AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

December 9, 2025

5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC COMMENT

F. PUBLIC HEARING(S)

1. Z-25-0001/MP-25-0002. Liberty Crossing Proffer Amendment and Master Plan Amendment and Z-25-0002. 6429 Centerville Road Rezoning.

2. Z-25-0006/MP-25-0004. Proffer and Master Plan Amendment for Ford's Colony Master Plan (Ford's Village)

3. An Ordinance to amend and reordain Chapter 10, Solid Waste, Refuse and Recycling, of the Code of James City County, Virginia.

4. LU-20-0002. Eastern State - Parcel C Land Use Designation Change

G. BOARD CONSIDERATION(S)

1. 1St Phase Of A Comprehensive Agreement For Consolidated Government Center/Library

2. Contract Award — Construction Management Services for consolidated government center/library

H. BOARD REQUESTS AND DIRECTIVES

I. REPORTS OF THE COUNTY ADMINISTRATOR

J. CLOSED SESSION

K. ADJOURNMENT

1. Adjourn until 4 pm on January 13, 2026 for the Organizational Meeting

SUMMARY FACTS

Applicant:	Mr. Warren Holland
Landowners:	Liberty Crossing Townhouse Associates and Centerville Investment Associates, LLC
Proposal:	Rezoning-25-0001/Master Plan-25-0002. To rezone a small portion of Liberty Crossing's 50-foot perimeter buffer and Natural Open Space located at 4645 Revolutionary Way, from MU, Mixed Use to A-1, General Agricultural. If approved, the rezoned area will be removed from the perimeter buffer and added to property at 6429 Centerville Road via a Boundary Line Adjustment (BLA). A Master Plan and a Proffer amendment are also requested to reflect minor changes made to the square footage of Liberty Crossing Master Plan Area. Rezoning-25-0002. To rezone a small portion of property located at 6429 Centerville Road from A-1, General Agricultural to MU, Mixed Use. If approved, the rezoned area will be subdivided and incorporated into Liberty Crossing's 50-foot perimeter buffer and Natural Open Space via a BLA.
Locations:	4645 Revolutionary Way 6429 Centerville Road
Tax Map/Parcel Nos.:	2430800001E 2430100038C
Property Acreage:	± 9.46 acres ± 0.949 acres
Zoning:	MU, Mixed Use A-1, General Agricultural
Proposed Zoning:	A-1, General Agricultural MU, Mixed Use
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II/Landscape Planner

PUBLIC HEARING DATES

Planning Commission:	October 1, 2025, 6:00 p.m. (deferred)
Planning Commission:	November 5, 2025, 6:00 p.m.
Board of Supervisors:	December 9, 2025, 5:00 p.m.

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.

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.

2. The proposal is consistent with the 2045 Comprehensive Plan.

3. Z-25-0001/MP-25-0002. Density Reduction: The BLA will result in a net loss of 0.188 acres from the Liberty Crossing Master Plan which will also change the overall density of Liberty Crossing development from 6.37 dwelling units per acre to 6.11 dwelling units per acre. The number of residential units originally capped at 244 dwelling units has been revised to a maximum of 234 dwelling units, which is the current number of existing dwelling units at Liberty Crossing. No further residential development would be allowed.

4. Impacts: See Impact Analysis on Pages 6-9.

FACTORS UNFAVORABLE

1. None.

2. Impacts: See Impact Analysis on Pages 6-9.

PLANNING COMMISSION RECOMMENDATION

At its November 5, 2025, Regular Meeting, the Planning Commission recommended approval of these applications by a vote of 6-0.

CHANGES SINCE THE PLANNING COMMISSION MEETING

No changes were made to these applications after the last Planning Commission meeting on November 5, 2025.

SUMMARY STAFF RECOMMENDATIONS

Z-25-0001/MP-25-0002. The removal of a 0.236 acre portion of area from the Master Plan requires that the Master Plan and existing proffers be amended to reflect the new revised area. Overall density is reduced because the number of residential units is capped down to 234 residential units. There are no other major changes proposed to the Master Plan other than a small revision to the location of the perimeter buffer and a small increase in Natural Open Space area. Staff recommends that the Board of Supervisors approve these applications, subject to the amended proffers.

Z-25-0002. The rezoning of a small portion of the property located at 6429 Centerville Road is requested to allow the rezoned area to be incorporated into Liberty Crossing's perimeter buffer via proposed BLA. Staff recommends that the Board of Supervisors approve this application.

PROJECT DESCRIPTION

Boundary Line Adjustment Plat (BLA)

In 2023, Mr. Holland submitted a BLA plat request between the property located at 4645 Revolutionary Way (i.e., the required perimeter buffer for Liberty Crossing) and property located at 6429 Centerville Road (see Attachment No. 8). Staff reviewed the application and indicated to the applicant that in order for the BLA to

be approved, a Rezoning application would be required for the areas of land changing ownership, to ensure that each lot configuration is contained within the appropriate zoning district.

According to the applicant, the purpose of the BLA is multifold:

- To resolve an existing conflict between recorded deed (property line per PB 41, PG 74 and property line per PB 61, PG 79) each of which defines a different property line between Liberty Crossing and the 6429 Centerville Road property (Attachment No. 9); and
- To exchange land, such that a path through the woods currently being used by Liberty Crossing residents for access to Harris Teeter (currently crossing over 6429 Centerville Road) would be conveyed to Liberty Crossing in the exchange of removing a future potential neighbor conflict regardless of ownership; and
- To define a property line more conducive to constructing a fence on 6429 Centerville Road.

The BLA revises the location of Liberty Crossing's perimeter buffer/Natural Open Space area by removing a small portion of its current area and conveying it to property at 6429 Centerville Road. Portions from adjacent properties at 6601 Richmond Road and 6429 Centerville Road will then be incorporated into the buffer area and Natural Open Space Conservation Area. This exchange of property areas is necessary in order to maintain the same width and area of Liberty Crossing's 50-foot perimeter buffer as well as the Natural Open Space Area (see Attachment No. 5).

The applicant has indicated that the BLA would solve the immediate trespassing concerns and allow him to construct a fence. Ultimately, the property owner intends on acquiring ownership of 6425 Centerville Road and, together with properties already owned by the applicant, 6423 and 6429 Centerville Road, combine and rezone them as one single property in a future application.

<u>Rezoning-25-0001/Master Plan-25-0002 and Rezoning 25-0002.</u>

Through this rezoning, if approved, and the administrative BLA process, approximately 0.236 acres will be rezoned from MU, Mixed Use to A-1, General Agricultural, and 0.048 acres will be rezoned from A-1, General Agricultural to MU, Mixed Use. These rezonings are accompanied by amendments to Liberty Crossing's Master Plan and proffers. The applicant, owner of 6429 Centerville Road, has also provided a Master Plan.

Liberty Crossing Master Plan amendments:

- If approved, the Master Plan and proffers will be amended to restrict the number of dwelling units to 234, down from 244 dwelling units in the previously approved Master Plan. With the reduction of units, the overall density decreases from 6.37 dwelling units per acre to 6.11 dwelling units per acre.
- The Liberty Crossing Master Plan will be amended to remove 0.236 acres from the 50-foot perimeter buffer and Natural Open Space easement, parcel address 4645 Revolutionary Way. **This portion is proposed for rezoning from MU to A-1 (shown in red on Attachment No. 8)** and will be combined with 6429 Centerville Road. (through the administrative BLA process).
- A 0.192 acre portion of 6601 Richmond Road (shown in blue on Attachment No. 8) will be added to 4645 Revolutionary Way to maintain the required 50-foot perimeter buffer and Natural Open Space easement (through the administrative BLA process, no rezoning is required for this modification).

- **A 0.048 acre portion of 6429 Centerville Road. (shown in orange on Attachment No. 8) is proposed for rezoning from A-1 to MU** and will be combined with the 50-foot perimeter buffer, 4645 Revolutionary Way (through the administrative BLA process).

6429 Centerville Road Master Plan amendments:

- **A 0.048 acre portion of 6429 Centerville Road. (shown in orange on Attachment No. 8) is proposed for rezoning from A-1 to MU** and will be removed from 6429 Centerville Road (through the administrative BLA process).
- A 0.236 acre portion of 4645 Revolutionary Way (the Liberty Crossing 50-foot perimeter buffer and Natural Open Space easement) **is proposed for rezoning from MU to A-1 (shown in red on Attachment No. 8)** and will be combined with 6429 Centerville Road. (through the administrative BLA process).
- The property at 6429 Centerville Road, currently contains a residential structure. The applicant has indicated that Single-Family Residential is the proposed use of the property. Single-family detached dwellings are a permitted use in the A-1 Zoning District.
- The binding Master Plan will limit development on the property to Use Category A, Single-Family Residential uses, only.
- Based on the current A-1 Zoning Ordinance and on the parcel's existing size of 1.137 acres, no additional dwelling units or further development of this parcel would be possible without a future rezoning.

PLANNING AND ZONING HISTORY

- On January 11, 2005, the Board of Supervisors approved the rezoning and adopted the Master Plan and proffers for Z-6-2004/MP-6-2004. Lightfoot Mixed Use Development.

- A BLA plat (S-23-0040) proposing the changes of property lines and ensuring the continuity of a 50-foot perimeter buffer/Natural Open Space easement area is currently being reviewed, and approval of the plat is contingent on approval of this application Z-25-0001/MP-25-0002, and Z-25-0002 by the Board of Supervisors.

SURROUNDING ZONING AND DEVELOPMENT

Rezoning-25-0001/Master Plan-25-0002. Liberty Crossing Proffer Amendment and Master Plan Amendment

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	MU, Mixed Use	Liberty Crossing	Mixed Use
SOUTH	R-8, Rural Residential	Residential	Low Density Residential
EAST	M-1, General Industrial	Lightfoot Marketplace	Mixed Use
WEST	A-1, General Agricultural	Residential	Mixed Use

Z-25-0002. 6429 Centerville Road Rezoning

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	MU, Mixed Use and B-1, General Business	Liberty Crossing and Commercial/Retail	Mixed Use
SOUTH	R-8, Rural Residential	Residential	Mixed Use
EAST	MU, Mixed Use and B-1, General Business	Liberty Crossing and Commercial/Retail Lightfoot Marketplace	Mixed Use
WEST	A-1, General Agricultural	Residential	Moderate Density Residential

Rezoning-25-0001/Master Plan-25-0002. Liberty Crossing Proffer Amendment and Master Plan Amendment

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	No Mitigation Required	- There are no impacts to the right-of-way.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- The subject parcels do not front on a road that requires pedestrian or bicycle accommodations.
Public Safety	No Mitigation Required	- Fire Station 4 on Olde Towne Road serves this area of the County and is approximately 3.4 miles from the project site.
Public Schools	No Mitigation Required	- There are no impacts to public schools.
Public Parks and Recreation	No Mitigation Required	- There are no impacts to public parks and recreation.
Public Libraries and Cultural Centers	No Mitigation Required	- There are no impacts to public libraries and cultural centers.
Groundwater and Drinking Water Resources	No Mitigation Required	- There are impacts to groundwater and drinking water resources.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Watersheds, Streams, and Reservoirs Project is located in the Yarmouth Creek Watershed.	No Mitigation Required	- The Stormwater and Resource Protection Division (SRP) has reviewed this application and had no objections to the proposed rezoning. Adopted Proffer No. 10*: Environmental establishes a conservation easement area which location is shown on the adopted Master Plan. The conservation area shall remain undisturbed and in its natural state, preserving indigenous vegetation.* The BLA will not affect the nature of the conservation area as the new area to be incorporated into the conservation area is also heavily vegetated and undisturbed. Staff visited the site and can confirm the undisturbed nature of the areas to be incorporated into the open space conservation area. Should the rezoning be approved, the revisions to the conservation easement area will be done administratively by SRP staff.
Cultural/Historic	No Mitigation Required	- There are no impacts to cultural and historic resources.
Nearby and Surrounding Properties	No Mitigation Required	- There are no impacts to nearby and surrounding properties.
Community Character	No Mitigation Required	- The subject parcels are within the Liberty Crossing subdivision and not located along a Community Character Corridor (CCC).
Covenants and Restrictions	No Mitigation Required	- There are no covenants or restrictions on the property that prohibit the proposed amendment to proffers and approved Master Plan.

Z-25-0002. 6429 Centerville Road Rezoning

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	No Mitigation Required	- There are no impacts to the right-of-way.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, a multiuse path and sidewalk is required. Bike and pedestrian accommodations will be provided at the time of future development of the site.
Public Safety	No Mitigation Required	- Fire Station 4 on Olde Towne Road serves this area of the County and is approximately 3.4 miles from the project site.
Public Schools	No Mitigation Required	- There are no impacts to public schools.
Public Parks and Recreation	No Mitigation Required	- There are no impacts to public parks and recreation.
Public Libraries and Cultural Centers	No Mitigation Required	- There are no impacts to public libraries and cultural centers.
Groundwater and Drinking Water Resources	No Mitigation Required	- There are impacts to groundwater and drinking water resources.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Watersheds, Streams, and Reservoirs Project is located in the Yarmouth Creek Watershed.	No Mitigation Required	- The SRP Division has reviewed this application and had no objections to the proposed rezoning.
Cultural/Historic	No Mitigation Required	- There are no impacts to cultural and historic resources.
Nearby and Surrounding Properties	No Mitigation Required	- There are no impacts to nearby and surrounding properties.
Community Character	No Mitigation Required	- Centerville Road is a CCC, but the proposal does not impact Centerville Road. This parcel is not located within any Community Character Area.
Covenants and Restrictions	No Mitigation Required	- There are no covenants or restrictions on the property that prohibit the proposed amendment to proffers and approved Master Plan.

COMPREHENSIVE PLAN

The properties are designated Mixed Use on the Comprehensive Plan Land Use Map. The Comprehensive Plan designates the area where this property is located as *"small town or suburban centers."* More specifically, the Comprehensive Plan states that *"for lands west of Richmond Road (Route 60), the principal suggested uses are moderate density housing, commercial developments, and office developments. The Lightfoot Corridor is particularly well-suited for the development of workforce housing."* The proposed amendment to the adopted Master Plan and proffers and revisions the 50-foot perimeter buffer property lines are consistent with the Mixed Use language of the Comprehensive Plan. There are no proposed development changes to the Liberty Crossing residential or commercial areas. The overall density for Liberty Crossing will be reduced from 6.37 dwelling units per acre to 6.11 dwelling units per acre. For property at 6429 Centerville Road, there is no proposed new development at this time and future development will be in accordance with the Zoning Ordinance and the 2045 Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds these applications to be generally consistent with the County's Zoning Ordinance, Comprehensive Plan, and adopted policies. Staff recommends that the Board of Supervisors approve Z-25-0001/MP-25-0002 subject to the revised proffers and Z-25-0002.

JR/ap
RZ25-1_MP2LibCross

Attachments:
1. Proposed Ordinance for Z-25-0001/MP-25-0002
2. Proposed Ordinance for Z-25-0002
3. Revised Proffers (Z-25-0001/MP-25-0002)
4. Location Map
5. Revised Master Plan
6. Existing Proffers
7. Master Plan (Z-25-0002)
8. Exhibit
9. BLAP 3-13-23 Property Line Discrepancy
10. Unapproved Minutes of November 5, 2025, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 0.236 ACRES AT 4645 REVOLUTIONARY WAY (JAMES CITY COUNTY REAL ESTATE TAX MAP PARCEL NO. 2430800001E) FROM MU, MIXED USE TO A-1, GENERAL AGRICULTURAL, WITH PROFFERS AS DESCRIBED IN CASE NOS. Z-25-0001 AND MP-25-0002.

WHEREAS, Mr. Warren Holland has applied to rezone approximately 0.236 acres from MU, Mixed Use to A-1, General Agricultural, with Proffers; and

WHEREAS, the area proposed to be rezoned is a portion of the property located at 4645 Revolutionary Way, further identified as a portion of James City County Real Estate Tax Map Parcel No. 2430800001E, and is shown on the Master Plan titled "Master Plan for Rezoning Lightfoot Mixed Use Development" dated September 17, 2004, and revised February 14, 2024 (the "Master Plan"); and

WHEREAS, the Planning Commission, following its public hearing on November 5, 2025, recommended approval of Case Nos. Z-25-0001 and MP-25-0002 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case Nos. Z-25-0001 and MP-25-0002; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-25-0001 and MP-25-0002 to promote the health, safety, convenience, and general welfare of the public and further accomplish the objectives of zoning.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case Nos. Z-25-0001 and MP-25-0002 is hereby approved as described therein and the voluntary proffers are accepted.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
HIPPLE	____	____	____	____
NULL	____	____	____	____
LARSON	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

RZ25-1MP2LibCross-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 0.048 ACRES AT 6429 CENTERVILLE ROAD (JAMES CITY COUNTY REAL ESTATE TAX MAP PARCEL NO. 2430100038C) FROM A-1, GENERAL AGRICULTURAL TO MU, MIXED USE AS DESCRIBED IN CASE NO. Z-25-0002.

WHEREAS, Mr. Warren Holland has applied to rezone approximately 0.048 acres from A-1, General Agricultural to MU, Mixed Use; and

WHEREAS, the area proposed to be rezoned is a portion of the property located at 6429 Centerville Road, further identified as a portion of James City County Real Estate Tax Map Parcel No. 2430100038C, and is shown on the Master Plan titled "Z-25-0002 Master Plan" dated September 2, 2025 (the "Master Plan"); and

WHEREAS, the Planning Commission, following its public hearing on November 5, 2025, recommended approval of Case No. Z-25-0002 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-25-0002; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-25-0002 to promote the health, safety, convenience, and general welfare of the public and further accomplish the objectives of zoning.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, hereby that Case No. Z-25-0002 is hereby approved as described.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
HIPPLE	____	____	____	____
NULL	____	____	____	____
LARSON	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December 2025.

RZ25-2LibCross-ord

PLANNING DIVISION

APR 0 9 2025

(2)

RECEIVED

FIRST AMENDMENT TO PROFFERS

THIS FIRST AMENDMENT TO PROFFERS is made this 17th day of March, 2025, 2025 by LIBERTY CROSSING TOWNHOUSE ASSOCIATION, INC., a Virginia nonstock corporation (the "Association"), successor in title to NOLAND PROPERTIES, INC., a Virginia corporation ("Noland"), and CENTERVILLE INVESTMENT ASSOCIATES LLC, a Virginia limited liability company ("Centerville"), to be indexed as "Grantors", and JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia (the "County"), to be indexed as "Grantee."

RECITALS

A. Noland, as the then owner of approximately 52 acres of real property located in James City County (the "Property") and more particularly defined and described in the Proffers (as defined below), subjected the Property to those certain Proffers dated November 24, 2004 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument No. 050001464 (the "Proffers"). The Proffers superseded and replaced previously existing Proffers dated November 15, 1989 recorded in the Clerk's Office in Deed Book 458, page 126.

B. As described in the Proffers, the Property is the subject of a master plan entitled "Master Plan for Rezoning of Lightfoot Mixed Use Development for Noland Properties, Inc." prepared by AES Consulting Engineers and dated September 3, 2004 (the "Master Plan").

C. Basic Properties, LLC, a Virginia limited liability company ("Basic"), succeeded to the title of Noland and subdivided and developed the Property into the Liberty Crossing subdivision.

D. The Association currently owns a portion of the Property being a parcel described in Exhibit A attached hereto (the "Association Parcel"). Located upon the Association Parcel are: (1) a fifty-foot perimeter buffer as shown on the Master Plan and the applicable subdivision plats (the "Perimeter Buffer"); and (2) a conservation easement benefitting the County as shown on the subdivision plats and as described in that certain Deed of Conservation Easement dated 6/21/2018 and recorded in the Clerk's Office as Instrument No. 180011998 (the "Conservation Easement").

E. Centerville currently owns a parcel of real property located in James City County, Virginia having an address of 6429 Centerville Road and more particularly described in Exhibit B attached hereto (the "Centerville Parcel") which is adjacent to the Association Property.

F. The Association and Centerville desire to adjust, confirm and agree to the location of a boundary line between the Association Parcel and the Centerville Parcel (the "Boundary Line Adjustment") as shown on that certain plat entitled "BOUNDARY LINE ADJUSTMENT PARCEL ID 2430100038C & 2430800001E POWHATAN DISTRICT JAMES CITY COUNTY, VIRGINIA" dated June 23, 2023, made by MSA Engineers | Scientists | Surveyors, a copy of which is attached hereto as Exhibit C (the "BLA Plat").

G. Centerville has submitted to the County an amendment to the Master Plan (the "Master Plan Amendment") identifying the changes in the Master Plan boundary and Perimeter Buffer resulting from the Boundary Line Adjustment.

H. The parties desire to amend the Proffers for conformity with the Master Plan Amendment and changes to the boundary line of the Property subject to the Proffers resulting from

the Boundary Line Adjustment.

AMENDMENTS

NOW, THEREFORE, the Proffers are hereby amended as follows:

1. The "Master Plan" as defined and referenced in the Proffers is hereby amended to be defined as and refer to original Master Plan as amended by the Master Plan Amendment.

2. The "Property" as defined and referenced in the Proffers is hereby amended to be defined as and refer to the property described in SCHEDULE A to the Proffers (a) together with the real property shown and designated on the BLA Plat as "AREA=2,089 SF OR 0.048 AC", though (b) less and except the real property shown and designated on the BLA Plat as "AREA=10,268 SF OR 0.236 AC".

Except as specifically amended herein, the Proffers remain unchanged and in full force and effect. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Proffers.

WITNESS the following signatures and seals:

LIBERTY CROSSING TOWNHOUSE ASSOCIATION, INC.

By: Christine S. Matter (SEAL)
President

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 23RD day of January, 2025, by CHRISTINE S MATTER, the president of Liberty Crossing Townhouse Association, Inc., on behalf of the corporation.

MEREDITH ROWELL SOBCZAK
Notary Public
Commonwealth of Virginia
My Commission Expires 11-30-25
Commission ID# 7656243

Meredith Rowell Sobczak
NOTARY PUBLIC

My commission expires: November 30, 2025

CENTERVILLE INVESTMENT ASSOCIATES LLC

By: _____ (SEAL)
Warren L. Holland, Jr., Managing Member

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Portsmouth, to-wit:

The foregoing instrument was acknowledged this 17th day of March, 2025, by Warren L. Holland, Jr., managing member of Centerville Investment Associates LLC, on behalf of the company.

_____
NOTARY PUBLIC

My commission expires: 9-30-27

KIMBERLY J BRITTON
NOTARY PUBLIC
REG# 335679
MY COMMISSION EXPIRES
09/30/2027
COMMONWEALTH OF VIRGINIA

Pursuant to Resolution of the Board of Supervisors of the County of James City, Virginia, duly adopted on the _____ day of _____, 202___, the foregoing First Amendment to Proffers is hereby approved and accepted on behalf of the County of James City, Virginia.

THE COUNTY OF JAMES CITY, VIRGINIA

_____
County Administrator

Date: _____ ____, 202___

Approved as to Form:

_____
County Attorney

EXHIBIT A

All those certain pieces or parcels of land situate, lying and being in James City County, Virginia, known and designated as Area of Natural Open Space as shown on that certain plat entitled, "PLAT OF SUBDIVISION, PHASE 2B, LIBERTY CROSSING, LOTS 69-78, 108-112, 123-130, 135-138 & NATURAL OPEN SPACE, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA," dated September 4, 2008, made by AES Consulting Engineers, a professional corporation, Thomas C. Sublett, Land Surveyor, duly of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Virginia, on December 11, 2008, as Instrument Number 080029801 to which reference is here made for a more particular description of the property.

Being a portion of the same property conveyed from Basic Properties, LLC to Liberty Crossing Townhouse Association, Inc. by Deed of Gift dated March 16, 2010 and recorded in the aforementioned Clerk's Office as Instrument No. 100006037.

EXHIBIT B

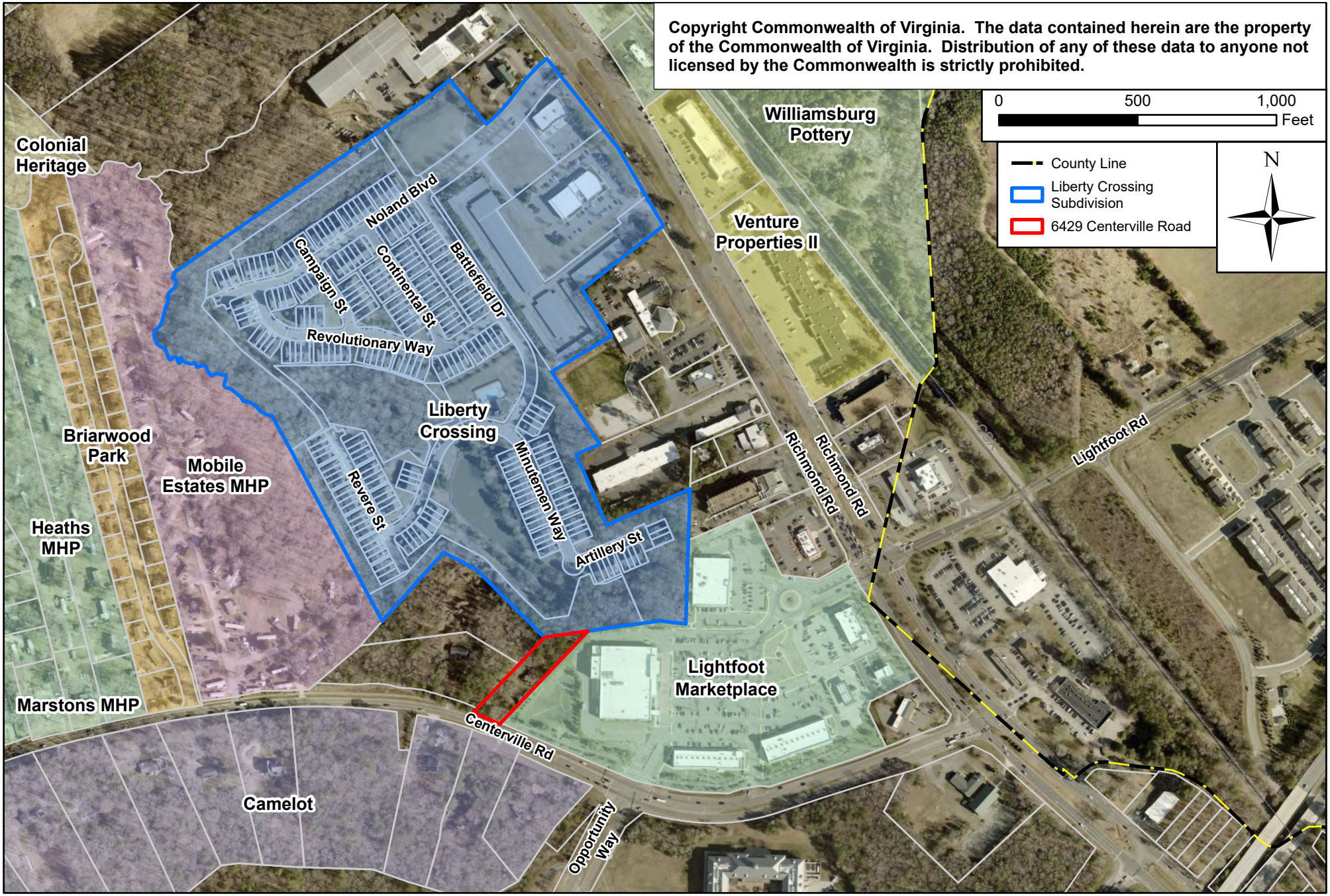
All that certain lot, piece or parcel of land situate, lying and being in Powhatan District, James City County, Virginia, designated as Parcel A on Plat entitled, "A Survey for Conveyance to Jesse E. Bowman, 0.963 Acres of Land Lying in Powhatan District, James City County, Virginia", dated May 2, 1979, made by Architects and Engineers, Inc., recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Deed Book 194, page 316 and to which particular reference is hereby made for the metes and bounds description.

Less and except that certain 0.052 acre, more or less, conveyed to the Commonwealth of Virginia for widening of Centerville Road, by Deed dated October 13, 1993 and recorded in the aforementioned Clerk's Office in Deed Book 647, page 500, to which reference is hereby made.

Being the same property conveyed from Christopher Turner to Centerville Investment Associates, LLC by Deed dated March 22, 2022 and recorded in the aforementioned Clerk's Office as Instrument No. 202206117.

EXHIBIT C

JCC Z-25-0001/MP-25-0002/Z-25-0002. Liberty Crossing Proffer and Master Plan Amendment and 6429 Centerville Road Rezoning



PERCENTAGE OF DEVELOPABLE AREA (48.5 AC.) SUMMARY

	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
NON OPEN SPACE AREAS	ROADS, DRIVEWAYS, SIDEWALKS	8.3	17.2%	16.0%
	BLDG. FOOTPRINTS AND 10' PERIMETERS	13.6	28.2%	26.2%
	COMMERCIAL SITE CONSTRUCTION ENVELOPE*	9.6	19.9%	18.5%
	SUBTOTAL	31.5	65.2%	60.8%
OPEN SPACE	AREAS OF COMMON OPEN SPACE & BUFFERS	7.1	14.7%	13.7%
	OTHER OPEN SPACE IN NET DEVELOPABLE AREA (NOT PART OF ANY ADDITIONAL REQUIRED YARD)	9.7	20.1%	18.7%
	SUBTOTAL	16.8	35.2%	32.4%
	TOTAL DEVELOPABLE ACRES	48.3	100%	93.2%

PERCENTAGE OF TOTAL PROJECT AREA (51.8 AC.) SUMMARY

	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
OPEN SPACE AREAS	AREAS WITHIN NON-DEVELOPABLE AREAS	3.4	N/A	6.6%
	AREAS WITHIN DEVELOPABLE AREAS	16.8	34.8%	32.4%
	TOTAL PROJECT OPEN SPACE	20.2	N/A	39.0%

DEVELOPMENT TABULATION

AREA NUMBER	AREA DESIGNATION	PROPOSED USE	AREA IN ACRES	PERCENT OF TOTAL SITE	DENSITY TOTAL UNITS	DENSITY PER GROSS ACRE*	GFA (MAXIMUM)	FLOOR TO AREA RATIO
1	M(FGE)	COMMERCIAL	± 13.5	26.1%	N/A	N/A	144,800	0.25
1A	M(EFG)	COMMERCIAL	±8.1	15.6%	N/A	N/A	110,000	0.31
1B	E OR G	COMMERCIAL	±2.6	5.0%	N/A	N/A	8,000	0.07
1C	F OR G	COMMERCIAL	±1.2	2.3%	N/A	N/A	13,000	0.25
1D	G	COMMERCIAL	±1.6	3.1%	N/A	N/A	13,800	0.20
2,3,4,5	B,C,J,M(XG)	RESIDENTIAL/ RECREATION COMMON OPEN SPACE	38.3	73.9%	234	6.11		
2	B,C,J,M(XG)	RESIDENTIAL/RECREATION	±16.1	31.1%	148	9.8 DU/AC	5,000	
3	J	COMMON OPEN/RECREATION	9.2	17.8%	N/A	N/A		
4	B,C,J,M(XG)	RESIDENTIAL/RECREATION	± 5.8	11.2%	44	7.6 DU/AC	5,000	
5	B,C,J,M(XG)	RESIDENTIAL/RECREATION	± 7.2	13.9%	52	7.3 DU/AC	5,000	
		TOTALS	51.8	100.0	234	N/A	144,800	

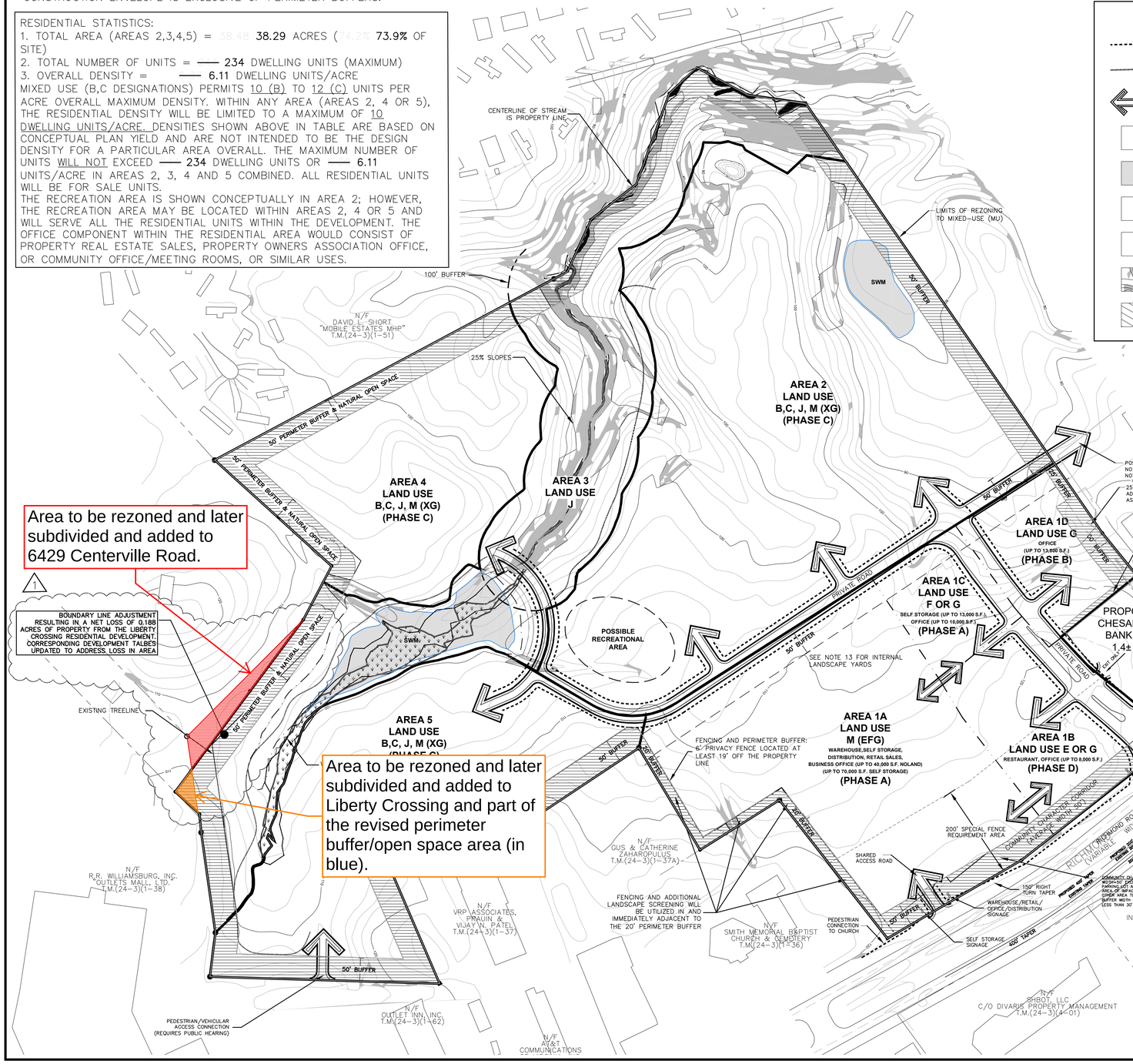
* DENSITY PER GROSS ACRE = DWELLING UNITS/ ACRE

* CONSTRUCTION ENVELOPE IS EXCLUSIVE OF PERIMETER BUFFERS.

RESIDENTIAL STATISTICS:
1. TOTAL AREA (AREAS 2,3,4,5) = 38.48 **38.29** ACRES (74.2% **73.9%** OF SITE)
2. TOTAL NUMBER OF UNITS = —— **234** DWELLING UNITS (MAXIMUM)
3. OVERALL DENSITY = —— **6.11** DWELLING UNITS/ACRE

MIXED USE (B,C DESIGNATIONS) PERMITS 10 (B) TO 12 (C) UNITS PER ACRE OVERALL MAXIMUM DENSITY. WITHIN ANY AREA (AREAS 2, 4 OR 5), THE RESIDENTIAL DENSITY WILL BE LIMITED TO A MAXIMUM OF 10 DWELLING UNITS/ACRE. DENSITIES SHOWN ABOVE IN TABLE ARE BASED ON CONCEPTUAL PLAN YIELD AND ARE NOT INTENDED TO BE THE DESIGN DENSITY FOR A PARTICULAR AREA OVERALL. THE MAXIMUM NUMBER OF UNITS WILL NOT EXCEED —— **234** DWELLING UNITS OR —— **6.11** UNITS/ACRE IN AREAS 2, 3, 4 AND 5 COMBINED. ALL RESIDENTIAL UNITS WILL BE FOR SALE UNITS.

THE RECREATION AREA IS SHOWN CONCEPTUALLY IN AREA 2; HOWEVER, THE RECREATION AREA MAY BE LOCATED WITHIN AREAS 2, 4 OR 5 AND WILL SERVE ALL THE RESIDENTIAL UNITS WITHIN THE DEVELOPMENT. THE OFFICE COMPONENT WITHIN THE RESIDENTIAL AREA WOULD CONSIST OF PROPERTY REAL ESTATE SALES, PROPERTY OWNERS ASSOCIATION OFFICE, OR COMMUNITY OFFICE/MEETING ROOMS, OR SIMILAR USES.



