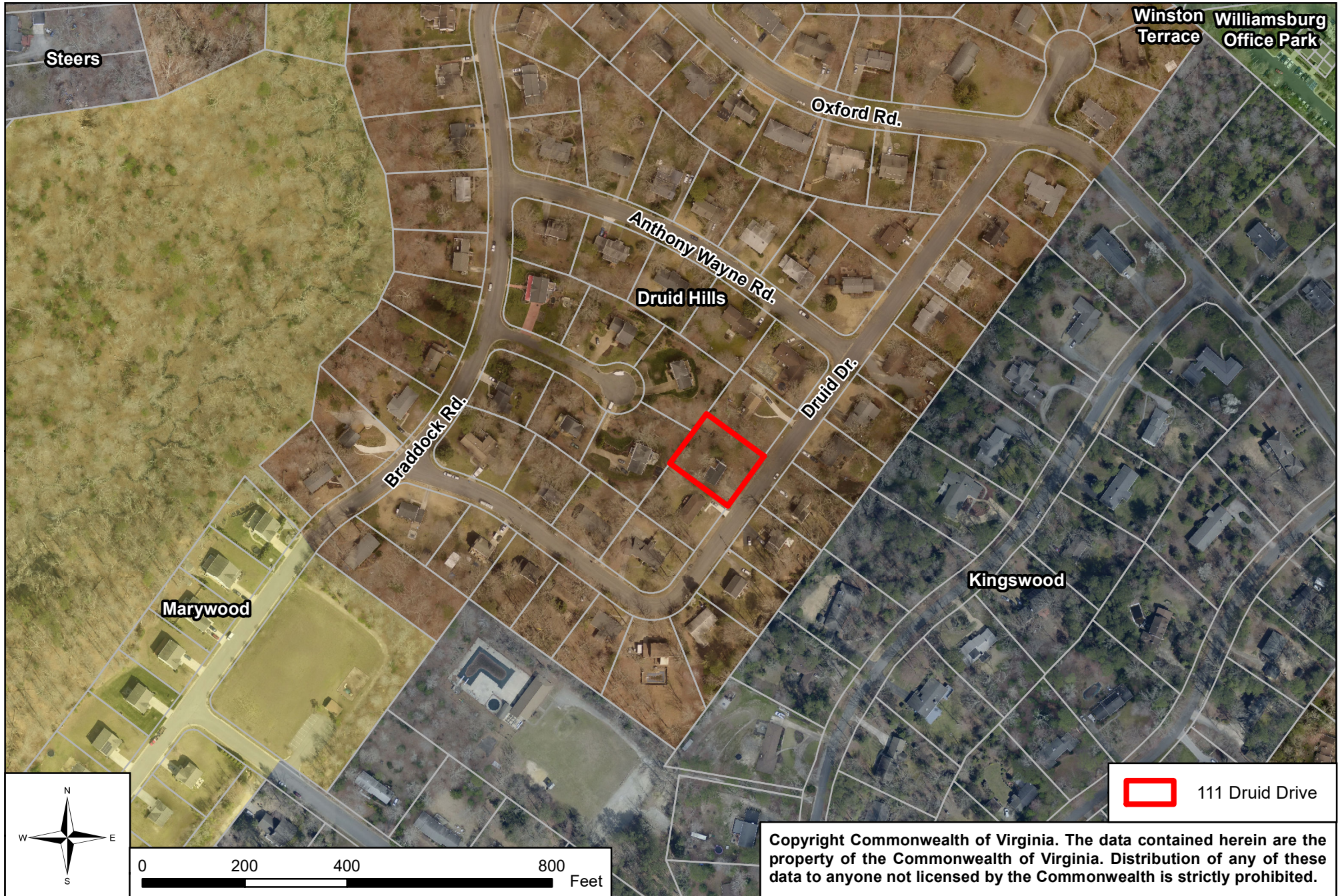
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2024.

SUP24-14_111Druid-res

JCC SUP-24-0014

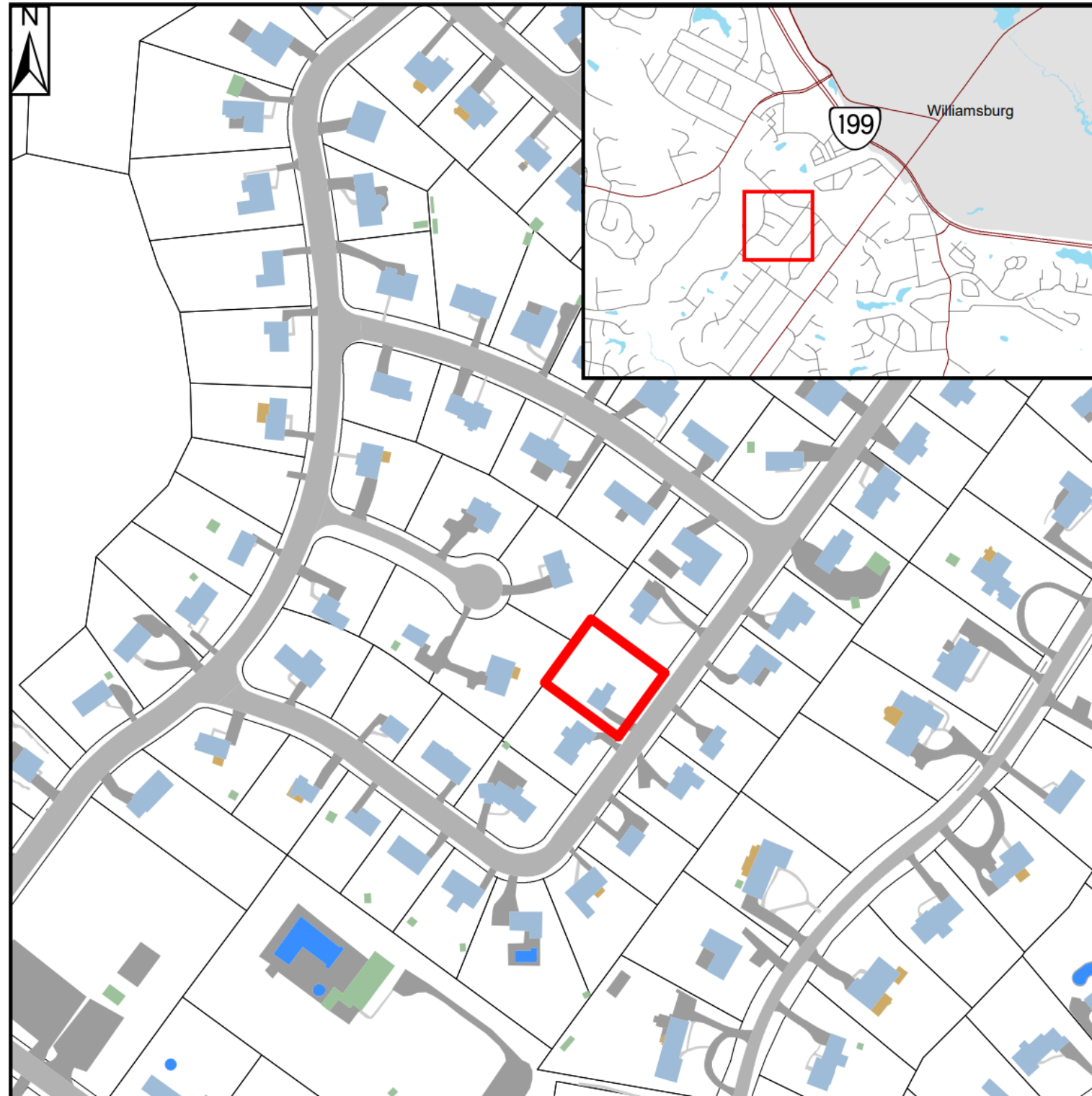
111 Druid Drive Rental of Rooms



SUP-24-0014, 111 Druid Drive Rental of Rooms

Property Information
4720700075
Roberta Valentine
111 Druid Drive
Williamsburg, VA 23185
Zoning: R1 Limited Residential
2045 Comp Plan: Low Density
Residential
Parcel Acreage: 0.39 Acres

Sheet Index
1. Cover Page
2. Location Map
3. Parking Area
4. Site Details



Maps Not to Scale

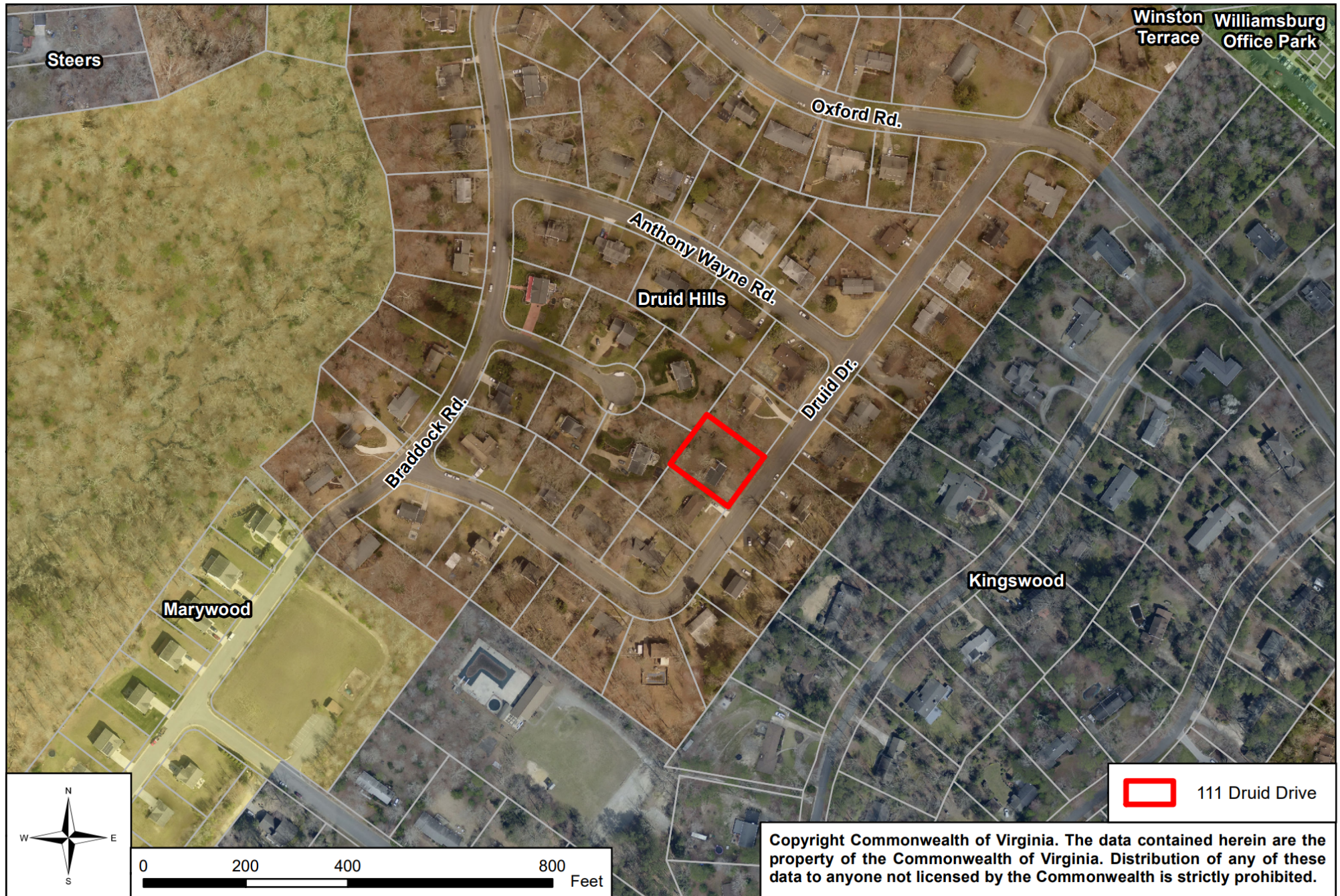
General Notes

1. Site is served by public water and sewer.
2. This site is not located in the special flood hazard area, based on Flood Insurance Rate Map 51095C0201D, effective 12/16/15.
3. Property does not contain a Resource Protected Area.
4. Property has an existing driveway.
5. A minimum of four parking spots shall be provided (one more parking space than the total bedrooms rented).