LEGEND

- PEDESTRIAN CIRCULATION
- NATURE TRAIL
- VEHICULAR ACCESS
- LAND USE B,C,J, M (XG)
- STORMWATER MANAGEMENT FACILITY
- OPEN SPACE J / RECREATION
- LAND USE M (EFG)
- SLOPES 25% OR GREATER
- PERIMETER BUFFERS

DESIGNATED LAND USE KEY:
B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS
C: ATTACHED STRUCTURES LESS THAN THREE STORIES AND CONTAINING MORE THAN FOUR DWELLING UNITS
E: COMMERCIAL USES
F: WHOLESALE AND WAREHOUSE USES
G: OFFICE USES
J: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED
M: STRUCTURES CONTAINING A MIXTURE OF USES
X: OTHER STRUCTURES, FACILITIES OR AMENITIES

1

2024 AMENDMENT:

AMENDMENT TO ADDRESS BOUNDARY LINE ADJUSTMENT BETWEEN CENTERVILLE INVESTMENT ASSOCIATES, LLC AND LIBERTY CROSSING TOWNHOME ASSOCIATION, INC. AMENDMENT REMOVES 0.188 ACRES FROM THE MASTER PLAN RESULTING IN MINOR CHANGES TO THE DEVELOPMENT TABLES. TABLES HAVE BEEN ADJUSTED TO REMOVE THE ±0.2 ACRES. NOTES AND SPECIFICS OF THE MASTER PLAN HAVE NOT BEEN ADJUSTED.

GENERAL NOTES:

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY AES DATED MAY 10, 1995.
2. TOPOGRAPHY SHOWN HEREON IS 2-FOOT CONTOUR INTERVAL BY AES.
3. ACCORDING TO FEMA MAPPING PANEL 510201-0020B DATED FEB. 6, 1991, THERE IS NO 100-YEAR FLOOD PLAIN ON THIS PROPERTY.
4. AREA DESIGNATED UNDEVELOPABLE IS A COMBINATION OF >25% SLOPES, RPA AND ASSOCIATED BUFFERS AND WETLANDS. THE ACREAGE INDICATED IS SUBJECT TO CHANGE AS FINAL SITE DATA IS MADE AVAILABLE.
5. THE OWNER RESERVES THE RIGHT TO LOCATE UTILITIES, BMP FACILITIES, AND RECREATION FEATURES, INSIDE THE OPEN SPACE AREAS. BMP FACILITIES LOCATED WITHIN OPEN SPACE AREAS WILL NOT BE COUNTED TOWARDS MEETING MINIMUM OPEN SPACE REQUIREMENTS.
6. SIDEWALKS WILL BE LOCATED ON AT LEAST ONE SIDE OF ALL ROADS WITHIN THE DEVELOPMENT.
7. THE 50' AVERAGE WIDTH COMMUNITY CHARACTER CORRIDOR BUFFER ALONG RICHMOND ROAD WILL BE EXCLUSIVE OF TRANSPORTATION PROJECTS (BUT NOT EXCLUSIVE OF UTILITIES, SIGNAGE, SIDEWALKS AND LANDSCAPING (IN CONFORMANCE WITH JCC ORDINANCES))
8. NO WETLAND OR ENVIRONMENTAL PERMITTING IS GIVEN WITH THE APPROVAL OF THIS MASTER PLAN.
9. CONNECTIVITY FOR PEDESTRIAN TRAFFIC SHALL BE ESTABLISHED BETWEEN THE RESIDENTIAL AND NONRESIDENTIAL LAND BAYS. THE PEDESTRIAN TRAIL SYSTEM SHALL BE FINALIZED DURING SUBDIVISION AND/OR SITE PLAN REVIEW.
10. ALL STREETS (AS DEFINED BY THE COUNTY CODE) WITHIN THE PROPERTY SHOWN HEREON SHALL BE PRIVATE AND SHALL CONFORM TO VDOT CONSTRUCTION STANDARDS. ALL PRIVATE STREETS SHALL BE CERTIFIED TO THE SATISFACTION OF THE COUNTY ENGINEER AS REQUIRED BY SECTION 19-49 OF THE COUNTY ORDINANCES. ALL PRIVATE STREETS WILL BE MAINTAINED BY THE DEVELOPER'S PROPERTY OWNER ASSOCIATION.
11. SHOULD ADJACENT PROPERTY (T.M. (24-3)(1-35A)) CONNECT TO LIGHTFOOT MIXED USE DEVELOPMENT INTERNAL PRIVATE ROADS, A MAINTENANCE COST SHARING AGREEMENT SHALL BE PROVIDED AND ANY TURN LANE OR TRAFFIC LIGHT IMPROVEMENTS REQUIRED AS A RESULT OF THE ADDITIONAL TRAFFIC WILL BE SOLELY THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER.
12. ADDITIONAL MONUMENT-TYPE SIGNAGE MAY BE LOCATED INTERNALLY ALONG PRIVATE ROAD FRONTAGE.
13. A 10' TOTAL WIDTH LANDSCAPE YARD WILL BE PROVIDED BETWEEN USES WITHIN AREA 1A AND 1C EXCEPT ALONG ROADS OF SHARED ACCESS. THE LANDSCAPE YARD MAY BE SPLIT BETWEEN ADJACENT PARCELS OR BE ENTIRELY ON ONE PARCEL. BUILDINGS WILL BE OUTSIDE THE LANDSCAPE YARD. FENCES WILL BE PERMITTED ALONG THE LANDSCAPE YARD.
14. THE DESIGN OF ALL STORMWATER FACILITIES WILL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE JAMES CITY COUNTY GUIDELINES FOR DESIGN AND CONSTRUCTION OF STORMWATER MANAGEMNET BMP'S.
15. PERENNIAL STREAM DELINIATION BY WEG HAS BEEN CONFIRMED BY JAMES CITY COUNTY VIA CORRESPONDENCE DATED JULY 14, 2004.
16. THE HEAD-CUT LOCATED AT THE UPPER END OF THE PERENNIAL STREAM WILL BE ADDRESSED WITH THE PLACEMENT OF THE SWM FACILITY AND ROAD CROSSING INTO AREA 4.
17. CHANNEL ADEQUACY FOR THE SWM DISCHARGES WILL BE CONFIRMED.
18. HISTORIC STRUCTURE (047-5235) IS UNDER EVALUATION BY JAMES RIVER INSTITUTE FOR ARCHEOLOGY (JRIA). IN ADDITION TO THIS REPORT DISCUSSIONS OF THE SIGNIFICANCE OF POTENTIALLY HISTORICALLY RELATED SITES 445C1124 AND 441C1125 WILL BE INCLUDED IN THIS REPORT DUE AUGUST 2004. POTENTIAL HISTORIC CEMENTERY 441C191 WAS INVESTIGATED BY JRIA AND DOES NOT EXIST.
19. EXISTING UTILITY, ACCESS, AND DRAINAGE EASEMENTS ON THE PROPERTY ARE SHOWN ON THE ALTA SURVEY PROVIDED IN THE COMMUNITY IMPACT STUDY.
20. THE PROPERTY HAS BEEN SURVEYED BY WILLIAMSBURG ENVIRONMENTAL GROUP FOR THREATENED AND ENDANGERED SPECIES INCLUDING THE SMALL WHORLED POGONIA. NO THREATENED AND ENDANGERED SPECIES WERE FOUND. SEE WEG REPORT DATED JULY 7, 2004 INCLUDED IN THE COMMUNITY IMPACT STUDY.
21. PHASING SHOWN HEREON DOES NOT REPRESENT CHRONOLOGICAL ORDER; HOWEVER, PER THE PROFFERS, 25,000 SQUARE FEET OF THE COMMERCIAL LAND MUST HAVE BUILDING PERMITS ISSUED PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL DEVELOPMENT.

NO.	DATE	REVISION / COMMENT / NOTE	BY
3.	2/14/24	ADJUSTMENT TO BOUNDARY	JAG
2.	9/7/04	PER DEVELOPER	RAC
1.	9/3/04	PER COUNTY COMMENTS	RAC

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Middle Peninsula | Central Virginia | Hampton Roads

MASTER PLAN FOR REZONING
LIGHTFOOT MIXED USE DEVELOPMENT
for
Noland Properties, Inc.
JAMES CITY COUNTY | STONEHOUSE DISTRICT | VIRGINIA

Designed	Drawn
JHB	SCB
Scale	Date
1"= 100'	5/28/04
Project No.	
9353	
Drawing No.	
3 OF 3	

S:\JOBS\9300\Library Crossing MP\SWP\drawings\Master Plan\dwg\Signal Master Plan.dwg Master Plan3/3 Master Plan.dwg 9/9/2025 4:21:18 PM Danny grove

Z-06-04/MP-06-04. Lightfoot Mixed Use Development

PROFFERS

THESE PROFFERS are made this Z4*day of November, 2004 by NOLAND PROPERTIES, INC., a Virginia corporation (together with its successors in title and assigns, the "Owner").:

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6601 Richmond .Road, Williamsburg, Virginia and being a portion of Tax Parcel 2930100035 containing approximately. 52 acres as shown on the Master . Plan (defined herein), being more particularly described on Schedule A hereto (the "Property"):

B. The Property is now zoned B-1, with proffers dated November 15, 1989 and recorded in James City Deed Book 458 at page 126 (the "Existing Proffers"). Owner has applied to rezone the Property from B-1, with proffers -to MU, Mixed Use District, with proffers.

C. Owner has submitted to the County a master plan entitled "Master Plan for Rezoning of Lightfoot Mixed Use Development for Noland Properties, Inc." prepared by AES Consulting Engineers dated September 3, 2004 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance. Owner has submitted to the County a traffic impact analysis entitled "Traffic Analysis for Lightfoot Mixed Use Development" prepared by. DRW Consultants, Inc. dated March 3, 2004 (the "Traffic Study") for the Property.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended,

and the County Zoning Ordinance, Owner agrees that it shall meet and comply with a l l of the following conditions in developing the Property. Upon the approval of the requested rezoning, the Existing Proffers are replaced and superceded in their entirety by these Proffers. If the requested rezoning is not granted by the County, these Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

CONDITIONS

1. Owners Association. There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs., recreation areas, private roads and parking areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file-liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

2. **Water Conservation..** (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall *be* approved by the James City ***Service*** Authority prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering in the area of the Master Plan designated as Areas 2, 4 or 5 it shall provide water for irrigation utilizing surface water collection from the two surface water ponds that are shown on the Master Plan and shall not use James City Service Authority ("JCSA") water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet), well to supplement the surface water impoundments.

3. **Cash Contributions for Community Impacts.** (a) A contribution of $630.00 for each residential dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated in whole or in part by the

physical development and operation of the Property.

(b) A contribution of $382.50 for each residential dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of sewer system improvements or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution for each non-residential building on the Property in an amount equal to $1.53 per gallon per day of average daily sanitary sewage flow as determined by JCSA based on the use of the building(s) shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. Contributions for buildings on Area 1B shown on the Master Plan shall be reduced by a credit based on flows from the prior use of that Area as a restaurant. Contributions for buildings on Area 1D shown on the Master Plan shall be reduced by a credit based on flows from the prior use of that Area as retail shops. The JCSA may use these funds for development of sewer system improvements or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(d) A contribution of $600.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by

the physical development and operation of the Property, including, without limitation, for emergency services, off-site road improvements, library uses, and public use sites.

(e) A contribution of $605.00 for each dwellin[g] unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for an[y] project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(f) The contributions described above shall be payable for each dwelling unit or non-residential building on the Property at the time of subdivision or site plan approval for such unit or building.

(g) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (d) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of

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

4. ***Entrances/Taper.*** There shall be no more than two entrances into the Property to and from Route 60 in the general locations shown on the Master Plan. An eastbound 150 foot right turn taper on Route 60 shall be constructed at the right-in, right-out entrance to the Property from Route 60. The taper proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed prior to the issuance of the first certificate of occupancy for a building utilizing that entrance.

5. **Private Streets.** All streets on the Property shall be private and shall conform to VDOT construction standards. Private streets shall be maintained by the Association(s). The party responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the Association responsible for maintenance of that private street an amount equal to one hundred and fifty percent 0150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDCT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

6.

Updated Traffic Study. (a) If any use is proposed to locate on the Property with a materially higher trip generation based on IT£ trip generation figures than the use used in the Traffic Study which results in an overall materially higher trip generation from the Property, then Owner shall submit with the proposed site plan for the new use an updated traffic impact study to the Director of Planning and VDOT based on the new proposed use for their review and approval and shall implement the recommendations of the approved updated study prior to issuance of certificate of occupancy for the new use.

(b) In any event, the Owner shall submit an updated traffic impact study to the Director of Planning and VDOT for their review and approval prior to the time of the issuance of building permits for (i) 70% of the commercial square footage permitted on the Property under the Master Plan and (ii) 50% of the total number of residential units permitted on the Property under the Master Plan, unless the Director of Planning and VDOT waive such requirement. Both thresholds shall be met before the study is required to be performed. The updated traffic study shall include actual traffic counts from the developed portions of the Property and utilize ITE trip generation figures for undeveloped portions of the Property and shall account for all other traffic utilizing the entrance road into the Property and shall determine whether a traffic signal and/or second left turn lane at the main entrance to the Property are warranted. If the approved updated study determines such a signal and/or additional turn lane are warranted,' the County shall not be obligated to issue any further building permits for further development on the Property until such second westbound left turn lane at the main entrance into the Property from Route 60 and/or traffic signal at the main

entrance have been installed or their installation commenced and surety for their completion in form acceptable to the County Attorney have been posted with the County. Any such traffic signal shall include signal preemption equipment for emergency use and if required by VDOT, shall be coordinated with other traffic signals along Route 60.

7. **Landscaped Setback.** The 20 foot buffer adjacent to Smith Memorial Baptist Church property (Tax Map # (24-3)(1-36) and the Zaharopulus property (Tax Map # (24-3)(1-37A) shall contain enhanced landscaping, defined as 125% of the landscaping otherwise required by the County zoning ordinance. No fence located in the buffer shall be closer than 19 feet to the Property boundary line. The facade of the mini-storage warehouses facing Smith Memorial Baptist Church shall be brick and no road or driveway shall be permitted between the 20 foot buffer adjacent to Smith Memorial Baptist Church and the mini-storage warehouses.

8. **Affordable Housing Units.** (a) At least 5% (rounded down to the nearest whole unit) of the residential, dwelling units on the Property shall be reserved and offered for sale at prices of $110,000.00, subject to adjustment as provided below, and at least 5% (rounded down to the nearest whole unit) of the residential dwelling units on the Property shall be reserved and offered for sale at prices of $135,000.00, subject to adjustment as provided below. The maximum price set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2005 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement

statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis. The units subject to this Condition shall be constructed prior to the County being required to issue building permits for more than 200 residential dwelling units on the Property.

9. **Development Phasing.** The County shall not be obligated to issue building permits for any residential dwelling units on the Property until the County has issued building permits for least 25,000 square feet of floor area within areas designated as Area 1 on the Master Plan and construction thereof (defined as footings dug and foundations poured and passed required inspections) has commenced.

10. **Environmental Protections. (a)** The Owner and/or the owners association shall grant, free of charge, to a County approved land conservation entity and/or the County a conservation easement with terms consistent with these Proffers over the area designated on the Master Plan as Area 3 generally in the locations shown on the Master Plan. The exact boundaries of the Conservation Area shall be shown on subdivision plats and/or site plans of the Property. The County shall not be obligated to issue land disturbing permits for areas with preliminary plan or plat approval until the County has approved the exact location of the Conservation Area on such plats or plans. The conservation easement over the Conservation Area shown on each individual subdivision plat or site plan shall be granted at the time of final approval thereof by the County. The Conservation Area shall remain undisturbed and in its natural state, preserving indigenous vegetation except as set forth below. The

stormwater BMP shown on the Master Plan may be located in the Conservation Area with road crossings/dam structure generally in the location shown on the Master Plan, unless otherwise approved by the County. With the prior approval of the County Engineer or his designee on a case by *case* basis, (i) dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Conservation Area; (ii) select hand clearing and pruning of trees shall be permitted in the Conservation Area to permit sight lines or vistas, and (iii) utilities, pedestrian paths, trails and brid[g]es may intrude into or cross the Conservation Area. If vegetation is removed from the Conservation Area by development activities it shall be replaced by indigenous vegetation that is equally or more effective retarding runoff, preventing erosion and faltering nonpoint source pollution and in accordance with the following ratios and sizes: 2:1 for canopy trees (using 1.5 inch caliper tree), 1.5:1 for sub-canopy trees (using 1 inch caliper tree) and 1:1 for shrubs (using 5 gallon container). The Conservation Area shall be maintained by Owner unless the County approved land conservation entity or the County assumes responsibility therefor under its easement or the Conservation Area is conveyed to an owners association, at which time the association shall assume responsibility for its maintenance. The Conservation Area shall be exclusive of lots or dwelling units.

(b) Owner shall submit to the County a master stormwater management plan for the entire Property, including the regional stormwater management facility generally as shown on the Master Plan, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental

Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(c) There shall be a 10 foot construction setback adjacent to all Resource Protection Areas on the Property. No building shall be permitted in this setback area. This setback shall be reflected on all development plans for those areas of the Property.

11. **Route 60 Community Character Buffer.** Owner has submitted to the County a conceptual landscape plan for the fifty foot average width community character corridor buffer shown and described on the Master Plan ("CCC Buffer") along the Route 60 frontage of the property (the "Landscaping Plan"). All site plans for development including any portion of the CCC Buffer shall contain landscaping generally consistent with the Landscaping Plan, with such landscaping to be subject to review and approval by the Director of Planning. All signs located within the CCC Buffer shall be monument signs with a consistent monument structure. The building walls of all buildings facing Route 60 shall be constructed of brick, glass, masonry or better split faced block, dryvit, stone, manufactured stone, or siding as determined by the Director of Planning. All rooftop mechanical equipment will be screened from view from Route 60.

12. **Conceptual Review.** Prior to submission of a preliminary site plan for any residential development in Areas 2, 4 and 5 of the Property, Owner shall submit a more detailed conceptual site plan for the development to the Director of Planning for review

and approval.

13. ***Pedestrian Connections.*** Owner shall provide pedestrian connections with a durable surface between the Property and the adjacent property upon which Williamsburg Outlet Mall is located and between each of Areas 1 - 5 shown on the Master Plan, with the plans, location and materials for such connections subject to review and approval by the Director of Planning and with such connections to be shown on the development plans for the Area in question. Pedestrian connections shall be constructed between Areas shown on the Master Plan at the time of site construction of each of the Areas being connected. The connections shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any buildings in each such Area.

14. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements on both sides of the main entrance road into the Property in Area 1 as shown on the Master Plan and along the private roads in Areas 2, 4 and 5 as shown on the Master Plan in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process.

15. **Reserved Right of Way.** Owner shall reserve the area shown on the Master Plan as "Possible Future Connections Adjacent Parcel (Light Duty Only)" for a possible future road connection to the adjacent parcel to the north of the Property. Owner shall have no responsibility to construct a connecting road in this area and shall not be obligated to permit the owner of the adjacent parcel to construct a road in such

area unless and until Owner and the owner of the adjacent parcel have entered into an agreement providing for the equitable sharing of the cost of maintenance of such road and the main entrance road into the Property, agreed upon a restriction limiting the use by the adjacent parcel of such roads to cars and light duty trucks and obligating the owner of the adjacent parcel to pay for any required road or traffic signal improvements warranted by the additional traffic from the adjacent parcel.

16. **Special Fence Requirement Area.** Within the area shown on the Master Plan as "Special Fence Requirement Area" all fencing shall be either wood, dark metal picket fence or dark vinyl coated chainlink fence. If chain link fencing is used in this area it shall be supplemented with evergreen shrubs at four foot spacing along 75% of its length, with the exact location of such shrubs to be subject to the review and approval of the Director of Planning. Barbed wire or similar security fencing material shall not be used along. the top of any fencing in this Area.

17. **Lighting.** All exterior lighting on Area 1 of the Property shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any adverse impact on the Property or the surrounding property.

18. **Recreation.** There shall be provided in Areas 2, 4 and 5 recreational facilities meeting the standards set forth in the County's Recreation Master Flan or in lieu of a portion thereof Owner shall make cash contributions to the County in amount determined

pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 3(f)) or some combination thereof. All cash contributions proffered by this Proffer 18 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

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

under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards.* All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, gradin[g] or construction activities thereon.

20. <u>Residential Units For Sale.</u> All residential units constructed on the Property shall be offered for sale by the developer thereof.

SCHEDULE A

ALL that certain piece or parcel of land, situate, lying and being in James City County, Virginia, containing 53.44 acres more or less shown on a plat entitled "ALTA/ACSM LAND TITLE SURVEY A PARCEL CONTAINING 53.44 ACRES +/- OWNED BY EASTERN OREC, INC." dated May 10, 1995, made by AES Consulting Engineers of Williamsburg, Virginia, together with the buildings and improvements thereon, which plat is recorded in the Clerk's Office of the Circuit Court far the City of Williamsburg and James City County, Virginia in Plat Book 61, page 79.

LESS AND EXCEPT that certain parcel of land containing approximately 1.4 acres constituting a portion of the property described above shown and set out as "Proposed Chesapeake Bank Site, 2.4 AC." on the Master Plan.

Z-25-0002 Master Plan

	Use Group	Use
Existing Use	A	Single Family Detached
Proposed Use	A	Single Family Detached

N/F
LIBERTY CROSSING
TOWNHOUSE ASSOCIATION
PARCEL ID 2430800001E

ORIGINAL PARCEL ID 2430800001E AREA: 363,093 SF; 8.335 AC
AREA GIVEN TO PARCEL ID 2430100038C: −10,268 SF; 0.236 AC
AREA TAKEN FROM PARCEL ID 2430100038C: +2,089 SF; 0.048 AC

PARCEL ID 2430800001E AREA AFTER ADJUSTMENT: 354,914 SF; 8.147 AC

TOTAL AREA REMOVED FROM EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4: −10,268 SF; 0.236 AC
TOTAL AREA ADDED TO EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4: +10,434 SF; 0.239 AC

(PB 61, PG 76)

N62°11'19"E 175.46'
N42°08'48"E 192.35'
PIN(F)
N42°08'48"E 334.37'
S62°11'19"E 128.57'
PIN(F)
A
N61°54'24"E 153.31'
N28°05'50"W 108.20'
PIPE(F)

50' PERIMETER BUFFER (INSTR. 080029801)

NATURAL OPEN SPACE EASEMENT #4 (INSTR. 080029801)

NATURAL OPEN SPACE EASEMENT #4 (INSTR. 080029801)

N/F
HOW TO HOST LLC
(INSTR. 210024006)
PARCEL ID
2430100048
6423 CENTERVILLE RD

LINE "A" – "B" IS AGREED UPON BOUNDARY LINE

Area to be rezoned and, through the subdivision process, be added to 6429 Centerville Road.

Area to be rezoned and, through the subdivision process, be added to the revised perimeter buffer/open space area (in blue).

PORTION OF 50' PERIMETER BUFFER (INSTR. 080029801) AND NATURAL OPEN SPACE EASEMENT #4 (INSTR. 080029801) LOCATED ON PARCEL ID 2430800001E TO BE VACATED AND GIVEN TO PARCEL ID 2430100038C: AREA=10,268 SF; 0.236 AC

N53°08'40"E 451.02' (O/A)
N43°52'16"W 199.57'
PIN(F)
N46°50'15"W 148.91' (F) 149.37' (P)
PIPE(F)
N46°04'15"E 72.06'
PIN(F)
LINE TO BE EXTINGUISHED

S53°02'37"E 351.86'
N46°41'04.97"W 206.39'
1206.39'6"W
20.31'
104.80'
62.23'
N81°38'02"E 83.98'

AREA TO BE ADDED TO EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4 TO MAINTAIN A 50' WIDTH THROUGHOUT; AREA=8,345 SF; 0.192 AC

N66°41'50"E 39.36'
S23°18'10"E
142.20'
N16°40'34"E

Area to be added to perimeter buffer and natural open space easement.

NATURAL OPEN SPACE EASEMENT #4 (INSTR. 080029801)

391.54'
AREA=10,268 SF OR 0.236 AC
67.25'
97.36'
S80°40'53"W 164.61' (O/A)
193.87'
S82°32'41"W
PIN(F)
50' PERIMETER BUFFER (INSTR. 080029801)
59.48'
70.68'
LP
B

AREA TAKEN FROM PARCEL ID 2430100038C AND GIVEN TO PARCEL ID 243080001E TO BE ADDED TO EXISTING NATURAL OPEN SPACE EASEMENT #4 (INSTR. 080029801); AREA=2,089 SF; 0.048 AC

N/F
CENTERVILLE INVESTMENT
ASSOCIATES LLC
(INSTR. 202206117)
PARCEL ID 2430100038C

ORIGINAL PARCEL ID 2430100038C AREA: 41,333 SF; 0.949 AC
AREA GIVEN TO PARCEL ID 243080001E: −2,089 SF; 0.048 AC
AREA TAKEN FROM PARCEL ID 24308001E: +10,268 SF; 0.236 AC

PARCEL ID 2430100038C AREA AFTER ADJUSTMENT: 49,512 SF; 1.137 AC

N43°07'24"E 287.06'
379.66'
N43°18'04"E 450.34'

N/F
SCG BR LIGHTFOOT LP
PARCEL ID
2430100038
6401 RICHMOND RD

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1081.74'	54.93'	27.47'	54.92'	N68° 27' 57"W	2°54'33"

PIN(F)
3.5' OFF CORNER
C1
54.93'
N67°00'40"W
PIN(F)
PIN(F)
+/−1,510.00' TO RICHMOND ROAD

CENTERVILLE ROAD (VAR. WIDTH R/W)
STATE ROUTE 614

LEGEND
- ○ IRON PIN FOUND – PIN(F)
- ● IRON PIN SET – PIN(S)
- □ CONC. STEEL PIN FOUND – PIN(F)
- ■ CONC. STEEL PIN SET – PIN(S)

FB: CS 719, PG 57
DRWN. BY CJS
CHK'D. BY JJV DATE 9/2/2025

COMMONWEALTH OF VIRGINIA
JEFFREY J. VIERRETHER
Lic. No. 2306
LAND SURVEYOR

BOUNDARY LINE
ADJUSTMENT
PARCEL ID 2430100038C
&
PARCEL ID 2430800001E
POWHATAN DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 50' SEPTEMBER 2, 2025

50' 0' 50' 100'
GRAPHIC SCALE
1" = 50'

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JOB # 21307
SHEET 2 OF 2

Post Subdivision Layout

	Use Group	Use
Existing Use	A	Single Family Detached
Proposed Use	A	Single Family Detached

N/F
LIBERTY CROSSING
TOWNHOUSE ASSOCIATION
PARCEL ID 2430800001E
Zoned MU - Mixed Use

(PB 61, PG 76)

NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)

50' PERIMETER BUFFER
(INSTR. 080029801)

NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)

N/F
HOW TO HOST LLC
(INSTR. 210024006)
PARCEL ID
2430100048
6423 CENTERVILLE RD

N28°05'50"W 108.20'

S53°02'37"E 351.86'

N43°52'16"W 199.57'

N46°50'15"W 148.91' (F) 149.37' (P)

N46°04'15"E

N43°07'24"E 287.06'

N66°41'50"E 39.36'

S23°18'10"E 41.71'

N84°54'20"E 42.53'

N66°41'49"E 65.40'

N16°40'34"E 142.20'

S23°18'10"E 184.13'

NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)

S82°32'41"W

PIN(F)

50' PERIMETER BUFFER
(INSTR. 080029801)

LP

B

Proposed Fence

N/F
CENTERVILLE INVESTMENT
ASSOCIATES LLC
(INSTR. 202206117)
PARCEL ID 2430100038C
Zoned A-1, General Agricultural

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1081.74'	54.93'	27.47'	54.92'	N68° 27' 57"W	2°54'33"

PIN(F)
3.5' OFF CORNER

C1

PIN(F)

N67°00'40"W

PIN(F)

CENTERVILLE ROAD (VAR. WIDTH R/W)
STATE ROUTE 614

LEGEND

- ○ IRON PIN FOUND – PIN(F)
- ● IRON PIN SET – PIN(S)
- □ CONC. STEEL PIN FOUND – PIN(F)
- ■ CONC. STEEL PIN SET – PIN(S)

FB: CS 719, PG 57
DRWN. BY CJS
CHK'D. BY JJV DATE 9/2/2025

50' 0' 50' 100'

GRAPHIC SCALE
1" = 50'

COMMONWEALTH OF VIRGINIA
JEFFREY J. VIERRETHER
Lic. No. 2306
LAND SURVEYOR

BOUNDARY LINE
ADJUSTMENT
PARCEL ID 2430100038C
&
PARCEL ID 2430800001E
POWHATAN DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 50' SEPTEMBER 2, 2025

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757.490.9264 | MSAONLINE.COM

N/F
LIBERTY CROSSING
TOWNHOUSE ASSOCIATION
PARCEL ID 2430800001E

ORIGINAL PARCEL ID 2430800001E AREA:	363,093 SF; 8.335 AC
AREA GIVEN TO PARCEL ID 2430100038C:	−10,268 SF; 0.236 AC
AREA TAKEN FROM PARCEL ID 2430100038C:	+2,089 SF; 0.048 AC
PARCEL ID 2430800001E AREA AFTER ADJUSTMENT:	354,914 SF; 8.147 AC
TOTAL AREA REMOVED FROM EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4:	−10,268 SF; 0.236 AC
TOTAL AREA ADDED TO EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4:	+10,434 SF; 0.239 AC

(PB 61, PG 79)

N42°08'48"E 192.35'
S62°11'19"E 175.46'
PIN(F)
N42°08'48"E 334.37'
S62°11'19"E 128.57'
PIN(F)
A
NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)
50' PERIMETER BUFFER
(INSTR. 080029801)
N61°54'24"E 153.31'
N28°05'50"W 108.20'
PIPE(F)
NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)
N/F
HOW TO HOST LLC
(INSTR. 210024006)
PARCEL ID
2430100048
6423 CENTERVILLE RD
S53°08'40"E 451.02' (O/A)
N43°52'16"W 199.57'
IS AGREED UPON BOUNDARY LINE
Area to be rezoned and later subdivided and added to 6429 Centerville Road.
PORTION OF 50' PERIMETER BUFFER
(INSTR. 080029801) AND NATURAL
OPEN SPACE EASEMENT #4
(INSTR. 080029801) LOCATED ON
PARCEL ID 2430800001E TO BE VACATED
AND GIVEN TO PARCEL ID 2430100038C:
AREA=10,268 SF; 0.236 AC
PIN(F)
N46°50'15"W 148.91' (F) 149.37' (P)
391.54'
AREA=10,268 SF
OR 0.236 AC
S53°02'37"E 351.86'
1206'39'6"W 206.39'
50.31'
N46°41'04.97" 104.80'
62.23'
N81°38'02"E 83.98'
AREA TO BE ADDED TO EXISTING
50' PERIMETER BUFFER AND NATURAL
OPEN SPACE EASEMENT #4 TO MAINTAIN
A 50' WIDTH THROUGHOUT;
AREA=8,345 SF; 0.192 AC
N66°41'50"E 39.36'
S23°18'10"E
142.20'
N16°40'34"E
Area to be added to perimeter buffer and natural open space easement.
NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)
S80°40'53"W
164.61' (O/A)
193.87'
S82°32'41"W
97.36'
67.25'
59.48'
70.68'
LP
B
PIN(F)
50' PERIMETER BUFFER
(INSTR. 080029801)
LINE TO BE
EXTINGUISHED
AREA TAKEN FROM PARCEL ID 2430100038C
AND GIVEN TO PARCEL ID 243080001E
TO BE ADDED TO EXISTING NATURAL OPEN
SPACE EASEMENT #4 (INSTR. 080029801);
AREA=2,089 SF; 0.048 AC
N46°04'15"E 72.00'
PIPE(F)
N43°07'24"E 287.06'
379.66'
N43°18'04"E 450.34'
Area to be rezoned and later subdivided and added to Liberty Crossing and part of the revised perimeter buffer/open space area (in blue).

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1081.74'	54.93'	27.47'	54.92'	N68° 27' 57"W	2°54'33"

N/F
CENTERVILLE INVESTMENT
ASSOCIATES LLC
(INSTR. 202206117)
PARCEL ID 2430100038C

ORIGINAL PARCEL ID 2430100038C AREA:	41,333 SF; 0.949 AC
AREA GIVEN TO PARCEL ID 243080001E:	−2,089 SF; 0.048 AC
AREA TAKEN FROM PARCEL ID 24308001E:	+10,268 SF; 0.236 AC
PARCEL ID 2430100038C AREA AFTER ADJUSTMENT:	49,512 SF; 1.137 AC

N/F
SCG BR LIGHTFOOT LP
PARCEL ID
2430100038
6401 RICHMOND RD

PIN(F)
3.5' OFF CORNER
C1
54.93'
N67°00'40"W
PIN(F)
PIN(F)
+/−1,510.00' TO
RICHMOND ROAD
CENTERVILLE ROAD (VAR. WIDTH R/W)
STATE ROUTE 614

COMMONWEALTH OF VIRGINIA
JEFFREY J. VIERRETHER
Lic. No. 2306
LAND SURVEYOR

BOUNDARY LINE ADJUSTMENT
PARCEL ID 2430100038C
&
PARCEL ID 2430800001E
POWHATAN DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 50' SEPTEMBER 2, 2025

LEGEND
- ○ IRON PIN FOUND – PIN(F)
- ● IRON PIN SET – PIN(S)
- □ CONC. STEEL PIN FOUND – PIN(F)
- ■ CONC. STEEL PIN SET – PIN(S)

50' 0' 50' 100'
GRAPHIC SCALE
1" = 50'

FB: CS 719, PG 57
DRWN. BY CJS
CHK'D. BY JJV DATE 9/2/2025

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JOB # 21307
SHEET 2 OF 2

N/F
LIBERTY CROSSING
TOWNHOUSE ASSOCIATION
PARCEL ID 2430800001E

ORIGINAL PARCEL ID 2430800001E AREA: 363,093 SF; 8.335 AC
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TOTAL AREA REMOVED FROM EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4: −10,268 SF; 0.236 AC
TOTAL AREA ADDED TO EXISTING 50' PERIMETER BUFFER AND NATURAL OPEN SPACE EASEMENT #4: +10,434 SF; 0.239 AC

(PB 61, PG 79)

N42°08'48"E 192.35'
S62°11'19"E 175.46'
PIN(F)
N42°08'48"E 334.37'
S62°11'19"E 128.57'
PIN(F)
A
NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)
50' PERIMETER BUFFER
(INSTR. 080029801)
N61°54'24"E 153.31'
NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)
N28°05'50"W 108.20'
PIPE(F)
S53°02'37"E 351.86'
AREA TO BE ADDED TO EXISTING
50' PERIMETER BUFFER AND NATURAL
OPEN SPACE EASEMENT #4 TO MAINTAIN
A 50' WIDTH THROUGHOUT;
AREA=8,345 SF; 0.192 AC
S53°08'40"E 451.02' (O/A)
N43°52'16"W 199.57'
N/F
HOW TO HOST LLC
(INSTR. 210024006)
PARCEL ID
2430100048
6423 CENTERVILLE RD
LINE "A" – "B" IS AGREED UPON BOUNDARY LINE
PIN(F)
N46°50'15"W 148.91' (F) 149.37' (P)
PORTION OF 50' PERIMETER BUFFER
(INSTR. 080029801) AND NATURAL
OPEN SPACE EASEMENT #4
(INSTR. 080029801) LOCATED ON
PARCEL ID 2430800001E TO BE VACATED
AND GIVEN TO PARCEL ID 2430100038C:
AREA=10,268 SF; 0.236 AC
N46°04'15"E 72.00'
PIPE(F)
PIN(F)
LINE TO BE
EXTINGUISHED
59.48'
LP
B
N66°41'50"E 39.36'
S23°18'10"E 41.71'
N84°54'20"E 42.53'
N66°41'49"E 65.40'
N16°40'34"E 142.20'
S23°18'10"E 184.13'
NATURAL OPEN SPACE EASEMENT #4
(INSTR. 080029801)
S80°40'53"W 164.61' (O/A)
97.36'
193.87'
S82°32'41"W
PIN(F)
50' PERIMETER BUFFER
(INSTR. 080029801)
AREA TAKEN FROM PARCEL ID 2430100038C
AND GIVEN TO PARCEL ID 243080001E
TO BE ADDED TO EXISTING NATURAL OPEN
SPACE EASEMENT #4 (INSTR. 080029801);
AREA=2,089 SF; 0.048 AC
N43°07'24"E 287.06'
379.66'
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N/F
CENTERVILLE INVESTMENT
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PARCEL ID 2430100038C

ORIGINAL PARCEL ID 2430100038C AREA: 41,333 SF; 0.949 AC
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PARCEL ID 2430100038C AREA AFTER ADJUSTMENT: 49,512 SF; 1.137 AC

N/F
SCG BR LIGHTFOOT LP
PARCEL ID
2430100038
6401 RICHMOND RD

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1081.74'	54.93'	27.47'	54.92'	N68° 27' 57"W	2°54'33"

PIN(F)
3.5' OFF CORNER
C1
54.93'
PIN(F)
N67°00'40"W
PIN(F)
+/-1,510.00' TO
RICHMOND ROAD
CENTERVILLE ROAD (VAR. WIDTH R/W)
STATE ROUTE 614

LEGEND
- ○ IRON PIN FOUND – PIN(F)
- ● IRON PIN SET – PIN(S)
- □ CONC. STEEL PIN FOUND – PIN(F)
- ■ CONC. STEEL PIN SET – PIN(S)

FB: CS 719, PG 57
DRWN. BY CJS
CHK'D. BY JJV DATE 9/2/2025

50' 0' 50' 100'
GRAPHIC SCALE
1" = 50'

COMMONWEALTH OF VIRGINIA
JEFFREY J. VIERRETHER
Lic. No. 2306
LAND SURVEYOR

BOUNDARY LINE ADJUSTMENT
PARCEL ID 2430100038C
&
PARCEL ID 2430800001E
POWHATAN DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 50' SEPTEMBER 2, 2025

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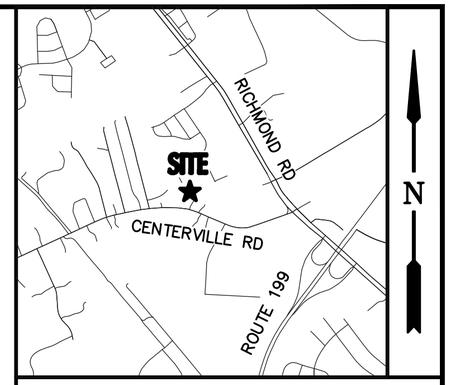
JOB # 21307
SHEET 2 OF 2

NOTES:

1. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF CURRENT TITLE REPORTS PREPARED BY FIDELITY NATIONAL INSURANCE COMPANY, EFFECTIVE DATE: 11-10-2021 AT 8:00 AM (6423 CENTERVILLE RD) AND 11-19-2021 AT 8:00 AM (6425 CENTERVILLE RD).
2. THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE "X" AS SHOWN ON PANEL 0109D OF THE FLOOD INSURANCE RATE MAPS FOR THE JAMES CITY COUNTY, COMMUNITY NO.: 51095C, DATED 12/16/2015. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FLOOD INSURANCE RATE MAPS FOR THE CITY/COUNTY INDICATED. MSA, PC. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
3. NORTH MERIDIAN SHOWN HEREON IS BASED ON JAMES CITY COUNTY GEODETIC CONTROL MERIDIAN, PLAT BOOK 61, PAGE 79.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NONEXISTENCE OF WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES OR ANY UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.