July 12, 2024

JCC SUP-24-0014

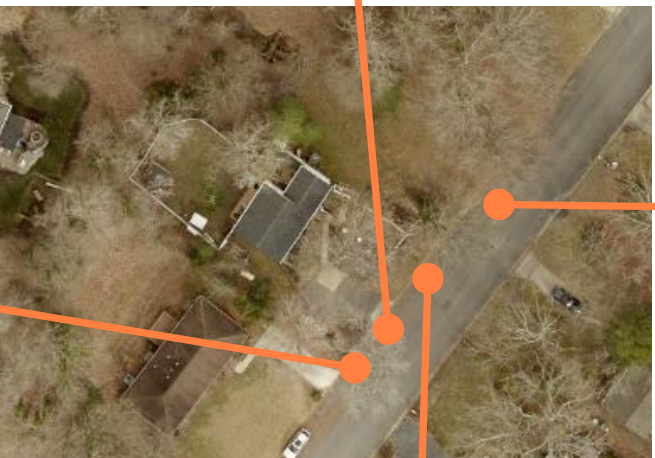
111 Druid Drive Rental of Rooms



JCC SUP-24-0014
Rental of Rooms



JCC SUP-24-0014
Rental of Rooms



111 Druid Drive Rental of Rooms SUP Narrative

Upstairs has 2 full bathrooms and three bedrooms. Currently, I am using one bedroom for storage and have one bedroom for short term rentals. The third bedroom is larger and has its own full bathroom. I'd like to add this to short-term rentals as well.

Downstairs has a kitchen, living room, dining area, and my bedroom. There is also a back deck with a fenced in yard and a front porch. Guests have access to all except my bedroom and the half bath that's in it. There is also a small laundry room behind my bedroom. There is a back door there for guests to access.

I live on a very quiet street in a thickly settled neighborhood. There are two parking spaces in the driveway and plenty of safe on-street parking that is rarely used.

The main rules are No Parties, No Smoking, and No Pets (I have dogs of my own). The only camera in my house is the Ring doorbell. Nobody enters or exits without me knowing about it. There's only one entrance, which is the front door. My neighbors were surprised to know I had an Airbnb. That is how low key this is.

Most of the year I'm open to guests. I can block out days or weeks if I need to. Most guests are either parents or students of William and Mary, or families visiting Busch Gardens. Most often they stay just 2 or 3 days. Sometimes a week, but rarely.

Ben Loppacker

From: Beth Klapper
Sent: Wednesday, August 7, 2024 12:39 PM
To: Ben Loppacker
Cc: Susan Murray; Josh Crump
Subject: FW: [External]SUP-24-0014, 111 Druid Drive, Short Term Room Rentals

Follow Up Flag: Follow up
Flag Status: Flagged

From: Maureen Pettine <maureen.pettine2@gmail.com>
Sent: Tuesday, August 6, 2024 1:44 PM
To: Community Development <community.development@jamescitycountyva.gov>
Cc: BobbeeV@gmail.com
Subject: [External]SUP-24-0014, 111 Druid Drive, Short Term Room Rentals

Bobbee Valentine is an AirBnB Hostess who, like so many hosts, has made major property improvements to accommodate being a great neighborhood citizen as well as a great AirBnB Hostess.

Bobbee has earned extraordinary marks in the reviews she's received from her guests, and getting Five Star reviews is earned and not something that is easy to earn.

Through the NextDoor App as well as in her neighborhood community, she has spearheaded a sense of unity and fellowship that is difficult to find in Williamsburg. She has even extended this sense to her guests by inviting them to some of the gatherings she facilitates in area restaurants, to help our neighbors meet each other. In order for her to remain a part of our Williamsburg community, like so many of us, she relies on the additional income generated from short term rentals. Bobbee's community loves her, her AirBnB guests love her, and most importantly her neighbors love her. She is doing nothing at her home to infringe on the rights of her neighbors. Knowing Bobbee, she wouldn't stand for anything that would put her neighbors out!

Please allow this person who has been a leader of a tremendous amount of camaraderie in the community to continue being a part of our AirBnB network and our Williamsburg community.

Best,

Emily Martel

Ben Loppacker

From: Beth Klapper
Sent: Wednesday, August 7, 2024 12:39 PM
To: Ben Loppacker
Cc: Susan Murray; Josh Crump
Subject: FW: [External]SUP-24-0014, 111 DRUID DRIVE, SHORT TERM RENTAL OF ROOMS

Follow Up Flag: Follow up
Flag Status: Flagged

From: Maureen Pettine <maureen.pettine2@gmail.com>
Sent: Tuesday, August 6, 2024 1:31 PM
To: Community Development <community.development@jamescitycountyva.gov>
Cc: BobbeeV@gmail.com
Subject: [External]SUP-24-0014, 111 DRUID DRIVE, SHORT TERM RENTAL OF ROOMS

Regarding the above referenced property, I will use the AirBnB term interchangeably with any other short term rental platform such as VRBO, etc.

We like short term rentals because:

1. Before we allow people we don't know into our homes, AirBnB vets each guest by requiring a government issued ID, a photo, an address and contact information.
2. We have an additional layer of protection by having the right to deny any booking that has no demonstrated rental history with reviews, or a history of poor reviews.
3. Payment in full is collected by AirBnB before guests arrive.
4. AirBnB provides insurance up to 1M dollars for guests and 1M dollars for hosts.
5. Hosts set up house rules, with as many or as few rules as they choose. If any house rules are broken, hosts are able to remove the guests immediately. For example, if you say no smoking on the premises you can remove them from the home immediately if they are found smoking, which is a very different scenario than it would be with a lease - even a short term lease. In this case, the guest would lose their money and because a rule was broken, the host would still get paid.
6. After our guests book and before they arrive, we call and talk to them about our house rules, and make sure that each person who is staying in the home is registered through AirBnB (including children). Again, if any of our rules are violated (smoking, pets, partying, unregistered guests) we have the right to remove them immediately.
7. The last and best reason is a no brainer: Less wear and tear on your home and more control of who stays there and how long they're there.

The concept of short term rentals is not new, it just goes by a different name today. Think back to when our families came through Ellis Island and many of them lived together in small spaces or tenement houses. Families helped each other in exchange for food, work, and money. As they were able to earn and save, they bought properties or land and built their little piece of the American Dream.

Because Williamsburg attracts primarily retirees and families, we have never had a problem with loudness, overcrowded spaces, too many cars parked in the parking area, parties, etc.

In fact, the neighbors did not know the home was being used for short-term rental because the guests are so unobtrusive.

The blooming population of short term rentals in Williamsburg is meeting a clear demand by people who come here and spend money. Compared to hotels or timeshares, AirBnB's have been demonstrated to be cleaner, more spacious, safer and more family friendly vacation environments and AirBnBs have become a tradition for travel all over the world. Williamsburg benefits from having short term rental hosts in our town in so many ways, not the least of which is financial. Don't let Williamsburg miss the boat on this way of hosting tourism in our beautiful little piece of heaven.

Thank you for allowing me to express my strong appeal in favor of short term rentals, particularly for this very conscientious AirBnB host, Bobbee Valentine.

Maureen Pettine
AirBnB Ambassador
[The Burgs Nest](#)
757-968-1290

456 Crooked Stick
Williamsburg VA 23188
August 1, 2024

PLANNING DIVISION

AUG 05 2024

RECEIVED

Susan M. Istenes AICP
Director of Planning
Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg VA 23187-8784

RE: Sup-24-0014. 111 Druid Drive Short Term Rental of Rooms

Dear Director Istenes:

I am writing you this letter to comment on an application for a Special Use Permit for the property at 111 Druid Drive, before the James City County Planning Commission on August 7, 2024.

In 2017, after the death of my wife, I decided to relocate from my longtime home in Ohio. I considered and visited various communities in Florida, North Carolina and Virginia. The James City County/Williamsburg area felt like a good fit but I wanted an extended visit, not as a guest or tourist, but a short term "resident" to finalize my decision.

Using the Airbnb app, I found a listing for Ms. Valentine's 111 Druid Drive home and stayed there two times for a total of six weeks. During that time, I was introduced to a wonderful side of our peninsula area much deeper and more inviting than the nationally known sites. I interacted with four of Ms. Valentine's immediate neighbors. All were friendly, welcoming and very positive about the neighborhood. I never heard a negative comment regarding parking, traffic or noise. My time as a "resident guest" on Druid Drive was a great experience and influenced my decision to move to James City County.

Currently, I own my home, am Vice President of our HOA, have volunteered over 670 hours at the Jamestown Settlement, am active in my church and volunteer at the Community of Missions Winter Shelter.

My involvement in James City County is directly related to the welcoming visit that I experienced at Ms. Valentine's Druid home.

I hope you will look favorably at Ms. Valentine's request and give it your approval.

Sincerely,



Joseph J. Ziarko
JCC Resident & Property Owner

**Unapproved Minutes of the August 7, 2024,
Planning Commission Regular Meeting**

SUP-24-0014. 111 Druid Drive Rental of Rooms

Mr. Ben Loppacker, Planner, stated that Ms. Roberta Valentine applied for an SUP to allow for the short-term rental of one bedroom in a four-bedroom single-family home located at 111 Druid Drive. He stated that the property is zoned R-1, Limited Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map and is located inside the PSA. He noted if granted, this SUP would allow for short-term rentals throughout the year.

Mr. Loppacker stated that staff found some favorable factors for this application, such as the owner living on-site during the time of rentals; however, staff found the proposal not fully consistent with the recommendations for Short-Term Rentals in the Comprehensive Plan. Therefore, staff was unable to recommend approval of this application. He noted that staff included proposed conditions for consideration.

Mr. Everson asked if a letter from the County was sent to the applicant in 2022 notifying her that she was in violation of the Short-Term Rental policy.

Mr. Loppacker stated yes.

Mr. Everson asked if the Short-Term Rental was operating in 2023 and 2024 without an SUP

Mr. Loppacker stated yes.

Mr. Everson asked if he correctly understood that four off-street parking spaces were needed if the SUP was approved.

Mr. Loppacker stated yes. He further stated that two spaces are currently required for the single family home and that an additional two would be required for the Rental of Rooms.

Mr. Everson asked how the spots would be configured.

Mr. Loppacker stated that the location of the spots was up to the applicant but that the proposed conditions would require the applicant to submit a parking plan for approval prior to the issuance of a Certificate of Occupancy for the Short-Term Rental.

Mr. O'Connor asked for confirmation that if the applicant wished to rent for periods longer than 30 days then an SUP would not be needed.

Mr. O'Connor opened the Public Hearing.

The applicant, Ms. Roberta Valentine, 111 Druid Drive, gave a presentation to the Commission in support of the application.

Ms. Lisa Garber, 115 Kingspoint Drive spoke in support of the application.

Ms. Joyce S. Hedgepeth, 116 Druid Drive spoke in support of the application.

Ms. Dawn Ciliberto, 409 Tyler Street spoke in support of the application.

Mr. Joe Ziarko, 456 Crooked Stick spoke in support of the application.

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

Mr. O'Connor asked for any disclosures.

Mr. Polster recused himself from this case.

Mr. O'Connor asked if the SUP and its proposed conditions would affect the possibility of rentals for more than 30 days.

Mr. Loppacker stated that it would not and that any rental beyond 30 days would be a by-right use.

Mr. Everson stated his belief that if four parking spots were created on the property it would look almost like a neighborhood commercial use with that much parking in the front yard.

Mr. Everson inquired about how frequently rentals were under and over 30 days.

Mr. Loppacker stated that he would have to defer to the applicant.

Mr. Everson inquired if a variance is possible for the parking requirements.

Mr. Thomas Wysong, Principal Planner, stated that the Zoning Ordinance does not allow a variance for this purpose.

Mr. Everson stated his concern about the applicant having to pay for the creation of the required four parking spaces.

Mr. O'Connor stated his understanding was that the Ordinance allows for residential parking to be configured two spaces deep by two spaces wide and that four spaces wide was not required in this instance.

Mr. Everson asked if there was enough space for the two-by-two configuration.

Mr. Loppacker stated that staff measured the proposed parking area and stated that there would be enough space for that configuration.