LOCATION MAP – SCALE: 1" = 2,000'

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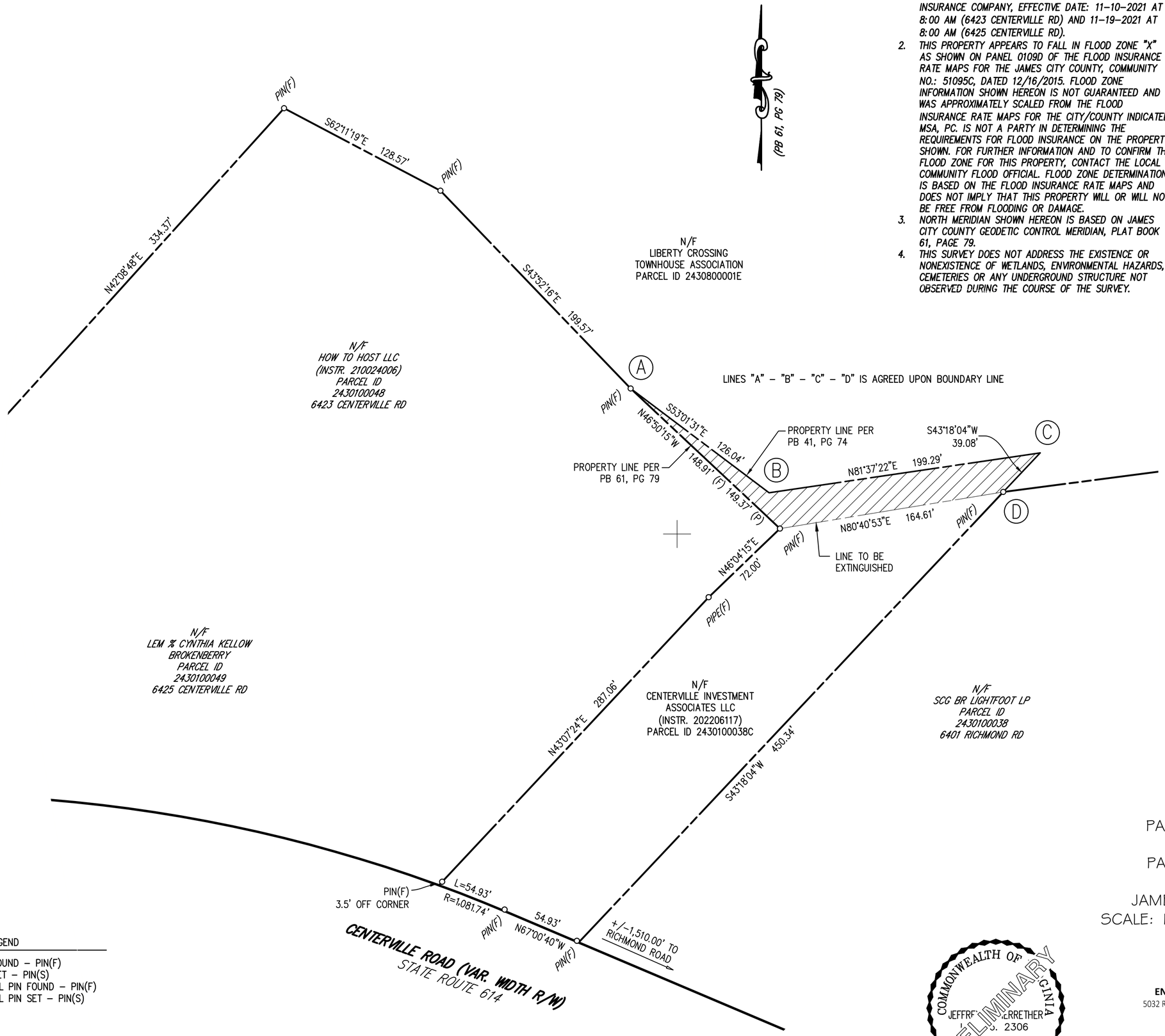


LEGEND

- ○ IRON PIN FOUND – PIN(F)
- ● IRON PIN SET – PIN(S)
- □ CONC. STEEL PIN FOUND – PIN(F)
- ■ CONC. STEEL PIN SET – PIN(S)

FB: CS 719, PG 57
DRWN. BY CJS
CHK'D. BY JJV DATE 3/13/2023

COMMONWEALTH OF VIRGINIA
JEFFREY J. ERRETHER
NO. 2306
PRELIMINARY
AND SURVEYOR

BOUNDARY LINE AGREEMENT PLAT OF PARCEL ID 2430100038C & PARCEL ID 2430800001E

POWHATAN DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 50' MARCH 13, 2023

MSA
ENGINEERS | SCIENTISTS | SURVEYORS
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462
757.490.9264 | MSAONLINE.COM

50' 0' 50' 100'
GRAPHIC SCALE
1" = 50'

JOB # 21307
SHEET 1 OF 1

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 5, 2025
6:00 PM

A. CALL TO ORDER

Mr. Haldeman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:
Jack Haldeman, Chair
Frank Polster
Steve Rodgers
Jay Everson
Scott Maye
Crystal Haskins

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Morgan Risinger, Senior Planner
José Ribeiro, Senior Planner/Landscape Planner
Kyle Sirico, Planner
Linda Titus, Community Development Assistant
Hannah Hunnicutt, Community Development Assistant

Planning Commissioners Absent:
Kira Allmann, Vice Chair

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

Mr. Haldeman closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Everson stated that the Policy Committee Meeting met on September 11, 2025, to discuss ORD-25-0005. Equine Stocking Rate Amendment. Mr. Everson stated that the discussion would be extended to the next Policy Committee Meeting at 3pm October 13, 2025.

E. CONSENT AGENDA

1. Minutes of the October 1, 2025, Regular Meeting

Mr. Rogers made a motion to approve minutes of the October 1, 2025, Regular Meeting.

On a voice vote, the Commission voted to approve the Minutes. (6-0)

F. PUBLIC HEARING(S)

1. Z-25-0007/MP-25-0005, 6810 Richmond Road The Williamsburg Pottery Proffer and Master Plan Amendment

   Mr. Haldeman stated that the case was postponed from the October meeting and that the applicant wishes to postpone consideration of the application again. Mr. Haldeman noted that the Public Hearing remains open from the October meeting.

   Mr. Kyle Sirico, Planner, stated that the applicant has requested to postpone the application to consult further with Planning staff and to work with their new attorney to develop the proffers.

   Mr. Polster made a motion to defer the matter to the December 3, 2025, meeting.

   On a roll call vote, the Commission voted to defer MP-25-0005/Z-25-0007. 6810 Richmond Road The Williamsburg Pottery Proffer and Master Plan Amendment to its December 3, 2025, Regular meeting. (6-0)

2. Z-25-0006/MP-25-0004, Fords Proffer and Master Plan Amendment for Ford's Colony Master Plan (Ford's Village)

   Ms. Morgan Risinger, Senior Planner, addressed the Commission stating that Mr. Graham Corson of AES Consulting Engineers and Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman had applied on the behalf of Ford's Village LLC to amend the Proffers and Master Plan for the Ford's Village Development located at 3889 News Road. Ms. Risinger further stated that the property was zoned R4, Residential Planned Community with Proffers, the property is located within the Primary Service area and is designated as low-density residential on the 2045 Comprehensive Plan Land Use Map.

   Ms. Risinger noted that the Ford's Village Proffers and Master Plan were previously amended in 2022 which allowed a total of 470 Independent units and assisted living memory care and skilled nursing units; specifically, 270 independent living dwellings were shown in the CCRC A, B, and C land area and 75 Independent Living apartments and 125 assisted living memory care and skilled nursing units were shown in the CCRC-D land area.

   Ms. Risinger stated that the current application request to amend proffer number three and the Master Plan to allow a maximum of 160 independent living apartments and a minimum of 40 assisted living and memory care rooms within the CCRC-D land area. Ms. Risinger explained that overall, the CCRCD land area would continue to have no more than 200 independent living apartments and assisted living memory care and skilled nursing rooms and the property would continue to have no more than 470 units or rooms.

Ms. Risinger noted that the application also proposed amending the recreational amenities and proffer number 13 so that beauty and barber salons and libraries are optional amenities in CCRC-D, so that courtyards are not required in CCRC-D, and so that physician's offices, home health, and pharmacy uses are not listed as optional amenities.

Ms. Risinger stated that the application proposed amending proffer number 17 so that 100 building permits may be issued in the CCRC A, B, and C land areas prior to construction commencing in CCRC-D. This was increased from the 50 building permits allowed in the current proffers. Ms. Risinger noted that while no changes were proposed to the cash contributions in Proffer No. 5, the potential increased proportion of independent living units would result in an increased overall dollar amount of cash contributions. Ms. Risinger explained that the proposed changes are expected to continue to have a positive overall fiscal impact.

Ms. Risinger noted that regarding traffic impacts, the traffic impact analysis submitted with the initial version of the 2022 application accounted for a total of 516 units and rooms. Ms. Risinger further noted that as shown in Attachment No. 5, the applicant's traffic engineer presented a comparison between the estimated trips with 516 units and the estimated trips for a scenario with 470 units comprised of 75 independent living apartments and 125 assisted living/memory care rooms which the comparison showed a decrease of 8 AM peak hour trips and 20 PM peak hour trips. Ms. Risinger explained that per the Institute of Transportation Engineers 11th edition Trip Generation Manual, assisted living/memory care rooms are estimated to generate more trips compared to the independent living apartments meaning that a unit mixture which includes more independent living units would be expected to have less trips generated.

Ms. Risinger stated that staff found that the development is anticipated to have a positive fiscal impact, that the development is not anticipated to generate student enrollment or impacts on schools, that the application is not expected to result in an increased number of trips, and that appropriate amenities are provided for the development. Ms. Risinger noted, however, that the application did not propose 20% of units affordable to the 0% - 80% AMI range as recommended in the Comprehensive Plan.

Ms. Risinger stated that staff found that the application was generally consistent with the Zoning Ordianance, applicable polices, and the Comprehensive Plan. Ms. Risinger further stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the proposed proffers.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy gave a presentation to the Commission regarding the proposed development, Master Plan, and Proffer amendment.

Mr. Polster asked if the Special Stormwater Criteria (SSCs) referenced in section eight of the Community Impact Statement had been superseded.

Mr. Geddy stated that Mr. Corson of AES Consulting Engineering informed him prior to the meeting that he would implement the new SSC regulations into the site plan for the property.

Gary Carlile, 3724 Mesa River, addressed the Commission with concerns about the proposed proffer and master plan amendment.

Doug Harbin, 3705 Strawberry Plains Road, representing Wayne Harbin Builders Inc, addressed the Commission in support of the proposed project.

Mr. Haldeman closed the Public Hearing.

Mr. Polster stated that he was in support of the Proffer and Master Plan amendment.

Mr. Everson asked Mr. Geddy why the project proposed decreased from 125 units to 40 units for assisted living memory care.

Mr. Geddy stated that it was likely that there would be more than 40 units for memory care, however, this proffer would provide flexibility for any possible market condition changes.

Mr. Maye stated that he was in support of the proposed project.

Dr. Haskins stated that she appreciated the Proffer for the reservation of assisted living beds for Medicaid qualified individuals.

Mr. Haldeman stated that he was not in support of the amendment.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-25-0006 and MP-25-0004 Proffer and Masterplan Amendment for Ford's Colony Master Plan Ford's Village to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-1)

3. Z-25-0001/MP-25-0002, Liberty Crossing Proffer and Master Plan Amendments and Z-25-0002, 6429 Centerville Road Rezoning

Mr. Haldeman stated that Public Hearing remained open from the previous meeting.

Mr. José Ribeiro, Senior Planner, addressed the Commission stating this case had been deferred at the October 1st, 2025 Regular Meeting as one of the required signatures by the applicant had not been submitted on time. Mr. Ribeiro stated that the signature was secured and the application was complete.

Mr. Ribeiro stated that in 2023, Mr. Warren Holland submitted a boundary line adjustment plat (BLA) for review between his property at 6429 Centerville Road and property located at 4645 Revolutionary way, owned by Liberty Crossing. Mr. Ribeiro explained that the 6429 Centerville Road property was approximately 0.91 acres in size and zoned A-1, General Agricultural District. Mr. Ribeiro stated that a single-family structure was located on the property.

Mr. Ribeiro stated that the second property subject to the BLA was located at 4645 Revolutionary way and approximately 9.46 acres. Mr. Ribeiro stated that the strip of land was a perimeter and vegetative buffer in the national open space area that is a part of the Master Plan for Liberty Crossing.

Mr. Ribeiro noted that the BLA plat that submitted for review highlighted Mr. Holland's property in red and the Liberty Crossing property in orange and that the purpose of the BLA was to adjust the boundary lines between both parcels.

Mr. Ribeiro stated that to move a portion of land from Liberty Crossing's perimeter buffer and natural open space and incorporate into Mr. Holland's property and remove a portion of Mr. Holland's property and incorporate into the Liberty Crossing buffer and national open space area.

Mr. Ribeiro stated that the review and approval of a BLA is an administrative process, however, during the review of the BLA, staff became aware that approximately 0.188 acres or approximately 8,000 sq. ft. of land would be removed from the Master Plan. Mr. Ribeiro explained that the reduction of area would impact the density in the development data of the approved Master Plan for Liberty Crossing and therefore, prior to the BLA being approved by staff, legislative review and approval is necessary.

Mr. Ribeiro explained that the properties subject to the BLA had different zoning designations, the portion of Liberty Crossing buffer areas were zoned MU, Mixed Use and would need to be rezoned to A-1 which was the zoning of designation of Mr. Holland's property.

Mr. Ribeiro stated that the portion of Mr. Hollands property zoned A-1 would have to be rezoned to MU to match the current zoning designation of the Liberty Crossing buffer area.

Mr. Ribeiro explained that there were two proposals for the Commissioner's consideration. Mr. Ribeiro stated that Proposal 1 was Z-25-0001/MP-25-0002 which was to rezone the Liberty Crossing perimeter buffer and open space from MU, Mixed Use to A-1, General Agricultural District. Mr. Ribeiro further stated that Proposal 2 was Z-25-0002 to rezone a portion of Mr. Holland's property from A-1, General Agricultural District, to MU, Mixed Use.

Mr. Ribeiro noted that staff had reviewed both applications and found no negative impacts; the reduction of the Liberty Crossing development area reduced the overall density slightly from 6.37 to 6.11 dwelling units per acre and several residential units originally capped at 244 dwelling units had been revised down to 234 dwelling units, which was the current cap.

Mr. Ribeiro stated that the blue triangle which was not part of the rezoning was a part of Liberty Crossing property and would be incorporated into the buffer through the BLA. Mr. Ribeiro noted that the area was heavily wooded and would ensure that the same amount of land that would be removed from the buffer area would be incorporated back into the buffer area. Mr. Ribeiro stated that staff had visited the site and could confirm that the undisturbed and mature nature of the area to be incorporated into the open space conservation area; there was no loss of natural open space.

Mr. Ribeiro stated that the properties were designated MU on the Comprehensive Plan Land Use Map, the proposed amendment to the adopted the Master Plan, Proffers, and revisions to the perimeter buffer and open space property are consistent with the MU language of the Comprehensive Plan.

Mr. Ribeiro noted that there were no proposed development changes to the Liberty Crossing residential or commercial areas other than the reduction in density. Mr. Ribeiro stated that for Mr. Holland's property there were no proposed new developments at the time, any future development would be in accordance with the Zoning Ordinance and the 2045 Comprehensive Plan.

Mr. Ribeiro noted that staff recommended that the Planning Commission recommend approval of Z-25-0001/ MP-25-0002 subject to the proposed proffers and Z-25-0002 to the Board of Supervisors.

Mr. Polster asked if the open space that would be subdivided into Mr. Holland's property was zoned MU and would be rezoned to A-1.

Mr. Ribeiro stated that it was currently zoned MU and would be rezoned to A-1.

Mr. Polster asked if the property was within the Resource Protection Area (RPA) or open space.

Mr. Ribeiro stated that it was a natural open space area and was not a part of the RPA.

Mr. Polster asked if the area that would be given to Liberty Crossing would become a part of the natural open space and therefore be a part of the perimeter buffer.

Mr. Ribeiro responded yes.

Mr. Everson asked if the current homes would stay where they reside.

Mr. Ribeiro answered yes.

Mr. Haldeman closed the public hearing.

Mr. Rodgers stated that he was in support of the project.

Mr. Polster made a motion that the Planning Commission recommend to the Board of Supervisors that they approve Z-25-0001/MP-25-0002 Liberty Crossing Proffer amendment and Master Plan amendment to Z-25-0002 6429 Centerville Road Rezoning.

Ms. Istenes stated there would be two votes.

On a voice vote, the Commission voted to recommend approval of Z-25-0001/MP-25-0002. Liberty Crossing Proffer and Master Plan Amendment. (6-0)

On a voice vote, the Commission voted to recommend approval of Z-25-0002. 6429 Centerville Road Rezoning. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2025

   Ms. Istenes stated she did not have anything to add to the report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated that the Board of Supervisors meeting would be on November 12, 2025, and Mr. Haldeman would be representing the Planning Commission.

Mr. Haldeman stated that the Development Review Committee scheduled for November 19, 2025 at 4pm and a Policy Committee Meeting scheduled for November 13, 2025 at 3pm.

Mr. Everson asked if there was an update regarding the Ivy Hill and Richmond Road Industrial Solar Facility.

Mrs. Istenes stated that a site plan had not yet been submitted.

J. ADJOURNMENT

Mr. Haldeman asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

The meeting was adjourned at approximately 6:54 p.m.

_____ _____

Susan Istenes, Secretary Jack Haldeman, Chair

SUMMARY FACTS

Applicants:	Mr. Graham Corson, AES Consulting Engineers, Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP
Landowner:	Ford's Village, LLC
Proposal:	A request to amend the adopted Proffers and Master Plan for the Continuing Care Retirement Facility at Ford's Colony. The proposal would permit up to 270 age-restricted residential units consisting of single-family dwellings and multifamily dwellings, as well as a facility containing a total of no more than 200 age-restricted assisted living/memory care rooms/skilled nursing units, with no more than 160 apartments, and no less than 40 assisted living rooms/memory care rooms. This development would include accessory amenities intended for the residents and employees of the development and not the general public.
Location:	3889 News Road
Tax Map/Parcel No.:	3730100004
Current Zoning:	R-4, Residential Planned Community District with Proffers
Proposed Zoning:	R-4, Residential Planned Community District with Proffers
Project Acreage:	+/- 177.5 acres
Comprehensive Plan:	Low Density Residential
Primary Service Area: (PSA)	Inside
Staff Contact:	Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	November 5, 2025, 6:00 p.m.
Board of Supervisors:	December 9, 2025, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal to be consistent with the Zoning Ordinance and adopted policies.

2. Staff finds the proposal to be consistent with the adopted 2045 Comprehensive Plan.

3. The application is expected to have a positive cumulative fiscal impact based on analysis from the County's Fiscal Impact Model (see Pages 11-13).

4. Due to the proffered age restriction, the proposal is not anticipated to generate student enrollment or impacts on schools.

5. The applicants have proffered cash contributions that are intended to mitigate the impacts of this proposal (see Page 5).

6. The application is not expected to result in an increase in vehicle trips compared to the 2022 Master Plan and proffers (see Page 6).

7. The application is generally consistent with the Parks & Recreation Development Guidelines (see Page 9).

8. Impacts: See Impact Analysis on Pages 9-10.

FACTORS UNFAVORABLE

1. This proposal is not consistent with the recommendations on workforce and affordable housing as stated in the Comprehensive Plan (see Page 7).

2. Impacts: See Impact Analysis on Pages 9-10.

PLANNING COMMISSION RECOMMENDATION

At its November 5, 2025, Regular Meeting, the Planning Commission recommended approval of this application by a vote of 5-1.

CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

SUMMARY STAFF RECOMMENDATION

Staff finds the application to be generally consistent with the County's Zoning Ordinance, Comprehensive Plan, and adopted policies. Staff recommends that the Board of Supervisors approve this application, subject to the proposed proffers.

PROJECT DESCRIPTION

This application proposes to amend the currently adopted Ford's Colony Master Plan and related proffers for the Continuing Care Retirement Community (CCRC) proposed on the property which is identified as Section 37 on the approved Ford's Colony Master Plan.

The 2022 Master Plan divided the property into two categories: a land area comprising CCRC-A, CCRC-B, and CCRC-C consisting of 270 single-family and multifamily units; and CCRC-D consisting of up to 75 apartments, up to 125 memory care, assisted living, and skilled nursing beds, and associated non-residential uses and amenities.

As detailed in the following table, the proposed Master Plan amendment would increase the maximum number of apartments to 160 and equivalently adjust the minimum number of assisted living, memory care, and skilled nursing beds to 40. Overall, CCRC-D will continue to have no more than 200 apartments and beds.

Master Plan Unit Mix Comparison

Unit/Bed Type	Adopted 2022 Master Plan	Proposed 2025 Amendment	Difference
Single-Family and Multifamily Units	270	270	0
Apartments	75	160 (maximum)	+85
Assisted Living/Memory Care/Skilled Nursing	125	40 (minimum)	-85
Total Max	470	470	0

In accordance with the Zoning Ordinance, independent living apartments are considered to be dwelling units and count towards the residential density of the development. However, assisted living, memory care, and skilled nursing beds are not considered to be dwelling units and do not count towards the residential density of the development. As the application proposes an increase in independent living apartments, this application would result in an increase in the residential density on the subject parcel from 3.68 units per developable acre to 4.59 units per developable acre. The application also results in an increase to the overall density of Ford's Colony from 1.61 units per developable acre to 1.64 units per developable acre. The

overall density remains below and is consistent with the R-4 Zoning District's maximum density of 2.0 units per developable acre.

While the application would increase the residential density as defined in the Zoning Ordinance, it is significant to note that this application does not propose any changes to the Master Plan layout from the 2022 Master Plan and all development would continue to be within the approved boundaries of land areas, buffers, and open space.

Proffer Amendment

In conjunction with the proposed Master Plan amendment, the applicants are proposing to amend and restate the proffers for the parcel. The following proffers are proposed to be revised:

- Proffer No. 3 Density (a): There shall be no more than 200 dwelling units comprised of independent living units, assisted living/memory care units consisting of up to four beds, and skilled nursing units consisting of up to two beds (each a "dwelling unit") on the portion of the Property designated on the Master Plan as CCRC-D, with a minimum of 40 assisted living/memory care units and the mixture between independent living units and assisted living/memory care units to be determined by market demand, which may fluctuate over time so long as the number of assisted/ memory care units does not drop below 40. The term "assisted living/memory care unit" (an "AL Unit") shall mean a non-medical residential dwelling unit in the assisted living facility area or memory care area of the independent and assisted living community licensed in accordance with Sections 63.2-1800 et seq. of the Virginia Code and Sections 22 VAC 40-73 et seq. of the Virginia Administrative Code where adults who are aged, infirm or disabled are provided personal and health care services and 24-hour supervision and assistance. An AL Unit must meet the standards set forth in 22 VAC 40-73-750 and 900.

  (b) There shall be no more than a total of 270 independent living dwelling units on the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B, or CCRC-C.

  (c) All dwelling units on the Property shall be intended and operated for occupancy by persons fifty-five (55) years of age or older in accordance with applicable federal and state laws and regulations, including but not limited to: the Fair Housing Act, 42 U.S.C. 3601 et seq. and the exemption therefrom provided by 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. 3601 et seq.; the Virginia Fair Housing Law Va. Code 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist and no dwelling shall be occupied by persons under the age of eighteen (18) years. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a recorded document which shall be subject to the review and approval of the County Attorney prior to issuance of the first building permit for dwelling units on the Property.

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

  The proposed proffer revises subsection (a) removing the language stating that CCRC-D shall include up to 75 independent living units and up to 125 assisted living/memory care, and/or skilled nursing beds. Instead, the proffer would require that, out of the maximum of 200 units in CCRC-D, a minimum of 40 assisted living/memory care rooms must be maintained at all times. This change would allow up to 160 independent living apartments within CCRC-D.

- Proffer No. 13 Recreation: The portion of the Property designated as CCRC-D on the Master Plan shall include, but shall not be limited to, the following amenities: main lobby and living room; dining room; activities/card room; fitness center; multipurpose room; and landscaped grounds generally as shown on the Master Plan. CCRC-D may also include, but shall not be limited to, the following additional amenities: beauty/barber salon; library; a bar/lounge; café/coffee shop; education room, spa and wellness center; and/or physical therapy. The amenities listed above are intended for residents and employees of Ford's Village and their guests and not the general public. The portions of the Property designated as CCRC-A, CCRC-B, and CCRC-C on the Master Plan shall include the following amenities: a clubhouse with a studio room for classes, and a recreation room; an outdoor pool; pocket parks; pickleball courts; and walking and biking paths all generally as shown on the Master Plan. The exact recreational facilities provided in portions of the Property designated as CCRC-A, CCRC-B, and CCRC-C on the Master Plan and their location may be changed with the prior approval of the Development Review Committee.

  The proposed proffer adjusts the recreation facilities proposed in CCRC-D so that beauty/barber salons and libraries are optional rather than required, so that courtyards are not required, and so that physician's office(s), home health, and pharmacy uses are not listed as being optional amenities.

- Proffer No. 17 Project Phasing: The County shall not be obligated to issue building permits for more than a total of 100 dwelling units in the portions of the Property designated on the Master Plan as CCRC-A, CCRC-B, or CCRC-C until the County has issued a building permit for construction of the facility on the portion of the Property designated on the Master Plan as CCRC-D (the "Facility") and construction has commenced. Construction having commenced shall mean foundations have been poured. The County shall not be obligated to issue building permits for more than a total of 175 dwelling units in the portions of the Property designated on the Master Plan as CCRC-A, CCRC-B, or CCRC-C until the County has issued a Certificate of Occupancy for all or any portion of the Facility.

  The proposed proffer increases the number of building permits that may be issued in CCRC-A, CCRC-B, and CCRC-C before construction has commenced in CCRC-D from 50 dwelling units to 100 dwelling units.

Additionally, while no changes are proposed to Proffer No. 5, the proposed change in the mixture of unit types in CCRC-D results in adjusted cash contribution amounts. The following table (Page 5) shows a comparison of the cash contributions per the 2022 proffers and the potential maximum of 160 independent living units and minimum of 40 assisted living/memory care beds in CCRC-D in the 2025 proffers. As no change was made to the proposed amounts, the amounts are based on 2021 dollars and will be adjusted for any inflationary increases at the time the cash contribution is collected.

The Village at Ford's Colony: *Cash Contribution Proffer Comparison (2021 Dollars)*

Cash Contribution Proffer Summary	2022 Proffer Amendment	2025 Proffer Amendment
Proffer Use:	Amount:	Amount
Fire, Police, Emergency Services, Library, Public Facilities:	$1,277.61 per Independent Dwelling Unit (x 345 Dwelling Units) = $440,775.45	$1,277.61 per Independent Dwelling Unit (x 430 Dwelling Units) = $549,372.30
Fire, Police, Emergency Services, Library, Public Facilities:	$319.40 per Room/Skilled Nursing Unit* (x 125 Rooms) = $39,925	$319.40 per Room/Skilled Nursing Unit* (x 40 Rooms) = $12,776
Water Infrastructure Development:	$1,111.52 per Independent Dwelling Unit (x 345 Dwelling Units) = $383,474.40	$1,111.52 per Independent Dwelling Unit (x 430 Dwelling Units) = $477,953.60
Water Infrastructure Development:	$555.76 per Room/Skilled Nursing Unit x (125 Rooms) = $69,470	$555.76 per Room/Skilled Nursing Unit x (40 Rooms) = $22,230.40
Road Improvements:	$958.20 per Independent Dwelling Unit (x 345 Dwelling Units) = $330,579	$958.20 per Independent Dwelling Unit (x 430 Dwelling Units) = $412,026
Total Cash Contribution Per Dwelling Unit:	$3,347.33 per Dwelling Unit (x 345 Dwelling Units) = $1,154,828.85	$3,347.33 per Dwelling Unit (x 430 Dwelling Units) = $1,439,351.90
Total Cash Contribution Per Room/Bed:	$875.16 per Room/Skilled Nursing Unit (x 125 Rooms) = $109,395	$875.16 per Room/Skilled Nursing Unit (x 40 Rooms) = $35,006.40
Total Development Cash Contribution: **	Up to $1,263,786.27***	Up to $1,474,358.30***

**Per the proffers, one skilled nursing unit is equal to two beds.*

***Cash amount is stated as "up to" on account of the different unit mix possibilities, per the proffers in both proposals.*

****Per the proffers, two of the four beds within one of the assisted living rooms will be reserved for Medicaid-qualified individuals and are exempt from the proffered cash contribution, which is why half a unit's worth of cash contributions (2 beds = $437.58) has been subtracted from the estimated total.*

Transportation Analysis

This application does not include any adjustments to the traffic improvements proffered in 2022. The applicants have provided a memorandum from DRW Consultants, LLC (see Attachment No. 5) comparing the anticipated trip generation included in the Traffic Impact Analysis (TIA) initially submitted for the 2022 Master Plan and proffers with a total of 516 units/beds and the approved 2022 Master Plan and proffers with a total of 470 units/beds. This comparison shows a reduction of 8 A.M. peak hour trips and a reduction of 20 P.M. peak hour trips. In addition, the memorandum considers a scenario with 75 independent living apartments (congregate care) and 125 assisted living/memory care units. The ITE 11th Edition Trip Generation Manual estimates that assisted living/memory care units have a higher trip generation rate compared to independent living apartments. Therefore, the proposed potential increase in independent living apartments could result in a further reduction of generated trips. As such, an updated TIA is not required for this application.

Parks & Recreation Analysis

The following analysis lists the recreational amenity types recommended in the James City County Parks & Recreation Development Guidelines and the amount provided. No change was made to these amenities from the 2022 Master Plan and proffers.

- Requirement: Park land (0.83 acres minimum).
- Applicants Proposal: The Master Plan guarantees a minimum of four acres of recreational land and facility, which substantially exceeds the recommended amount.

- Requirement: Playground (minimum of five activities) or other age-appropriate alternative facility.
- Applicants Proposal: The Master Plan shows eight pocket parks, in which playgrounds can be located; however, the Master Plan and proffers do not commit to facilities in the pocket parks.

- Requirement: Hard surface sport court or pool.
- Applicants Proposal: The applicants have proffered pickleball courts, to be located within the CCRC-A, CCRC-B, and CCRC-C.

- Requirement: Graded athletic field.
- Applicants Proposal: The applicants are not proposing a graded athletic field as part of this proposal.

- Requirement: Paved multiuse trail.
- Applicants Proposal: The applicants are proposing the Greenway Trail to serve the site, as well as a multiuse path along News Road.

While the provided amenities listed above do not fully meet the recommendations in the Parks & Recreation Development Guidelines, the Guidelines allow exceptions to be made by the Board of Supervisors. The applicants provided a number of other amenities not listed within the Guidelines and the application was approved by the Board of Supervisors.

The proposed proffer adjusts the recreation facilities proposed in CCRC-D so that beauty/barber salons and libraries are optional rather than required, so that courtyards are not required, and so that physician's office(s), home health, and pharmacy uses are not listed as being optional amenities. However, the application continues to include a number of alternative amenities available to all residents including a clubhouse with studio room for classes, a recreation room, a fitness center, activities room, and a multipurpose room. The proffers also allow, but do not require, additional amenities such as a beauty/barber salon, a library, a bar/lounge, a café/coffee shop, an education room, a spa and wellness center, and/or physical therapy. Staff finds that the application continues to have an appropriate amount of alternative amenities and is generally consistent with the Parks & Recreation Development Guidelines.

Housing Affordability Analysis

The Comprehensive Plan encourages inclusion of affordable and workforce units within new residential developments. Per the Comprehensive Plan recommendations, at least 20% of the development's proposed new dwellings should be offered for sale or rent at prices that are targeted at workers with incomes up to 80% of Area Median Income (AMI) level as determined by the U.S. Department of Housing and Urban Development. The 2022 Master Plan and proffers did not include affordable units and the applicants have not proposed affordable units as part of the current application. The 430 proposed units are planned to be a mix of single-family, multifamily, or apartments, all to be offered at market rate within the context of the Continuing Care development. The tables below provide the sales prices and monthly rents for certain percentages of AMI, which is currently $106,500.

Affordable Sales Price by AMI % (2025 AMI)

% AMI	Upper Limit of the Sales Price Affordable to this AMI Level
30%	$107,250
60%	$212,000
80%	$281,750
100%	$351,750
120%	$421,500

Affordable Rental Price, by AMI % (2025 AMI)

% AMI	Max. Rent Price for Household of 1	Max. Rent Price for Household of 2	Max. Rent Price for Household of 3	Max. Rent Price for Household of 4
30%	$559.13	$639	$718.88	$798.75
60%	$1,118.25	$1,278	$1,437.75	$1,597.50
80%	$1,491.25	$1,705	$1,917.50	$2,130
100%	$1,863.75	$2,130	$2,396.25	$2,662.50
120%	$2,236.50	$2,5560	$2,875.50	$3,195

PLANNING AND ZONING HISTORY

The ground of the subject property (formerly known as the "Warburton Tract") is higher in the center of the property, and slopes away steeply toward the eastern, southern, and western edges. Cold Spring Swamp runs along the eastern boundary of the property, and the main stem of Powhatan Creek runs along the western property boundary. The property is approximately 177.51 acres in size.

This parcel was rezoned in 2008 from the R-8, Rural Residential Zoning District to the R-4, Residential Planned Community with Proffers and incorporated into the Ford's Colony Master Plan. The proposed use for the property on the approved Master Plan is a CCRC consisting of 38 townhomes, 558 independent living units, 83 assisted living rooms, and 60 skilled nursing rooms. In conjunction with this Rezoning and Master Plan, the parcel was removed from the Gordon Creek Agricultural and Forestal District.

A Master Plan and proffer amendment was approved in 2022 reducing the allowable units to 270 age-restricted residential units consisting of single-family dwellings and multifamily dwellings, as well as a continuing care retirement facility containing a total of no more than 200 age-restricted assisted living/memory care rooms and skilled

nursing beds, with no more than 75 apartments, no more than 125 assisted living rooms/memory care rooms, and/or skilled nursing beds. Site plan and subdivision plans were subsequently submitted to and approved by the County. The property is currently undergoing associated clearing, site work, and construction activities.

SURROUNDING ZONING AND DEVELOPMENT

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

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-2, General Residential; and R-4, Residential Planned Community	Springhill; Ford's Colony	Low Density Residential
SOUTH	PUD-R, Planned Unit Development Residential	Monticello Woods	Low Density Residential
EAST	R-4, Residential Planned Community	Powhatan Secondary	Low Density Residential
WEST	A-1, General Agricultural	Acreage Lots	Low Density Residential

IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
Public Transportation: Vehicular	Mitigated	- The application results in a reduction of anticipated trip generation when compared to the TIA submitted with the 2022 Master Plan and proffer amendment application (see Page 6). - Per the proffers, upon the request of the Williamsburg Area Transit Authority (WATA), the Owner shall install a bus stop, and shelter on News Road adjacent to the main entrance into the Property, with the exact location being subject to the approval of WATA.
Public Transportation: Pedestrian/Bicycle	Not Fully Mitigated	- The County's *Pedestrian Accommodation Master Plan* and *Regional Bikeways Map* shows the need for a multiuse path along the property frontage on News Road. Pursuant to Section 24-35 of the Zoning Ordinance, the proposed improvements shown on these maps are required to be shown on the site plan and installed at development. - The County's *2002 Greenway Master Plan* proposed a Greenway Trail traversing this property from News Road to Monticello Avenue. The 2022 Master Plan shows the Greenway Trail traversing the southern portion of the property and connecting to the "Park" and "Clubhouse/Recreation" areas but offering no connection to the southern property line. This application does not propose any changes from the 2022 Master Plan regarding the Greenway Trail.
Public Safety	Mitigated	- Located within a six-minute radius of Fire Station 5. - The proposal is expected to generate impacts that are mitigated by the proffered cash contributions (see Page 5 for details).
Public Schools	No Mitigation Required	- Ford's Village is proposed as a CCRC. Per the proffers, all proposed units are age-restricted and are not expected to generate student enrollment or impacts to schools.
Public Parks and Recreation	No Mitigation Required	- See Analysis on Page 6.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
Public Libraries and Cultural Centers	Mitigated	- Per the proposed proffers, the applicants are contributing a portion of the $1,277.61 to mitigate impacts to the library.
Groundwater and Drinking Water Resources	Mitigated	- A Water Conservation Agreement was executed for the property.
Watersheds, Streams, and Reservoirs The property is located within the Powhatan Creek Watershed.	Mitigated	- A Master Stormwater Management Plan for the Property was approved in 2023.
Cultural/Historic	No Mitigation Required	- A Phase 1 Archaeological Study of the property found no archaeological sites on the property.
Nearby and Surrounding Properties	No Mitigation Required	- The proposed area to be developed as Ford's Village will be residential in nature and age-restricted throughout, per the proposed proffers. The impacts related to nuisances such as noise and light are not anticipated to impact neighboring and surrounding proffers due to adequate buffering and Ordinance requirements regarding lighting.
Community Character	Mitigated	- News Road is identified as a Wooded Community Character Corridor (CCC). - The Master Plan shows a 150-foot wide CCC buffer along the entire frontage of News Road on the property. This property is heavily wooded and consists of mature trees that provide substantial screening from the News Road right-of-way.

COMPREHENSIVE PLAN

The property is designated Low Density Residential (LDR) on the adopted 2045 Comprehensive Plan Land Use Map and is located inside the PSA. The following general guidance is stated for the LDR designation in the Comprehensive Plan:

Single-family homes, multifamily units, and retirement and care facilities/communities are all recommended uses in LDR areas provided that development:

- Complements the residential character of the surrounding area;
- Has traffic, noise, and lighting impacts similar to surrounding uses;
- Is generally located on collector or arterial roads at intersections;
- Provides adequate screening and buffering to protect the character of nearby residential areas; and
- Act as a transitional use between residential and commercial areas or, if located within a residential community, be integrated with the residential character of the area rather than altering its nature.

This application does not propose changes to the Master Plan layout approved in 2022, therefore, staff continues to find this application consistent with the LDR development standards.

Additionally, the Comprehensive Plan recommends a gross density of one to four units per acre in LDR areas. When describing the review process for a CCRC, the Comprehensive Plan recommends the density be based on the number of independent living units (430 units), with the assisted living rooms and/or skilled nursing beds excluded from this calculation as these are considered institutional uses. Accordingly, the Ford's Village property would have a gross density of 3.57 units per acre, which is consistent with the recommended density.

FINANCIAL IMPACTS OF RESIDENTIAL UNITS

The Comprehensive Plan includes Goals, Strategies, and Actions (GSA) LU5, which states "continue land use planning and perform development review consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services." Land Use GSA 5.3 provides guidance for the County to ensure that developments subject to Rezoning or SUP review mitigate their impacts. Information on impacts and the mitigation provided by this application are included below.

In alignment with the Comprehensive Plan, on February 28, 2023, the Board of Supervisors adopted a resolution directing staff to use the County's Fiscal Impact Model to assess the following for proposed developments:

- The fiscal impact to the County (both Operating and Capital budget) for the residential and non-residential components of the project; and
- The incremental capital costs for public facilities for the residential component of the project.

Overall Impact (Capital and Operating)

Per the Fiscal Impact Model, the development is projected to result in a net fiscal impact to the County through the year 2050 that is positive $48,319,369 (see Attachment No. 8 for additional details). This corresponds to a positive annual impact of $1,932,775. In comparison, the Fiscal Impact Analysis completed with the 2022 application showed a positive annual fiscal impact of $1,887,000.

Capital Costs

Per the Fiscal Impact Model, the following are projected public facility impacts attributable to the proposed residential component of the project through 2050.

Table 1 - Per Unit Residential Fiscal Impacts Information

Category	Residential Impact	Mitigation Through Current Application
Roadways	ARSF $19.58 ARMF $10.17	IL $958.20 AL $0
Parks & Recreation	ARSF $2,513.87 ARMF $2,513.87	
Fire and Emergency Services	ARSF $651.69 ARMF $651.69	
Police	ARSF $4.71 ARMF $4.71	
Library	ARSF $318.57 ARMF $318.57	
General Government	ARSF $90.60 ARMF $90.60	
General Services	ARSF $200.23 ARMF $200.23	
Courts	ARSF $544.19 ARMF $544.19	
Schools	ARSF $0 ARMF $0	IL $0 AL $0
Fire, Police, Emergency Services, Library, Public Facilities:		IL $1,277.61 AL $319.40
Water Infrastructure Development		IL $1,111.52 AL $555.76
TOTAL	ARSF $4,343.43 ARMF $4,334.03	IL $3,347.33 AL $875.61

ARSF - Age-Restricted Single Family
ARSF - Age-Restricted Single Family
IL - Independent Living Unit
AL - Assisted Living/Memory Care Room, and Skilled Nursing Unit

Note 1: As the Fiscal Impact Model was put into use following the 2022 application, the categories of per unit impacts do not align with the categories in Proffer No. 5.

Note 2: The total cash contribution amounts proposed with this application are listed on Page 5.

Overall, staff finds that the application is expected to have a positive fiscal impact and cash contributions are provided to mitigate potential impacts. Therefore, the application is consistent with the guidance in the Comprehensive Plan regarding the mitigation of impacts.

STAFF RECOMMENDATION

Staff finds the application to be generally consistent with the County's Zoning Ordinance, Comprehensive Plan, and adopted policies. Staff recommends that the Board of Supervisors approve this application, subject to the proposed proffers.

MR/tm
RZ25-6MP25-4FordVil

Attachments:
1. Proposed Ordinance
2. Proposed Signed Proffers
3. Location Map
4. Proposed Master Plan
5. Community Impact Statement
6. Traffic Memorandum
7. Fiscal Impact Analysis
8. Existing Proffers
9. Existing Master Plan
10. Unapproved Minutes of the November 5, 2025, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FORD'S VILLAGE MASTER PLAN AND EXISTING PROFFERS RECORDED AS INSTRUMENT NO. 202213779, APPROVED AS PART OF CASE NO. Z-21-0012/MP-21-0003, TO PERMIT A DIFFERENT MIX OF UNIT TYPES, RECREATIONAL AMENITIES AND PROJECT PHASING AS DESCRIBED IN CASE NO. Z-25-0006/MP-25-0004.

WHEREAS, on July 8, 2008, the Board of Supervisors approved Case No. Z-08-07/MP-06-07 which included a Master Plan and proffers regulating the development of a proposed Community Care Retirement Facility, including but not limited to the number of units, unit type, cash contributions for impact mitigation, and stormwater management (the "Original Master Plan and Proffers"), on the parcel located at 3889 News Road, James City County, Virginia, further identified as James City County Real Estate Tax Map Parcel No. 3730100004 (the "Property"); and

WHEREAS, on September 13, 2022, the Board of Supervisors approved Case No. Z-21-0012/MP-21-0003 which amended the Original Master Plan and Proffers to permit a different mix of unit types, site design, and development approach (the "Existing Master Plan and Proffers"); and

WHEREAS, Mr. Graham Corson of AES Consulting Engineers, and Mr. Vernon Geddy of Geddy, Harris, Franck and Hickman, LLP, have applied for an amendment to the Existing Master Plan and Proffers on behalf of the owners, Ford's Village, LLC, to permit a different mix of unit types, recreational amenities, and adjustments to the project phasing; and

WHEREAS, the Planning Commission, following its public hearing on November 5, 2025, recommended approval of Case No. Z-25-0006/MP-25-0004 by a vote of 5-1; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-25-0006/MP-25-0004 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-25-0006/MP-25-0004 is hereby approved as described therein and the amended voluntary proffers are accepted.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
HIPPLE	____	____	____	____
NULL	____	____	____	____
LARSON	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

RZ25-6MP25-4FordVil-ord

Prepared by: Vernon M. Geddy, III (VSB#21902) Tax Parcel: 3730100004
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road, Williamsburg, Virginia 23185

AMENDMENT TO AMENDED AND RESTATED FORD'S COLONY PROFFERS

This AMENDMENT TO AMENDED AND RESTATED FORD'S COLONY PROFFERS are made this ___ day of July, 2025 by **FORD'S VILLAGE, LLC**, a Virginia limited liability company (" Owner"), to be indexed as Grantor, and **JAMES CITY COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County), to be indexed as Grantee.

RECITALS

A. Owner is the owner of the real property with an address of 3889 News Road, Parcel ID# 3730100004, containing approximately 180 acres, which property is more particularly described on Exhibit A (the "Property"). B. Upon application in 2008 by Realtec, Incorporated, the then owner of the Property and developer of the Ford's Colony at Williamsburg development, the County approved an amendment of the Ford's Colony Master Plan to include the Property as Section 37 of Ford's Colony (the "Approved Master Plan") and the rezoning of the Property from R-8 to R-4, subject to Amended and Restated Ford's Colony Proffers made by Realtec, Incorporated dated June 10, 2008 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 080017656 (the "2008 Proffers"). The 2008 Proffers restated the prior proffers applicable to the Ford's Colony development not including the Property (defined as the "Existing Property" in the 2008 Proffers) and added new proffers applicable only to the Property. Realtec no longer owns the Property and is no longer involved in the development of Ford's Colony. The

proffers applicable to the Existing Property were amended by Amendment to Ford's Colony Proffers dated March 11, 2020 and recorded in the aforesaid Clerk's Office as Instrument No. 200008078 (the "2020 Amendment"). The proffers applicable to the Existing Property were further amended by Amendment to Ford's Colony Proffers dated July 26, 2022 and recorded in the aforesaid Clerk's Office as Instrument No. 2002213779 (the "2022 Amendment"). The 2008 Proffers, as amended by the 2020 and 2022 Amendments , are hereinafter called the "Existing Proffers."

C. Owner has submitted to the County an application to (i) amend the Approved Master Plan and in connection therewith have submitted a master plan entitled "Master Plan Amendment for Ford's Village" prepared by AES Consulting Engineers dated June 2021, last revised July 15, 2022 (the "Amended Master Plan") in accordance with the County Zoning Ordinance and (ii) amend the Existing Proffers applicable to the Property to offer to the County certain revised conditions on the development of the Property not generally applicable to land zoned R-4.

D. In consideration of the approval of the amendment of the Approved Master Plan, Owner desires to amend the Existing Proffers as set forth below. If the requested rezoning and amendment of the Approved Master Plan is not approved by James City County, this Amendment to Amended and Restated Ford's Colony Proffers shall be void and the Existing Proffers applicable to the Property shall remain unchanged, in full force and effect. Owner shall have no obligation under this Amendment to Amended and Restated Ford's Colony Proffers unless and until the Property is developed pursuant to the Amended Master Plan.

AMENDMENT OF PROFFERS APPLICABLE TO THE PROPERTY

Sections 2 through 22 of the Existing Proffers are hereby deleted and replaced by the following:

2. **Master Plan**. The Property shall be developed generally as shown and set out on sheets 4 through 6 of the Amended Master Plan. Final plans (as defined in Section 24-276(b)(1) of the Zoning Ordinance) may vary from the Amended Master Plan to the extent permitted by Section 24-276(b)(1) of the Zoning Ordinance.

3. **Density**. (a) There shall be no more than 200 dwelling units comprised of independent living units, assisted living/memory care units consisting of up to four beds, and skilled nursing units consisting of up to two beds (each a "dwelling unit") on the portion of the Property designated on the Master Plan as CCRC-D, with a minimum of 40 assisted living/memory care units and the mixture between independent living units and assisted living/memory care units to be determined by market demand, which may fluctuate over time so long as the number of assisted/ memory care units does not drop below 40. s. The term "assisted living/memory care unit" (an "AL Unit") shall mean a non-medical residential dwelling unit in the assisted living facility area or memory care area of the independent and assisted living community licensed in accordance with Sections 63.2-1800 et seq. of the Virginia Code and Sections 22 VAC 40-73 et seq. of the Virginia Administrative Code where adults who are aged, infirm or disabled are provided personal and health care services and 24-hour supervision and assistance. An AL Unit must meet the standards set forth in 22 VAC 40-73-750 and 900.

(b) There shall be no more than a total of 270 independent living dwelling units on the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C. (c) All dwelling units on the Property shall be intended and operated for

occupancy by persons fifty-five (55) years of age or older in accordance with applicable federal and state laws and regulations, including but not limited to: the Fair Housing Act, 42 U.S.C. 3601 et seq. and the exemption therefrom provided by 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. 3601 et seq.; the Virginia Fair Housing Law Va. Code 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist and no dwelling shall be occupied by persons under the age of eighteen (18) years. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a recorded document which shall be subject to the review and approval of the County Attorney prior to issuance of the first building permit for dwelling units on the Property.

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

4. **Water Conservation.** The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on common areas in areas with appropriate growing conditions for such turf and the use of

water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

5. Contributions for Community Impacts. (a) A contribution of $1,277.61 for each independent living dwelling unit ("IL Dwelling Unit") on the Property shall be made to the County for fire, police or emergency services, library uses, and other public facilities, uses or infrastructure.

(b) A contribution of $319.40 for each AL Unit and skilled nursing dwelling unit (each an "AL/MC/SN Dwelling Unit") on the Property shall be made to the County for fire, police or emergency services uses.

(c) A contribution of $1,111.52 for each IL Dwelling Unit and $555.76 for each AL/MC/SN Dwelling Unit on the Property shall be made to the JCSA for water system improvements.

(d) A contribution of $958.20 for each IL Dwelling Unit on the Property, subject to a credit for the costs of engineering and construction related to the improvements proffered by Owner in Section 6(b) calculated as set forth below, shall be made to the County for improvements to the News Road/Powhatan Secondary intersection, flood control measures where News Road crosses Cold Spring swamp, improvements at the News Road/Centerville Road intersection and other off-site road improvements in the News Road corridor. Owner shall receive a credit in an amount equal to its actual costs of the engineering and construction of the improvements proffered by Owner in Section 6(b) against the initial per unit contributions proffered under paragraph (d) of this Section (the "Credit Amount"). If construction of such

improvements is not complete at the time the initial per unit contributions are due under paragraph (e) of this Section, the Credit Amount shall equal an engineer's estimate of such costs submitted by the Owner and approved by the Director of Planning, The Credit Amount divided by $958.20 is the number of IL Dwelling Units for which the Credit Amount offsets the cash contribution otherwise due and payable. After application of the Credit Amount, the $958.20 per IL Dwelling Unit cash contribution shall be payable on all subsequent IL Dwelling Units on the Property. Owner shall provide the County with copies of invoices and other supporting documentation of the costs of the improvements. If the Credit Amount is based on an agreed upon costs estimate, it shall be adjusted to equal the final actual costs of engineering and construction ("Actual Costs"). If the Credit Amount is more than the Actual Costs, Owner shall pay to the County an amount equal to the difference. If the Credit Amount is less than the Actual Costs, Owner shall receive a credit equal to the difference between the Actual Costs and the Credit Amount at the time the next cash contributions are due this paragraph.

(e) The contributions described above in paragraphs (a), (b), (c) and (d) shall be paid to the County for each dwelling unit on the Property after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the dwelling unit in question.

(f) The per dwelling unit contribution amounts shall consist of the amounts set forth in the above paragraphs plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2021 to the year a payment is made if payments are made after on or after January 1, 2022. In no event shall the per dwelling unit

contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per dwelling unit contribution to approximate the rate of annual inflation in the County.

(g) The Subsidized Beds defined in Paragraph 15 shall not be included in the number of dwelling units contemplated in this Paragraph 5 and therefore shall not be subject to the contribution amounts described in subparagraphs (a), (b), (c) and (d).

6. Entrances; Traffic Improvements. (a) Prior to approval of any site or subdivision plans for development on the Property there shall be an updated traffic signal warrant analysis for the News Road/Firestone Drive/project entrance intersection submitted to and approved by VDOT and the County. If the updated analysis shows a signal is warranted and the installation of the signal is approved by VDOT, Owner shall install or pay for the installation of the traffic signal as a part of the construction of the project entrance. At the main entrance into the Property at the intersection of News Road and Firestone Drive, an exclusive left-turn lane from westbound News Road into the Property and an exclusive right-turn lane from eastbound News Road into the Property shall be constructed. The existing southbound left turn lane on Firestone Drive at News Road will be restriped to a shared left and through lane.

(b) Prior to the County issuing final approval on any site or subdivision plan for any dwelling units on the Property, Owner shall submit plans to the County and Virginia

Department of Transportation ("VDOT") for the installation of an exclusive left-turn lane on westbound News Road at the intersection with Powhatan Secondary. Owner will complete construction of the left-turn lane within twelve months of County and VDOT approvals to construct this exclusive left-turn lane. Owner is not responsible for road right of way acquisition or landscape/screening other than stabilization of disturbed soils. The County may elect to accept the cash equivalent contribution outlined in Proffer 5(d), (with any adjustments as may be appropriate as provided for in Proffer 5(g)), in lieu of construction of the turn lane by the Owner, in the event that acquisition of any needed right-of-way proves to be prohibitive. In the event that VDOT constructs this turn lane as part of its Six Year Secondary Road Plan, the County may elect to divert some or all of the cash equivalent contribution to other road projects in the News Road Corridor, at the News Road/Monticello Avenue intersection, or in the western Monticello Avenue Corridor. If VDOT traffic signal warrants are met and VDOT has approved the installation of a traffic signal at the intersection of News Road with Powhatan Secondary on or before the date two years after control of the homeowners' association created for the areas designated in the Master Plan as CCRC-A, CCRC-B or CCRC-C has transitioned from developer to homeowner control ("Transition"), Owner shall install or pay for the installation of the traffic signal. Owner shall provide the County with surety in an amount and form as approved by the County Attorney guaranteeing installation of the traffic signal if such is warranted after Transition.

(c) The improvements proffered hereby shall be constructed in accordance with VDOT standards. The improvements listed in paragraph (a) shall be completed or all required permits and plans for such approvals shall have been approved by all

necessary governmental agencies and their completion guaranteed in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any building on the Property.

(d) The second entrance to the Property shall be located in the general location shown on the Master Plan and shall be limited by gate to emergency access only unless and until an updated traffic study identifying the impacts of a full entrance is submitted to and reviewed and approved by VDOT and the County. This updated study shall be approved prior to the submission of any site plan for the full entrance and shall document required turn lane and other roadway improvements for the full entrance which improvements shall be shown on the submitted site plan. The entrance shall be limited to emergency access only until such improvements have been constructed at the expense of owner and, to the extent necessary, accepted by VDOT.

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

(f) Owner shall conduct traffic counts at its entrance prior to the County being obligated to issue certificates of occupancy for more than 400 dwelling units on the Additional Property. If these counts show a trip generation from the Additional Property more than 10% higher than the trip generation projected by the TIS Update for Ford's Colony Master Plan – Phased Development, Kimley-Horn and Associates., Inc. January 2020 on file with the Planning Division, Owner shall submit an updated traffic impact study, including a listing of any entrance or turn lane improvements necessary to

accommodate the increased traffic and the appropriate trigger for their construction, for review and approval by the County and VDOT. Owner shall install the necessary improvements, including any warranted traffic signal, as approved by the County and VDOT at the time recommended in the updated approved traffic study.

7. **Sustainable Building**. (a) Independent living dwelling units in the areas designated in the Master Plan as CCRC-A, CCRC-B or CCRC-C shall be built to an Energy Star (or equivalent independent) residential certification.

(b) The development in the area designated on the Master Plan as CCRC-D shall contain the following elements: (i) Carpool or Vanpool parking; (ii) Hybrid or Low-Emissions Vehicle Parking; (iii) Low Flow Plumbing Fixtures; (iv) Green Label Carpet and Carpet Padding; and (v) Energy Star Appliances.

8. **Master Stormwater Management Plan**. The Master Stormwater Management Plan (MSWMP) for the Property shall be approved prior to the first site plan submittal. The MSWMP shall comply with the standards within the adopted watershed management plan in place at time of submittal and all outside agency permits shall be issued prior to the third submittal of the MSWMP. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

9. **Nutrient Management Plan**. The Owner shall be responsible for contacting 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 to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all

landscaped common areas within the Property shown on site plans for the Property. The Plans shall be submitted to the County's Director of Stormwater and Resource Protection for his review and approval prior to the issuance of building permits for more than 50% of the dwelling units shown on the Master Plan. Upon approval, the Owner, until such time as the homeowners association is established and thereafter the association, shall be responsible for ensuring that any nutrients applied to common areas be applied in strict accordance with the Plan.

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

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

12. Public Transit. Upon the request of the Williamsburg Area Transit Authority ("WATA") or any successor entity to WATA as may become appropriate on or before the date that control of the homeowners' association created for the areas designated in the Master Plan as CCRC-A, CCRC-B or CCRC-C has transitioned from developer to homeowner control and after such time as WATA provides bus service along News Road to the Property, Owner shall install a bus stop and shelter on News

Road adjacent to the main entrance into the Property, with the exact location being subject to the approval of WATA.

13. Recreation. The portion of the Property designated as CCRC-D on the Master Plan shall include, but shall not be limited to, the following amenities: main lobby and living room; dining room; activities/card room; fitness center; ; multipurpose room and landscaped grounds generally as shown on the Master Plan. CCRC-D may also include, but shall not be limited to, the following additional amenities: beauty/barber salon; library; a bar/lounge; café/coffee shop; education room, spa and wellness center; and/or physical therapy. The amenities listed above are intended for residents and employees of Ford's Village and their guests and not the general public. The portions of the Property designated as CCRC-A, CCRC-B and CCRC-C on the Master Plan shall include the following amenities: a clubhouse with studio room for classes, and a recreation room; an outdoor pool; pocket parks; pickleball courts and walking and biking paths all generally as shown on the Master Plan. The exact recreational facilities provided in portions of the Property designated as CCRC-A, CCRC-B and CCRC-C on the Master Plan and their location may be changed with the prior approval of the Development Review Committee.

14. Off-Site Sewer Easements. Upon the request of JCSA and at no costs to JCSA, Owner shall grant JCSA utility easements over, across and under the portion of the Additional Property along Powhatan Creek to permit future connections from the gravity sewer on the Additional Property to Tax Parcel 3640100007. The location of the easement shall be determined during the site plan approval process. The easements shall be recorded prior to JCSA issuing a Certificate to Construct.

15. Social Services. Owner shall reserve two assisted living beds ("Subsidized Beds") for Medicaid qualified individuals at a rate that is no greater than what such individuals' out-of-pocket expense would be under the Auxiliary Grant Program administered by the Virginia Department of Social Services. Such individuals shall be subject to all admission and discharge criteria of the facility and all other generally applicable rules and regulations of the facility.

16. Construction Traffic Management Plan. Owner shall prepare and submit to the County a construction traffic management plan which seeks to minimize impacts from construction traffic entering and exiting the Property to the extent reasonably practical. The plan will be submitted with the initial site plan for development on the Property and shall be subject to review and approval by the Planning Director. A copy of the approved plan shall be provided to all contractors working on the Property and all construction contracts entered into by Owner shall require compliance with the plan by the contractor.

17. Project Phasing. The County shall not be obligated to issue building permits for more than a total of 100 dwelling units in the portions of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C until the County has issued a building permit for construction of the facility on the portion of the Property designated on the Master Plan as CCRC-D (the "Facility") and construction has commenced. Construction having commenced shall mean foundations have been poured. The County shall not be obligated to issue building permits for more than a total of 175 dwelling units in the portions of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C until the County has issued a certificate of occupancy for all or any portion of the

Facility. **18. Homeowners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for capital components, and all other common areas (including open spaces) under the jurisdiction of the Association, shall require each purchaser of a lot to make a capital contribution to the Association for reserves and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall provide that at such time as 75% of the Lots permitted on the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C have been conveyed to purchasers other than builders, the declarant's right to unilaterally appoint and remove members of the Board of Directors of the Association shall terminate and the Board shall thereafter be elected by the lot owners (including the declarant). The Governing Documents shall not include a provision granting the declarant any veto rights over actions of the Board of the Association once the Board is elected by the lot owners.

WITNESS the following signatures and seals:

OWNER:

OWNER/

DEVELOPER:

FORD'S VILLAGE, LLC, a Virginia limited liability company

By: _____
Jeffrey Wermers,
Authorized Signatory

STATE OF Virginia
CITY/COUNTY OF Norfolk, to-wit:

The foregoing instrument was acknowledged before me this 24th day of October, 2025 by Jeffrey Wermers, Authorized Signatory of FORD'S VILLAGE, LLC, a Virginia limited liability company, on behalf of the company.

COMMONWEALTH OF VIRGINIA
Julie S Goodrich
NOTARY PUBLIC
REG. #
MY COMMISSION EXPIRES
11/30/25

Julie S. Goodrich
NOTARY PUBLIC

My commission expires: 11/30/25
Registration No.: 211024

Exhibit A

Property Description

PARCEL A

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

PARCEL B

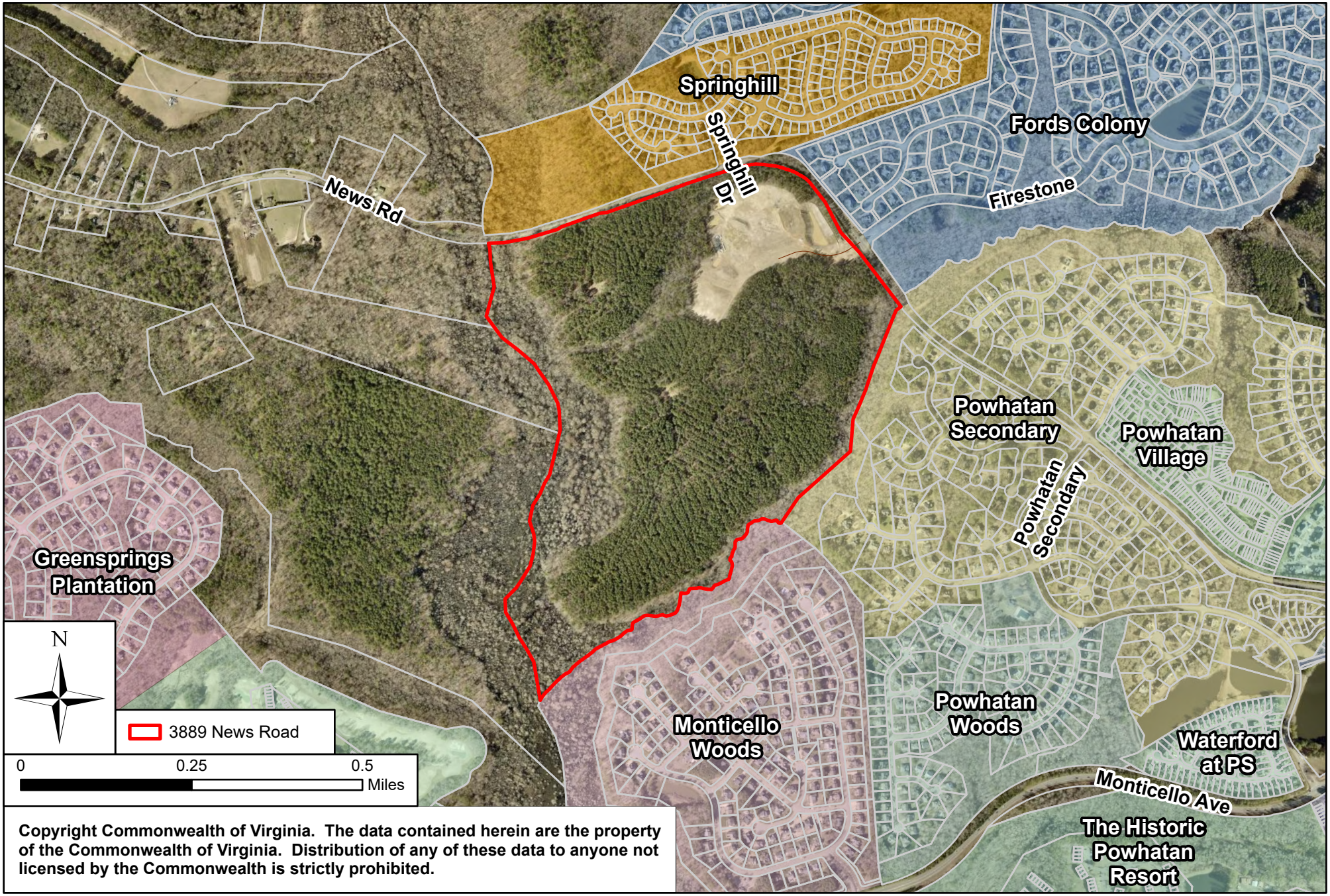
All of that certain piece or parcel of land situate in Jamestown District, James City County, Virginia, containing fifty-five and two fifths (55-2/5) acres, more or less, and known as Cypress Swamp, and adjoining the lands of William Martin' s estate on the East, Greenspring on the South and Thomas N.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

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

The property herein conveyed, commonly known as the "Hockaday-Cypress Tract," is further described in its entirety on that certain plat of survey, entitled "BOUNDARY SURVEY OF A PORTION OF THE JOHN G. WARBURTON ESTATE, KNOWN AS THE HOCKADAY-CYPRESS TRACT," made by V. Monroe Mallory, of Dillard & Mallory, P.C., Certified Land Surveyors, Tappahanock, Virginia, dated October 25, 2001, recorded November 7, 2001, in the aforesaid Clerk's Office in James City County Plat Book 83, at Page 82, to which plat reference is made for a more complete description of such property.

Being the same property conveyed to Martha Warburton McMurran, and SWR-Hockaday, LLC, a Georgia limited liability company, by Deed from Peter G. Zemanian, Substitute Trustee, dated February 12, 2010, and recorded February 22, 2010, in the aforesaid Clerk's Office, as James County Instrument No. 100003372.

JCC Z-25-0006 / MP-25-0004.Proffer and Master Plan Amendment for Ford's Colony Master Plan (Ford's Village)



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MASTER PLAN AMENDMENT FOR FORD'S VILLAGE

AT

FORD'S COLONY WILLIAMSBURG

FOR

FRYE DEVELOPMENT, LLC

PROJECT TEAM

DEVELOPER: FRYE DEVELOPMENT, LLC

CCRC OPERATOR: TO BE DETERMINED

LAND PLANNING: MICHAEL WATKINS ARCHITECT, LLC

ENVIRONMENTAL: WETLANDS SOLUTIONS, INC.

TRAFFIC: DRW & ASSOCIATES

CIVIL CONSULTING: AES CONSULTING ENGINEERS

LEGAL COUNSEL: GEDDY, HARRIS, FRANK & HICKMAN, LLP

SITE DATA:

PARCEL ID:	3730100004
PROPERTY OWNERS:	FORD'S VILLAGE LLC
PROPERTY ADDRESS:	3889 NEWS ROAD
CURRENT ZONING:	R-4 W/PROFFERS
PROPERTY ACREAGE:	177.51 AC. ±

VICINITY MAP

(APROX. SCALE 1"=2000')

ORIGINALLY SUBMITTED: JULY 2025

RESUBMITTED: OCTOBER 13, 2025

JCC CASE # Z-25-0006 / MP-25-0004

INDEX OF SHEETS

1	COVER SHEET
2	FORD'S COLONY LAND USE MASTER PLAN
3	ENVIRONMENTAL INVENTORY
4	BINDING MASTER PLAN
5	MASTER UTILITY PLAN
6	STORMWATER MASTER PLAN

NOTE: THIS PROJECT LIES WITHIN THE POWHATAN CREEK WATERSHED OF THE JAMES RIVER. THE EASTERN HALF OF THE PROPERTY IS PART OF POWHATAN CREEK SUBWATERSHED 209 (COLD SPRING SWAMP) AND THE WESTERN HALF IS PART OF THE NON-TIDAL POWHATAN CREEK MAINSTEM.

AES CONSULTING ENGINEERS

WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1 • Williamsburg, Virginia 23188

(757) 253-0040 • Fax (757) 220-8994

Master Plan Amendment -
Ford's Village
JCC CASE # Z-25-0006/MP-25-0004
AES Project # W10514-01

FORD'S COLONY · WILLIAMSBURG ·

NON RESIDENTIAL AMENITY AND SERVICE SITES

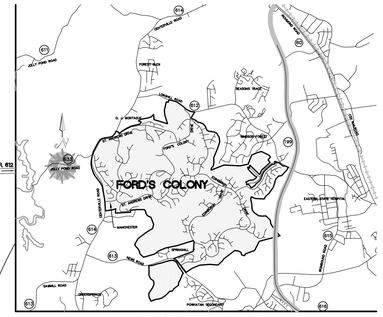
1	100 HOTEL CONDOMINIUMS, EXECUTIVE MEETING FACILITIES AND GOLF ACADEMY	4.71 AC.
2	GOLF CLUB AND PRO SHOP	5.05 AC.
3	INFORMATION AND SALES CENTER	1.81 AC.
4	ADMINISTRATIVE BUILDING	3.50 AC.
5	PUBLIC SERVICE AREA *	28.05 AC.
6	GOLF MAINTENANCE	3.90 AC.
7	COMMUNITY CLUB	7.72 AC.
8	PROJECT MAINTENANCE	10.59 AC.
9	DRIVING RANGE/CART STORAGE	10.34 AC.
10	ADDITIONAL RECREATION AREA	6.36 AC.
11	ADDITIONAL PUBLIC SERVICE AREA	6.76 AC.
12	CONTINUING CARE RETIREMENT COMMUNITY (CCRC)	177.51 AC.
	TOTAL	266.20 AC.