Mr. Haldeman stated that the property is not in Rural Lands, is not on a main road, and is internal to a neighborhood. He further stated that this case was difficult for him because he felt he understood the personal economic situation. He noted that he was on the Policy Committee at the time the Short-Term Rental policy was discussed. Mr. Haldeman finished by stating that this case does not meet three of the four requirements for Short-Term Rental in the Comprehensive Plan.

Mr. Rodgers stated that he was not as concerned with the potential for this property to operate Short-Term Rentals as much as he was concerned about the precedent set by allowing a Short-Term Rental in a residential neighborhood. Mr. Rodgers also sought confirmation that any action on this case would not affect long-term rentals for this property.

Mr. O'Connor confirmed that fact.

Mr. Haldeman made a motion to recommend approval of the case to the Board of Supervisors.

The motion failed 0-5.

Mr. Haldeman made a motion to recommend denial of this case to the Board of Supervisors.

The motion passed 5-0.

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

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

SUBJECT: Disposal of County Property Located at 4601 Ironbound Road

The property located at 4601 Ironbound Road shown on the attached Location Map is part of Eastern State Hospital and is an approximately 14-acre portion of the property that has been declared as surplus property by the Commonwealth of Virginia.

Regarding disposition of this property, the following language was included in the adopted 2023 Virginia State Budget:

“The Department of General Services, in cooperation with the Department of Behavioral Health and Developmental Services, shall work with James City County to identify a minimum of 10 acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center. The subject acres shall be transferred to James City County upon such terms and conditions as may be agreed to by the parties.”

Colonial Behavioral Health (CBH) now has an identified need for the property and has requested its transfer. CBH was recently awarded a \$12 million contract from the state to construct a Crisis Services Center. The new building will house CBH Emergency Services, many Crisis Intervention Team Assessment Center functions such as Mobile Crisis, a Crisis Receiving Center, and Crisis Stabilization Unit services. The remainder of the approximately 14-acre property will be developed at a later point as CBH continues to develop its long-term space needs assessment and its long-term facilities master plan.

Consistent with the requirements of the adopted State Budget language, staff recommends approval of the attached resolution authorizing the County Administrator to execute those documents necessary to transfer the property to CBH.

PDH/ap
Dispos4601Irnbnd-mem

Attachments:

1. Resolution
2. Location Map

RESOLUTION

DISPOSAL OF COUNTY PROPERTY LOCATED AT 4601 IRONBOUND ROAD

WHEREAS, the adopted 2023 Virginia State Budget states that “[t]he Department of General Services, in cooperation with the Department of Behavioral Health and Developmental Services, shall work with James City County to identify a minimum of 10 acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center. The subject acres shall be transferred to James City County upon such terms and conditions as may be agreed to by the parties”; and

WHEREAS, the Commonwealth of Virginia has transferred a 14.164 ± acre parcel of property more particularly shown on that certain plat entitled “SUBDIVISION OF THE PROPERTY OF COMMONWEALTH OF VIRGINIA DEPARTMENT OF BEHAVIORAL AND DEVELOPMENTAL SERVICES JAMESTOWN DISTRICT JAMES CITY COUNTY, VIRGINIA” prepared by Timmons Group dated April 25, 2024 and last revised on May 23, 2024 (the “Property”) to James City County (the “County”) at no charge to the County with the intent that the County transfer it to Colonial Behavioral Health (“CBH”); and

WHEREAS, CBH was recently awarded a \$12 million contract from the state to construct a Crisis Services Center on the property and has asked that the County transfer it to them as soon as possible so that it may begin construction upon it; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should transfer the property to CBH, via its property holding corporation Colonial Community Services, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary to transfer the property to Colonial Community Services, Inc., the property holding corporation of Colonial Behavioral Health.

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 10th day of September, 2024.

Disposal of County Property



MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

FROM: Liz Parman, Deputy County Attorney

SUBJECT: An Ordinance to Grant Relief to a Former Owner, His Heirs or Assigns, for Real Estate Sold in a Delinquent Tax Sale

The James City County Attorney's Office recently received a request from the Power of Attorney for Willie E. Walker, Jr., one of eight heirs of Inez Walker whose property at 202 Mildred Drive in James City County was sold at a delinquent tax sale in 2021. Six of the eight heirs were granted their share of the surplus from the tax sale by the James City County Circuit Court in 2022. The remaining surplus was sent to the County in 2023, and Mr. Walker has asked the County for his one-eighth share of the surplus, or \$5,294.28.

Virginia Code Section 58.1-3967 allows the County to pay surplus funds to an heir in this situation, and I recommend that the Board do so.

LP/md
DelTxRelf-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO GRANT RELIEF TO A FORMER OWNER, HIS HEIRS OR ASSIGNS,
FOR REAL ESTATE SOLD IN A DELINQUENT TAX SALE

WHEREAS, there exists a parcel of land located in James City County known as 202 Mildred Drive and further identified as Lot 129, Forest Glen, Section 4, and James City County Real Estate Tax Map Parcel ID No. 3110500129 (the "Property"); and

WHEREAS, the Property was acquired by Inez Walker by deed recorded in James City County Deed Book 731, Page 226.

WHEREAS, Inez Walker died intestate on May 17, 2005, a widow, leaving eight children as sole heirs of her estate (the "Heirs"); and

WHEREAS, the Property was sold in a delinquent tax sale on January 20, 2021; and

WHEREAS, following the sale of the Property, a Decree of Confirmation was entered by the Williamsburg/James City County Circuit Court (the "Court") reporting a surplus of \$42,354.21 ("Surplus") from the sale, to which each of Inez Walker's eight Heirs is entitled to one-eighth; and

WHEREAS, six of the Heirs petitioned the court for their share of the Surplus and the Court, by Order dated October 13, 2022, awarded each of the six petitioning Heirs one-eighth of the Surplus, or \$5,294.28 each; and

WHEREAS, the Court retained the remainder of the Surplus and distributed it, by order, dated February 13, 2023, to James City County; and

WHEREAS, Willie Walker, through his son and Power of Attorney, Tracy Weeks, has submitted a request to James City County for his one-eighth share of the Surplus; and

WHEREAS, Virginia Code Section 58.1-3967 provides that upon request of the owner or heir of property sold in a delinquent tax sale the County may grant relief by Ordinance and pay over the surplus funds to the heir; and

WHEREAS, the Board of Supervisors held a public hearing and considered Willie Walker's request and the Board of Supervisors is of the opinion that James City County should pay to Willie Walker his share of the Surplus.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that James City County shall pay to Willie Walker, one of eight Heirs of deceased person Inez Walker, the sum of \$5,294.28, which is one-eighth of the Surplus from a delinquent tax sale of property located at 202 Mildred Drive.

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 10th day of
September, 2024.

DelTxRelf-ord

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: SUP-24-0011, Revocation of Special Use Permit No. 2-92, Colonial Golf Design, Inc.

At its meeting on May 14, 2024, the Board of Supervisors initiated revocation of the Special Use Permit 2-92, Colonial Golf Design, Inc. (the “SUP”) which allows the use of a golf course on property located at 8285 Diascund Road (the “Property”). The Property is zoned A-1, General Agricultural, and golf courses are a specially permitted use in this district.

The adopted Initiating Resolution describes the following concerns regarding the existing conditions of the Property which prompted the revocation process request:

1. The operation of the golf course ceased more than a decade ago.
2. Due to the disuse of the Property, the golf course is not in compliance with one or more conditions of the existing SUP including (1) failure to maintain Best Management Practices (BMP); and (2) failure to submit annual integrated pest management reports to the County.

Section 24-12. Revocation of special use permits of the James City County Zoning Ordinance (the “Zoning Ordinance”) permits the governing body to initiate a revocation of a special use permit and the process shall be the same as a new application for a special use permit. Grounds for revocation shall include, but not limited to the following:

1. A change in conditions affecting the public health, safety and welfare since adoption of the special use permit; or
2. Repeated violations of this chapter, including any conditions attached to the special use permit, by the owner/operator of the use; or
3. Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special use permit; or
4. Improper public notice of the special use permit public hearing(s) when the permit was considered by the planning commission or the governing body; or
5. An error or mistake in fact that led to an arbitrary and unreasonable decision made by the governing body when approving the special use permit.

PLANNING AND ZONING HISTORY

On April 20, 1992, the Board of Supervisors approved an SUP to allow an 18-hole golf course and related facilities subject to 12 conditions. The golf course included a driving range, clubhouse, 3-hole practice course, maintenance building, and turf nursery. The golf course received final approval of the initial site plan on August 9, 1993.

EXISTING CONDITIONS

Staff finds the following existing conditions of the Property:

- The golf course has been closed for more than a decade.
- The Virginia Department of Environmental Quality approved a Nonpoint Nutrient Credit Plan for the Property, and a Declaration of Restrictive Covenants was recorded for ± 21 acres of the Property.
- The 18-hole golf course appears to have been maintained based on County aerial photography.
- The 3-hole practice course and driving range have been revegetated based on County aerials.
- In January 2010, the Stormwater and Resource Protection Division inspection reports found that the vegetated filter strip BMP had excessive erosion and sink holes and the large pond BMP showed a crack. Additional inspections in May 2013, January 2017, and February 2020 were conducted which showed that the large pond BMP was in failure mode. Staff last inspected the area in April 2024. This inspection revealed the embankment, barrel pipe, and emergency spillway have all failed.
- In accordance with the Map T-2, Future Roadway Congested Levels, which was prepared during the 2045 Comprehensive Plan update, Forge Road and Diascund Road are projected to have low levels of congestion through 2045.

SECTION 24-12. REVOCATION OF SPECIAL USE PERMITS EVALUATION

The evaluation below provides information on each of the criteria listed in the Zoning Ordinance Section 24-12:

1. A change in conditions affecting the public health, safety and welfare since adoption of the special use permit.
 - *Stormwater and Resource Protection Division reported that repairs are needed on the existing conditions on the Property. This includes repairs to the open pile structures crossing wetlands (cart paths) and the failed BMP embankment and all appurtenances.*
 - *The Police and Fire Departments received seven calls since January 1, 2019, for the Property. The reports cited brush fire, trespassing, suspicious person, and Animal Control concerns.*
 - *The Virginia Department of Transportation (“VDOT”) reported that due to VDOT regulatory changes since 1992, an updated traffic analysis should be performed if the Property was to be used as a golf course. However, an updated traffic analysis would not be triggered under the existing SUP.*
 - *Approximately 360 new dwellings have been constructed within a two-mile radius of the Property since 1993. Approximately 103 of those dwellings were constructed in the last 10 years.*
 - *The 2045 Comprehensive Plan has strengthened its emphasis on the protection of Forge Road, which is one of the two main roads traveled to access the Property.*

2. Repeated violations of this chapter, including any conditions attached to the special use permit, by the owner/operator of the use.

The property is subject to 12 SUP conditions. Staff has identified two noncompliant conditions.

Condition 2 - Best Management Practices (BMPs) shall be provided to control the rate and improve the quality of stormwater runoff. These BMPs shall be generally as presented on the conceptual plan prepared by Colonial Golf Designed and Williamsburg Environmental Group, dated February 1992 and in the support documentation prepared by the Williamsburg Environmental Group and dated February 1992. The exact number, type, and location of BMPs needed to control the project runoff and mitigate Resource Protection Area encroachments shall be based on a water quality impact assessment prepared during the site plan review process and approved by the Director of Code Compliance prior to final site plan approval.

Staff is of the opinion that there have been no substantive efforts to repair the BMP for the past 14 years or longer. Deteriorating conditions prevent the BMP from effectively controlling and maintaining the rate and quality of stormwater runoff as designed when approved. This situation creates a violation of the SUP.

Condition 3 - An operation and maintenance plan, including an integrated pest management plan, shall be submitted as part of the site plan submittal and approved by the Director of Code Compliance prior to final site plan approval. The integrated pest management plan shall include documents for the recordation of the application of all fertilizers, herbicides, pesticides, insecticides, and/or other chemicals applied to the golf course. A copy of the application records shall be kept on-site and shall be made available upon request for review. Additionally, a copy of the records shall be submitted to the Director of Code Compliance annually from the date of issuance of this permit for review and approval. The Director of Code Compliance may require the submittal of a new integrated pest management plan if the review of these records show the plan to be inadequate.