* NOTE: 1.21 AC. PORTION OF ORIGINAL 30.0 AC. P.S.A. SOLD TO FORD'S COLONY

LEGEND

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

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



VICINITY MAP
SCALE 1"= 4000'

LAND USE TABULATION

	2025	2021	2008
RESIDENTIAL "A"			
TOTAL NUMBER OF UNITS	2,856 UNITS	2,856 UNITS	2,856 UNITS
GROSS AREA OF RESIDENTIAL "A"	1,868.77± AC.=(63.09%)	1,868.77± AC.=(63.09%)	1,868.77± AC.=(63.09%)
PERMITTED DESTINY	4.00 UNITS/ ACRE	4.00 UNITS/ ACRE	4.00 UNITS/ ACRE
UNIT DENSITY	1.53 UNITS/ ACRE	1.53 UNITS/ ACRE	1.53 UNITS/ ACRE
RESIDENTIAL "B"			
TOTAL NUMBER OF UNITS	80 UNITS	80 UNITS	80 UNITS
GROSS AREA OF RESIDENTIAL "B"	22.9± AC.=(0.77%)	22.9± AC.=(0.77%)	22.9± AC.=(0.77%)
PERMITTED DENSITY	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE
UNIT DENSITY	3.49 UNITS/ ACRE	3.49 UNITS/ ACRE	3.49 UNITS/ ACRE
RESIDENTIAL "D"			
TOTAL NUMBER OF UNITS	314 UNITS	314 UNITS	314 UNITS
GROSS AREA OF RESIDENTIAL "D"	31.82 AC.=(1.07%)	31.82 AC.=(1.07%)	31.82 AC.=(1.07%)
PERMITTED DENSITY	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE
UNIT DENSITY	9.87 UNITS/ ACRE	9.87 UNITS/ ACRE	9.87 UNITS/ ACRE
C.C.R.C. "A","B" & "C"			
TOTAL NUMBER OF UNITS	270 UNITS	270 UNITS	38 UNITS
C.C.R.C. "D"			
MAXIMUM NUMBER OF UNITS	160 UNITS	75 UNITS	558 UNITS
MINIMUM NUMBER OF ROOMS	40 ROOMS	125 ROOMS	145 ROOMS
ACREAGE FOR DENSITY-OLD CALC (SEE SHT 4)	120.33 AC.	125.03 AC.	125.03 AC.
OVERALL C.C.R.C. DENSITY-OLD CALC (SEE SHT 4)	3.57 UNITS/ AC.	2.76 UNITS/ AC.	4.77 UNITS/ AC.
ACREAGE FOR DENSITY-NEW CALC (SEE SHT 4)	93.70 AC.		
OVERALL C.C.R.C. DENSITY-NEW CALC (SEE SHT 4)	4.59 UNITS/ AC.		
NOTE: ASSISTED LIVING ROOMS ARE NOT INCLUDED IN DENSITY CALCULATIONS			
OPEN SPACE			
WITHIN NON-RESIDENTIAL AMENITY AND SERVICE SITES	150.27 AC.	150.27 AC.	150.27 AC.
* GOLF COURSE, LAKES AND BUFFERS, MARSH RESERVE	844.71 AC.	844.71 AC.	844.71 AC.
OPEN SPACE WITHIN RESIDENTIAL "A"	514.12 AC.	514.12 AC.	514.12 AC.
OPEN SPACE WITHIN RESIDENTIAL "B" & "D"	38.77 AC.	38.77 AC.	38.77 AC.
TOTAL AREA OF OPEN SPACE	1,547.87 AC.	1,547.87 AC.	1,547.87 AC.
TOTAL AREA OF PROJECT	2,962.24 AC.	2,962.24 AC.	2,962.24 AC.
% OF OPEN AREA	52.3%	52.3%	52.3%
OVERALL DENSITY			
TOTAL PROJECT AREA	2,962.24 AC.	2,962.28 AC.	2,962.28 AC.
NON-DEVELOPABLE AREA	724± AC.	–	–
GROSS AREA (FOR DENSITY CALCULATION ONLY)	2,238.24± AC.	2,830.6 AC.	2,830.6 AC.
TOTAL NUMBER OF RESIDENTIAL UNITS	3,680 UNITS	3,340 UNITS	3,701 UNITS
OVERALL PROJECT DENSITY	1.64 UNITS/ AC.	1.18 UNITS/ AC.	1.31 UNITS/ AC.

* NOTES

MARSH RESERVES, LAKES AND BUFFERS	278.12 AC.
GOLF COURSE (INCLUDES LAKES IN PLAY)	491.09 AC.
RESERVED FOR ROUTE 199	20.0 AC.
ASSOCIATED GREENBELTS NATURAL OPEN SPACE IN 1993 ADDITION	3.30 AC.
OPEN SPACE IN 1995 ADDITION	5.00 AC.
OPEN SPACE IN 1998 ADDITION	47.20 AC.
OPEN SPACE IN 2008 ADDITION	112.49 AC.

GENERAL NOTES:

1. RECORDATION OF THIS PLAN IS SOLELY FOR THE PURPOSE OF IDENTIFYING THE LAND COVERED BY THE PROFFERS RECORDED HEREWITH AND DOES NOT CONSTITUTE A PLAT OF SUBDIVISION NOR DOES IT DEDICATE TO PUBLIC OR PRIVATE USE ANY ROADS, COMMON AREAS, GREEN AREAS, OR RECREATION AREAS.
2. THE PROPERTY SHOWN ON THIS PLAN IS COVERED BY PROTECTIVE COVENANTS OF RECORD IN THE CLERK'S OFFICE IN THE COURTHOUSE OF JAMES CITY COUNTY, VIRGINIA, WHICH PROVIDE FOR THE MAINTENANCE OF COMMON OPEN SPACE, RECREATION AREAS, SIDEWALKS, PARKING, PRIVATE STREETS AND OTHER PRIVATELY OWNED, BUT COMMON FACILITIES SERVING THIS PROJECT.
3. LOTS NUMBERED REPRESENT RECORDED SECTIONS OR SECTIONS THAT HAVE RECEIVED PRELIMINARY APPROVAL.
4. THE 2025 MASTER PLAN AMENDMENT WILL BE CONSIDERED A STAND ALONE PROJECT FOR THE PURPOSES OF STORMWATER MANAGEMENT POINTS AND CREDITS.

NO.	DATE	REVISION / COMMENT / NOTE	CHK'D BY
1	10/13/25	REVISED TO ADDRESS COUNTY COMMENTS	CHK

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

CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND • GLOUCESTER

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

Designed	Drawn
AES	AES
Scale	Date
1"= 600'	7/2025
Project No.	
W10514-01	
Drawing No.	
2	

SOIL CHARACTERISTICS

SOIL #	SOIL NAME	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
5	BETHERA	0–2%	0.28–0.32	5
10B	CRAVEN	2–6%	0.32–0.37	3
10C	CRAVEN	6–10%	0.32–0.37	3
11C	CRAVEN–UCHEE COMPLEX	6–10%	0.32–0.37	3
14B	EMPORIA	2–6%	0.20–0.28	4
15D	EMPORIA COMPLEX	10–15%	0.20–0.28	4
15E	EMPORIA – CUSTIS COMPLEX	15–25%	0.20–0.28	4
19B	KEMPSVILLE EMPORIA	2–6%	0.20–0.32	3
26B	PAMUNKEY	2–6%	0.28	4
27	PEAWICK	RELATIVELY FLAT	0.24–0.37	4
29A	SLAGLE	0–2%	0.24	3

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

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)
0.23 AND LOWER – LOW ERODIBILITY
0.23–0.36 – MODERATE ERODIBILITY
0.36 AND UP – HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

ENVIRONMENTAL IMPACTS

TIDAL WETLANDS:	NONE
TIDAL SHORES:	NONE
100 FT RPA BUFFER:	27,883 S.F.; 0.64 AC.±
NON-TIDAL WETLANDS IN RMA:	NONE
NON-TIDAL WETLANDS IN RPA:	11,762 S.F.; 0.27 AC.±
HYDRIC SOILS:	NOT MODIFIED
25% OR GREATER SLOPES:	14,120 S.F.; 0.32 AC.±

SITE DATA:

TOTAL SITE AREA=
7,871,302 S.F.; 180.7 AC±
DISTURBED AREA=
3,126,056 S.F.; 71.8 AC±
(39.7% OF TOTAL SITE)
SITE IMPERVIOUS COVER=
1,128,353 S.F.; 25.9 AC±
(14.3% OF TOTAL SITE)
CCRC BUILDING IMPERVIOUS COVER=
370,200 S.F.; 8.50 AC± (ESTIMATED)
SINGLE FAMILY IMPERVIOUS COVER=
758,153 S.F.; 17.40 AC±
GREEN AREA =
5,625,470 S.F.; 129.14 AC±
(71.5% OF TOTAL SITE)

STEEP SLOPE IMPACT=
14,120 S.F.; 0.32 AC.
CBPA-23-0168

BMP OUTFALL
RPA BUFFER IMPACT=
1,619 S.F. ; 0.04 AC.
CBPA-23-0168

BMP OUTFALL
RPA BUFFER IMPACT=
2,608 S.F.±/0.06 AC.±
CBPA-23-0168

IMPACT #2
INTERMITTENT (R4) STREAM IMPACT
162± L.F.
597± S.F., 0.013± AC.

IMPACT #1
JURISDICTIONAL PFO WETLANDS IMPACT
5,884± S.F. ; 0.135± AC.

RPA BUFFER IMPACT=
18,336 S.F.; 0.42 AC.

PILE SEWER BRIDGE
RPA BUFFER IMPACT=
876 S.F.; 0.02 AC.
CBPA-024-0139

PILE SEWER BRIDGE
WETLANDS IMPACT=
5,878 S.F. ; 0.13 AC.

PILE SEWER BRIDGE
RPA BUFFER IMPACT=
2,658 S.F.; 0.06 AC.
CBPA-24-0139

BMP OUTFALL
RPA BUFFER IMPACT=
1,786 S.F.± ; 0.04 AC.±
CBPA-23-0168

NOTE: SITE CONTAINS SOILS CLASSIFIED AS C AND D HYDROLOGIC GROUP. (11C SOILS HAVE BEEN CONSIDERED GROUP C FOR THE PURPOSES OF CALCULATIONS) SOILS TESTING IS BEING PERFORMED TO DETERMINE INFILTRATION RATES ON SITE.

POWHATAN SECONDARY SUBDIVISION

SPRINGHILL SUBDIVISION

APPROX. LOCATION OF 100 YR. FLOOD PLAIN VARIABLE ELEV. 23–21 FT.

LIMITS OF RPA WETLANDS

100' RPA BUFFER

COLD SPRING SWAMP

EXISTING ACCESS/LOGGING ROAD TO REMAIN WITHIN THE RPA AS PEDESTRIAN PATH

ZONE 2 BUFFER

ZONE 3 BUFFER

LIMITS OF NON-RPA WETLANDS

APPROX. LOCATION OF 100-YR. FLOOD PLAIN VARIABLE ELEVATION 23–21

GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

- RPA WETLAND
- NON-RPA WETLAND
- RPA BUFFER (100')
- ZONE 2 RIPARIAN BUFFER (VARIABLE WIDTH)
- ZONE 3 IMPERVIOUS COVER SETBACK (25')
- NON-RPA BUFFER (50')
- WETLAND (STORMWATER) IMPACTS
- ROAD WETLAND IMPACTS
- WETLAND IMPACTS (PILE CONSTRUCTION)
- STEEP SLOPE IMPACTS
- RPA BUFFER IMPACTS

Rev.	Date	Description	Revised By
1	10/13/25	REVISED PER JAMES CITY COUNTY COMMENTS	GVC

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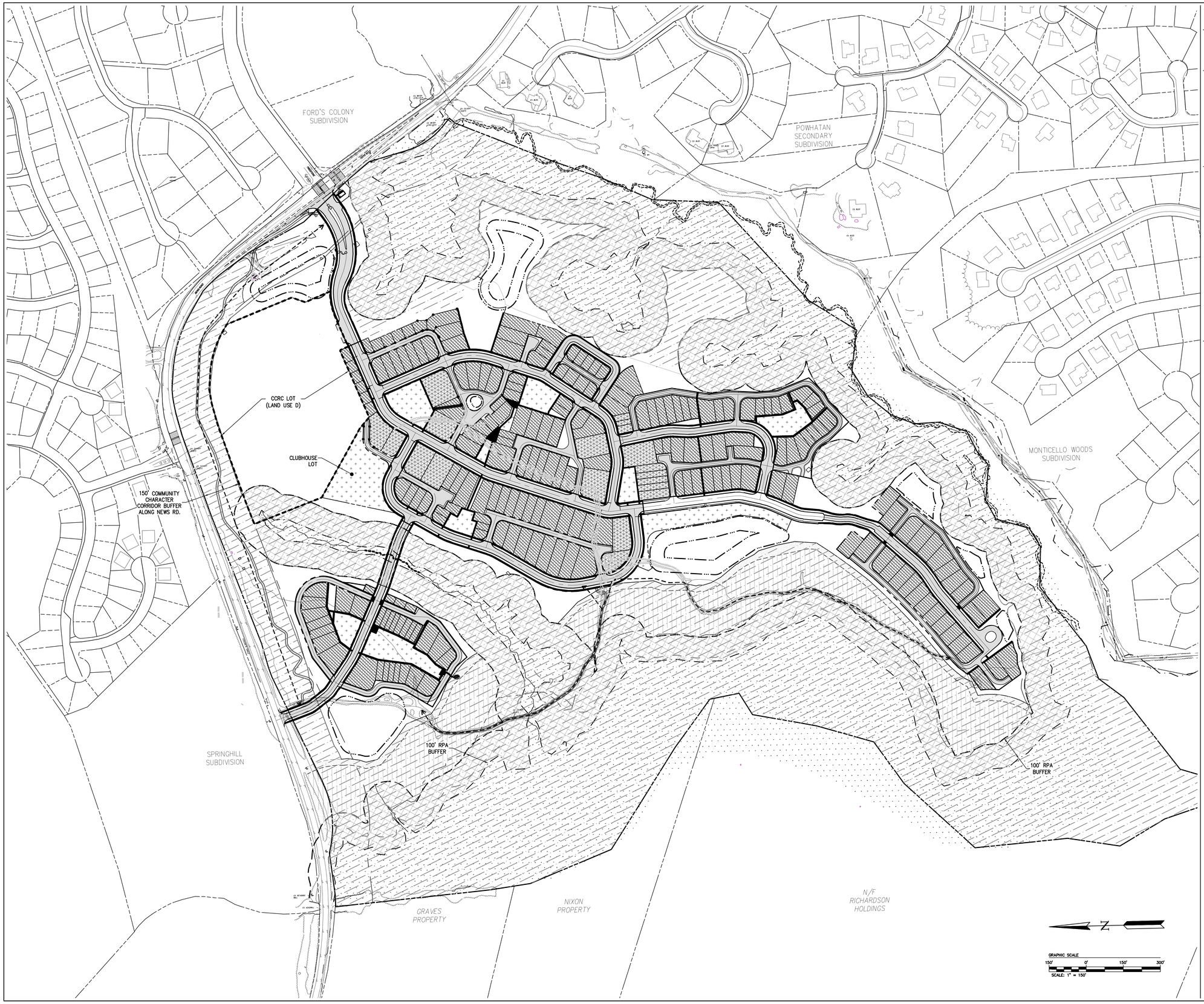
Hampton Roads | Central Virginia | Middle Peninsula

ENVIRONMENTAL INVENTORY AT
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 7/2025
Sheet Number	3



DEVELOPMENT TABULATIONS:

EXISTING ZONING (AND LAND USE DESIGNATION)	R-4 (B & D)
PROPOSED LAND USE DESIGNATION:	R-4 (A, B, C, & D)

DENSITY TABULATIONS:

TOTAL ACREAGE:	177.51 AC. +/-
LESS RPA WETLANDS:	46.96 AC. +/-
LESS RPA BUFFERS:	36.88 AC. +/-
LESS 25% SLOPES:	0.0 AC. +/- (OUTSIDE WETLANDS/BUFFER AREAS)
LESS FLOOD PLAIN [1]:	0.01 AC. +/- (OUTSIDE WETLANDS/BUFFER AREAS)
TOTAL NON-DEVELOPABLE AREA:	83.81 AC. +/- (47% OF TOTAL PARCEL)
GROSS ACREAGE FOR PARCEL DENSITY (OLD CALC [2]):	120.33 AC. +/-
GROSS ACREAGE FOR PARCEL DENSITY (NEW CALC [2]):	93.70 AC. +/-

LAND-USE TABULATIONS:

TOTAL PARCEL:	**177.51 AC. +/-**
LAND USES A, B, C, & D [3]:	71.05 AC. +/-
OPEN SPACE:	
RPA WETLANDS:	46.96 AC. +/-
BUFFER AREAS [4] :	59.50 AC. +/-
TOTAL OPEN SPACE:	106.46 AC. +/-

[1] FLOOD PLAIN IS DELINEATED ON THE PLANS AND GENERALLY LOCATES THE LIMITS OF THE FLOOD PLAIN BASED UPON FIELD SURVEYED ELEVATIONS.

[2] THIS MASTER PLAN AMENDMENT AMENDS THE MASTER PLAN FROM 2021. AT THAT TIME, THE JCC ORDINANCES ALLOWED FOR 15% OF THE GROSS ACREAGE OF LAND TO BE COUNTED AS DEVELOPABLE LAND FOR WHEN UNDEVELOPABLE LAND CONSTITUTED 41-70% OF THE OVERALL PROPERTY. SINCE THEN, THE ORDINANCES HAVE BEEN REVISED TO ELIMINATE THIS PERCENTAGE ADDITION. IN ORDER TO PROPERLY COMPARE THE DENSITIES BETWEEN THE 2021 MASTER PLAN AND THIS MASTER PLAN AMENDMENT, THE OLD AND NEW CALCULATED GROSS ACREAGE FOR PARCEL DENSITIES ARE PROVIDED.

[3] INCLUDES (±4.83 AC.) RECREATIONAL-AMENITY OPEN SPACE AREA.

[4] BUFFER AREAS INCLUDE RPA BUFFER (36.88 AC.), ZONE 2 RIPARIAN BUFFER (10.71 AC.), ZONE 3 RIPARIAN BUFFER (1.90 AC.), COMMUNITY CHARACTER CORRIDOR BUFFER (10.01 AC.).

LEGEND:

- RPA WETLAND (46.96 AC. ±)
- RPA BUFFER (100') (36.88 AC. ±)
- ZONE 2 RIPARIAN BUFFER (10.71 AC. ±) (VARIABLE WIDTH)
- ZONE 3 RIPARIAN BUFFER (25') (1.90 AC. ±)
- LANDUSE BOUNDARIES (61.67 AC. ± "A, B, & C"; 9.38 AC.± "D")
- APPROX. LOCATIONS OF RECREATIONAL-AMENITY OPEN SPACE (4.83 AC. ±)
- SLOPES 25% OR GREATER
- PEDESTRIAN CIRCULATION
- STORMWATER FEATURE
- STANDARD PAVEMENT SECTION
- SIDEWALK/DRIVEWAY CONCRETE
- STANDARD MEDIAN CURB
- PHASE BOUNDARY LINE

NOTE: 15 FT. BUILDING SETBACK TO RPA BUFFER ALONG COLD SPRING SWAMP.

Land Use Density Chart	Max. # Units	Max. Non-Residential Floor Space	Land Use Pod Size
Land Use A, B, & C A - Single Family B - Multifamily (2-4 unit buildings) C- Multifamily (over 4 unit buildings)	270 [1] UNITS	N/A	±61.67 Acres
D - Independent Living Apartments	160 UNITS[4]	UP TO 150,000 S.F.	±9.38 Acres
D - Common Areas Dining Areas Administration Offices Other Amenities Other Limited Commercial Uses [2]			
D - Health Care Center Assisted Living/Memory Care Skilled Nursing	40 ROOMS[5]		
MAXIMUMS:	430 UNITS[3]	150,000 gsf	±71.05 Acres

NOTES
[1] MASTERPLAN WILL CONSIST OF A MIX OF SINGLE FAMILY, TOWNHOME, AND CONDOMINIUM, STYLE UNITS. MASTER PLAN LAYOUT SHOWN FOR DENSITY PURPOSES; FINAL CONFIGURATION TO BE REVIEWED AND APPROVED AT SITE PLAN.
[2] LIMITED COMMERCIAL USES SHALL BE PERMITTED FOR USE BY RESIDENTS, GUEST OF THE COMMUNITY, & EMPLOYEES.
[3] TOTAL NUMBER OF UNITS & ROOMS SHALL NOT EXCEED 470 AS DESCRIBED IN PROFFERS.
[4] REPRESENTS MAXIMUM ALLOWABLE NUMBER OF INDEPENDENT LIVING UNITS.
[5] REPRESENTS MINIMUM ALLOWABLE NUMBER OF ASSISTED LIVING/MEMORY CARE AND SKILLED NURSING ROOMS.

ADDITIONAL MASTER PLAN NOTES

- NO STRUCTURES WITHIN THE "D" PORTION OF THE SITE SHALL EXCEED 60-FT IN HEIGHT AS DEFINED BY JCC ORDINANCE.
- ALL STREETS, ALLEYS AND DRIVEWAYS SHALL BE PRIVATELY MAINTAINED. ALL ENTRANCES TO THE VDOT RIGHT OF WAY SHALL BE DESIGNED IN ACCORDANCE WITH VDOT COMMERCIAL ENTRANCE DESIGN STANDARDS.
- A MINIMUM OF 4 ACRES OF DEDICATED RECREATION AREAS SHALL BE PROVIDED. THESE AREAS SHALL BE GENERALLY AS SHOWN ON THE MASTER PLAN AND PROVIDE BASIC AMMENITIES SUCH AS A POOL, CLUBHOUSE, PARK BENCHES AND LANDSCAPED AREAS. ADDITIONALLY PASSIVE OPEN SPACES AND WALKING TRAILS SHALL BE PROVIDED.

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AMENDED LAND-USE MASTER PLAN
FORDS' VILLAGE
AT
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POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=150'	Date: 7/2025
Sheet Number	4

NOTES:
- ALL GRAVITY SEWER MATERIALS AND SIZE SHALL BE IN ACCORDANCE WITH THE JCSA DESIGN AND ACCEPTANCE CRITERIA
- ALL WATER MAIN MATERIALS AND SIZE SHALL BE IN ACCORDANCE WITH THE JCSA DESIGN AND ACCEPTANCE CRITERIA
- ELEVATED OPEN PILE SEWER BRIDGE WILL BE UTILIZED TO SEWER THE PROJECT.
- ALL UNITS SHALL BE SERVED BY PUBLIC SEWER. UNITS DESIGNATED AS GP ON THE MASTER PLAN ARE ANTICIPATED TO REQUIRE A PRIVATELY MAINTAINED PUMP.
- ADDITIONAL FIRE HYDRANTS WILL BE PLACED AT THE TIME OF SITE PLAN TO ENSURE PROPER FIRE DEPARTMENT ACCESS AND COVERAGE.
- THIS UTILITY LAYOUT IS CONCEPTUAL IN NATURE AND MAY NEED TO BE MODIFIED AS PART OF THE FINAL ENGINEERING DESIGN. THE LAYOUT WILL BE CONFIRMED WITH AND APPROVED BY JCSA PRIOR TO SUBMISSION OF DEVELOPMENT PLAN DRAWINGS

N

GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

SAN MH#2-1 TOP=28.54 INV IN=25.45 (MH#2-3) INV OUT=23.95 (MH#2-0 (STRADDLE)) D=4.58'
SAN MH#2-0 (STRADDLE) TOP=28.74 INV IN=19.16 (MH#2-1) D=9.58'
EX. SAN MH RIM=26.73 FLOW LINE=19.03
SAN MH#2-3 TOP=32.94 INV IN=26.93 (MH#2-4) INV OUT=26.83 (MH#2-1) D=6.11'
EXISTING FIRE HYDRANT
CONNECTION TO EXISTING WATER LINE
SAN MH#2-4 TOP=41.12 INV IN=32.06 (MH#2-5) INV OUT=31.96 (MH#2-3) D=9.16'
EXISTING 12" WATERLINE
SAN MH#2-5 (60") TOP=46.04 INV IN=32.64 (MH#2-6) INV OUT=32.54 (MH#2-4) D=13.50'
SAN MH#2-6 (60") TOP=50.01 INV IN=33.13 (MH#2-7) INV OUT=33.03 (MH#2-5) D=16.98'
SAN MH#2-7 TOP=50.09 INV IN=40.61 (MH#2-8) INV OUT=40.51 (MH#2-6) D=9.58'
FIRE HYDRANT
EXISTING PROPERTY LINE, TYP.
SAN MH#2-8 TOP=52.89 INV IN=43.95 (MH#2-9) INV OUT=43.85 (MH#2-7) D=9.04'
SAN MH#2-9 TOP=58.27 INV IN=51.60 (STRUCTURE – (242)) INV OUT=51.50 (MH#2-8) D=6.77'
FIRE HYDRANT
CCRC SITE
SAN MH#2-10 TOP=62.75 INV IN=53.87 (MH#2-17) INV IN=52.09 (MH#2-11) INV OUT=51.99 (STRUCTURE – (242)) D=10.76'
FIRE HYDRANT
SAN MH#2-17 TOP=70.92 INV IN=67.02 (MH#2-18) INV OUT=66.92 (MH#2-10) D=4.00'
FIRE HYDRANT
EXISTING FIRE HYDRANT
CONNECTION TO EXISTING WATER LINE
SAN MH#2-11 TOP=63.88 INV IN=53.31 (MH#2-12) INV OUT=53.21 (MH#2-10) D=10.67'
SAN MH#2-12 TOP=65.25 INV IN=58.04 (MH#2-13) INV OUT=57.94 (MH#2-11) D=7.31'
SAN MH#2-13 TOP=70.35 INV IN=59.69 (MH#2-14) INV OUT=58.60 (MH#2-12) D=11.75'
SAN MH#2-14 TOP=68.18 INV IN=59.07 (MH#2-15) INV OUT=58.97 (MH#2-13) D=9.21'
SAN MH#2-15 TOP=65.46 INV IN=59.52 (MH#2-16) INV OUT=59.42 (MH#2-14) D=6.04'
SAN MH#2-16 TOP=63.92 INV OUT=59.85 (MH#2-15) D=4.07'
SAN MH#1-44A TOP=48.90 INV OUT=45.51 (MH#1-44) D=3.39'
SAN MH#1-44 (60") TOP=60.09 INV IN=45.05 (MH#1-44A) INV OUT=44.95 (MH#1-43) D=15.14'
SAN MH#1-43 (60") TOP=57.85 INV IN=44.64 (MH#1-44) INV IN=44.64 (MH#1-43A) INV OUT=44.54 (MH#1-42) D=13.31'
SAN MH#1-42B TOP=48.78 INV OUT=43.87 (MH#1-42A) D=4.91'
SAN MH#1-42A TOP=47.67 INV IN=43.14 (MH#1-42B) INV OUT=43.04 (MH#1-42) D=4.63'
SAN MH#1-42 TOP=51.46 INV IN=42.71 (MH#1-42A) INV IN=42.71 (MH#1-43) INV OUT=42.61 (MH#1-41) D=8.85'
SAN MH#1-41 TOP=50.62 INV IN=42.43 (MH#1-42) INV OUT=42.33 (MH#1-40) D=8.29'
SAN MH#1-40 TOP=50.71 INV IN=42.09 (MH#1-41) INV OUT=41.99 (MH#1-39) D=8.72'
SAN MH#1-39 TOP=52.40 INV IN=41.71 (MH#1-39A) INV IN=41.71 (MH#1-40) INV OUT=41.61 (MH#1-38) D=10.79'
SAN MH#1-37 (60") TOP=52.42 INV IN=39.91 (MH#1-38) INV OUT=39.81 (MH#1-36) D=12.61'
SAN MH#1-36 (60") TOP=51.25 INV IN=39.21 (MH#1-37) INV OUT=39.11 (MH#1-34) D=12.14'
FIRE HYDRANT
SAN MH#1-34 TOP=47.25 INV IN=38.51 (MH#1-36) INV OUT=38.41 (MH#1-33) D=8.84'
SAN MH#1-33 TOP=44.16 INV IN=38.09 (MH#1-34) INV OUT=37.99 (MH#1-32) D=6.17'
SAN MH#1-38 TOP=45.50 INV IN=40.51 (MH#1-39) INV OUT=40.41 (MH#1-37) D=5.09'
SAN MH#1-29A TOP=43.16 INV OUT=38.64 (MH#1-32) D=7.14'
SAN MH#1-32 TOP=46.00 INV IN=37.33 (MH#1-33) INV IN=37.33 (MH#1-29A) INV OUT=37.23 (MH#1-7A) D=8.77'
SAN MH#1-6 TOP=36.50 INV IN=32.50 (MH#1-7) INV OUT=32.40 (MH#1-5) D=4.10'
SAN MH#1-5 TOP=35.92 INV IN=31.92 (MH#1-6) INV OUT=31.82 (MH#1-4 (60"-DROP)) D=4.10'
SAN MH#1-3 TOP=33.51 INV IN=24.62 (MH#1-4 (60"-DROP)) INV OUT=24.52 (MH#1-2) D=8.99'
SAN MH#1-0 (60"-DROP) TOP=25.96 INV IN=22.75 (MH#1-2) D=12.00'
ELEVATED SEWER BRIDGE
SAN MH#2-18 TOP=74.00 INV IN=68.77 (MH#2-19) INV OUT=68.67 (MH#2-17) D=5.34'
SAN MH#2-19 TOP=75.46 INV IN=69.40 (MH#2-20 (SHALLOW)) INV OUT=69.31 (MH#2-18) D=6.26'
SAN MH#2-20 (SHALLOW) TOP=74.35 INV OUT=70.65 (MH#2-19) D=3.71'
SAN MH#2-43A (60") TOP=71.81 INV IN=52.94 (MH#1-43B) INV IN=52.94 (MH#1-43C) INV OUT=52.84 (MH#1-43) D=18.97'
SAN MH#1-43B (60") TOP=78.28 INV OUT=58.89 (MH#1-43A) D=19.39'
SAN MH#1-43C (60") TOP=67.71 INV OUT=53.58 (MH#1-43A) D=14.13'
SAN MH#1-16 TOP=79.56 INV OUT=72.53 (MH#1-15) D=7.03'
SAN MH#1-15B (60") TOP=89.95 INV OUT=70.63 (MH#1-15) D=19.32'
SAN MH#1-39A TOP=56.74 IN IN=50.67 (MH#1-39B) INV OUT=50.57 (MH#1-39) D=6.17'
SAN MH#1-39B TOP=63.90 INV OUT=58.29 (MH#1-39A) D=5.61'
SAN MH#1-14 (60") TOP=81.27 INV IN=67.15 (MH#1-15) INV OUT=67.05 (MH#1-13) D=14.22'
SAN MH#1-15 (60") TOP=81.33 INV IN=67.48 (MH#1-16) INV IN=67.48 (MH#1-15B) INV OUT=67.38 (MH#1-14) D=13.96'
SAN MH#1-12 (60"-DROP) TOP=66.19 INV IN=61.96 (MH#1-13) INV OUT=55.94 (MH#1-11 (60"-DROP)) D=10.25'
FIRE HYDRANT
SAN MH#1-13 TOP=75.57 INV IN=65.86 (MH#1-14) INV OUT=65.76 (MH#1-12 (60"-DROP)) D=9.81'
SAN MH#1-23 (SHALLOW) TOP=50.12 INV IN=45.53 (MH#1-24) INV OUT=45.43 (MH#1-21) D=4.68'
SAN MH#1-10 (60") TOP=54.21 INV IN=41.82 (MH#1-11 (60"-DROP)) INV OUT=41.72 (MH#1-9) D=12.49'
SAN MH#1-11 (60"-DROP) TOP=61.28 INV IN=55.53 (MH#1-12 (60"-DROP)) INV IN=42.53 (MH#1-17) INV OUT=42.43 (MH#1-10) D=18.85'
SAN MH#1-7 TOP=48.66 INV IN=36.04 (MH#1-7A) INV OUT=35.94 (MH#1-6) D=12.72'
SAN MH#1-7A (60") TOP=52.16 INV IN=36.32 (MH#1-8) INV IN=36.32 (MH#1-32) INV OUT=36.22 (MH#1-7) D=15.94'
SAN MH#1-8 (60") TOP=60.16 INV IN=40.19 (MH#1-9) INV OUT=40.09 (MH#1-7A) D=20.07'
SAN MH#1-9 (60") TOP=60.23 INV IN=40.65 (MH#1-10) INV OUT=40.55 (MH#1-8) D=19.68'
SAN MH#1-4 (60"-DROP) TOP=35.42 INV IN=31.42 (MH#1-5) INV IN=26.46 (MH#1-4A) INV OUT=26.36 (MH#1-3) D=9.06'
SAN MH#1-2 TOP=28.67 INV IN=23.92 (MH#1-3) INV OUT=23.82 (MH#1-0 (60"-DROP)) D=4.85'
SAN MH#2-25 TOP=52.42 INV IN=47.67 (MH#2-26) INV OUT=47.57 (MH#1-24A) D=4.85'
SAN SAN MH#1-26B TOP=55.57 INV IN=49.75 (SAN MH#1-26C) INV OUT=49.65 (SAN MH#1-26A) D=5.92'
SAN SAN MH#1-26CE TOP=55.72 INV OUT=51.83 (SAN MH#1-26CD) D=3.88'
SAN SAN MH#1-26CD TOP=52.53 INV IN=51.32 (SAN MH#1-26CE) INV OUT=51.22 (SAN MH#1-26C) D=1.32'
SAN SAN MH#1-26C TOP=59.03 INV IN=50.79 (SAN MH#1-26CF) INV IN=50.80 (SAN MH#1-26CD) INV OUT=50.69 (SAN MH#1-26B) D=8.69'
SAN SAN MH#1-26CF TOP=53.21 INV OUT=52.00 (SAN MH#1-26C) D=1.22'
SAN MH#1-24 TOP=56.00 INV IN=45.64 (MH#1-24A) INV OUT=46.54 (MH#1-23 (SHALLOW)) D=9.46'
SAN MH#1-24B TOP=58.16 INV OUT=47.96 (MH#1-24A) D=10.20'
SAN MH#1-24A TOP=52.64 INV IN=47.41 (MH#1-25) INV IN=47.64 (MH#1-24B) INV OUT=47.31 (MH#1-24) D=5.33'
SAN MH#1-21 TOP=51.47 INV IN=44.98 (MH#1-23 (SHALLOW)) INV OUT=44.88 (MH#1-20) D=6.59'
SAN MH#1-20 (60") TOP=59.08 INV IN=44.19 (MH#1-21) INV OUT=44.09 (MH#1-19) D=15.00'
SAN MH#1-19 (60") TOP=58.74 INV IN=43.85 (MH#1-20) INV OUT=43.75 (MH#1-18) D=14.99'
SAN MH#1-18 (60") TOP=58.01 INV IN=43.51 (MH#1-19) INV OUT=43.41 (MH#1-17) D=14.60'
SAN MH#1-17 (60") TOP=58.08 INV IN=43.18 (MH#1-18) INV OUT=43.08 (MH#1-11 (60"-DROP)) D=15.00'
NEWS ROAD

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AMENDED UTILITY MASTER PLAN
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 7/2025
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VRRM CALCULATIONS – OVERALL SITE

PHASE	BMP	BMP TYPE	DRAINAGE AREA (AC.)	TREATMENT VOLUME (CF)	TP REDUCTION (LB/YR)
A/B	WP#1	WET POND (LEVEL 2 – COASTAL PLAIN)	20.52	54,915	22.40
A/B	WP#2	WET POND (LEVEL 1 – COASTAL PLAIN)	9.96	25,378	7.17
A/B	WP#3	WET POND (LEVEL 1 – COASTAL PLAIN)	15.28	37,470	10.58
C	BIO #1	BIORETENTION FACILITY (LEVEL 1)	2.61	6,357	2.20
C	BIO #2	BIORETENTION FACILITY (LEVEL 1)	1.24	3,108	1.07
C	BIO #3	BIORETENTION FACILITY (LEVEL 1)	1.89	4,661	1.61
D	BIO #4	BIORETENTION FACILITY (LEVEL 2)	4.09	10,316	5.85
D	BIO #5	BIORETENTION FACILITY (LEVEL 2)	3.24	8,180	4.60
E	WP#4	WET POND (LEVEL 1 – COASTAL PLAIN)	8.33	20,991	5.93

TP REDUCTION REQUIRED: 45.94 LB/YR
TP REDUCTION ACHIEVED: 61.41 LB/YR

SPECIAL STORMWATER CRITERIA & ADDITIONAL ENVIRONMENTAL PROTECTION

SPECIAL STORMWATER CRITERIA WILL APPLY TO A PORTION OF THIS SITE WHICH DRAINS TO THE POWHATAN CREEK MAINSTEM.

THE SITE WILL HAVE A SSC CLASS 5 DESIGNATION, (50-200 DISTURBED ACRES), THEREFORE 7 UNIT MEASURES WILL BE REQUIRED TO MEET THE JCC POLICY REQUIREMENT. STRUCTURAL UNIT MEASURES HAVE BEEN DEPICTED TO SHOW GENERAL COMPLIANCE. IN ADDITION, MEASURES AS OUTLINED BELOW MAY BE USED TO ACHIEVE THE TOTAL 7 UNIT MEASURES.

FUTURE DEVELOPMENT PHASES OF THE PROJECT WILL ADDRESS REQUIRED SPECIAL STORMWATER CRITERIA NEEDS AT THE TIME OF SITE PLAN/SUBDIVISION DEVELOPMENT PLAN SUBMITTAL IN ACCORDANCE WITH THE PROGRAM GUIDELINES CURRENT AT THE TIME OF THE SUBMITTAL

WATER QUALITY NOTE: FACILITIES PROPOSED FOR EACH PHASE SHALL BE INSTALLED AND PROVIDE MINIMUM TP REDUCTION FOR THE CURRENT PHASE OF CONSTRUCTION.

THE OVERALL FORD'S VILLAGE DEVELOPMENT HAS A TOTAL TP REDUCTION REQUIREMENT OF 45.25 LB/YR.

*UPLAND SWM / SSC BIORETENTION NOTE: THE BIORETENTION FACILITY PROPOSED IN PHASES A/B AND THE UPLAND SWM BIORETENTION FACILITY PROPOSED IN PHASE E ARE NOT TAKEN CREDIT FOR WITHIN THE SITE'S WATER QUALITY CALCULATIONS. PHOSPHOROUS REDUCTIONS SHOWN ON THIS SHEET ARE CALCULATED WITHOUT THE ADDED BENEFIT FROM THESE FACILITIES.

APPROXIMATE STORMWATER DRAINAGE DIVIDES

PHASING BOUNDARY

LEGEND

EXISTING WETLANDS

CONSERVATION AREA

FORD'S COLONY SUBDIVISION
POWHATAN SECONDARY SUBDIVISION
SPRINGHILL SUBDIVISION
MONTICELLO WOODS SUBDIVISION
NEWS ROAD
VARIABLE WIDTH PUBLIC R/W
FIRESTONE
LIGHT POLE, TYP.
EXISTING FIRE HYDRANT
STOP SIGN
EXISTING 12" WATERLINE
EX. SAN MH RIM=27.05 FLOW LINE=18.25
EX. SAN MH RIM=28.18 FLOW LINE=24.03
LIMITS OF COMMUNITY CHARACTER CORRIDOR BUFFER ALONG NEWS ROAD, TYP.
LIMITS OF 100' RPA BUFFER, TYP.
LIMITS OF RPA WETLANDS, TYP.
"MAXIMUM EXTENTS OF 100-YR FLOOD PLAIN (ELEV. 25), TYP.
WP#2 9.96 AC. CN=88
WP#3 15.28 AC. CN=88
DRY SWALE (SSC PRACTICE)
PROPOSED OUTLET STRUCTURE
FLOW OUT
FLOW IN
PARTON AVENUE
ISAIAH LANE
BRYAN LANE
CLAIBORNE STREET
CONRAD LANE
ISABELLA LANE
ALLEY #1
ALLEY #2
ALLEY #3
ALLEY #4
ALLEY #5
ALLEY #6
MARGARET STREET
HOBSON STREET
RYLAND CLOSE
ROYCE LANE
CCRC SITE
BIO SSC 0.71 AC. CN=86
BIORETENTION FACILITY (SSC PRACTICE)
FILTERRA MTD (SSC PRACTICE)
BIORETENTION FACILITY
BIO#1 2.61 AC. CN=86
BIO#2 1.24 AC. CN=87
BIO#3 1.89 AC. CN=88
BIO#4 4.09 AC. CN=92
BIO#5 3.24 AC. CN=92
WP#1 20.52 AC. CN=90
WP#4 8.33 AC. CN=85
BIO UP* 0.78 AC. CN=92
BIORETENTION FACILITY (UPLAND SWM*)
FORD'S VILLAGE FUTURE PHASE C
FORD'S VILLAGE PHASE D
ZONE 2 VARIABLE WIDTH RIPARIAN BUFFER BOUNDARY, TYP.
EXISTING DIRT ROAD, TYP.
EXISTING TREELINE, TYP.
EDGE OF PAVEMENT, TYP.
SUBJECT PROPERTY BOUNDARY, TYP.

GRAPHIC SCALE
150' 0' 150' 300'
SCALE: 1" = 150'

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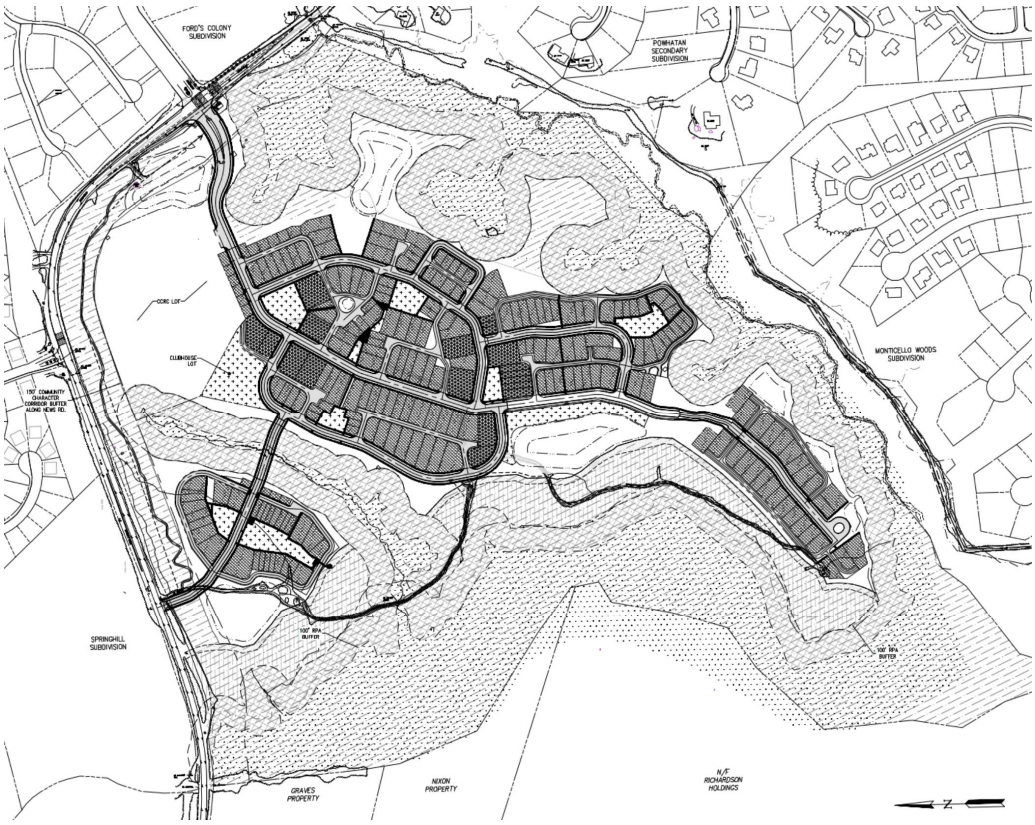
POWHATAN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=150'	Date: 7/2025
Sheet Number	6

Community Impact Statement

For

Ford's Village



Prepared For

Frye Development, LLC
Norfolk, VA 23510

Revised October 13, 2025
AES Project Number W10514

Prepared by:

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I. INTRODUCTION

Frye Development, LLC, proposes to amend the previously approved master plan for Ford's Colony at Williamsburg to create a revised mix of senior residential housing and skilled care units. The amended master plan covers 177.51 acres located along News Road located directly across from Firestone Drive.

II. THE PROJECT TEAM

The organizations that participated in the preparation of the information provided with this rezoning submission are as follows:

- Developer - Frye Development, LLC
- Senior Living Operator - To be determined
- Civil Engineering - AES Consulting Engineers
- Environmental/Wetlands - Wetlands Solutions, Inc./Kerr Environmental
- Traffic - DRW & Associates
- Land Planning - Michael Watkins Architect
- Attorney - Geddy, Harris, Franck & Hickman, LLP

Frye Development, LLC, a wholly owned subsidiary of Frye Properties, Inc.. Frye Properties, Inc. Headquartered in Norfolk, Virginia, Frye provides real estate development, property management, construction, and full-service real estate brokerage services. The recipient of multiple regional and national awards for its developments, Frye Properties, Inc. has earned the respect of government officials, residents and clients. Frye is a trusted and highly experienced design, development, build group that specializes in creating traditional, walkable neighborhoods that seamlessly integrate into the special communities where they build. Frye's dedicated team represents a collection of experience that ranges from master planning, land development, architecture and building, to historic rehabilitation and management of a large portfolio of residential and commercial properties. Frye's extensive experience in developing quality residential projects, including East Beach in Norfolk and The Cavalier Residences in Virginia Beach, demonstrates its long-standing commitment to the highest level of design standards within the urban context. Frye believes its philosophy of respecting the land and its natural assets, its surroundings, and community history leads to the creation of vibrant, memorable communities which will compliment James City County's development goals and standards. Frye is excited about the chance to make that vision a reality.

Frye development is negotiating with several Virginia-based CCRC developer/ operators to provide a market-rate Senior living facility that incorporates the full continuum of care from Independent to skilled nursing beds. (A certificate of need would need to be issued by the State). All of the operators and developers we are negotiating with own and operate many CCRCs across the state.

III. EXISTING CONDITIONS

Site Location:

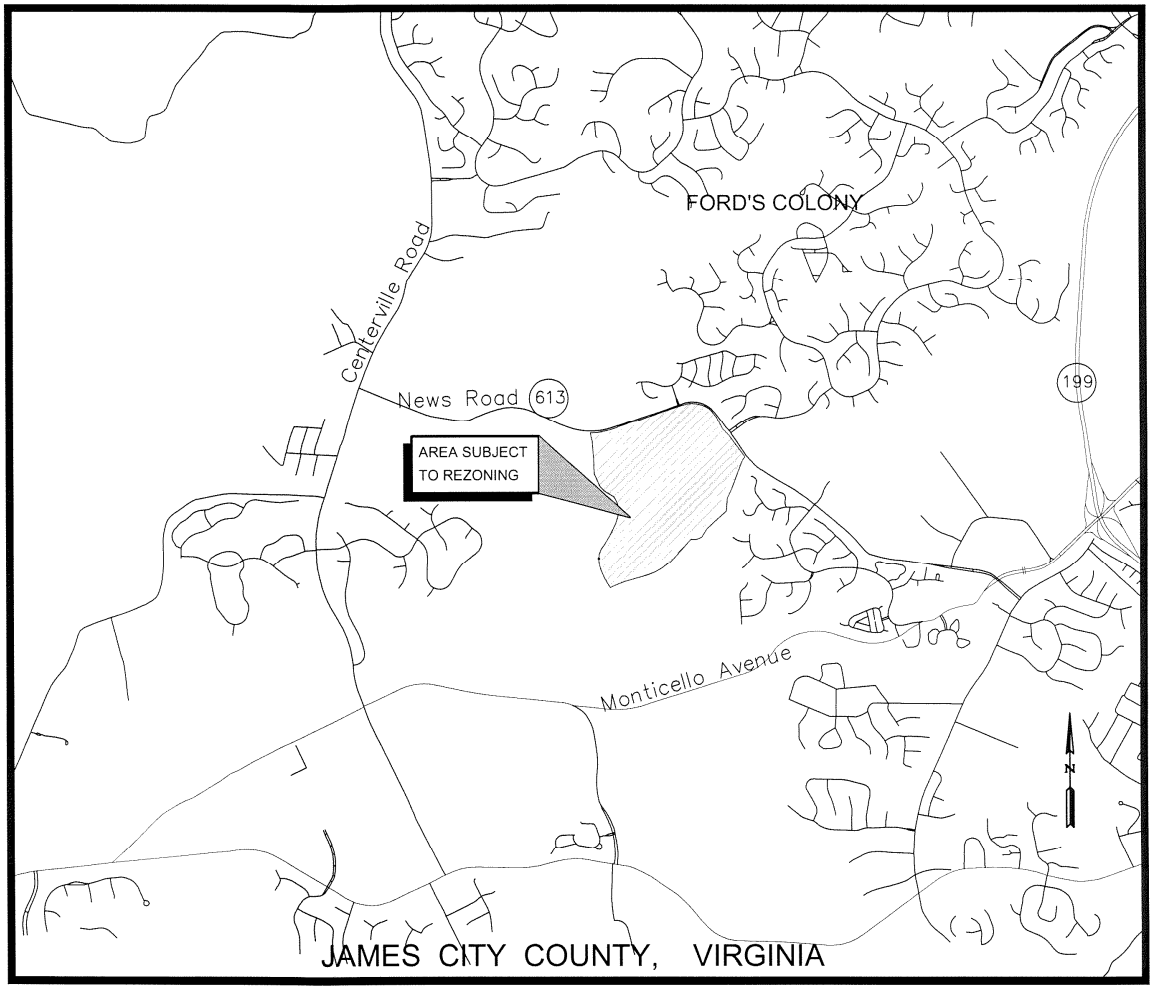


Figure 1

Master Plan Sheet 3 and 4 contain detailed information on wetlands, buffers, soils, and slopes. A pre-development site analysis revealed the following results:

Wetland areas:	*46.96 acres*
Buffers:	*59.50 acres*
Uplands Land	*71.05 acres*
Total Site Area	***177.51 acres***

IV. PROJECT DESCRIPTION

Ford's Village is approximately 177.51 acres in area and located across from the Firestone Entrance to Ford's Colony on News Road in James City County. Ford's Village is envisioned as a full-service Continuing Care Retirement Community (CCRC) with 270 age restricted single family, townhome and condominium units; and a senior living building housing a combination of 200 independent-living apartment units, assisted-living units, and skilled/memory care beds. The CCRC development will provide on-site shared amenities available for those living in the senior living ("big house") and those living in the independent homes. The 270 age restricted units are envisioned as mostly for sale product with a small reservation of up to 5 units available for short term rentals for guests of community residences. The model of this development differs from similar existing CCRC developments in James City as the senior living operator intends to offer their units on a rental model rather than the upfront buy-in model and the housing units are to be fee simple. Additionally, the property while part of the overall Ford's Colony master plan is intended to be autonomous, having its own internal homeowner's association. Approximately 60% of the total site is preserved in open space; much of that open space is to remain natural through the preservation of wetlands, streams, and associated buffers in compliance with James City County ordinances and policies. Other developable lands have been provided as common open space either in the form of buffer areas or recreation open space (as noted on Sheet 4 of the Master Plan set, *Ford's Village Land-Use Master Plan*).

V. PLANNING CONSIDERATIONS

A. Land Use

The proposed land use for Ford's Village is consistent with the current property zoning and designation of CCRC on the Ford's Colony at Williamsburg Master Plan and the surrounding land uses in the vicinity; Ford's Colony and Springhill to the north, Powhatan Secondary to the east, Monticello Woods to the south, and Greensprings Plantation to the west. The Ford's Village property is designated Low-Density Residential on the current James City County Comprehensive Plan, with a gross density of 1 to 4 units per acre.

This master plan amends the master plan from 2021, which amended the master plan from 2008. It should be noted that the James City County Ordinances have been modified since the 2008 and 2021 master plan approvals. At the time of those approvals, the JCC Ordinances allowed for 15% of the gross acreage of land to be counted as developable land for instances when undevelopable land constituted 41-70% of the overall property. Since then, the ordinances have been revised to eliminate this percentage addition. For the analysis below, the new density calculations are used to determine the current Master Plan Amendment's density compared to the old calculations being used to determine the density from 2008 and 2021 Master Plans. It should be noted that the new calculation results in higher densities.

The revised mix of residential age restricted units reduces the previously approved density on the property from the 2008 Master Plan (from 4.8 units/acre to 4.6 units/acre) and raises the density from the 2021 Master Plan (from 2.8 units/acre to 4.6 units/acre). As shown in the residential count of the Ford's Colony Master Plan, this produces an overall density of approximately 1.64 DUA. The maximum residential density in the R-4 District (which is also generally consistent with surrounding zoning districts) is 2.0 Dwelling Units per Acre.

B. Environmental

A detailed environmental site analysis was conducted on this property. The Warburton Tract was subjected to thorough soft and hardwood timbering less than twenty years ago. Thick undergrowth is prevalent on the property. Recent work performed by the Environmental Services Division of Wetlands Solutions identified 47 acres of wetlands and streams or 26% of the site. Wetland Solutions has also conducted a perennial stream analysis on the property that has been reviewed/approved by the James City County Environmental Department. The Warburton Tract Preliminary Layout and Grading plan sheet found in the environmental studies report at page 4 shows both the Resource Protection Area (RPA) buffers; based on changes in the perennial scoring system areas previously covered by 50' non-RPA buffers have been revised to have full 100-ft RPA buffers. Additional areas containing slopes of 25% or greater have been mapped but account for limited portions of the developable area of the site (outside RPA buffers). Updated research and field verification also indicated that habitat for the Small Whorled Pogonia and Virginia Least Trillium are not present on this site.

C. Parks and Recreation

Frye Development, LLC, proposes to provide both active and passive recreational amenities designed to meet the needs of the anticipated residents while exceeding James City County policy standards. There are two sets of amenities for the project; those within the CCRC building and those scattered throughout the development in the form of pocket parks, soft and hard surface trails and passive open space. Frye proposes to dedicate a minimum of 4 acres of park/recreation space within Land Uses A,B&C; including a pool and community center building, walking trails a series of parks, several passive open space areas, nature trails and sidewalks. The project envisions the potential to provide existing Ford's Colony residents the ability to share in the development amenities.

VI. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property is located within the Primary Service Area of James City County. Parcels and subsequent land development activities within the Primary Service Area are required to connect to public water and sanitary sewer service provided by the James City Service Authority (JCSA). Sheet 5 of the Master Plan, *The Master Utility Plan* is intended to supplement this report for information on public water and public sanitary sewer.

A. Public Water Facilities

The subject property will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains an existing 12-inch water main along News Road. This line is supported by loops through existing Ford's Colony as well as a loop from Monticello Avenue. The system facilities in this area are anticipated to be adequate for this development based upon previous flow data taken at a hydrant at the entrance to the adjacent Spring Hill subdivision. This would indicate adequate pressures and flows will be present throughout the proposed development. While our projected flows anticipate water and sewage demands based on residential housing as outlined by JCSA and the State Health Department, it is significant to note, that case studies and previous projects within JCC demonstrate reduced water consumption in age restricted communities.

A detailed water distribution system model has been submitted and approved by JCSA as part of the site plan review process for the CCRC site and the Phases A & B plans. The model examined flow rates and pressures throughout the immediate water system area to ensure adequate flow and pressure to accommodate the required fire flows.

The irrigation demand for this development honors the Water Conservation Agreement's conditions that a maximum of 30% of the pervious areas within all proposed residential and non-residential lots shall be allowed irrigation. Large pressure drops are associated with the irrigation demands for the existing watermain system during irrigation season. This would cause notable fluctuations in the fire flow available for the site during high demand periods. This is corroborated by additional system data collected by JCSA that was incorporated into the overall calibrated central system model for additional analysis (prepared by JCSA and not included in this report). The results of the analysis concluded that a proposed control valve station at a pending location is necessary to satisfy the flow requirements for fire demands under peak conditions.

Per coordination with JCSA, the specifics of the control valve station will be handled as a separate submission. No permanent connections shall be made to JCSA's water system or service will be provided to the development until the control valve station is constructed and functional. Note that the station will require a VDH construction permit and inspection prior to being placed in service.

B. Public Sewer Facilities

Sanitary sewer service is provided to the subject property via the adjacent Powhatan Secondary interceptor sewer. This pipeline is a 21-inch gravity interceptor which flows to JCSA Lift Station 1-2. Lift Station 1-2 pumps directly into a HRSD Force Main. All flows from the project are to be collected by onsite gravity sewers and connected to the existing 21-inch interceptor line. The connection points will be in the vicinity of manhole on News Road and along the 21-inch gravity sewer line adjacent to Powhatan Secondary via a proposed sewer bridge as indicated on the Utility Master Plan. Capacity in the existing gravity sewer and receiving Lift Station was evaluated by JCSA as part of the original application. The current application represents a 42% reduction in total daily anticipated sewer flows from the original master plan from 2008. Additionally, JCSA made improvements to the Powhattan Sewer main since the 2008 rezoning which we anticipate would have improved the current sewer capacity.

Table 1 – Projected Wastewater Flows from *Ford's Village*

Type of Development	No. of Units	Flow (GPD/ Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
RESIDENTIAL						
Single-family/Multi Family	270	310	83,700	24	58.13	145.33
IL Apartments	160	225	36,000	24	25.00	62.50
Subtotal	430		119,700		83.13	207.83
NON-RESIDENTIAL						
Nursing/Skilled	40 Beds	160	6,400	24	4.44	11.11
Subtotal			6,400		4.44	11.11
Total (Amendment)			**126,100**		**87.57**	**218.94**
Total (2021)			*126,950*		*88.2*	*220.46*
Total (2008)			*219,420*		*152.4*	*381.0*

C. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest fire station to the subject site is Station #5 located at 3201 Monticello Avenue, approximately 3.25 miles southwest of this project. According to the James City County Deputy Fire Marshal, the official response time is based on the arrival of both fire and EMS personnel. Currently, EMS services are only available from Station #4 on Olde Towne Road. From this station, an estimated response time will be less than eight minutes. However, EMS is planned for Station #5 in the near future. The CCRC will have medical first responders, as well as CPR and First Aid certified personnel, on staff. Limited medical facilities are onsite in the main CCRC and the Assisted Living buildings.

The next closest fire station to the subject site is station number 3 at 5077 John Tyler Highway. Only slightly more distant than the Monticello station (approximately 3.9 miles), response time to the site is reasonable if an emergency event occurs requiring additional fire and life safety support. These two fire stations, and the emergency medical staff available at these stations, will provide a more than adequate response to potential emergencies. In addition, through cooperative agreements between Williamsburg, James City County, and York County, the site may also be served by the York County station at Lightfoot.

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, hired by the Homeowners Association will handle the collection of solid waste.

Both trash and recyclable material will be removed from this site to a solid waste transfer station.

E. Utility Service Providers

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

F. Schools

Ford's Village is located within the Matoka Elementary School, James Blair Middle School, and Lafayette High School districts. However, under the proposed Master Plan, the CCRC facility and all residential units will be age-restricted removing the residency potential for school age children. Thus, the proposed development, consistent with the previously approved zoning for the property will not generate any school children.

VII. ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Preliminary Wetland Determination

Investigations were conducted by Wetland Solutions (WSSI/Kerr Environmental Services Corp in the fall of 2016 and were reinvestigated in 2020 for the property. The extent of wetland features is shown on Master Conceptual Plan Sheet 3. The U.S. Army Corps of Engineers confirmation of delineated wetlands is currently underway.

Based on the investigation by WSSI, approximately 47 acres of wetlands are present on the property. In the Master Plan for the proposed development, we have attempted to avoid all impacts to the wetlands, however it may be necessary to provide minor impacts to the wetlands for utility crossings and stormwater outfalls. In addition, there may be some temporary disturbances of some steep slopes associated with the construction of the sanitary sewer pump station and the stormwater management facilities. All of the above-described items may require proper state and federal permitting prior to the issuance of James City County Land Disturbance Permits.

B. Resource Protection Areas

The property contains Resource Protection Areas (RPA) and associated buffers which are shown on Master Plan Sheet 3- Environmental Inventory. Also illustrated is an expanded Powhatan Creek buffer as previously coordinated with James City County.

C. Soils

The Soil Survey of James City and York Counties and the City of Williamsburg, Virginia (USDA 1985) shows several soil types within the property boundary. This property is predominantly situated on well-drained soils of Craven-Uchee, Emporia Complex, Emporia, and Slagle soil types. Detailed soils breakdown are noted on sheet 3 of the master plan.

VIII. ANALYSIS OF STORMWATER MANAGEMENT

A Stormwater Master Plan for the full development of the Ford's Village property has been submitted and approved by James City County with the designation SWM-23-0001. This master plan shows the proposed stormwater design for the property, including stormwater BMPs and Special Stormwater Criteria. The stormwater BMPs proposed for the site include four wet pond facilities and five bioretention facilities. These BMPs provide the needed water quality and quantity control for the project to meet Virginia Department of Environmental Quality stormwater requirements. Per the approved Stormwater Master Plan, the development will need to remove a proposed 45.94 lbs. of phosphorus a year with our current envisioned design removing as much as 61.41 lbs. per year.

As the property falls within the Powhatan Creek Watershed, additional measures of watershed management are required by James City County policy to protect the natural resource of the watershed, and prevent further degradation of the watershed's water quality. These measures, in the form of Special Stormwater Criteria (SSC), further enhance the quality of stormwater runoff from the development site and assist in the preservation of pre-development hydrology. In addition to the main structural BMPs, seven (7) SSC measures are required to meet minimum requirements set forth by the James City County policy. The Special Stormwater Criteria to be implemented include: bioretention facilities; dry swales at locations not draining to a BMP; enhanced outlet protection at all piped outfalls of BMP; enhanced cut/fill slope stabilization measure applied site-wide, and the use of manufactured BMP system, such as Filterra inlets. Please refer to the Stormwater Plan for the water quality calculation work sheet as well as the preliminary list of measures to be implemented.

In summary, with the preliminary analysis of *Ford's Village*, the stormwater management plan proposed will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the tendency of development to cause downstream erosion to receiving channels.

IX. ANALYSIS OF IMPACTS TO TRAFFIC

A traffic study memo dated October 1, 2025 has been prepared by DRW Consultants, LLC to compare trip generation for this current master plan and proffer amendment application with that included in the 2021 master plan and proffer amendment application. As stated in the memo, the trip generation for this current master plan and proffer amendment application is based on 46 fewer beds/units than the trip generation from the TIA that was submitted with the 2021 master plan and proffer amendment application. The reduction in units and some changes in trip generation rates between 2021 and 2025 produces a reduction in trip generation up to 14%. Even with this proposed reduction in trip generation between the 2021 and 2025 master plan and proffer amendment applications, the developer is still including proposed proffers to address traffic improvements included in previously approved proffers.

X. FISCAL IMPACT STUDY

A fiscal impact analysis for the proposed development has been prepared by James City County staff. Utilizing the model standard assessed values based on average data for the applicable fiscal analysis zone within the County, the proposed community will generate a positive fiscal contribution of roughly $1,932,775 annually. Utilizing the unit assessed values provided in the fiscal input form submitted to the County by the development team on 7/31/25, the proposed community will generate a positive fiscal contribution of roughly $2,529,282 annually. As this development is fully age restricted, the analysis also predicts 0 student enrollment generation and does not predict any financial impact to schools.

XI. CONCLUSIONS

In summary, the Community Impact Statement for the rezoning and subsequent development of *Ford's Village* highlights the following conclusions and public benefits:

- This project will provide a significant financial benefit to James City County; with a net positive contribution.
- The Master Plan is consistent with the intended land use designated on the current Comprehensive Plan for this area. Further, the proposed residential development is consistent with adjacent neighborhoods and represents reduced impacts from the current master plan.
- There is adequate capacity in the system of roads serving this project and developer is maintaining the previously proffered traffic improvements with the project.
- Adequate public services (water and sewer, fire) and utility services (gas, electricity, cable television, and telephone) are available for development.
- James City County's stormwater requirements, including the incorporation of SSC associated with the Powhatan Creek are being met. Additional use of Low-Impact Design (LID) techniques ensures those requirements are exceeded.

DRW Consultants, LLC
Traffic Impact Studies
Development Access
Condemnation Damages

TO: Graham Corson, P. E., AES
FROM: Dexter R. Williams, P. E.
SUBJECT: Z-25-0006/MP-25-0004, Ford's Village
2021 Application Trip Generation Versus 2025 Application
DATE: October 1, 2025

This memorandum and enclosed Exhibit 1 are provided in response to James City County letter dated September 30, 2025, Comment 3 regarding Ford's Colony Master Plan and Proffer Amendment (Ford's Village).

The 2025 Community Impact Statement (IX. ANALYSIS OF IMPACTS TO TRAFFIC) submitted to date includes reference to a traffic study memo by DRW & Associates (actually DRW Consultants, LLC) that was submitted with the 2021 rezoning/master plan amendment application (Z-21-0012, MP-21-003). That memo was dated September 7, 2021 and included (among other traffic documents related to Ford's Village) trip generation calculations for the proposed rezoning/master plan amendment application at that time.

Enclosed PDF file 09-07-21 DRW Updated Traffic Memo and Supporting Docs includes that memo and all documents referenced in the 09-07-21 memo. Trip generation for the 2021 rezoning/master plan amendment application is shown on PDF file page 7: Exhibit A, Ford's Bluff Trip Generation Aug. 31, 2021. Table Four on that exhibit presents the inventory of uses within Ford's Village (formerly Ford's Bluff) included in the application at that time and related trip generation.

Enclosed Exhibit 1 shows a comparison of trip generation for the 2021 and 2025 Ford's Village master plan and proffer amendment applications. Table 1 on Exhibit 1 shows the 2021 application trip generation originally dated Aug. 31, 2021. At that time, Trip Generation Manual, 10th Edition (TGM10) was the official source for trip generation rates.

Table 2 on Exhibit 1 shows the 2025 application trip generation. Trip Generation Manual, 11th Edition (TGM11) is now the official source for trip generation rates. TGM11 does not differentiate between senior adult detached units versus attached units as TGM10 did. The 2025 application has 46 fewer beds/units than did the 2021 application.

Table 3 on Exhibit 1 shows the change in trip generation from the 2021 application to the 2025 application: trip decreases for AM and PM peak hour (entering and exiting) and for daily traffic. Decreases range up to 14%.

2319 Latham Place
Midlothian, VA 23113
phone 804-794-7312

		LAND USE		WEEKDAY TRIP GENERATION						
			SQ.FT.,	AM PEAK HOUR			PM PEAK HOUR			
VALUE	LAND USE	CODE	OTHER UNITS	Enter	Exit	Total	Enter	Exit	Total	DAILY
TABLE 1: FORD'S BLUFF TRIP GENERATION AUG. 31, 2021, Trip Generation Manual, 10th Edition										
2021 Master Plan And Proffer Amendment Application Z-21-0012, MP-21-0003										
eq.-adj. st.	Sr. Adult Detached	251	184 units	21	44	65	47	30	77	962
eq.-adj. st.	Sr. Adult Attached	252	102 units	7	13	20	15	12	27	385
eq/rate-adj. st.	Congregate Care	253	75 units	4	2	6	8	8	16	152
rate-adj. st.	Assisted Living	254	125 beds	15	9	24	13	20	33	325
rate/adj. st.	Nursing Home	620	30 beds	4	1	5	2	5	7	92
			516 bed/unit	51	69	120	85	75	160	1916
TABLE 2: 2025 FORD'S VILLAGE TRIP GENERATION : Trip Generation Manual, 11th Edition										
2025 Master Plan And Proffer Amendment Application Z-25-0006/MP-25-0004										
eq.-adj. st.	Sr. Adult Single Fam	251	270 units	27	56	83	59	37	96	1164
rate-adj. st.	Congregate Care Fac.	253	75 units	3	3	6	7	7	14	166
rate-adj. st.	Assisted Living	254	125 beds	14	9	23	12	18	30	325
			470 bed/unit	44	68	112	78	62	140	1655
TABLE 3: CHANGE FROM 2021 APPLICATION TO 2025 APPLICATION										
TRIPS				-7	-1	-8	-7	-13	-20	-261
PERCENT				-14%	-1%	-7%	-8%	-17%	-13%	-14%

Trip generation values selected based on VDOT trip generation protocols.

FORD'S VILLAGE TRIP GENERATION
2021 VERSUS 2025 MASTER PLAN/PROFFER
AMENDMENT APPLICATIONS
OCTOBER 1, 2025

DRW Consultants, LLC
804-794-7312

Exhibit 1

Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
P: 757-253-6671
F. 757-253-6822
community.development@jamescitycountyva.gov

jamescitycountyva.gov

Building Safety & Permits 757-253-6626
Neighborhood Development 757-253-6640
Planning 757-253-6685
Zoning 757-253-6671

October 22, 2025

Mr. Graham Corson
AES Consulting Engineers
5248 Olde Towne Rd.
Suite 1
Williamsburg, VA 23188

Re: Z-25-0006/MP-25-0004, Proffer and Master Plan Amendment for Ford's Colony Master Plan (Ford's Village)

Mr. Corson,

Thank you for the opportunity to review the above-referenced special use permit application. Staff has begun review of your application and offers the following comments as guidance. These comments reflect the issues or areas of concern that staff will consider in making a recommendation of approval or denial of your application to the Planning Commission and Board of Supervisors.

Planning:

1. *Fiscal Impact Analysis.* Fiscal Impact Analysis. In alignment with the 2045 Comprehensive Plan, on February 28, 2023, the Board of Supervisors adopted a resolution directing staff to use the County's Fiscal Impact Model to assess proposed developments. To that end, staff has taken the information provided by the applicant in the fiscal input form provided on 7/31/25 and used the County's model to analyze fiscal impacts.

    a. Overall fiscal impact (capital and operating costs). The fiscal model output information is below – this includes the model standard assessed values based on average data for the applicable fiscal analysis zone within the County (Attachment A).

    b. Capital Expenditures. This amount represents impacts to County facilities and services attributable to this proposed development. This amount is shown in Attachment A and is further broken out below by type of capital expenditure and by unit type (Attachment B).

    For item (a), this information, using the standard/default assessed values, will be included in the staff report. Staff has also run the model using the unit assessed values provided in the fiscal input form submitted by the applicant (Attachment C). The applicant could include this information in the CIS or other submittal document if desired.

    For item (b), the staff report will include an assessment of this application's consistency with the 2045 Comprehensive Plan which provides guidance for the County to ensure that developments subject to zoning or special use permit review mitigate their impacts. If the applicant feels there are components of the application that the County should consider in making this assessment, the applicant can provide a narrative describing these components for staff review and inclusion with the packet.

2. *Projected School Enrollment.* As this development is fully age restricted, the analysis predicts 0 student

enrollment generation and does not predict any financial impact to schools.

Important Note: In future submittals of this application, if any of the input data changes (number or type of unit, estimated assessed values, etc.), the applicant team will need to submit an updated version of the Fiscal Impact Analysis Data Sheet and staff will re-run the model. Should that occur, the results from the model would be different than what is shown in this letter and the referenced attachments.

Please do not hesitate to contact me at (757)253-6691 or Morgan.Risinger@jamescitycountyva.gov should you have any questions or concerns.

Respectfully,

Morgan Risinger

Morgan Risinger
Senior Planner

Attachments
Attachment A
Attachment B
Attachment C

Attachment A

NET FISCAL IMPACT	Ford's Village 2025 Master Plan - Default	%
PROJECTED REVENUES		
General Property Taxes	$53,106,813	90%
Other Local Taxes	$3,636,213	6%
Licenses, Permits & Fees	$616,102	1%
Fines & Forfeitures	$29,960	0%
Use of Money & Prop	$0	0%
Commonwealth	$0	0%
Federal Government	$0	0%
Charges for Services	$1,688,746	3%
Miscellaneous	$0	0%
Total General Fund Revenues	$59,077,834	100%
Schools Revenues (Non-County)	$0	
GRAND TOTAL REVENUES	**$59,077,834**	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Adminstration	$76,914	1%
Court Services	$111,426	1%
Public Safety	$4,384,744	49%
Financial Administration	$188,914	2%
Info Resources Management	$74,894	1%
Community Development	$46,389	1%
General Services	$819,230	9%
Parks & Recreation	$166,933	2%
Other Contributions And Transfers To Other Funds^	$3,001,210	34%
Total General Fund Expenditures	$8,870,654	100%
School Operating Expenditures	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$8,870,654**	**100%**
Capital Expenditures		
Non-Schools Capital	$1,887,811	100%
Schools Capital	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$1,887,811**	**100%**
GRAND TOTAL EXPENDITURES	**$10,758,466**	

CUMULATIVE NET FISCAL IMPACT	**$48,319,369**
Average Annual Net Fiscal Impact	*$1,932,775*

Attachment B

CAPITAL IMPACTS PER UNIT	Ford's Village 2025 Master Plan - Default Values
Transportation	
Age-Restricted Single Family	$19.58
Age-Restricted MultiFamily	$10.17
Parks and Recreation	
Age-Restricted Single Family	$2,513.87
Age-Restricted MultiFamily	$2,513.87
Fire and Emergency Services	
Age-Restricted Single Family	$651.69
Age-Restricted MultiFamily	$651.69
Police	
Age-Restricted Single Family	$4.71
Age-Restricted MultiFamily	$4.71
Library	
Age-Restricted Single Family	$318.57
Age-Restricted MultiFamily	$318.57
General Government	
Age-Restricted Single Family	$90.60
Age-Restricted MultiFamily	$90.60
General Services	
Age-Restricted Single Family	$200.23
Age-Restricted MultiFamily	$200.23
Courts	
Age-Restricted Single Family	$544.19
Age-Restricted MultiFamily	$544.19
Schools	
Age-Restricted Single Family	$0.00
Age-Restricted MultiFamily	$0.00
TOTAL	
Single Family Detached	**$0.00**
Single Family Attached	**$0.00**
Multifamily	**$0.00**
Mobile Home	**$0.00**
Triplex	**$0.00**
Age-Restricted Single Family	**$4,343.43**
Age-Restricted MultiFamily	**$4,334.03**

Attachment C

NET FISCAL IMPACT	Ford's Village 2025 Master Plan - Developer Values	%
PROJECTED REVENUES		
General Property Taxes	$67,367,558	91%
Other Local Taxes	$4,109,103	6%
Licenses, Permits & Fees	$795,157	1%
Fines & Forfeitures	$29,960	0%
Use of Money & Prop	$0	0%
Commonwealth	$0	0%
Federal Government	$0	0%
Charges for Services	$1,688,746	2%
Miscellaneous	$0	0%
Total General Fund Revenues	$73,990,524	100%
Schools Revenues (Non-County)	$0	
GRAND TOTAL REVENUES	**$73,990,524**	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Adminstration	$76,914	1%
Court Services	$111,426	1%
Public Safety	$4,384,744	49%
Financial Administration	$188,914	2%
Info Resources Management	$74,894	1%
Community Development	$46,389	1%
General Services	$819,230	9%
Parks & Recreation	$166,933	2%
Other Contributions And Transfers To Other Funds^	$3,001,210	34%
Total General Fund Expenditures	$8,870,654	100%
School Operating Expenditures	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$8,870,654**	**100%**
Capital Expenditures		
Non-Schools Capital	$1,887,811	100%
Schools Capital	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$1,887,811**	**100%**
GRAND TOTAL EXPENDITURES	**$10,758,466**	
CUMULATIVE NET FISCAL IMPACT	**$63,232,058**	
Average Annual Net Fiscal Impact	*$2,529,282*	

Returned to County Attorney
101 Mounts Bay Road Bldg. D
Williamsburg VA

CLR202213779

Prepared by: Vernon M. Geddy, III (VSB#21902) Tax Parcel: 3730100004
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road, Williamsburg, Virginia 23185

AMENDMENT TO AMENDED AND RESTATED FORD'S COLONY PROFFERS

This AMENDMENT TO AMENDED AND RESTATED FORD'S COLONY PROFFERS are made this 26th day of July, 2022 by **SWR-HOCKADAY, LLC**, a Georgia limited liability company, and **MARTHA WARBURTON MCMURRAN** (collectively, together with their successors in title to the Property, the "Owner") and **FRYE DEVELOPMENT, LLC**, a Virginia limited liability company ("Developer"), each to be indexed as Grantor, and **JAMES CITY COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County), to be indexed as Grantee.