Staff did not find any annual application records as required in the condition which creates a violation of the SUP.

It is important to note that the Zoning Administrator has not issued a Notice of Violation. Should the golf course reopen, it would be imperative that these violations be resolved.

3. Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special use permit.

Staff is unaware of any fraudulent, false or misleading information supplied by the applicant.

4. Improper public notice of the special use permit public hearing(s) when the permit was considered by the planning commission or the governing body.

Staff is unaware of any improper public notification of the existing SUP.

5. An error or mistake in fact that led to an arbitrary and unreasonable decision made by the governing body when approving the special use permit.

Staff is unaware of any error or mistake that would have led to an arbitrary and unreasonable decision made by the governing body when approving the SUP.

SURROUNDING ZONING AND DEVELOPMENT

The following table lists information on parcels adjacent to the Property:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	A-1, General Agricultural	Vacant	Rural Lands
SOUTH	A-1, General Agricultural	Single-family dwelling	Rural Lands
EAST	A-1, General Agricultural	Vacant	Rural Lands
WEST	A-1, General Agricultural	Single-family dwelling	Rural Lands

COMPREHENSIVE PLAN

The Property is designated Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside of the Primary Service Area (PSA), where a lower level of public service delivery exists, or where utilities and urban services do not exist and are not planned for in the future. Rural Lands uses are intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy.

Staff finds that the use of a golf course is consistent with the 2045 Comprehensive Plan, which lists commercial recreational uses as a recommended use in areas designated Rural Lands. The adopted commentary further states that retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. This Property is located outside the PSA in an area where there is not a planned commercial location; therefore, consistency with the Comprehensive Plan may be dependent on the nature and intensity of any accessory retail or other commercial uses proposed for the site.

CORRESPONDENCE

Staff spoke with a representative of the current owners of the golf course on July 1, 2024. Mr. Patrick Link stated that the owners do not object to the revocation of the SUP for the existing golf course because a different use for the property is being planned.

PLANNING COMMISSION

The Planning Commission held a public hearing on July 2, 2024, and voted to recommend that the Board of Supervisors revoke SUP-2-92, Colonial Golf Design, Inc. that permits the use of a golf course, by a vote of 7-0.

RECOMMENDATION

Staff recommends that the Board of Supervisors revoke SUP-2-92, Colonial Golf Design, Inc. in accordance with Section 24-12 of the Zoning Ordinance for the following reasons:

1. Lengthy closure of the existing golf course use;

2. Deteriorated conditions which prevent the existing BMP from effectively controlling and maintaining the rate and quality of stormwater runoff as designed when approved;
3. Failure to comply with existing SUP conditions;
4. Increased number of housing units within a two-mile radius; and
5. Reopening of the existing golf course after a lengthy closure without the benefit of being re-evaluated in accordance with Section 24-9, Special use permit, of the Zoning Ordinance, could result in negative impacts to surrounding properties including but not limited to increased traffic along a rural Community Character Corridor, and possible incompatibility of the use due to the existing surrounding character of the area and the 2045 Comprehensive Plan.

CHP/md

SUP24-11ColGolfRev-mem

Attachments:

1. Resolution to Revoke Special Use Permit No. 2-92, Colonial Golf Design, Inc.
2. Location Map
3. Initiating Resolution
4. SUP-2-92 Resolution and Staff Report
5. 1992 Conceptual Plan
6. July 2, 2024, Approved Planning Commission Minutes

RESOLUTION

CASE NO. SUP-24-0011. REVOCATION OF SPECIAL USE PERMIT NO. 2-92,

COLONIAL GOLF DESIGN, INC.

- WHEREAS, on April 20, 1992, the Board of Supervisors of James City County, Virginia, approved Special Use Permit No. 2-92, Colonial Golf Design, Inc. which included 12 conditions required to develop a golf course (the “Conditions”) on property identified as Parcel (1-2) on James City County Tax Map No. (94) and Parcel (1-18) on James City County Tax Map No. (10-3), now identified as James City County Real Estate Tax Map No. 0940100002 and further identified as 8285 Diascund Road (the “Property”); and
- WHEREAS, the Property has fallen into disuse and owners of the Property have not remained in compliance with one or more of the Conditions for many years, including but not limited to: (1) failure to maintain Best Management Practices (BMP) as required by Condition No. 2; and (2) failure to submit the annual reports required by Condition No. 3; and
- WHEREAS, Section 24-12(b) of the James City County Code sets forth grounds for revocation of special use permits which include, inter alia, (1) changes in conditions affecting the public health, safety and welfare since adoption of the special use permit, and (2) the property is no longer fulfilling the special use permit conditions as required due to the disuse of the golf course for more than a decade; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, pursuant to Section 24-12 of the James City County Code, adopted an Initiating Resolution of revocation of Special Use Permit No. 2-92, Colonial Golf Design, Inc. on May 14, 2024, that directed staff to prepare a report on any grounds for revocation set forth in Section 24-12 of the James City County Code as it pertains to the Property; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP 24-0011; and
- WHEREAS, the Planning Commission, following its public hearing on July 2, 2024, recommended that the Board of Supervisors revoke SUP-2-92, Colonial Golf Design, Inc. that permits the use of a golf course by a vote of 7-0.
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds grounds to revoke SUP-2-92, Colonial Golf Design, Inc. pursuant to Section 24-12 of the James City County Code for the following five reasons: (1) lengthy closure of the existing golf course use; (2) deteriorated conditions which prevent the existing BMP from effectively controlling and maintaining the rate and quality of stormwater runoff as designed when approved; (3) failure to comply with existing SUP-2-92, Colonial Golf Design, Inc. Conditions; (4) increased number of housing units within a two-mile radius; and (5) reopening of the existing golf course after a lengthy closure without the benefit of being re-evaluated in accordance with Section 24-9, Special use permit, of the Zoning Ordinance, could result in negative impacts to surrounding properties including but not limited to increased traffic along a rural Community Character Corridor, and possible incompatibility of the use due to the existing surrounding character of the area and the 2045 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia,
that pursuant to Section 24-12 of the James City County Code, it does hereby revoke
Special Use Permit No. 2-92, Colonial Golf Design, Inc.

Ruth M. Larson
Chair, Board of Supervisors

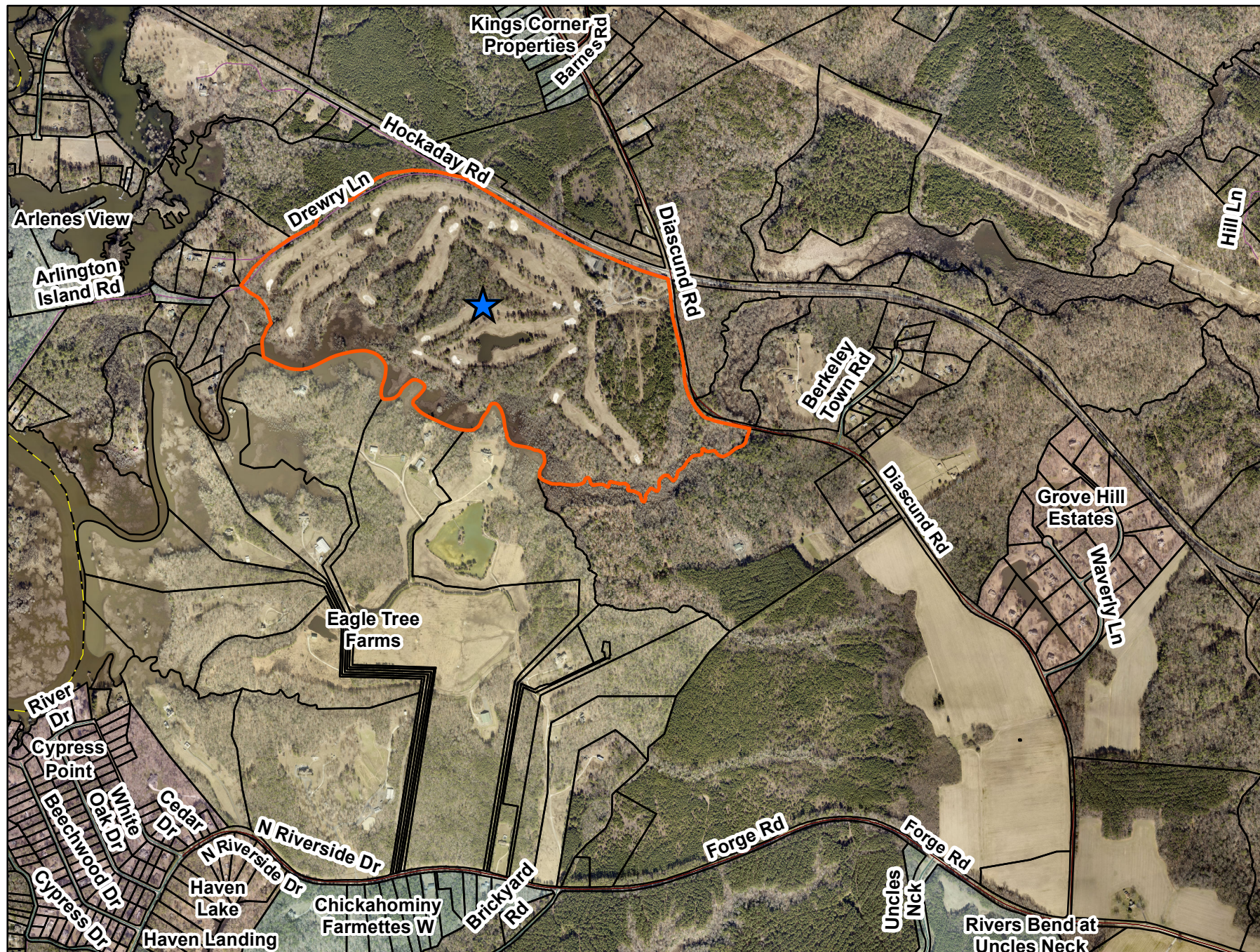
ATTEST:

		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 10th day of
September, 2024.

SUP24-11ColGolfRev-res

SUP-24-0011 - Colonial Golf Course SUP-2-92 Revocation
8285 Diascund Road



RESOLUTION

INITIATING THE PROCESS TO REVOKE SPECIAL USE PERMIT NO. 2-92.

COLONIAL GOLF DESIGN, INC.

- WHEREAS, on April 20, 1992, the Board of Supervisors of James City County, Virginia (the "Board") approved Special Use Permit No. 2-92, Colonial Golf Design, Inc. (the "SUP") which SUP included 12 conditions required to develop a golf course (the "Conditions") on property identified as Parcel (1-2) on James City County Real Estate Tax Map Parcel No. (94) and Parcel (1-18) on James City County Real Estate Tax Map Parcel No. (10-3), now identified as James City County Real Estate Tax Map Parcel No. 0940100002 and further identified as 8285 Diascund Road (the "Property"); and
- WHEREAS, the golf course was eventually constructed, opened, and then ceased operation more than a decade ago; and
- WHEREAS, the Property has fallen into disuse and owners of the Property have not operated it as a golf course or remained in compliance with one or more of the Conditions for many years, including but not limited to: (1) failure to maintain Best Management Practices as required by Condition No. 2; and (2) failure to submit the annual reports required by Condition No. 3; and
- WHEREAS, Section 24-12, Revocation of special use permits, of the James City County Code (the "County Code") sets forth a procedure whereby the Board may, by resolution, initiate revocation of a special use permit; and
- WHEREAS, Section 24-12(b) of the County Code sets forth non-exclusive grounds for revocation of special use permits which include, *inter alia*, (1) changes in conditions since adoption of the special use permit and; (2) noncompliance with special use permit conditions; and
- WHEREAS, it appears to the Board that grounds for revocation of the SUP exist and the Board therefore desires to initiate the process to revoke the SUP.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that pursuant to Section 24-12 of the James City County Code, it does hereby initiate revocation of SUP No. 2-92, Colonial Golf Design, Inc., and further directs staff to prepare a report on any grounds for revocation as it pertains to the Property and further directs staff to place this on the Planning Commission's Agenda as soon as practicable.



Ruth M. Larson

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed

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>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

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

RevoSUP2-92-res

RESOLUTION

CASE NO. SUP-2-92. COLONIAL GOLF DESIGN, INC.