RECITALS

A. Owner is the owner of the real property with an address of 3889 News Road, Parcel ID# 3730100004, containing approximately 180 acres, which property is more particularly described on Exhibit A (the "Property"). Developer is the contract purchaser of the Property.

B. Upon application in 2008 by Realtec, Incorporated, the then owner of the Property and developer of the Ford's Colony at Williamsburg development, the County approved an amendment of the Ford's Colony Master Plan to include the Property as Section 37 of Ford's Colony (the "Approved Master Plan") and the rezoning of the Property from R-8 to R-4, subject to Amended and Restated Ford's Colony Proffers made by Realtec, Incorporated dated June 10, 2008 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 080017656 (the "2008 Proffers"). The 2008 Proffers restated the prior proffers

applicable to the Ford's Colony development not including the Property (defined as the "Existing Property" in the 2008 Proffers) and added new proffers applicable only to the Property. Realtec no longer owns the Property and is no longer involved in the development of Ford's Colony. The proffers applicable to the Existing Property were amended by Amendment to Ford's Colony Proffers dated March 11, 2020 and recorded in the aforesaid Clerk's Office as Instrument No. 200008078 (the "2020 Amendment"). The 2008 Proffers, as amended by the 2020 Amendment, are hereinafter called the "Existing Proffers."

C. Owner and Developer have submitted to the County an application to (i) amend the Approved Master Plan and in connection therewith have submitted a master plan entitled "Master Plan Amendment for Ford's Village" prepared by AES Consulting Engineers dated June 2021, last revised July 15, 2022 (the "Amended Master Plan") in accordance with the County Zoning Ordinance and (ii) amend the Existing Proffers applicable to the Property to offer to the County certain revised conditions on the development of the Property not generally applicable to land zoned R-4.

D. In consideration of the approval of the amendment of the Approved Master Plan, Owner desires to amend the Existing Proffers as set forth below. If the requested rezoning and amendment of the Approved Master Plan is not approved by James City County, this Amendment to Amended and Restated Ford's Colony Proffers shall be void and the Existing Proffers applicable to the Property shall remain unchanged, in full force and effect. Owner shall have no obligation under this Amendment to Amended and Restated Ford's Colony Proffers unless and until the Property is developed pursuant to the Amended Master Plan.

AMENDMENT OF PROFFERS APPLICABLE TO THE PROPERTY

Sections 2 through 22 of the Existing Proffers are hereby deleted and replaced by the following:

2. **Master Plan**. The Property shall be developed generally as shown and set out on sheets 4 through 6 of the Amended Master Plan. Final plans (as defined in Section 24-276(b)(1) of the Zoning Ordinance) may vary from the Amended Master Plan to the extent permitted by Section 24-276(b)(1) of the Zoning Ordinance.

3. **Density**. (a) There shall be no more than 200 dwelling units comprised of independent living units, assisted living/memory care units consisting of up to four beds, and skilled nursing units consisting of up to two beds (each a "dwelling unit") on the portion of the Property designated on the Master Plan as CCRC-D, of which no more than 75 shall be independent dwelling units, no more than 125 shall be AL units (defined below) and/or skilled nursing beds. The term "assisted living/memory care unit" (an "AL Unit") shall mean a non-medical residential dwelling unit in the assisted living facility area or memory care area of the independent and assisted living community licensed in accordance with Sections 63.2-1800 et seq. of the Virginia Code and Sections 22 VAC 40-73 et seq. of the Virginia Administrative Code where adults who are aged, infirm or disabled are provided personal and health care services and 24-hour supervision and assistance. An AL Unit must meet the standards set forth in 22 VAC 40-73-750 and 900.

(b) There shall be no more than a total of 270 independent living dwelling units on the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C.

(c) All dwelling units on the Property shall be intended and operated for occupancy by persons fifty-five (55) years of age or older in accordance with applicable federal and state laws and regulations, including but not limited to: the Fair Housing Act, 42 U.S.C. 3601 et seq. and the exemption therefrom provided by 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. 3601 et seq.; the Virginia Fair Housing Law Va. Code 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist and no dwelling shall be occupied by persons under the age of eighteen (18) years. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a recorded document which shall be subject to the review and approval of the County Attorney prior to issuance of the first building permit for dwelling units on the Property.

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

4. **Water Conservation.** The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on

common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

5. Contributions for Community Impacts. (a) A contribution of $1,277.61 for each independent living dwelling unit ("IL Dwelling Unit") on the Property shall be made to the County for fire, police or emergency services, library uses, and other public facilities, uses or infrastructure.

(b) A contribution of $319.40 for each AL Unit and skilled nursing dwelling unit (each an "AL/MC/SN Dwelling Unit") on the Property shall be made to the County for fire, police or emergency services uses.

(c) A contribution of $1,111.52 for each IL Dwelling Unit and $555.76 for each AL/MC/SN Dwelling Unit on the Property shall be made to the JCSA for water system improvements.

(d) A contribution of $958.20 for each IL Dwelling Unit on the Property, subject to a credit for the costs of engineering and construction related to the improvements proffered by Owner in Section 6(b) calculated as set forth below, shall be made to the County for improvements to the News Road/Powhatan Secondary intersection, flood control measures where News Road crosses Cold Spring swamp, improvements at the News Road/Centerville Road intersection and other off-site road improvements in the News Road corridor. Owner shall receive a credit in an amount equal to its actual costs of the engineering and construction of the improvements proffered by Owner in Section 6(b) against the initial per unit contributions proffered

under paragraph (d) of this Section (the "Credit Amount"). If construction of such improvements is not complete at the time the initial per unit contributions are due under paragraph (e) of this Section, the Credit Amount shall equal an engineer's estimate of such costs submitted by the Owner and approved by the Director of Planning, The Credit Amount divided by $958.20 is the number of IL Dwelling Units for which the Credit Amount offsets the cash contribution otherwise due and payable. After application of the Credit Amount, the $958.20 per IL Dwelling Unit cash contribution shall be payable on all subsequent IL Dwelling Units on the Property. Owner shall provide the County with copies of invoices and other supporting documentation of the costs of the improvements. If the Credit Amount is based on an agreed upon costs estimate, it shall be adjusted to equal the final actual costs of engineering and construction ("Actual Costs"). If the Credit Amount is more than the Actual Costs, Owner shall pay to the County an amount equal to the difference. If the Credit Amount is less than the Actual Costs, Owner shall receive a credit equal to the difference between the Actual Costs and the Credit Amount at the time the next cash contributions are due this paragraph.

(e) The contributions described above in paragraphs (a), (b), (c) and (d) shall be paid to the County for each dwelling unit on the Property after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the dwelling unit in question.

(f) The per dwelling unit contribution amounts shall consist of the amounts set forth in the above paragraphs plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2021 to the year a payment is made if payments

are made after on or after January 1, 2022. In no event shall the per dwelling unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per dwelling unit contribution to approximate the rate of annual inflation in the County.

(g) The Subsidized Beds defined in Paragraph 15 shall not be included in the number of dwelling units contemplated in this Paragraph 5 and therefore shall not be subject to the contribution amounts described in subparagraphs (a), (b), (c) and (d).

6. Entrances; Traffic Improvements. (a) Prior to approval of any site or subdivision plans for development on the Property there shall be an updated traffic signal warrant analysis for the News Road/Firestone Drive/project entrance intersection submitted to and approved by VDOT and the County. If the updated analysis shows a signal is warranted and the installation of the signal is approved by VDOT, Owner shall install or pay for the installation of the traffic signal as a part of the construction of the project entrance. At the main entrance into the Property at the intersection of News Road and Firestone Drive, an exclusive left-turn lane from westbound News Road into the Property and an exclusive right-turn lane from eastbound News Road into the Property shall be constructed. The existing southbound left turn lane on Firestone Drive at News Road will be restriped to a shared left and through lane.

(b) Prior to the County issuing final approval on any site or subdivision plan for

any dwelling units on the Property, Owner shall submit plans to the County and Virginia Department of Transportation ("VDOT") for the installation of an exclusive left-turn lane on westbound News Road at the intersection with Powhatan Secondary. Owner will complete construction of the left-turn lane within twelve months of County and VDOT approvals to construct this exclusive left-turn lane. Owner is not responsible for road right of way acquisition or landscape/screening other than stabilization of disturbed soils. The County may elect to accept the cash equivalent contribution outlined in Proffer 5(d), (with any adjustments as may be appropriate as provided for in Proffer 5(g)), in lieu of construction of the turn lane by the Owner, in the event that acquisition of any needed right-of-way proves to be prohibitive. In the event that VDOT constructs this turn lane as part of its Six Year Secondary Road Plan, the County may elect to divert some or all of the cash equivalent contribution to other road projects in the News Road Corridor, at the News Road/Monticello Avenue intersection, or in the western Monticello Avenue Corridor. If VDOT traffic signal warrants are met and VDOT has approved the installation of a traffic signal at the intersection of News Road with Powhatan Secondary on or before the date two years after control of the homeowners' association created for the areas designated in the Master Plan as CCRC-A, CCRC-B or CCRC-C has transitioned from developer to homeowner control ("Transition"), Owner shall install or pay for the installation of the traffic signal. Owner shall provide the County with surety in an amount and form as approved by the County Attorney guaranteeing installation of the traffic signal if such is warranted after Transition.

(c) The improvements proffered hereby shall be constructed in accordance with VDOT standards. The improvements listed in paragraph (a) shall be completed or all

required permits and plans for such approvals shall have been approved by all necessary governmental agencies and their completion guaranteed in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any building on the Property.

(d) The second entrance to the Property shall be located in the general location shown on the Master Plan and shall be limited by gate to emergency access only unless and until an updated traffic study identifying the impacts of a full entrance is submitted to and reviewed and approved by VDOT and the County. This updated study shall be approved prior to the submission of any site plan for the full entrance and shall document required turn lane and other roadway improvements for the full entrance which improvements shall be shown on the submitted site plan. The entrance shall be limited to emergency access only until such improvements have been constructed at the expense of owner and, to the extent necessary, accepted by VDOT.

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

(f) Owner shall conduct traffic counts at its entrance prior to the County being obligated to issue certificates of occupancy for more than 400 dwelling units on the Additional Property. If these counts show a trip generation from the Additional Property more than 10% higher than the trip generation projected by the TIS Update for Ford's Colony Master Plan – Phased Development, Kimley-Horn and Associates., Inc. January 2020 on file with the Planning Division, Owner shall submit an updated traffic impact

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

7. Sustainable Building. (a) Independent living dwelling units in the areas designated in the Master Plan as CCRC-A, CCRC-B or CCRC-C shall be built to an Energy Star (or equivalent independent) residential certification.

(b) The development in the area designated on the Master Plan as CCRC-D shall contain the following elements: (i) Carpool or Vanpool parking; (ii) Hybrid or Low-Emissions Vehicle Parking; (iii) Low Flow Plumbing Fixtures; (iv) Green Label Carpet and Carpet Padding; and (v) Energy Star Appliances.

8. Master Stormwater Management Plan. The Master Stormwater Management Plan (MSWMP) for the Property shall be approved prior to the first site plan submittal. The MSWMP shall comply with the standards within the adopted watershed management plan in place at time of submittal and all outside agency permits shall be issued prior to the third submittal of the MSWMP. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

9. Nutrient Management Plan. The Owner shall be responsible for contacting 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 to conduct soil tests and to develop, based upon

the results of the soil tests, customized nutrient management plans (the "Plans") for all landscaped common areas within the Property shown on site plans for the Property. The Plans shall be submitted to the County's Director of Stormwater and Resource Protection for his review and approval prior to the issuance of building permits for more than 50% of the dwelling units shown on the Master Plan. Upon approval, the Owner, until such time as the homeowners association is established and thereafter the association, shall be responsible for ensuring that any nutrients applied to common areas be applied in strict accordance with the Plan.

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

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

12. Public Transit. Upon the request of the Williamsburg Area Transit Authority ("WATA") or any successor entity to WATA as may become appropriate on or before the date that control of the homeowners' association created for the areas designated in the Master Plan as CCRC-A, CCRC-B or CCRC-C has transitioned from developer to homeowner control and after such time as WATA provides bus service

along News Road to the Property, Owner shall install a bus stop and shelter on News Road adjacent to the main entrance into the Property, with the exact location being subject to the approval of WATA.

13. Recreation. The portion of the Property designated as CCRC-D on the Master Plan shall include, but shall not be limited to, the following amenities: main lobby and living room; dining room; activities/card room; fitness center; beauty/barber salon; library; multipurpose room and landscaped grounds and courtyards generally as shown on the Master Plan. CCRC-D may also include, but shall not be limited to, the following additional amenities: a bar/lounge; café/coffee shop; education room, spa and wellness center; physical therapy and/or physician's office(s), home health, and pharmacy. The amenities listed above are intended for residents and employees of Ford's Village and their guests and not the general public. The portions of the Property designated as CCRC-A, CCRC-B and CCRC-C on the Master Plan shall include the following amenities: a clubhouse with studio room for classes, and a recreation room; an outdoor pool; pocket parks; pickleball courts and walking and biking paths all generally as shown on the Master Plan. The exact recreational facilities provided in portions of the Property designated as CCRC-A, CCRC-B and CCRC-C on the Master Plan and their location may be changed with the prior approval of the Development Review Committee.

14. Off-Site Sewer Easements. Upon the request of JCSA and at no costs to JCSA, Owner shall grant JCSA utility easements over, across and under the portion of the Additional Property along Powhatan Creek to permit future connections from the gravity sewer on the Additional Property to Tax Parcel 3640100007. The location of the

easement shall be determined during the site plan approval process. The easements shall be recorded prior to JCSA issuing a Certificate to Construct.

15. Social Services. Owner shall reserve two assisted living beds ("Subsidized Beds") for Medicaid qualified individuals at a rate that is no greater than what such individuals' out-of-pocket expense would be under the Auxiliary Grant Program administered by the Virginia Department of Social Services. Such individuals shall be subject to all admission and discharge criteria of the facility and all other generally applicable rules and regulations of the facility.

16. Construction Traffic Management Plan. Owner shall prepare and submit to the County a construction traffic management plan which seeks to minimize impacts from construction traffic entering and exiting the Property to the extent reasonably practical. The plan will be submitted with the initial site plan for development on the Property and shall be subject to review and approval by the Planning Director. A copy of the approved plan shall be provided to all contractors working on the Property and all construction contracts entered into by Owner shall require compliance with the plan by the contractor.

17. Project Phasing. The County shall not be obligated to issue building permits for more than a total of 50 dwelling units in the portions of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C until the County has issued a building permit for construction of the facility on the portion of the Property designated on the Master Plan as CCRC-D (the "Facility") and construction has commenced. Construction having commenced shall mean foundations have been poured. The County shall not be obligated to issue building permits for more than a

total of 175 dwelling units in the portions of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C until the County has issued any certificate of occupancy for all or any portion of the Facility.

18. Homeowners Association. There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for capital components, and all other common areas (including open spaces) under the jurisdiction of the Association, shall require each purchaser of a lot to make a capital contribution to the Association for reserves and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall provide that at such time as 75% of the Lots permitted on the portion of the Property designated on the Master Plan as CCRC-A, CCRC-B or CCRC-C have been conveyed to purchasers other than builders, the declarant's right to unilaterally appoint and remove members of the Board of Directors of the Association shall terminate and the Board shall thereafter be elected by the lot owners (including the declarant). The Governing Documents shall not include a provision granting the declarant any veto

rights over actions of the Board of the Association once the Board is elected by the lot owners.

[*Signatures appear on following pages*]

WITNESS the following signatures and seals:

OWNER:

SWR-HOCKADAY, LLC, a Georgia Limited liability company

A.M. REDD, JR., INC., a Georgia corporation, Its Manager

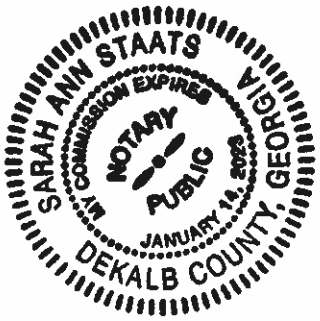
By: Margaret P. Staats
Title: President

STATE OF GEORGIA
CITY/COUNTY OF FULTON, to-wit:

The foregoing instrument was acknowledged before me this 26th day of July, 2022 by Margaret P. Staats President of A.M. REDD, JR., INC., a Georgia corporation, as Manager of SWR-HOCKADAY, LLC, a Georgia Limited liability company on behalf of the company.

Sarah Ann Staats
NOTARY PUBLIC

My commission expires: 1/14/2023
Registration No.: N/A



OWNER:

MARTHA WARBURTON MCMURRAN

By: _____
Channing M. Hall, III, Her Attorney-in-Fact
Limited Power of Attorney Recorded as
James City County Instrument #
180010230

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

The foregoing instrument was acknowledged before me this 26th day of July, 2022, by CHANNING M. HALL, III, Attorney-in-Fact for MARTHA WARBURTON MCMURRAN.

_____
NOTARY PUBLIC

My commission expires: 03/31/2024
Registration No.: 7515065

PAULA A. DAZLEY
NOTARY PUBLIC
REGISTRATION # 7515065
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
MARCH 31, 2024

DEVELOPER:

FRYE DEVELOPMENT, LLC, a Virginia limited liability company

By: _____
D. B. Frye, Jr., Manager

STATE OF Virginia
CITY/COUNTY OF Norfolk, to-wit:

The foregoing instrument was acknowledged before me this 28th day of July, 2022 by D. B. Frye, Jr., Manager of FRYE DEVELOPMENT, LLC, a Virginia limited liability company, on behalf of the company.

Margaret R. Flibotte
NOTARY PUBLIC

My commission expires: 2/28/2025
Registration No.: 213565

MARGARET R. FLIBOTTE NOTARY PUBLIC REG # 213565 COMMISSION EXPIRES 02/28/2025 COMMONWEALTH OF VIRGINIA

Exhibit A

Property Description

INSTRUMENT 202213779
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
SEPTEMBER 16, 2022 AT 02:41 PM
MONA A. FOLEY, CLERK
RECORDED BY: VYS

PARCEL A

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

PARCEL B

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

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

The property herein conveyed, commonly known as the "Hockaday-Cypress Tract," is further described in its entirety on that certain plat of survey, entitled "BOUNDARY SURVEY OF A PORTION OF THE JOHN G. WARBURTON ESTATE, KNOWN AS THE HOCKADAY-CYPRESS TRACT," made by V. Monroe Mallory, of Dillard & Mallory, P.C., Certified Land Surveyors, Tappahanock, Virginia, dated October 25, 2001, recorded November 7, 2001, in the aforesaid Clerk's Office in James City County Plat Book 83, at Page 82, to which plat reference is made for a more complete description of such property.

Being the same property conveyed to Martha Warburton McMurran, and SWR-Hockaday, LLC, a Georgia limited liability company, by Deed from Peter G. Zemanian, Substitute Trustee, dated February 12, 2010, and recorded February 22, 2010, in the aforesaid Clerk's Office, as James County Instrument No. 100003372.

OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 09/16/2022 **TIME :** 14:41:26 **CASE # :** 830CLR202213779
RECEIPT # : 22000025302 **TRANSACTION # :** 22091600128
CASHIER : VYS **REGISTER # :** E655 **FILING TYPE :** OTHER **PAYMENT :** FULL PAYMENT
INSTRUMENT : 202213779 **BOOK :** **PAGE :** **RECORDED :** 09/16/2022 **AT :** 14:41
GRANTOR : SWR HOCKADAY LLC **EX :** N **LOC :** CO
GRANTEE : JAMES CITY COUNTY **EX :** N **PCT :** 100%
RECEIVED OF : JAMES CITY COUNTY
ADDRESS :
CASH : $0.00
DESCRIPTION 1 : AMEND FORDS COLONY PROFFERS **PAGES :** 019 **OP :** 0
NAMES : 0
CONSIDERATION : $0.00 **A/VAL :** $0.00 **PIN OR MAP :** 3730100004

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	$0.00
106	TECHNOLOGY TRST FND	$0.00
145	VSLF	$0.00

ACCOUNT CODE	DESCRIPTION	PAID
301	CLERK RECORDING/INDEXING FEE	$0.00
423	E-RECORDING DEED PAPER FILING	$0.00

TENDERED : $ 0.00
AMOUNT PAID : $ 0.00

PAYOR'S COPY

CLERK OF COURT : *MONA A. FOLEY*

RECEIPT COPY 1 OF 1

MASTER PLAN AMENDMENT FOR FORD'S VILLAGE

AT

FOR

FRYE DEVELOPMENT, LLC

PROJECT TEAM

DEVELOPER: FRYE DEVELOPMENT, LLC

CCRC OPERATOR: RETIREMENT UNLIMITED, INC

LAND PLANNING: MICHAEL WATKINS ARCHITECT, LLC

ENVIRONMENTAL: WETLANDS SOLUTIONS, INC.

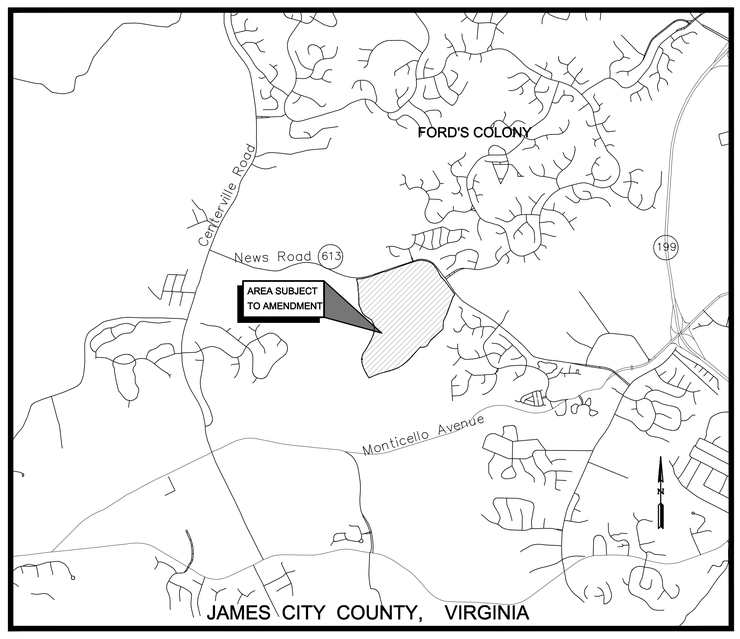
TRAFFIC: DRW & ASSOCIATES

CIVIL CONSULTING: AES CONSULTING ENGINEERS

LEGAL COUNSEL: GEDDY, HARRIS, FRANK & HICKMAN, LLP

SITE DATA:

PARCEL ID:	3730100004
PROPERTY OWNERS:	SWR-HOCKADAY, LLC & MARTHA WARBURTON McMURRAN
PROPERTY ADDRESS:	3889 NEWS ROAD
CURRENT ZONING:	R-4 W/PROFFERS
PROPERTY ACREAGE:	180.7 AC. ±



VICINITY MAP

(APROX. SCALE 1"=2000')

ORIGINALLY SUBMITTED: JUNE 2021

INDEX OF SHEETS

1	COVER SHEET
2	FORD'S COLONY LAND USE MASTER PLAN
3	ENVIRONMENTAL INVENTORY
4	BINDING MASTER PLAN
5	MASTER UTILITY PLAN
6	MASTER STORMWATER MANAGEMENT PLAN

NOTE: THIS PROJECT LIES WITHIN THE POWHATAN CREEK WATERSHED OF THE JAMES RIVER. THE EASTERN HALF OF THE PROPERTY IS PART OF POWHATAN CREEK SUBWATERSHED 209 (COLD SPRING SWAMP) AND THE WESTERN HALF IS PART OF THE NON-TIDAL POWHATAN CREEK MAINSTEM.

S:\JOBS\0100\04 - 3889 New Road\01 - News Road CCRC\Planning\Master Plan\cad\01-MP-01.dwg, 7/2/2022 7:24:51 AM, Aaron.grove

FORD'S COLONY
WILLIAMSBURG

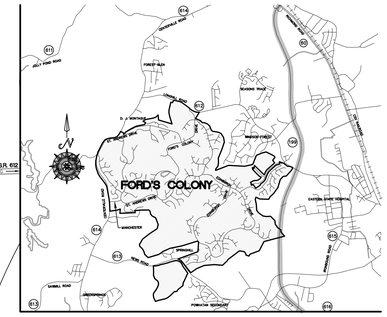
NON RESIDENTIAL AMENITY AND SERVICE SITES

1	100 HOTEL CONDOMINIUMS, EXECUTIVE MEETING FACILITIES AND GOLF ACADEMY	4.71 AC.
2	GOLF CLUB AND PRO SHOP	5.05 AC.
3	INFORMATION AND SALES CENTER	1.81 AC.
4	ADMINISTRATIVE BUILDING	3.50 AC.
5	PUBLIC SERVICE AREA *	28.05 AC.
6	GOLF MAINTENANCE	3.90 AC.
7	COMMUNITY CLUB	7.72 AC.
8	PROJECT MAINTENANCE	10.59 AC.
9	DRIVING RANGE/CART STORAGE	10.34 AC.
10	ADDITIONAL RECREATION AREA	6.36 AC.
11	ADDITIONAL PUBLIC SERVICE AREA	6.76 AC.
12	CONTINUING CARE RETIREMENT COMMUNITY (CORC)	180.8 AC.
	TOTAL	269.49 AC.

* NOTE: 1.21 AC. PORTION OF ORIGINAL 30.0 AC. P.S.A. SOLD TO FORD'S COLONY

LEGEND

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



VICINITY MAP
SCALE 1"= 4000'

LAND USE TABULATION

	2021	2008
RESIDENTIAL "A"		
TOTAL NUMBER OF UNITS	2,856 UNITS	2,856 UNITS
GROSS AREA OF RESIDENTIAL "A"	1,868.77± AC.=(63.09%)	1,868.77± AC.=(63.09%)
PERMITTED DESTINY	4.00 UNITS/ ACRE	4.00 UNITS/ ACRE
UNIT DENSITY	1.53 UNITS/ ACRE	1.53 UNITS/ ACRE
RESIDENTIAL "B"		
TOTAL NUMBER OF UNITS	80 UNITS	80 UNITS
GROSS AREA OF RESIDENTIAL "B"	22.9± AC.=(0.77%)	22.9± AC.=(0.77%)
PERMITTED DENSITY	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE
UNIT DENSITY	3.49 UNITS/ ACRE	3.49 UNITS/ ACRE
RESIDENTIAL "D"		
TOTAL NUMBER OF UNITS	314 UNITS	314 UNITS
GROSS AREA OF RESIDENTIAL "D"	31.82 AC.=(1.07%)	31.82 AC.=(1.07%)
PERMITTED DENSITY	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE
UNIT DENSITY	9.87 UNITS/ ACRE	9.87 UNITS/ ACRE
12 C.C.R.C. "A","B" & "C"		
TOTAL NUMBER OF UNITS	270 UNITS	38 UNITS
C.C.R.C. "D"		
TOTAL NUMBER OF UNITS	75 UNITS	558 UNITS
TOTAL NUMBER OF BEDS	125 BEDS	145 BEDS
ACREAGE FOR DENSITY* *SEE SHT 4	125.03 AC.	125.03 AC.
OVERALL C.C.R.C. DENSITY (SEE SHT 4)	2.76 UNITS/ AC.	4.77 UNITS/ AC.
NOTE: BEDS ARE NOT INCLUDED IN DENSITY CALCULATIONS		
OPEN SPACE		
WITHIN NON-RESIDENTIAL AMENITY AND SERVICE SITES	150.27 AC.	150.27 AC.
* GOLF COURSE, LAKES AND BUFFERS, MARSH RESERVE	844.71 AC.	844.71 AC.
OPEN SPACE WITHIN RESIDENTIAL "A"	514.12 AC.	514.12 AC.
OPEN SPACE WITHIN RESIDENTIAL "B" & "D"	38.77 AC.	38.77 AC.
TOTAL AREA OF OPEN SPACE	1,547.87 AC.	1,547.87 AC.
TOTAL AREA OF PROJECT	2,962.24 AC.	2,962.24 AC.
% OF OPEN AREA	52.3%	52.3%
OVERALL DENSITY		
TOTAL PROJECT AREA	2,962.28 AC.	2,962.28 AC.
GROSS AREA (FOR DENSITY CALCULATION ONLY)	2,830.8 AC.	2,830.8 AC.
TOTAL NUMBER OF RESIDENTIAL UNITS	3,340 UNITS	3,701 UNITS
OVERALL PROJECT DENSITY	1.28 UNITS/ AC.	1.36 UNITS/ AC.

* NOTES	
MARSH RESERVES, LAKES AND BUFFERS	278.12 AC.
GOLF COURSE (INCLUDES LAKES IN PLAY)	491.09 AC.
RESERVED FOR ROUTE 199	20.0 AC.
ASSOCIATED GREENBELTS NATURAL OPEN SPACE IN 1993 ADDITION	3.30 AC.
OPEN SPACE IN 1995 ADDITION	5.00 AC.
OPEN SPACE IN 1998 ADDITION	47.20 AC.
OPEN SPACE IN 2008 ADDITION	112.49 AC.

No.	DATE	REVISED BY
1	4/14/08	AES
REVISIONS PER JCC COMMENTS DATED MARCH 25, 2008		
2	5/20/08	AES
REVISIONS PER RELOCATION OF BUILDINGS		JAG
REVISION / COMMENT / NOTE		

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AES CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND • GLOUCESTER

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

Designed	Drawn
AES	AES
Scale	Date
1"= 600'	6/2021
Project No.	
W10514-01	
Drawing No.	
2	

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SOIL CHARACTERISTICS

SOIL #	SOIL NAME	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
5	BETHERA	0–2%	0.28–0.32	5
10B	CRAVEN	2–6%	0.32–0.37	3
10C	CRAVEN	6–10%	0.32–0.37	3
11C	CRAVEN–UCHEE COMPLEX	6–10%	0.32–0.37	3
14B	EMPORIA	2–6%	0.20–0.28	4
15D	EMPORIA COMPLEX	10–15%	0.20–0.28	4
15E	EMPORIA COMPLEX	15–25%	0.20–0.28	4
19B	KEMPSVILLE EMPORIA	2–6%	0.20–0.32	3
26B	PAMUNKEY	2–6%	0.28	4
27	PEAWICK	RELATIVELY FLAT	0.24–0.37	4
29A	SLAGLE	0–2%	0.24	3

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

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)
0.23 AND LOWER – LOW ERODIBILITY
0.23–0.36 – MODERATE ERODIBILITY
0.36 AND UP – HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

ENVIRONMENTAL IMPACTS

TIDAL WETLANDS:	NONE
TIDAL SHORES:	NONE
100 FT RPA BUFFER:	5,685 S.F.; 0.13 AC.
NON-TIDAL WETLANDS IN RMA:	17,055 S.F.; 0.39 AC.
NON-TIDAL WETLANDS IN RPA:	8,050 S.F.; 0.18 AC.
HYDRIC SOILS:	NOT MODIFIED
25% OR GREATER SLOPES:	8,000± S.F.; 0.18 AC.
NON-RPA BUFFERS:	52,383 S.F.; 1.20 AC.

SITE DATA:

TOTAL SITE AREA=
7,871,302 S.F.; 180.7 AC±
DISTURBED AREA=
3,126,056 S.F.; 71.8 AC±
(39.7% OF TOTAL SITE)
SITE IMPERVIOUS COVER=
1,128,353 S.F.; 25.9 AC±
(14.3% OF TOTAL SITE)
CCRC BUILDING IMPERVIOUS COVER=
370,200 S.F.; 8.50 AC±
SINGLE FAMILY IMPERVIOUS COVER=
758,153 S.F.; 17.40 AC±
GREEN AREA =
5,625,470 S.F.; 129.14 AC±
(71.5% OF TOTAL SITE)

STEEP SLOPE IMPACT=
7,998 S.F.; 0.18 AC.

WETLAND IMPACT 2=
3,736 S.F.; 0.08 AC.
ROAD CROSSING
100 LF OF STREAM IMPACT
RPA BUFFER IMPACT=
18,336 S.F.; 0.42 AC.

PILE SEWER BRIDGE
RPA BUFFER IMPACT=
7,069 S.F.; 0.16 AC.

NOTE: SITE CONTAINS SOILS CLASSIFIED AS C AND D HYDROLOGIC GROUP. (11C SOILS HAVE BEEN CONSIDERED GROUP C FOR THE PURPOSES OF CALCULATIONS) SOILS TESTING IS BEING PERFORMED TO DETERMINE INFILTRATION RATES ON SITE.

- RPA WETLAND
- NON-RPA WETLAND
- RPA BUFFER (100')
- ZONE 2 RIPARIAN BUFFER (VARIABLE WIDTH)
- ZONE 3 IMPERVIOUS COVER SETBACK (25')
- NON-RPA BUFFER (50')
- WETLAND (STORMWATER) IMPACTS
- ROAD WETLAND IMPACTS
- WETLAND IMPACTS (PILE CONSTRUCTION)
- STEEP SLOPE IMPACTS

GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

Rev.	Date	Description	Revised By
2	5/20/08	REVISIONS PER RELOCATION OF BUILDINGS	JAG
1	4/14/08	REVISIONS PER JCC COMMENTS DATED MARCH 25, 2008	JAG

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Hampton Roads | Central Virginia | Middle Peninsula

ENVIRONMENTAL INVENTORY AT
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	3

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DEVELOPMENT TABULATIONS:

EXISTING ZONING (AND LAND USE DESIGNATION)	R-4 (B & D)
PROPOSED LAND USE DESIGNATION:	R-4 (A, B, C, & D)

DENSITY TABULATIONS:

TOTAL ACREAGE:	180.79 AC. +/-
LESS RPA WETLANDS:	47.42 AC. +/-
LESS RPA BUFFERS:	35.35 AC. +/-
LESS 25% SLOPES:	0.0 AC. +/- (OUTSIDE WETLANDS/BUFFER AREAS)
LESS FLOOD PLAIN (1):	0.01 AC. +/- (OUTSIDE WETLANDS/BUFFER AREAS)
TOTAL NON-DEVELOPABLE AREA:	82.78 AC. +/- (45% OF TOTAL PARCEL)
GROSS ACREAGE FOR PARCEL DENSITY:	125.03 AC. +/-

LAND-USE TABULATIONS:

TOTAL PARCEL:	**180.79 AC. +/-**
LAND USES A, B, C, & D (2):	71.87 AC. +/-
OPEN SPACE:	
RPA WETLANDS:	47.42 AC. +/-
BUFFER AREAS (3) :	58.81 AC. +/-
TOTAL OPEN SPACE:	108.92 AC. +/-

(1) FLOOD PLAIN IS DELINEATED ON THE PLANS AND GENERALLY LOCATES THE LIMITS OF THE FLOOD PLAIN BASED UPON FIELD SURVEYED ELEVATIONS.
(2) INCLUDES (±4 AC.) RECREATIONAL-AMENITY OPEN SPACE AREA.
(3) BUFFER AREAS INCLUDE RPA BUFFER (35.36 AC.), ZONE 2 RIPARIAN BUFFER (11.17 AC.), ZONE 3 RIPARIAN BUFFER (1.37 AC.), COMMUNITY CHARACTER CORRIDOR BUFFER (10.91 AC.).