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

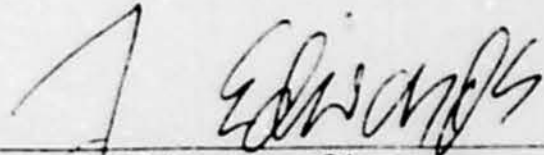
WHEREAS, the Planning Commission of James City County, following its public hearing on March 10, 1992, voted 5-2 and recommended approval of Case No. SUP-2-92 to permit a golf course and related facilities in the A-1, General Agricultural district on property identified as Parcel (1-2) on James City County Tax Map No. (9-4) and Parcel (1-18) on James City County Tax Map No. (10-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-2-92 as described herein with the following conditions:


1. A construction phasing plan shall be provided as part of the site plan to be approved by the Director of Code Compliance. The plan shall divide the construction into phases. Land disturbance beyond the first phase shall be permitted based upon the adequacy of erosion and sediment control measures installed in prior phases.
2. Best Management Practices (BMPs) shall be provided to control the rate and improve the quality of stormwater runoff. These BMPs shall be generally, as presented on the conceptual plan, prepared by Colonial Golf Design and Williamsburg Environmental Group, dated February 1992 and in the support documentation prepared by the Williamsburg Environmental Group and dated February 1992. The exact number, type and location of BMPs needed to control the project runoff and mitigate RPA encroachments shall be based on a water quality impact assessment prepared during the site plan review process and approved by the Director of Code Compliance prior to final site plan approval.
3. An operation and maintenance plan, including an integrated pest management plan, shall be submitted as part of the site plan submittal and approved by the Director of Code Compliance prior to final site plan approval. The integrated pest management plan shall include documents for the recordation of the application of all fertilizers, herbicides, pesticides, insecticides and/or other chemicals applied to the golf course. A copy of the application records shall be kept on site and shall be made available, upon request, for review. Additionally, a copy of the records shall be submitted to the Director of Code Compliance annually from the date of issuance of this permit, for review and approval. The Director of Code Compliance may require the submittal of a new integrated pest management plan if the review of these records show the plan to be inadequate.

4. An environmental impact assessment for golf course irrigation shall be submitted to and approved by the County Engineer prior to final site plan approval.
5. Prior to the submittal of a site plan which proposes any work within the area designated as a Natural Area by the Virginia Department of Conservation and Recreation's Division of Natural Heritage's Natural Areas Inventory of the Lower Peninsula of Virginia, dated January 24, 1992, the developer shall directly consult with that agency and review their detailed site files in relation to the existence of rare species or potential habitat for such species. Confirmation of this review shall be submitted to the County Engineer for his review and approval upon his request. If the existence of rare species or potential habitat for such species is determined to be found on site, the County Engineer may require the protection of such areas in a form acceptable to the County Engineer. Such measures may include, but not be limited to mapping areas, leaving areas undisturbed and/or transplanting specimens. The developer should minimize disturbance in areas containing rare species and potential habitat to the maximum extent possible.
6. A Phase I Archaeological Study shall be submitted to the Director of Planning for his review and approval. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or a Phase III Study of archaeological sites as recommended in any subsequent study of archaeological sites. Such studies shall be submitted to and approved by the County prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II Study, the County determines the site is eligible for inclusion in the National Register of Historical Places based on the Criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.
7. If construction has not commenced on the project within 24 months from the date of issuance of this special use permit, it shall become void.
8. A 50-foot undisturbed buffer shall be provided along the western boundary of the site. The buffer shall remain in its natural state where it is wooded. Where it is open, it shall be landscaped in accordance with the planting requirements of Section 20-14C(2)(a) of the Zoning Ordinance at a minimum.

9. A 100-foot undisturbed buffer, measured from the right-of-way property boundary, shall be provided along Diascund Road. The buffer shall remain in its natural state where it is wooded. Where it is open, it shall be landscaped in accordance with the planting requirements of Section 20-14C(2)(a) of the Zoning Ordinance at a minimum. The entrance to the site and the location of necessary utilities shall be permitted within this buffer with the approval of the Development Review Committee.
10. No more than one entrance to the property shall be permitted. The entrance shall be located on Diascund Road.
11. The driving range, practice area and golf course shall not be illuminated for night use.
12. Water used for golf course irrigation shall be drawn from Mill Creek. If it is determined that Mill Creek is not a suitable source of water, the special use permit shall become void.


Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	NAY
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this
20th day of April, 1992.

2088w

MEMORANDUM

DATE: , April 20, 1992
TO: The Board of Supervisors
FROM: O. Marvin Sowers, Jr., Director of Planning
SUBJECT: Case No. SUP-2-92. Colonial Golf Design, Inc.

This case was deferred by the Board of Supervisors at their April 6, 1992, meeting in order to allow time for staff to provide additional information requested by the Board.

Staff has examined the following issues and offers the comments listed below:

Golf Course Irrigation - As stated in the attached staff report, water used for the irrigation of the proposed golf course would be pumped from Mill Creek. It is estimated that between 80,000 gallons per day during normal climatic conditions and up to 435,000 gallons per day during drought and/or grow in conditions would be used to irrigate the course. Water withdrawn from Mill Creek would range from 12 million gallons to 65 million gallons per year, depending on climatic conditions. The Mill Creek Drainage Area consists of approximately 6,160 acres (9.6 square miles) and creates a mean daily flow at the tidal limit of 6.6 million gallons per day. The yearly mean is projected at 2,406 million gallons. The tidal limit is upstream from the proposed irrigation intake, resulting in tidal water at the intake as well. The volume of the tidal reach has been projected to be approximately 36.2 million gallons. The tidal or nontidal water sources could more than accommodate the irrigation needs of this project individually. These water sources combined are more than adequate to accommodate the irrigation needs of this golf course.

The irrigation plan would require approval from the U.S. Army Corps of Engineers, the Virginia Water Control Board and the Virginia Marine Resources Commission. These agencies would issue permits to allow the encroachment of the intake structure and any pipe used to carry the water into the various agencies' jurisdictional areas. The granting of these permits would depend upon the potential impacts to the marine, fisheries, wetland resources, water quality and the evaluation of the probable impact of the proposed activity on the public interest based on the balance between the benefits and the detriments which may be reasonably expected to accrue from the proposal. An environmental impact assessment of the proposed irrigation system would also need to be reviewed and approved by the County Engineer. This study would address wetlands impacts, impacts on plants and animals, water quality impacts associated with the construction of the intake structure, and the quality and amount of the water withdrawal. Conditions require Mill Creek to be the only water source used for irrigation of the proposed golf course.

Pollutants From the Development - The applicant has projected that non-point source loading rates for the Laurel Glen site will decrease over what is currently being loaded by this site. Existing conditions on the site yield a total load of approximately 94 pounds of non-point source loading per year. The applicant projects that the golf course without Best Management Practices (BMPs) would yield approximately 83 pounds of non-point source loading per year. The applicant has further estimated if BMPs are used, as proposed, 63 pounds of non-point source loading per year would be loaded. Several conditions will help ensure that these goals are met. They include:

- A construction phasing plan would be provided as part of the site plan to be approved by the Director of Code Compliance. Land disturbance beyond the first phase would be permitted based upon the adequacy of erosion and sediment control measures installed in prior phases.
- Best Management Practices would be provided to control the rate and improve the quality of stormwater runoff. The exact number, type and location of BMPs needed to control the project runoff and mitigate RPA encroachments would be based on a water quality impact assessment prepared during the site plan approval process.

Conditions also require an Operation and Maintenance Plan, including an Integrated Pest Management Plan (IPMP) to be submitted as part of the site plan submittal. The IPMP is an integral part of any golf course development in James City County. This plan allows County staff to review and approve the precise amount of insecticides and/or pesticides to be used on the golf course and where on the golf course these potentially harmful chemicals are going to be used. Submittal of this plan allows the staff to effectively monitor the type of chemical to be used, the areas to be treated and the amount of chemical to be used. Actual application of the pesticide treatment is required to be completed by a trained and certified applicator. Many IPMPs require the superintendent of golf courses to keep a log of chemical application. The County does not currently review these logs. The Board could direct staff to start requiring a periodic review of the "Summary of Applications Logs" as part of the IPMP or could add a condition to approval of this project which would require this.

Staff feels that the project, with conditions, will adequately protect the nearby streams from pollution.

Traffic - The applicant has completed a traffic impact analysis which was thoroughly reviewed and approved by both staff and the Virginia Department of Transportation. The study projected that traffic coming to the golf course would come from Route 60 via Diascund Road or from Route 60 via Forge Road and Diascund Road. The study assumes that 80 percent of the total site traffic will access the site from Route 60 via Diascund Road and the remaining 20 percent coming from Route 60 via Forge Road and Diascund Road. The study also examined a 50/50 split of the traffic, with an equal amount of the site's traffic using each access way. The study was completed using the trip generation rate formulas established by the Institute of Transportation Engineers (ITE). Peak hour trip generation for this project is 60 trips in the PM peak hour. These trips were applied to the surrounding road networks using the accepted methodology set forth in the Highway Capacity Manual (HCM).

The study projects adequate levels of service at the Forge Road/Diascund Road intersection (LOS A) and on Diascund (LOS A) and Forge Roads (LOS C) under both the 80/20 and 50/50 scenarios. The current level of service on Forge Road is "B" and with the proposal would degrade to a level of service "C." However, once Forge Road is improved as currently scheduled in the Six-Year Secondary Road Plan, the level of service will revert to "B." The entrance to the site was also reviewed in accordance with VDOT minimum standards for entrances and did not meet the warrants for turn lanes or tapers. Staff and VDOT are both very comfortable with the conclusions of the study.

Natural Areas Inventory - Most of the site is located within the "Diascund Creek Natural Area" as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage due to the possible presence of 2 rare plant species. The "Natural Areas Inventory" (NAI) is a result of a contract between the Division of Natural Heritage and the City of Williamsburg, James City County and York County. The goal of the study is to systematically identify the habitat of rare, threatened, or endangered plant species, rare or state significant natural communities or geologic sites, and similar features of scientific interest.

The NAI provides the County a planning tool which identifies areas that have a higher than average probability of containing these features. Location of any site within the conservation planning boundaries now identified, does not imply the need for complete conservation of the total site. The intent of the NAI is to support wise planning and decision-making for the conservation of these natural areas. We currently only have Phase 3 of the NAI project. Unfortunately, Phase 4 of the study, which will detail protection measures for these areas, has not been completed. However, staff felt it was necessary to add a condition which would require the applicant to examine this issue further upon development of the site. County staff would retain the ability to require specific protection measures, as needed. Of the three jurisdictions involved in the contracting of the study, James City County is the first to require further study and protection of these areas.

Logical Suggested Uses - The site is designated Rural Lands by the Comprehensive Plan. Suggested uses in this designation include agricultural and forestal activities, together with certain recreational and public or semipublic and institutional uses which require a spacious site and are compatible with the rural and natural surroundings. Rural residential uses associated with legitimate agricultural and forestal activities are appropriate when overall density is no more than 1 dwelling unit per 2 to 3 acres and soils are suitable for individual waste disposal systems.

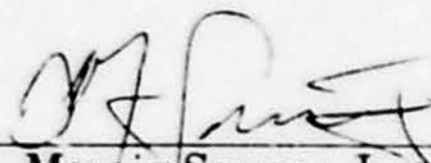
The site contains 210 acres and, provided all the land perked, could be developed into approximately 70 single-family lots. If this single-family project was to materialize, the traffic impacts would be greater than the golf course proposal. Impervious surfaces, in the form of roads, driveways and rooftops, would be in excess of the impervious surfaces associated with the golf course proposal.

Summary of Benefits - Staff was requested by a Board member to summarize the benefits of this proposal. They are as follows:

- The project, with conditions, is consistent with the Comprehensive Plan.
- The project is planned to be environmentally sensitive. Conditions attached to this special use permit ensure this.
- The project, with conditions, is consistent with surrounding development and zoning.
- No adverse traffic impacts would result.
- The project has a positive fiscal impact.

RECOMMENDATION:

Staff continues to recommend approval with the conditions detailed in the attached staff report. Also attached for Board consideration is a memorandum from William J. Brown which discusses some of the fiscal impacts of the proposal.


O. Marvin Sowers, Jr.

OMS/tlp
7122a

Attachments

1. Original staff report dated April 6, 1992.
2. Memorandum from William J. Brown.

MEMORANDUM

DATE: April 6, 1992
TO: The Board of Supervisors
FROM: O. Marvin Sowers, Jr., Director of Planning
SUBJECT: Case No. SUP-2-92. Colonial Golf Design, Inc.

Mr. Lester George of Colonial Golf Design, Incorporated has applied on behalf of the Edna Hockaday Estate for a special use permit to allow the construction of a golf course and related facilities on property zoned A-1, General Agricultural. The property contains 210 acres and is located at 8251 Diascund Road and can further be identified as Parcel (1-2) on James City County Tax Map No. (9-4) and Parcel (1-18) on James City County Tax Map No. (10-3).

Description of the Project

The applicant has submitted a conceptual plan detailing the development of an 18-hole golf course with related facilities such as a driving range, clubhouse, 3-hole practice course, maintenance building and turf nursery. The applicant has indicated that the proposed golf course would be open to the public.

Topography and Physical Features

The northeast corner of the property is flat and is currently in farm use. Generally, the remainder of the property is heavily wooded, with several ravines which slope towards Mill Creek. The slopes in these areas are generally moderate, but become steep in some areas. The property contains wetlands and a portion of the property is designated as Resource Protection Area (RPA) by the Chesapeake Bay Preservation Ordinance.

The applicant has prepared an impact statement which preliminarily examines the following:

Wetland Impacts - The site contains both tidal and nontidal wetlands. Preliminary field investigation reveals that there are approximately 14 acres of jurisdictional wetlands on the site. The applicant projects minimal impacts on the wetlands. The applicant has also indicated that any crossings of the wetlands for cart paths would consist of open pile structures.

Chesapeake Bay Preservation Areas - As indicated above there are some wetlands and steep slopes on the site which qualify as Resource Protection Areas under the Chesapeake Bay Preservation Ordinance. The conceptual plan shows some encroachments in the RPA. These encroachments occur in approximately 8 areas on the site. Additionally, some selective clearing in the RPA may be necessary to provide flight lines for some of the holes. Any encroachment into the RPA will be required to obtain an exception from the Chesapeake Bay Preservation Ordinance issued by the Director of Code Compliance. Approval of this special use permit does not approve development on the steep slopes and the proposal would need to meet all applicable requirements of the Chesapeake Bay Preservation Ordinance.

A preliminary site inspection has resulted in an overall agreement as to the general location of all tees, fairways and greens as indicated on the conceptual plan. Staff would review the exception requests during the site plan review. This review would include field inspections prior to construction with the goals of minimizing soil disturbance and maximizing preservation of natural vegetation including ground cover.

Drainage and Stormwater Management - The applicant has preliminarily examined the drainage characteristics of the site. The applicant has proposed a combination of both structural and nonstructural BMP's to control runoff from the site. Utilizing this concept, the applicant projects that nonpoint source loading rates for the golf course would be less than the existing conditions found on the site today. Staff has added conditions to ensure adequate drainage and stormwater management.

Threatened and Endangered Species - The applicant has investigated the site's potential relating to the presence of threatened and/or endangered species. The applicant consulted with the Virginia Department of Conservation and Recreation's Division of Natural Heritage to determine if threatened or endangered species occur on the site. Most of the site is located in that department's "Diascund Creek Natural Area" due to the possible presence of 2 rare plant species. Staff has added a condition which would require the applicant to examine this issue further upon development of the site. There are also 2 bald eagle nesting sites located within a 1-mile radius of the site. One nest is active and the other is inactive. Current National Wildlife Federation regulations mandate a quarter-mile radius protection zone which should not be disturbed. This site does not fall within that radius. This protection zone may be expanded to one-half mile radius where people are visible to eagles perched at or near the nest. There is a ridge which is located in between the nest and the site which is higher than the nest itself. It is felt that the presence of this ridge will prevent human activity on the golf course site from being visible from the eagle's nest.

Archaeological Evaluation - The applicant has prepared a preliminary archaeological evaluation for the site. The preliminary analysis states that there is a great probability of the project area containing archaeological sites. There is also a house on the property which was probably constructed in the early 19th century. Staff has added a condition which would require a Phase I Archaeological Study to be undertaken for the project and provides for additional archaeological studies if necessary.

Access

The applicant has prepared a traffic impact analysis which has been reviewed by staff. The study examined the impacts of the proposed golf course on Diascund Road and also examined the impacts of the proposal on Forge Road as well. It was determined that the golf course would not significantly impact these roadways. Additionally, the study shows that no entrance improvements such as turn lanes are required to serve this project. This study has been reviewed and approved by VDOT.

Access to the site is planned to be from Diascund Road and staff has added a condition to that effect.

Public Utilities

Sewer facilities for the project would be provided by septic tanks.

Water necessary for the irrigation of the golf course would be supplied by surface water collection sources. An intake structure is planned for Mill Creek. An adequate supply of water is expected due to the tidal nature of this creek, where no minimum instream flow limitations apply. Preliminary testing has indicated that this water is of an appropriate quality to be used for irrigation purposes. The irrigation plan would require approval from the U.S. Army Corps of Engineers, the Virginia Water Control Board and the Virginia Marine Resources Commission. Staff has added a condition that requires this to be the only water source for irrigation at the proposed golf course.

Domestic water would be provided by a well.

Comprehensive Plan

The site is designated rural lands by the Comprehensive Plan. Suggested uses in this designation include agricultural and forestal activities, together with certain recreational and public or semi-public and institutional uses which require a spacious site and are compatible with the rural and natural surroundings.

Mill Creek is designated a Conservation Area by the Comprehensive Plan. Conservation areas are critical environmental areas where ordinary development practices would likely cause significant environmental damage. The golf course is required to develop in accordance with the requirements of the Chesapeake Bay Preservation Ordinance which will adequately protect these environmentally sensitive areas.

This proposal is a recreational use which requires a spacious site, and staff feels that, with conditions, it is generally consistent with the Comprehensive Plan. The proposal, with conditions, also meets all applicable development standards.

Surrounding Development and Zoning

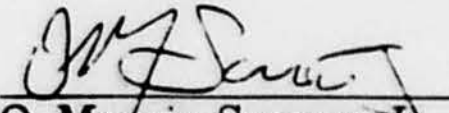
The property is completely surrounded by property zoned A-1, General Agricultural. Property to the north and east of the site is undeveloped as is the property located across Mill Creek on the southern boundary of the property. Property to the west of the site contains a large parcel of undeveloped land and approximately 5 smaller parcels, some of which contain residences. This area of the site is wooded and staff has added a condition which would require a 50-foot undisturbed buffer along Arlington Island Road on the western boundary of the site. Staff has added a condition which would restrict the installation of lights on the driving range. Staff has also added a condition which would require a minimum 100-foot undisturbed buffer between the driving range and Diascund Road. Staff feels the proposal with conditions is consistent with surrounding development and zoning.

RECOMMENDATION:

This project, with conditions, is consistent with surrounding development and zoning and the Comprehensive Plan. With conditions, it would preserve the environmental sensitivity of the site. For these reasons, the Planning Commission by a 5-2 vote concurred with staff and recommended approval of Case No. SUP-2-92 with the conditions listed below:

1. A construction phasing plan shall be provided as part of the site plan to be approved by the Director of Code Compliance. The plan shall divide the construction into phases. Land disturbance beyond the first phase shall be permitted based upon the adequacy of erosion and sediment control measures installed in prior phases.
2. Best Management Practices (BMPs) shall be provided to control the rate and improve the quality of stormwater runoff. These BMPs shall be generally as presented on the conceptual plan prepared by Colonial Golf Design and Williamsburg Environmental Group, dated February 1992 and in the support documentation prepared by the Williamsburg Environmental Group and dated February 1992. The exact number, type and location of BMPs needed to control the project runoff and mitigate RPA encroachments shall be based on a water quality impact assessment prepared during the site plan review process and approved by the Director of Code Compliance prior to final site plan approval.
3. An operation and maintenance plan, including an integrated pest management plan shall be submitted as part of the site plan submittal and approved by the Director of Code Compliance prior to final site plan approval.
4. An environmental impact assessment for golf course irrigation shall be submitted to and approved by the County Engineer prior to final site plan approval.
5. Prior to the submittal of a site plan which proposes any work within the area designated as a Natural Area by the Virginia Department of Conservation and Recreation's Division of Natural Heritage's Natural Areas Inventory of the Lower Peninsula of Virginia, dated January 24, 1992, the developer shall directly consult with that agency and review their detailed site files in relation to the existence of rare species or potential habitat for such species. Confirmation of this review shall be submitted to the County Engineer for his review and approval upon his request. If the existence of rare species or potential habitat for such species is determined to be found on site, the County Engineer may require the protection of such areas in a form acceptable to the County Engineer. Such measures may include, but not be limited to mapping areas, leaving areas undisturbed and/or transplanting specimens. The developer should minimize disturbance in areas containing rare species and potential habitat to the maximum extent possible.
6. A Phase I Archaeological Study shall be submitted to the Director of Planning for his review and approval. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or a Phase III study of archaeological sites as recommended in any subsequent study of archaeological sites. Such studies shall be submitted to and approved by the County prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II study, the County determines the site is eligible for inclusion in the National Register of Historical Places based on the Criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.

7. If construction has not commenced on the project within 24 months from the date of issuance of this special use permit, it shall become void.
8. A 50-foot undisturbed buffer shall be provided along the western boundary of the site. The buffer shall remain in its natural state where it is wooded. Where it is open, it shall be landscaped in accordance with the planting requirements of Section 20-14C(2)(a) of the Zoning Ordinance at a minimum.
9. A 100-foot undisturbed buffer, measured from the right-of-way property boundary, shall be provided along Diascund Road. The buffer shall remain in its natural state where it is wooded. Where it is open, it shall be landscaped in accordance with the planting requirements of Section 20-14C(2)(a) of the Zoning Ordinance at a minimum. The entrance to the site and the location of necessary utilities shall be permitted within this buffer with the approval of the Development Review Committee.
10. No more than one entrance to the property shall be permitted. The entrance shall be located on Diascund Road.
11. The driving range, practice area and golf course shall not be illuminated for night use.
12. Water used for golf course irrigation shall be drawn from Mill Creek. If it is determined that Mill Creek is not a suitable source of water, the special use permit shall become void.


O. Marvin Sowers, Jr.

OMS/bkh
7098a

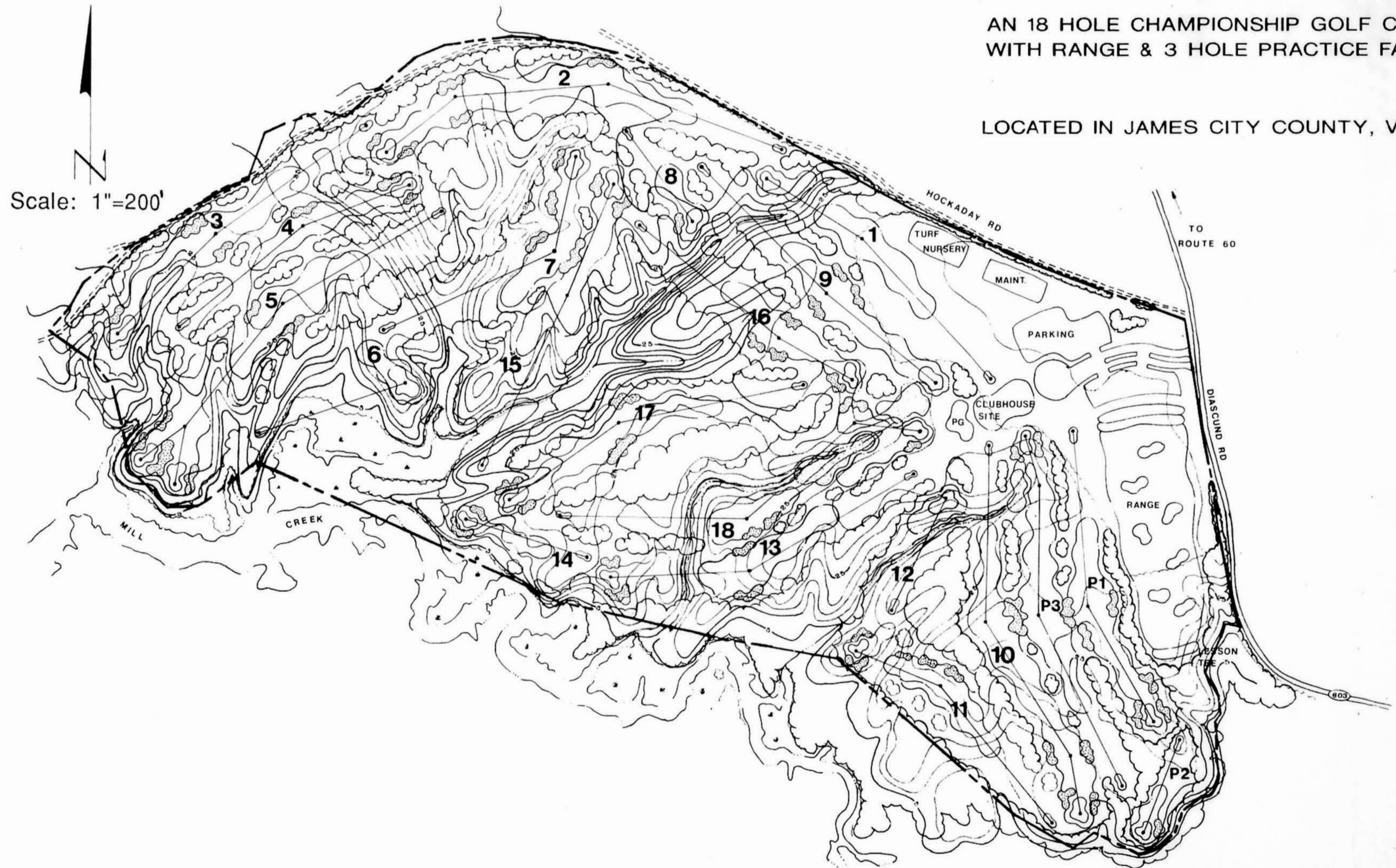
Attachment

1. **Map**
2. **Planning Commission minutes dated March 10, 1992**
3. **Resolution**
4. **Support Documentation and Conceptual Plan (attached separately)**

LAUREL GLEN

AN 18 HOLE CHAMPIONSHIP GOLF COURSE
WITH RANGE & 3 HOLE PRACTICE FACILITY

LOCATED IN JAMES CITY COUNTY, VIRGINIA



DESIGNED BY:

**COLONIAL
GOLF
DESIGN**

19 PLAZA DR, MANAKIN-SABOT, VA 23103
(804) 784-5469 (804) 784-5840 FAX

LESTER L. GEORGE
GOLF COURSE ARCHITECT

ROBERT WRENN, Jr.
PGA TOURING PROFESSIONAL
DESIGN CONSULTANT



SUP-2-92

CONCEPTUAL PLAN

(09-4)(01-18) ①
SIP-2-92
Colonial Golf Design, Inc.

**Approved Minutes of the July 2, 2024,
Planning Commission Regular Meeting**

SUP-24-0011. Revocation of Special Use Permit No. 2-92, Colonial Golf Design, Inc.

Ms. Chrisy Parrish, Zoning Administrator, made a presentation to the Commission on the revocation of the SUP-2-92, Colonial Golf Design, Inc. Ms. Parrish stated that the existing SUP was approved on April 20, 1992, which allowed an 18-hole golf course, driving range, clubhouse, 3-hole practice course, maintenance building, and turf nursery. Ms. Parrish stated that the SUP was subject to 12 conditions.

Ms. Parrish noted that the operation of the golf course ceased more than a decade ago and that due to the disuse of the property, the golf course was not in compliance with one or more conditions of the existing SUP including: (1) failure to maintain Best Management Practices (BMP) and (2) failure to submit annual integrated pest management reports to the County.

Ms. Parrish stated that after reviewing the existing property conditions and evaluating the property in accord with the requirements for revocation of SUPs, staff recommends that the Planning Commission recommend that the Board of Supervisors revoke SUP-2-92, Colonial Golf Design, Inc. in accordance with Section 24-12 of the Zoning Ordinance for the following reasons:

1. Lengthy closure of the existing golf course use;
2. Deteriorated conditions which prevent the existing BMP from effectively controlling and maintaining the rate and quality of stormwater runoff as designed when approved;
3. Failure to comply with existing SUP conditions;
4. Increased number of housing units within a two-mile radius; and
5. Reopening of the existing golf course after a lengthy closure without the benefit of being reevaluated in accordance with Section 24-9, Special use permits, of the Zoning Ordinance, could result in negative impacts to surrounding properties including but not limited to increased traffic along a rural Community Character Corridor, and possible incompatibility of the use due to the existing surrounding character of the area and the 2045 Comprehensive Plan.

Ms. Parrish noted that upon speaking with a representative of the owner, the owner of the property does not object to the revocation of the SUP for the existing golf course as a different use for the property was being planned.

Mr. Everson raised a question regarding the practical impact of revoking the SUP.

Ms. Parrish stated that revoking the current SUP would allow staff and governing bodies to review a new application for a golf course under current conditions of the area, such as increased surrounding development and an updated Comprehensive Plan.

Mr. O'Connor opened the Public Hearing.

Mr. John Sharp, 3406 N Riverside Drive, addressed the Commission in support of the application.

Ms. Paula Bennett, 3320 N Riverside Drive, addressed the Commission in support of the application.

Ms. Meryl Lessinger-Bely, 3340 N Riverside Drive, addressed the Commission in support of the application.

Mr. Frank Lobash, 3356 N Riverside Drive, addressed the Commission in support of the application and raised concerns about deteriorating conditions on the property.

Ms. Virginia McLaughlin, 3336 N Riverside Drive, addressed the Commission in support of the application.

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

Mr. Polster discussed the Watershed Master Plan for Diascund Creek and noted the current condition of the watershed. Mr. Polster stated that revoking the current SUP provides the opportunity to protect the condition of the watershed.

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

On a roll call vote, the Planning Commission voted to recommend approval of SUP-24-0011. Revocation of Special Use Permit No. 2-92, Colonial Golf Design, Inc. (7-0)

Date: August 15, 2024

From: Linda Rice, President of Friends of Forge Road and Toano

2394 Forge Road

Toano, VA 23168

lindarice678@cox.net

To: The Chair and Members of the Board of Supervisors

Re: Support for Revocation of SUP 002-1992, Colonial Golf Design, Inc

Friends of Forge Road and Toano (F.O.R.T.) is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historical significance, and support agri-tourism.

F.O.R.T. strongly supports the revocation of SUP-002-1992 for the reasons stated in the Memorandum from the Zoning Administrator to the Planning Commission, dated July 2, 2024. Some of these reasons are stated below:

1. Lengthy closure of the existing golf course;
2. Deteriorated conditions which prevent the existing BMP from effectively controlling and maintaining the rate and quality of stormwater runoff as designed when approved;
3. Failure to provide an annual Integrated Pest Management Plan which may have resulted in pollutant contamination of Mill Creek, an adjacent waterway;
4. Increased number of housing units within a two-mile radius of the property which could be negatively affected by any new use of this property;

5. The 2045 Comprehensive Plan strengthened its emphasis on the protection of Forge Road which is one of two main roads with access to this property. Forge Road would be negatively impacted by increased traffic along this Community Character Corridor.

In summary, the revocation of the SUP is needed to preserve the general welfare and quality of life of the citizens of the upper James City County.

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Amend and Reordain Chapter 4, Building Regulations, of the Code of James City County, Virginia

At its 2024 Session, the General Assembly amended Section 36-106 of the Code of Virginia to: (1) clarify the Building Code violations may be imposed upon firms and corporations as well as individual persons, (2) increase the maximum amount of criminal fines that may be imposed by a court for violations of the Building Code, and (3) added penalties for unresolved violations related to multifamily properties that have been declared by the Board of Supervisors as “blighted.”

I recommend adoption of the attached Ordinance which brings the County Code into conformance with these recent changes to the Virginia Code.

ARK/md
Ch4BuildingRegs-mem

Attachments:

1. Ordinance Draft
2. Ordinance Final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, VIOLATIONS AND PENALTIES, SECTION 4-37, PENALTIES; SANCTIONS, INJUNCTIVE RELIEF, FINES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Article V, Violations and Penalties, Section 4-37, Penalties; sanctions, injunctive relief, fines.

Chapter 4. Building Regulations

Article V. Violations and Penalties

Sec. 4-37. Penalties; sanctions, injunctive relief, fines.

- (a) It shall be unlawful for any person, *firm, or corporation* to violate any provision of the Virginia Uniform Statewide Building Code ("VUSBC") or fail to comply with any of the requirements thereof or erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official or in violation of a permit or certificate issued under the VUSBC, and shall be punishable pursuant to section 36-106 of the Code of Virginia by the following:

- (1) *Criminal sanctions.* Upon conviction, any owner or any other person, firm or corporation shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$2,500.00. Any person, *firm, or corporation* convicted of a second offense committed within less than five years after a first offense shall be punished by a fine of not less than \$1,000.00 nor more than \$2,500.00. Any person, *firm, or corporation* convicted of a second offense committed within a period of five to ten years of a first offense shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00. Any person, *firm, or corporation* convicted of a third or subsequent offense ~~involving the same property committed~~ within ten years of an offense shall be punished by confinement in jail for not more than ten days and a fine of not less than ~~\$2,500.00~~ *5,000.00* nor more than ~~\$5,000.00~~ *10,000.00*, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years shall be suspended. Provisions requiring a minimum fine shall apply only to convictions for building code violations which cause a building or structure to be unsafe or unfit for human habitation.

- (2) *Civil fines:*

- (a) Any person, *firm, or corporation* who violates any provision of the building code and who fails to abate or remedy the violation promptly upon receipt of notice of the violation from the local enforcement officer shall be assessed a civil penalty in accordance with the following schedule:

1. Failure to obtain a building permit before work begins:

- a. First offense.....\$100.00 per day
b. Subsequent offenses for same violation.....\$350.00 per day

2. Failure to obtain a certificate of occupancy before commencement of occupancy:
 - a. First offense.....\$100.00 per day
 - b. Subsequent offenses for same violation.....\$350.00 per day
3. Failure to obtain any required inspection:
 - a. First offense.....\$100.00 per day
 - b. Subsequent offenses for same violation.....\$350.00 per day
4. Violation of any other provision of Volume I of the VUSBC:
 - a. First offense.....\$100.00 per day
 - b. Subsequent offenses for same violation.....\$350.00 per day

Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$4,000.00.

Designation of a particular Code of Virginia violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

- (b) Any person, *firm, or corporation* summoned for a scheduled violation may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person, *firm, or corporation* so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offenses charged. Such persons, *firms, or corporations* shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

If a person, *firm, or corporation* charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

- (c) *Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, at a dwelling unit of a multifamily property that the board of supervisors has declared blighted pursuant to § 36-49.1:1 or 36-105.1:1, and where the board of supervisors has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than \$10,000. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code within a time period that is determined by the court and appropriate considering the circumstances of the violation. The abatement period shall not be longer than six months. If the court fails to define an abatement period, the period shall be seven calendar days. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.*

Any person, firm, or corporation convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than \$2,500 nor more than \$10,000, either or both.

Any person, firm, or corporation convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than \$1,000 nor more than \$10,000. Any person, firm, or corporation convicted of a third or subsequent offense committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than \$5,000 nor more than \$10,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

(ed) No provisions herein shall be construed to allow the imposition of civil penalties for:

1. Activities related to land development;
2. Violations of any provisions of the local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or
3. Violations resulting in the injury to any person or persons.

(de) Injunctive relief. Except as otherwise provided by the court for good cause shown, any violation or attempted violation of this chapter shall be abated or remedied within six months of the date of the assessment of the conviction. If the violation concerns a residential unit and if the violation remains uncorrected at the time of the conviction, the court shall order that the violation be abated or remedied in order to comply with the Code of Virginia. If the violation concerns a nonresidential building or structure, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court may order the violator to abate or remedy the violation in order to comply with the Code of Virginia. Injunctive relief shall be in addition to any criminal or civil penalty imposed by the court. Civil or criminal action may be brought in conjunction with a separate action for injunctive relief. However, the offenses designated for civil penalties above shall be in lieu of criminal enforcement.

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 10th day of September, 2024.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, VIOLATIONS AND PENALTIES, SECTION 4-37, PENALTIES; SANCTIONS, INJUNCTIVE RELIEF, FINES.

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Chapter 4. Building Regulations

Article V. Violations and Penalties

Sec. 4-37. Penalties; sanctions, injunctive relief, fines.

- (a) It shall be unlawful for any person, firm, or corporation to violate any provision of the Virginia Uniform Statewide Building Code (“VUSBC”) or fail to comply with any of the requirements thereof or erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official or in violation of a permit or certificate issued under the VUSBC, and shall be punishable pursuant to section 36-106 of the Code of Virginia by the following:

- (1) *Criminal sanctions.* Upon conviction, any owner or any other person, firm or corporation shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$2,500.00. Any person, firm, or corporation convicted of a second offense committed within less than five years after a first offense shall be punished by a fine of not less than \$1,000.00 nor more than \$2,500.00. Any person, firm, or corporation convicted of a second offense committed within a period of five to ten years of a first offense shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00. Any person, firm, or corporation convicted of a third or subsequent offense within ten years of an offense shall be punished by confinement in jail for not more than ten days and a fine of not less than \$5,000.00 nor more than \$10,000.00, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years shall be suspended. Provisions requiring a minimum fine shall apply only to convictions for building code violations which cause a building or structure to be unsafe or unfit for human habitation.

- (2) *Civil fines:*

- (a) Any person, firm, or corporation who violates any provision of the building code and who fails to abate or remedy the violation promptly upon receipt of notice of the violation from the local enforcement officer shall be assessed a civil penalty in accordance with the following schedule:

1. Failure to obtain a building permit before work begins:

- a. First offense.....\$100.00 per day
b. Subsequent offenses for same violation.....\$350.00 per day

2. Failure to obtain a certificate of occupancy before commencement of occupancy:
 - a. First offense.....\$100.00 per day
 - b. Subsequent offenses for same violation.....\$350.00 per day
3. Failure to obtain any required inspection:
 - a. First offense.....\$100.00 per day
 - b. Subsequent offenses for same violation.....\$350.00 per day
4. Violation of any other provision of Volume I of the VUSBC:
 - a. First offense.....\$100.00 per day
 - b. Subsequent offenses for same violation.....\$350.00 per day

Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$4,000.00.

Designation of a particular Code of Virginia violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

- (b) Any person, firm, or corporation summoned for a scheduled violation may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person, firm, or corporation so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offenses charged. Such persons, firms, or corporations shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

If a person, firm, or corporation charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

- (c) Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, at a dwelling unit of a multifamily property that the board of supervisors has declared blighted pursuant to § 36-49.1:1 or 36-105.1:1, and where the board of supervisors has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than \$10,000. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code within a time period that is determined by the court and appropriate considering the circumstances of the violation. The abatement period shall not be longer than six months. If the court fails to define an abatement period, the period shall be seven calendar days. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.

Any person, firm, or corporation convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than \$2,500 nor more than \$10,000, either or both.

Any person, firm, or corporation convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than \$1,000 nor more than \$10,000. Any person, firm, or corporation convicted of a third or subsequent offense committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than \$5,000 nor more than \$10,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

- (d) No provisions herein shall be construed to allow the imposition of civil penalties for:
1. Activities related to land development;
 2. Violations of any provisions of the local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or
 3. Violations resulting in the injury to any person or persons.
- (e) Injunctive relief. Except as otherwise provided by the court for good cause shown, any violation or attempted violation of this chapter shall be abated or remedied within six months of the date of the assessment of the conviction. If the violation concerns a residential unit and if the violation remains uncorrected at the time of the conviction, the court shall order that the violation be abated or remedied in order to comply with the Code of Virginia. If the violation concerns a nonresidential building or structure, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court may order the violator to abate or remedy the violation in order to comply with the Code of Virginia. Injunctive relief shall be in addition to any criminal or civil penalty imposed by the court. Civil or criminal action may be brought in conjunction with a separate action for injunctive relief. However, the offenses designated for civil penalties above shall be in lieu of criminal enforcement.

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Amend and Reordain Chapter 10, Garbage and Refuse, of the Code of James City County, Virginia

At its 2024 Session, the General Assembly amended Section 15.2-901 of the Code of Virginia to increase the amount of civil penalties for violations of the County Code related to keeping property free from any accumulation of garbage, trash, litter, refuse, clutter, and certain vegetation. In particular, the possible fine for property zoned or used for industrial or commercial purposes was increased from a total of \$3,000 in a 12-month period to \$6,000.

I recommend adoption of the attached Ordinance which brings the County Code into conformance with this recent change to the Virginia Code.

ARK/ap
Sec10-7GrbRefs-mem

Attachments:

1. Ordinance Draft
2. Ordinance Final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-7, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Article I, In General, Section 10-7, Penalty.

Chapter 10. Garbage and Refuse

Article I. Penalty

Sec. 10-7. Penalty.

Violations of this chapter shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, \$6,000 in a 12-month period. Civil penalties shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such violations shall be a Class 3 misdemeanor. The classification of such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation. For the purposes of this section, a business day shall constitute Monday through Friday of each week, except for holidays as shown on the calendar adopted by the board of supervisors each year.

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 10th day of
September, 2024.

Sec10-7GrbRefs-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-7, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Article I, In General, Section 10-7, Penalty.

Chapter 10. Garbage and Refuse

Article I. Penalty

Sec. 10-7. Penalty.

Violations of this chapter shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, \$6,000 in a 12-month period. Civil penalties shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such violations shall be a Class 3 misdemeanor. The classification of such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation. For the purposes of this section, a business day shall constitute Monday through Friday of each week, except for holidays as shown on the calendar adopted by the board of supervisors each year.

Sec10-7GrbRefs-ord-final

MEMORANDUM

DATE: September 10, 2024

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Amend and Reordain Chapter 23, Chesapeake Bay Preservation, of the Code of James City County, Virginia

Section 23-14 of the Code of James City County, Virginia (the “County Code”) addresses the procedure by which a person may apply to the Chesapeake Bay Board (the “Board”) for an exception to requirements associated with the Chesapeake Bay Preservation Act. In particular, Subsection (d) states that if the Board refuses to grant the requested exemption, it must “return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.”

Preparing written findings and rationale for the Board’s decision is not something that is required by the Code of Virginia and has caused some confusion in the past. Virginia case law is clear that the Board’s decision is based upon a multitude of factors including, but not limited to, its consideration of the materials before it at the meeting, testimony given at the meeting, citizen comments, and the Board’s statements during the meeting. It is unnecessary for staff to provide applicants with these materials, all of which are readily available at the Board’s meeting or on the County’s website.

I recommend adoption of the attached Ordinance that eliminates Subsection (d) from Section 23-14 of the County Code.

ARK/md
Ch23ChesBayPres-mem

Attachments:

1. Ordinance Draft
2. Ordinance Final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 23-14, EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by amending Section 23-14, Exceptions.

Chapter 23. Chesapeake Bay Preservation

Sec. 23-14. Exceptions.

Exceptions to the requirements of section 23-7 of this chapter may be granted, provided that:

- (a) A request for an exception to the requirements of this section shall be made in writing to the Chesapeake Bay Board (Board), which is comprised of the members of the James City County Wetlands Board. The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of section 23-11.
- (b) No later than 60 days after receipt of a complete exception request, the board shall hold a public hearing on the request. The board shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with section 15.2-2204 of the Code of Virginia, except that only one hearing shall be required. Also, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records.
- (c) The board shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter if the board finds that:
 - (1) The exception request is the minimum necessary to afford relief;
 - (2) Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity;
 - (3) The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality;
 - (4) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

- (d) ~~If the board cannot make the required findings or refuses to grant the exception, the board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.~~
- (e) A request for an exception to the requirements of provisions of this chapter other than sections 23-7 shall be made in writing to the manager. The manager may grant these exceptions provided that:
- (1) Exceptions to the requirements are the minimum necessary to afford relief; and
 - (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this chapter is preserved.
 - (3) Exceptions to section 23-9 may be made provided the findings as noted in section 23-14(c) are made.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2024.

Ch23ChesBayPres-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 23-14, EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by amending Section 23-14, Exceptions.

Chapter 23. Chesapeake Bay Preservation

Sec. 23-14. Exceptions.

Exceptions to the requirements of section 23-7 of this chapter may be granted, provided that:

- (a) A request for an exception to the requirements of this section shall be made in writing to the Chesapeake Bay Board (Board), which is comprised of the members of the James City County Wetlands Board. The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of section 23-11.
- (b) No later than 60 days after receipt of a complete exception request, the board shall hold a public hearing on the request. The board shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with section 15.2-2204 of the Code of Virginia, except that only one hearing shall be required. Also, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records.
- (c) The board shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter if the board finds that:
 - (1) The exception request is the minimum necessary to afford relief;
 - (2) Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity;
 - (3) The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality;
 - (4) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

- (d) A request for an exception to the requirements of provisions of this chapter other than sections 23-7 shall be made in writing to the manager. The manager may grant these exceptions provided that:
- (1) Exceptions to the requirements are the minimum necessary to afford relief; and
 - (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this chapter is preserved.
 - (3) Exceptions to section 23-9 may be made provided the findings as noted in section 23-14(c) are made.

RESOLUTION

AUTHORIZATION FOR THE EXECUTION OF AGREEMENTS WITH

THE JAMES CITY COUNTY ECONOMIC DEVELOPMENT AUTHORITY AND

THE COMMONWEALTH OF VIRGINIA

WHEREAS, the Board of Supervisors of James City County, Virginia, (the “Board”) convened in a closed session on this date pursuant to an affirmative vote and in accordance with Section 2.2-3711(A)(5) of the Code of Virginia to discuss a prospective business or industry where no previous announcement has been made of the business or industry locating or expanding its facilities in the community; and

WHEREAS, the Board finds that collaboration with the Economic Development Authority of James City County, Virginia (the “EDA”) and the Commonwealth of Virginia (the “Commonwealth”) is necessary to attract the prospective business discussed; and

WHEREAS, the Commonwealth has committed \$1,500,000 from the Commonwealth’s Development Opportunity Fund (the “State Commitment”) to entice and ensure the prospective business will locate in James City County (the “County”) upon the site at [REDACTED]
[REDACTED]; and

WHEREAS, the County is required to match the State Commitment and the Board desires to affirm its intent to do so.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, (the “Board”) hereby supports cooperative efforts with the Commonwealth and the EDA to ensure the establishment of Kongsberg Defence & Aerospace, Inc. (the “Company”) in James City County upon the Site and in furtherance thereof authorizes the County Administrator to take those actions and/or execute those documents necessary to enter into and accomplish the following:

1. A Performance Agreement (the “Agreement”) among and/or between the County, the Commonwealth, the EDA, and/or the Company to verify the amount and type of capital investment (e.g., land, land improvements, machinery and tools, business tangible personal property) and full-time jobs created having an average annual wage for those jobs of \$78,989 or higher maintained through the fiscal years 2027, 2028, 2029, 2030, and 2031 (the “Performance Period”); and
2. The County shall provide yearly funds to the EDA in an amount equal to seventy percent of the total real estate taxes and fifty percent of the total machinery and tools and business tangible personal property taxes paid by the Company during the Performance Period, such amount necessary to equal a maximum aggregate rebate amount of \$1,000,000, all of which amounts shall be granted by the EDA to the Company; and

3. In addition, the EDA has agreed to provide the Company with funds in an amount equal to \$2,000 for each of the 187 full-time jobs created during the Performance Period; and such amount necessary to equal a maximum aggregate amount of \$500,000 to verify capital investment associated with the construction on the Site during the Performance Period, all of which shall be granted by the EDA to the Company; and
4. The Agreement shall affirm the County's and EDA's match of the State Commitment and to accept and distribute the Commonwealth's Development Opportunity Fund grants from the Commonwealth to the EDA and/or the Company.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
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Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2024.

AuthExAgrEDA-VA-res