LEGEND:

- RPA WETLAND (47.42 AC. ±)
- RPA BUFFER (100') (35.35 AC. ±)
- ZONE 2 RIPARIAN BUFFER (7.10 AC. ±) (VARIABLE WIDTH)
- ZONE 3 RIPARIAN BUFFER (25') (1.38 AC. ±)
- LANDUSE BOUNDARIES (61.59 AC. ± "A, B, & C"; 12.90 AC.± "D")
- APPROX. LOCATIONS OF RECREATIONAL-AMENITY OPEN SPACE (4 AC. ±)
- SLOPES 25% OR GREATER
- PEDESTRIAN CIRCULATION
- STORMWATER FEATURE
- STANDARD PAVEMENT SECTION
- SIDEWALK/DRIVEWAY CONCRETE
- STANDARD MEDIAN CURB
- PHASE BOUNDARY LINE

NOTE: 15 FT. BUILIDNG SETBACK TO RPA BUFFER ALONG COLD SPRING SWAMP.

Land Use Density Chart	Max. # Units	Max. Non-Residential Floor Space	Land Use Pod Size
Land Use A, B, & C A - Single Family B - Multifamily (2-4 unit buildings) C- Multifamily (2 over 4 unit buildings) TOTAL	270 (1) UNITS	N/A	±58 Acres
D - Independent Living Apartments	75 Units		
D - Commom Areas Dining Areas Administration Offices Other Amenities Other Limited Commercial Uses (2)		UP TO 150,000 S.F.	±13 Acres
D - Health Care Center Assisted Living/Memory Care Skilled Nursing	125 Rooms		
MAXIMUMS:	345 UNITS(3)	150,000 gsf	±72 Acres

NOTES
(1) MASTERPLAN WILL CONSIST OF A MIX OF SINGLE FAMILY, TOWNHOME, AND CONDOMINIUM, STYLE UNITS . MASTER PLAN LAYOUT SHOWN FOR DENSITY PURPOSES; FINAL CONFIGURATION TO BE REVIEWED AND APPROVED AT SITE PLAN.
(2) LIMITED COMMERCIAL USES SHALL BE PERMITTED FOR USE BY RESIDENTS, GUEST OF THE COMMUNITY, & EMPLOYEES.
(3) TOTAL NUMBER OF UNITS, ROOMS & BEDS SHALL NOT EXCEED 470 AS DESCRIBED IN PROFFERS.

ADDITIONAL MASTER PLAN NOTES

- NO STRUCTURES WITHIN THE "D" PORTION OF THE SITE SHALL EXCEED 60-FT IN HEIGHT AS DEFINED BY JCC ORDINANCE.
- ALL STREETS, ALLEYS AND DRIVEWAYS SHALL BE PRIVATELY MAINTAINED. ALL ENTRANCES TO THE VDOT RIGHT OF WAY SHALL BE DESIGNED IN ACCORDANCE WITH VDOT COMMERCIAL ENTRANCE DESIGN STANDARDS.
- A MINIMUM OF 4 ACRES OF DEDICATED RECREATION AREAS SHALL BE PROVIDED. THESE AREAS SHALL BE GENERALLY AS SHOWN ON THE MASTER PLAN AND PROVIDE BASIC AMMENITIES SUCH AS A POOL, CLUBHOUSE, PARK BENCHES AND LANDSCAPED AREAS. ADDITIONALLY PASSIVE OPEN SPACES AND WALKING TRAILS SHALL BE PROVIDED.

Rev.	Date	Description	Revised By

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AMENDED LAND-USE MASTER PLAN
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	4

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NOTES:
- ALL GRAVITY SEWER SHALL BE 8" DIP
- ALL WATERMAIN SHALL BE 8" C900 PVC
- ELEVATED OPEN PILE SEWER BRIDGE WILL BE UTILIZED TO SEWER THE PROJECT.
- ALL UNITS SHALL BE SERVED BY PUBLIC SEWER. UNITS DESIGNATED AS GP ON THE MASTER PLAN ARE ANTICIPATED TO REQUIRE A PRIVATELY MAINTAINED PUMP.
- ADDITIONAL FIRE HYDRANTS WILL BE PLACED AT THE TIME OF SITE PLAN TO ENSURE PROPER FIRE DEPARTMENT ACCESS AND COVERAGE.
- THIS UTILITY LAYOUT IS CONCEPTUAL IN NATURE AND MAY NEED TO BE MODIFIED AS PART OF THE FINAL ENGINEERING DESIGN. THE LAYOUT WILL BE CONFIRMED WITH AND APPROVED BY JCSA PRIOR TO SUBMISSION OF DEVELOPMENT PLAN DRAWINGS

SUBDIVISION

POWHATAN SECONDARY SUBDIVISION

MONTICELLO WOODS SUBDIVISION

SPRINGHILL SUBDIVISION

POWHATAN CREEK

NEWS ROAD

CONNECT TO EXISTING WATERLINE

CONNECT TO EXISTING WATERLINE

EXISTING PROPERTY LINE, TYP.

EXISTING PROPERTY LINE, TYP.

SAN MH#1-41
TOP=50.39
INV IN=45.56 (MH#1-42)
INV OUT=45.46 (MH#1-40)
D=4.93'

SAN MH#1-42
TOP=57.67
INV IN=46.48 (MH#1-43)
INV OUT=46.38 (MH#1-41)
D=11.29'

SAN MH#1-44
TOP=65.42
INV IN=49.24 (MH#1-45)
INV OUT=49.14 (MH#1-43)
D=16.28'

SAN MH#1-43
TOP=61.94
INV IN=48.03 (MH#1-44)
INV IN=48.03 (MH#1-66)
INV OUT=47.93 (MH#1-42)
D=14.07'

SAN MH#1-45
TOP=67.93
INV IN=50.12 (MH#1-46)
INV OUT=50.02 (MH#1-44)
D=17.90'

SAN MH#1-70
TOP=63.24
INV OUT=59.24 (MH#1-47)
D=4.00'

SAN MH#1-53
TOP=60.69
INV IN=56.71 (MH#1-54)
INV OUT=56.61 (MH#1-48)
D=4.08'

SAN MH#1-47
TOP=64.91
INV IN=52.36 (MH#1-48)
INV IN=52.36 (MH#1-70)
INV OUT=52.26 (MH#1-46)
D=12.86'

SAN MH#1-54
TOP=62.67
INV OUT=58.67 (MH#1-53)
D=4.00'

SAN MH#1-46
TOP=70.47
INV IN=51.05 (MH#1-47)
INV OUT=50.95 (MH#1-45)
D=19.52'

SAN MH#1-48
TOP=63.43
INV IN=55.51 (MH#1-49)
INV IN=55.51 (MH#1-53)
INV OUT=55.41 (MH#1-47)
D=8.02'

SAN MH#1-49
TOP=70.61
INV IN=66.71 (MH#1-50)
INV OUT=66.61 (MH#1-48)
D=4.00'

SAN MH#1-51
TOP=73.90
INV IN=70.00 (MH#1-52)
INV OUT=69.90 (MH#1-50)
D=4.00'

SAN MH#1-68
TOP=80.14
INV IN=75.90 (MH#1-69)
INV OUT=75.80 (MH#1-67)
D=4.34'

SAN MH#1-69
TOP=80.78
INV OUT=76.78 (MH#1-68)
D=4.00'

SAN MH#1-64
TOP=80.17
INV IN=71.26 (MH#1-65)
INV OUT=71.16 (MH#1-63)
D=9.01'

SAN MH#1-65
TOP=75.96
INV OUT=71.96 (MH#1-64)
D=4.00'

SAN MH#1-16
TOP=64.05
INV IN=45.13 (MH#1-17)
INV OUT=35.03 (MH#1-15)
D=10.02'

SAN MH#1-57
TOP=64.09
INV OUT=60.09 (MH#1-58)
D=4.01'

SAN MH#1-27
TOP=58.25
INV OUT=54.25 (MH#1-26)
D=4.00'

SAN MH#1-26
TOP=60.48
INV IN=53.46 (MH#1-27)
INV OUT=53.36 (MH#1-19)
D=7.11'

SAN MH#1-19
TOP=56.84
INV IN=46.77 (MH#1-20)
INV IN=46.77 (MH#1-26)
INV OUT=46.67 (MH#1-18)
D=10.17'

SAN MH#1-20
TOP=53.80
INV IN=47.06 (MH#1-21)
INV OUT=46.96 (MH#1-19)
D=6.84'

SAN MH#1-18
TOP=52.53
INV IN=46.14 (MH#1-19)
INV OUT=46.04 (MH#1-17)
D=6.49'

SAN MH#1-17
TOP=55.63
INV IN=45.60 (MH#1-18)
INV OUT=45.50 (MH#1-16)
D=10.13'

SAN MH#1-21
TOP=55.96
INV IN=47.79 (MH#1-22)
INV OUT=47.69 (MH#1-20)
D=8.27'

SAN MH#1-24
TOP=58.41
INV OUT=54.55 (MH#1-23)
D=3.86'

SAN MH#1-23
TOP=62.22
INV IN=54.03 (MH#1-24)
INV OUT=53.93 (MH#1-22)
D=8.14'

SAN MH#1-22
TOP=59.08
INV IN=49.49 (MH#1-25)
INV IN=49.49 (MH#1-23)
INV OUT=49.39 (MH#1-21)
D=9.70'

SAN MH#1-25
TOP=55.59
INV OUT=51.59 (MH#1-22)
D=4.00'

SAN MH#1-15
TOP=61.13
INV IN=44.53 (MH#1-16)
INV OUT=44.43 (MH#1-14)
D=16.70'

SAN MH#1-14
TOP=55.10
INV IN=43.93 (MH#1-15)
INV OUT=43.83 (MH#1-13)
D=11.27'

SAN MH#1-13
TOP=58.54
INV IN=43.53 (MH#1-14)
INV OUT=43.43 (MH#1-12)
D=15.11'

SAN MH#1-12
TOP=63.65
INV IN=43.01 (MH#1-13)
INV OUT=42.91 (MH#1-11)
D=20.74'

SAN MH#1-11
TOP=66.13
INV IN=42.58 (MH#1-12)
INV OUT=42.48 (MH#1-10)
D=23.65'

SAN MH#1-10
TOP=54.24
INV IN=41.75 (MH#1-11)
INV IN=41.75 (MH#1-28)
INV OUT=41.65 (MH#1-9)
D=12.58'

SAN MH#1-9
TOP=60.21
INV IN=40.90 (MH#1-10)
INV OUT=40.80 (MH#1-8)
D=19.40'

SAN MH#1-8
TOP=59.93
INV IN=40.55 (MH#1-9)
INV IN=35.60 (MH#1-29)
INV OUT=35.50 (MH#1-7)
D=24.43'

SAN MH#1-7
TOP=48.65
INV IN=35.05 (MH#1-8)
INV IN=35.05 (MH#1-55)
INV OUT=34.95 (MH#1-6)
D=13.70'

SAN MH#1-6
TOP=37.08
INV IN=33.18 (MH#1-7)
INV OUT=33.08 (MH#1-5)
D=4.00'

SAN MH#1-5
TOP=35.92
INV IN=32.02 (MH#1-6)
INV OUT=31.92 (MH#1-4)
D=4.00'

SAN MH#1-4
TOP=41.85
INV IN=31.23 (MH#1-5)
INV OUT=31.13 (MH#1-3)
D=10.72'

SAN MH#1-3
TOP=43.60
INV IN=30.84 (MH#1-4)
INV OUT=30.74 (MH#1-2)
D=12.86'

SAN MH#1-2
TOP=40.17
INV IN=29.91 (MH#1-3)
INV OUT=29.81 (MH#1-1)
D=10.36'

SAN MH#1-1
TOP=19.20
INV IN=15.30 (MH#1-2)
INV OUT=15.20 (SAN MH#1-0)
D=4.00'

SAN MH#1-0
TOP=19.41
INV IN=13.11
D=6.30'

SAN MH#1-38
TOP=50.56
INV IN=41.41 (MH#1-39)
INV OUT=41.31 (MH#1-37)
D=9.25'

SAN MH#1-39
TOP=51.11
INV IN=42.94 (MH#1-59)
INV IN=41.96 (MH#1-40)
INV OUT=41.86 (MH#1-38)
D=9.25'

SAN MH#1-40
TOP=47.84
INV IN=42.94 (MH#1-41)
INV OUT=42.84 (MH#1-39)
D=5.00'

SAN MH#1-37
TOP=50.70
INV IN=40.90 (MH#1-38)
INV OUT=40.80 (MH#1-36)
D=9.90'

SAN MH#1-35
TOP=44.12
INV IN=39.39 (MH#1-36)
INV OUT=39.29 (MH#1-34)
D=4.83'

SAN MH#1-34
TOP=47.68
INV IN=38.75 (MH#1-35)
INV OUT=38.65 (MH#1-33)
D=9.03'

SAN MH#1-32
TOP=49.98
INV IN=37.69 (MH#1-33)
INV OUT=37.59 (MH#1-31)
D=12.39'

SAN MH#1-31
TOP=52.91
INV IN=37.24 (MH#1-32)
INV OUT=37.14 (MH#1-30)
D=15.77'

SAN MH#1-30
TOP=56.87
INV IN=36.89 (MH#1-31)
INV OUT=36.79 (MH#1-29)
D=20.08'

SAN MH#1-29
TOP=60.60
INV IN=36.55 (MH#1-30)
INV OUT=36.45 (MH#1-8)
D=24.17'

SAN MH#1-56
TOP=39.98
INV OUT=36.02 (MH#1-55)
D=3.96'

SAN MH#1-55
TOP=49.14
INV IN=35.78 (MH#1-56)
INV OUT=35.67 (MH#1-7)
D=13.46'

SAN MH#1-28
TOP=53.05
INV OUT=49.05 (MH#1-10)
D=4.00'

SAN MH#1-33
TOP=51.42
INV IN=38.40 (MH#1-34)
INV OUT=38.30 (MH#1-32)
D=13.12'

SAN MH#1-58
TOP=57.34
INV IN=48.82 (MH#1-57)
INV OUT=48.72 (MH#1-36)
D=8.62'

SAN MH#1-36
TOP=52.42
INV IN=40.06 (MH#1-58)
INV IN=40.06 (MH#1-37)
INV OUT=39.97 (MH#1-35)
D=12.45'

SAN MH#1-61
TOP=60.12
INV IN=56.22 (MH#1-62)
INV OUT=56.12 (MH#1-60)
D=4.00'

SAN MH#1-62
TOP=66.94
INV IN=63.04 (MH#1-63)
INV OUT=62.94 (MH#1-61)
D=4.00'

SAN MH#1-63
TOP=70.91
INV IN=67.01 (MH#1-64)
INV OUT=66.91 (MH#1-62)
D=4.00'

SAN MH#1-67
TOP=77.84
INV IN=73.94 (MH#1-68)
INV OUT=73.84 (MH#1-66)
D=4.00'

SAN MH#1-66
TOP=66.06
INV IN=62.16 (MH#1-67)
INV OUT=62.06 (MH#1-43)
D=4.00'

SAN MH#1-59
TOP=52.82
INV IN=47.21 (MH#1-60)
INV OUT=47.11 (MH#1-39)
D=5.71'

SAN MH#1-50
TOP=72.19
INV IN=68.29 (MH#1-51)
INV OUT=68.19 (MH#1-49)
D=4.00'

SAN MH#1-52
TOP=74.99
INV OUT=70.99 (MH#1-51)
D=4.00'

PROPOSED FIRE HYDRANT

PROPOSED FIRE HYDRANT

PROPOSED FIRE HYDRANT

STORMWATER MANAGEMENT NARRATIVE

A STORMWATER MANAGEMENT PLAN IS PROPOSED FOR THIS SITE TO MEET THE GENERAL CRITERIA OF THE COMMONWEALTH OF VIRGINIA AND JAMES CITY COUNTY'S STORMWATER REQUIREMENTS. STORMWATER IS TO BE MANAGED BY A SERIES OF BEST MANAGEMENT PRACTICES AND PIPE DRAINAGE NETWORKS THAT ULTIMATELY DISCHARGE INTO DOWNSTREAM WATERWAYS. UPSTREAM BIORETENTION PONDS, FILTERRAS, DRY SWALES, AND OTHER LOW IMPACT DEVELOPMENT MEASURES WILL CONTRIBUTE TO STORMWATER QUALITY CONTROL AND WILL FEED INTO THE DOWNSTREAM WET PONDS NOTED ON THIS PLAN. PER COMPLIANCE WITH THE VIRGINIA RUNOFF REDUCTION METHOD, ALL PROPOSED SITE WORK WILL BE MANAGED BY THESE STORMWATER MEASURES TO NEGATE DOWNSTREAM WETLANDS IMPACTS AND POLLUTION FROM ENTERING INTO THE CHESAPEAKE BAY. NO MORE THAN 5 LBS OF WATER QUALITY POLLUTANT CREDITS WILL BE PURCHASED TO ACHIEVE COMPLIANCE.

APPROXIMATE STORMWATER DRAINAGE DIVIDES

SPECIAL STORMWATER CRITERIA & ADDITIONAL ENVIRONMENTAL PROTECTION

SPECIAL STORMWATER CRITERIA WILL APPLY TO A PORTION OF THIS SITE WHICH DRAINS TO THE POWHATAN CREEK MAINSTEM.

THE SITE WILL HAVE A SSC CLASS 5 DESIGNATION, (50–200 DISTURBED ACRES), THEREFORE 7 UNIT MEASURES WILL BE REQUIRED TO MEET THE JCC POLICY REQUIREMENT. AN ADDITIONAL 5 MEASURES WILL BE PROVIDED THROUGHOUT THE SITE TO ACHIEVE ADDITIONAL ENVIRONMENTAL PROTECTION. STRUCTURAL UNIT MEASURES HAVE BEEN DEPICTED TO SHOW GENERAL COMPLIANCE. IN ADDITION, MEASURES AS OUTLINED BELOW MAY BE USED TO ACHIEVE THE TOTAL 12 UNIT MEASURES. ADDITIONAL STRUCTURAL UNITS AS DESCRIBED IN THE SPECIAL STORMWATER MAY BE USED TOWARDS BMP POINT REQUIREMENTS.

THE FOLLOWING METHODS WILL BE CONSIDERED FOR IMPLEMENTATION ON THE PROJECT:

- SSCP#2 – 1 UNIT FOR MANAGED PERVIOUS PAVEMENT SYSTEMS (1000 SF MINIMUM)
- SSCP#12 – 1 UNIT FOR BIORETENTION FACILITY (650 SF MINIMUM)
- SSCP#13 – 1 UNIT FOR DRY SWALES (250 LF MINIMUM)
- SSCP#15 – 1 UNIT FOR MANUFACTURED BMP SYSTEMS
- SSCP#25 – 1 UNIT FOR ENHANCED SLOPE STABILIZATION PRACTICES ON ALL CUT–FILL SLOPES GREATER THAN 6 FT. (1000 SF MINIMUM)
- SSCP#29 – 1 UNIT FOR RAIN BARRELS APPLIED TO ALL RESIDENTIAL UNITS
- SSCP#32 – ½ UNIT FOR INCREASED POND BUFFER
- SSCP#37 – UNIT MEASURE TO BE DETERMINED IF ALL RECOMMENDED, POWHATAN CREEK WMP STRATEGIES ARE APPLIED TO SITE

FORD'S COLONY SUBDIVISION
POWHATAN SECONDARY SUBDIVISION
MONTICELLO WOODS SUBDIVISION
SPRINGHILL SUBDIVISION
COLD SPRING SWAMP
LIMITS OF RPA WETLANDS (TYP.)
100' RPA BUFFER
150' COMMUNITY CHARACTER CORRIDOR BUFFER ALONG NEWS RD.
NEWS ROAD
PAVED MULTI-USE TRAIL
WET POND
DRY POND
SWM
ZONE 2 BUFFER
ZONE 3 BUFFER
STEEP SLOPES
POWHATAN CREEK

GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

Rev.	Date	Description	Revised By

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL STORMWATER MANAGEMENT PLAN OF
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	6

S:\2005\W10514 - 3888 New Road\01 - Ideas Road CAD\Planning\Master Planning\W10514SWPB - Stormwater.dwg, 7/23/2021 7:14:58 AM, aaron.gilmore

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 5, 2025
6:00 PM

A. CALL TO ORDER

Mr. Haldeman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:
Jack Haldeman, Chair
Frank Polster
Steve Rodgers
Jay Everson
Scott Maye
Crystal Haskins

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Morgan Risinger, Senior Planner
José Ribeiro, Senior Planner/Landscape Planner
Kyle Sirico, Planner
Linda Titus, Community Development Assistant
Hannah Hunnicutt, Community Development Assistant

Planning Commissioners Absent:
Kira Allmann, Vice Chair

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

Mr. Haldeman closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Everson stated that the Policy Committee Meeting met on September 11, 2025, to discuss ORD-25-0005. Equine Stocking Rate Amendment. Mr. Everson stated that the discussion would be extended to the next Policy Committee Meeting at 3pm October 13, 2025.

E. CONSENT AGENDA

1. Minutes of the October 1, 2025, Regular Meeting

Mr. Rogers made a motion to approve minutes of the October 1, 2025, Regular Meeting.

On a voice vote, the Commission voted to approve the Minutes. (6-0)

F. PUBLIC HEARING(S)

1. Z-25-0007/MP-25-0005, 6810 Richmond Road The Williamsburg Pottery Proffer and Master Plan Amendment

   Mr. Haldeman stated that the case was postponed from the October meeting and that the applicant wishes to postpone consideration of the application again. Mr. Haldeman noted that the Public Hearing remains open from the October meeting.

   Mr. Kyle Sirico, Planner, stated that the applicant has requested to postpone the application to consult further with Planning staff and to work with their new attorney to develop the proffers.

   Mr. Polster made a motion to defer the matter to the December 3, 2025, meeting.

   On a roll call vote, the Commission voted to defer MP-25-0005/Z-25-0007. 6810 Richmond Road The Williamsburg Pottery Proffer and Master Plan Amendment to its December 3, 2025, Regular meeting. (6-0)

2. Z-25-0006/MP-25-0004, Fords Proffer and Master Plan Amendment for Ford's Colony Master Plan (Ford's Village)

   Ms. Morgan Risinger, Senior Planner, addressed the Commission stating that Mr. Graham Corson of AES Consulting Engineers and Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman had applied on the behalf of Ford's Village LLC to amend the Proffers and Master Plan for the Ford's Village Development located at 3889 News Road. Ms. Risinger further stated that the property was zoned R4, Residential Planned Community with Proffers, the property is located within the Primary Service area and is designated as low-density residential on the 2045 Comprehensive Plan Land Use Map.

   Ms. Risinger noted that the Ford's Village Proffers and Master Plan were previously amended in 2022 which allowed a total of 470 Independent units and assisted living memory care and skilled nursing units; specifically, 270 independent living dwellings were shown in the CCRC A, B, and C land area and 75 Independent Living apartments and 125 assisted living memory care and skilled nursing units were shown in the CCRC-D land area.

   Ms. Risinger stated that the current application request to amend proffer number three and the Master Plan to allow a maximum of 160 independent living apartments and a minimum of 40 assisted living and memory care rooms within the CCRC-D land area. Ms. Risinger explained that overall, the CCRCD land area would continue to have no more than 200 independent living apartments and assisted living memory care and skilled nursing rooms and the property would continue to have no more than 470 units or rooms.

Ms. Risinger noted that the application also proposed amending the recreational amenities and proffer number 13 so that beauty and barber salons and libraries are optional amenities in CCRC-D, so that courtyards are not required in CCRC-D, and so that physician's offices, home health, and pharmacy uses are not listed as optional amenities.

Ms. Risinger stated that the application proposed amending proffer number 17 so that 100 building permits may be issued in the CCRC A, B, and C land areas prior to construction commencing in CCRC-D. This was increased from the 50 building permits allowed in the current proffers. Ms. Risinger noted that while no changes were proposed to the cash contributions in Proffer No. 5, the potential increased proportion of independent living units would result in an increased overall dollar amount of cash contributions. Ms. Risinger explained that the proposed changes are expected to continue to have a positive overall fiscal impact.

Ms. Risinger noted that regarding traffic impacts, the traffic impact analysis submitted with the initial version of the 2022 application accounted for a total of 516 units and rooms. Ms. Risinger further noted that as shown in Attachment No. 5, the applicant's traffic engineer presented a comparison between the estimated trips with 516 units and the estimated trips for a scenario with 470 units comprised of 75 independent living apartments and 125 assisted living/memory care rooms which the comparison showed a decrease of 8 AM peak hour trips and 20 PM peak hour trips. Ms. Risinger explained that per the Institute of Transportation Engineers 11th edition Trip Generation Manual, assisted living/memory care rooms are estimated to generate more trips compared to the independent living apartments meaning that a unit mixture which includes more independent living units would be expected to have less trips generated.

Ms. Risinger stated that staff found that the development is anticipated to have a positive fiscal impact, that the development is not anticipated to generate student enrollment or impacts on schools, that the application is not expected to result in an increased number of trips, and that appropriate amenities are provided for the development. Ms. Risinger noted, however, that the application did not propose 20% of units affordable to the 0% - 80% AMI range as recommended in the Comprehensive Plan.

Ms. Risinger stated that staff found that the application was generally consistent with the Zoning Ordianance, applicable polices, and the Comprehensive Plan. Ms. Risinger further stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the proposed proffers.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy gave a presentation to the Commission regarding the proposed development, Master Plan, and Proffer amendment.

Mr. Polster asked if the Special Stormwater Criteria (SSCs) referenced in section eight of the Community Impact Statement had been superseded.

Mr. Geddy stated that Mr. Corson of AES Consulting Engineering informed him prior to the meeting that he would implement the new SSC regulations into the site plan for the property.

Gary Carlile, 3724 Mesa River, addressed the Commission with concerns about the proposed proffer and master plan amendment.

Doug Harbin, 3705 Strawberry Plains Road, representing Wayne Harbin Builders Inc, addressed the Commission in support of the proposed project.

Mr. Haldeman closed the Public Hearing.

Mr. Polster stated that he was in support of the Proffer and Master Plan amendment.

Mr. Everson asked Mr. Geddy why the project proposed decreased from 125 units to 40 units for assisted living memory care.

Mr. Geddy stated that it was likely that there would be more than 40 units for memory care, however, this proffer would provide flexibility for any possible market condition changes.

Mr. Maye stated that he was in support of the proposed project.

Dr. Haskins stated that she appreciated the Proffer for the reservation of assisted living beds for Medicaid qualified individuals.

Mr. Haldeman stated that he was not in support of the amendment.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-25-0006 and MP-25-0004 Proffer and Masterplan Amendment for Ford's Colony Master Plan Ford's Village to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-1)

3. Z-25-0001/MP-25-0002, Liberty Crossing Proffer and Master Plan Amendments and Z-25-0002, 6429 Centerville Road Rezoning

Mr. Haldeman stated that Public Hearing remained open from the previous meeting.

Mr. José Ribeiro, Senior Planner, addressed the Commission stating this case had been deferred at the October 1st, 2025 Regular Meeting as one of the required signatures by the applicant had not been submitted on time. Mr. Ribeiro stated that the signature was secured and the application was complete.

Mr. Ribeiro stated that in 2023, Mr. Warren Holland submitted a boundary line adjustment plat (BLA) for review between his property at 6429 Centerville Road and property located at 4645 Revolutionary way, owned by Liberty Crossing. Mr. Ribeiro explained that the 6429 Centerville Road property was approximately 0.91 acres in size and zoned A-1, General Agricultural District. Mr. Ribeiro stated that a single-family structure was located on the property.

Mr. Ribeiro stated that the second property subject to the BLA was located at 4645 Revolutionary way and approximately 9.46 acres. Mr. Ribeiro stated that the strip of land was a perimeter and vegetative buffer in the national open space area that is a part of the Master Plan for Liberty Crossing.

Mr. Ribeiro noted that the BLA plat that submitted for review highlighted Mr. Holland's property in red and the Liberty Crossing property in orange and that the purpose of the BLA was to adjust the boundary lines between both parcels.

Mr. Ribeiro stated that to move a portion of land from Liberty Crossing's perimeter buffer and natural open space and incorporate into Mr. Holland's property and remove a portion of Mr. Holland's property and incorporate into the Liberty Crossing buffer and national open space area.

Mr. Ribeiro stated that the review and approval of a BLA is an administrative process, however, during the review of the BLA, staff became aware that approximately 0.188 acres or approximately 8,000 sq. ft. of land would be removed from the Master Plan. Mr. Ribeiro explained that the reduction of area would impact the density in the development data of the approved Master Plan for Liberty Crossing and therefore, prior to the BLA being approved by staff, legislative review and approval is necessary.

Mr. Ribeiro explained that the properties subject to the BLA had different zoning designations, the portion of Liberty Crossing buffer areas were zoned MU, Mixed Use and would need to be rezoned to A-1 which was the zoning of designation of Mr. Holland's property.

Mr. Ribeiro stated that the portion of Mr. Hollands property zoned A-1 would have to be rezoned to MU to match the current zoning designation of the Liberty Crossing buffer area.

Mr. Ribeiro explained that there were two proposals for the Commissioner's consideration. Mr. Ribeiro stated that Proposal 1 was Z-25-0001/MP-25-0002 which was to rezone the Liberty Crossing perimeter buffer and open space from MU, Mixed Use to A-1, General Agricultural District. Mr. Ribeiro further stated that Proposal 2 was Z-25-0002 to rezone a portion of Mr. Holland's property from A-1, General Agricultural District, to MU, Mixed Use.

Mr. Ribeiro noted that staff had reviewed both applications and found no negative impacts; the reduction of the Liberty Crossing development area reduced the overall density slightly from 6.37 to 6.11 dwelling units per acre and several residential units originally capped at 244 dwelling units had been revised down to 234 dwelling units, which was the current cap.

Mr. Ribeiro stated that the blue triangle which was not part of the rezoning was a part of Liberty Crossing property and would be incorporated into the buffer through the BLA. Mr. Ribeiro noted that the area was heavily wooded and would ensure that the same amount of land that would be removed from the buffer area would be incorporated back into the buffer area. Mr. Ribeiro stated that staff had visited the site and could confirm that the undisturbed and mature nature of the area to be incorporated into the open space conservation area; there was no loss of natural open space.

Mr. Ribeiro stated that the properties were designated MU on the Comprehensive Plan Land Use Map, the proposed amendment to the adopted the Master Plan, Proffers, and revisions to the perimeter buffer and open space property are consistent with the MU language of the Comprehensive Plan.

Mr. Ribeiro noted that there were no proposed development changes to the Liberty Crossing residential or commercial areas other than the reduction in density. Mr. Ribeiro stated that for Mr. Holland's property there were no proposed new developments at the time, any future development would be in accordance with the Zoning Ordinance and the 2045 Comprehensive Plan.

Mr. Ribeiro noted that staff recommended that the Planning Commission recommend approval of Z-25-0001/ MP-25-0002 subject to the proposed proffers and Z-25-0002 to the Board of Supervisors.

Mr. Polster asked if the open space that would be subdivided into Mr. Holland's property was zoned MU and would be rezoned to A-1.

Mr. Ribeiro stated that it was currently zoned MU and would be rezoned to A-1.

Mr. Polster asked if the property was within the Resource Protection Area (RPA) or open space.

Mr. Ribeiro stated that it was a natural open space area and was not a part of the RPA.

Mr. Polster asked if the area that would be given to Liberty Crossing would become a part of the natural open space and therefore be a part of the perimeter buffer.

Mr. Ribeiro responded yes.

Mr. Everson asked if the current homes would stay where they reside.

Mr. Ribeiro answered yes.

Mr. Haldeman closed the public hearing.

Mr. Rodgers stated that he was in support of the project.

Mr. Polster made a motion that the Planning Commission recommend to the Board of Supervisors that they approve Z-25-0001/MP-25-0002 Liberty Crossing Proffer amendment and Master Plan amendment to Z-25-0002 6429 Centerville Road Rezoning.

Ms. Istenes stated there would be two votes.

On a voice vote, the Commission voted to recommend approval of Z-25-0001/MP-25-0002. Liberty Crossing Proffer and Master Plan Amendment. (6-0)

On a voice vote, the Commission voted to recommend approval of Z-25-0002. 6429 Centerville Road Rezoning. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2025

   Ms. Istenes stated she did not have anything to add to the report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated that the Board of Supervisors meeting would be on November 12, 2025, and Mr. Haldeman would be representing the Planning Commission.

Mr. Haldeman stated that the Development Review Committee scheduled for November 19, 2025 at 4pm and a Policy Committee Meeting scheduled for November 13, 2025 at 3pm.

Mr. Everson asked if there was an update regarding the Ivy Hill and Richmond Road Industrial Solar Facility.

Mrs. Istenes stated that a site plan had not yet been submitted.

J. ADJOURNMENT

Mr. Haldeman asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

The meeting was adjourned at approximately 6:54 p.m.

_____ _____

Susan Istenes, Secretary Jack Haldeman, Chair

M E M O R A N D U M

DATE: December 9, 2025

TO: The Board of Supervisors

FROM: Robert B. Dittman, Solid Waste Director

SUBJECT: Chapter 10 - Solid Waste, Refuse, and Recycling

On July 22, 2025, staff presented updated information to the Board of Supervisors regarding the next steps for Trash Consolidation. Included in that presentation was the recommendation that the Board amend Chapter 10 - Garbage and Refuse.

Staff has prepared an amended Chapter 10 - Solid Waste, Refuse, and Recycling. The amended Ordinance will allow the County to offer subscription-based services for both trash and recycling collection.

Staff recommends that the Board of Supervisors take the steps necessary to adopt "An Ordinance to amend and reordain Chapter 10, Solid Waste, Refuse, and Recycling, of the Code of James City County, Virginia".

RBD/tm
Ch10Amdt-rev-mem

Attachments

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING ARTICLE I, IN GENERAL; SECTION 10-1, PURPOSE; SECTION 10-2, DEFINITIONS; SECTION 10-3, PROHIBITED DISPOSITION OF WASTES GENERALLY; SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; SECTION 10-5, RECOURSE OF COUNTY UPON FAILURE TO MAINTAIN BY OWNER OR OCCUPANT; SECTION 10-6, PRESUMPTIONS; SECTION 10-7, PENALTY; ARTICLE II, REFUSE REMOVERS; SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-9, REQUIREMENTS FOR REFUSE REMOVAL VEHICLE CONSTRUCTION AND EQUIPMENT; SECTIONS 10-10—10-12, RESERVED; SECTION 10-13, WHERE VEHICLES TO BE EMPTIED; SECTIONS 10-14—10-30, RESERVED; ARTICLE III, RECYCLING; SECTION 10-31, OPTIONAL RECYCLING COLLECTION SERVICE, FEES; AND BY RENAMING CHAPTER 10, GARBAGE AND REFUSE TO CHAPTER 10, SOLID WASTE, REFUSE, AND RECYCLING; AND BY REPLACING WITH NEW ARTICLE I, IN GENERAL; SECTION 10-1, PURPOSE; SECTION 10-2, DEFINITIONS; SECTION 10-3, PROHIBITED DISPOSITION OF WASTES GENERALLY; SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; SECTION 10-5, RECOURSE OF COUNTY UPON FAILURE TO MAINTAIN BY OWNER OR OCCUPANT; SECTION 10-6, PRESUMPTIONS; SECTION 10-7, PENALTY; SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-9, REQUIREMENTS FOR REFUSE REMOVAL VEHICLE CONSTRUCTION AND EQUIPMENT; SECTION 10-10, WHERE VEHICLES TO BE EMPTIED; SECTION 10-11, CONFLICT WITH OTHER LAWS; SECTION 10-12, OWNERSHIP OF SOLID WASTE AND RECYCLABLE MATERIALS; SECTION 10-13, TRANSPORT OF SOLID WASTE, DUTY OF TRANSPORTER; SECTION 10-14, REMOVAL OF RECYCLABLE SOLID WASTE; ARTICLE II, DISPOSAL FACILITIES; SECTION 10-15, DISPOSAL FACILITIES; SECTION 10-16, DISPOSITION OF SOLID WASTE; SECTION 10-17, USE OF COUNTY DISPOSAL FACILITIES—RULES AND REGULATIONS; ARTICLE III, SOLID WASTE RECYCLING REPORT; SECTION 10-18, PURPOSE; SECTION 10-19, ANNUAL REPORT REQUIRED BY NONRESIDENTIAL WASTE GENERATORS, SOLID WASTE MANAGERS OR RECYCLERS; SECTION 10-20, REQUIRED INFORMATION; SECTION 10-21, REPORT TO BE BASED ON ACTUAL VOLUME OR WEIGHT; SECTION 10-22, EXCLUSION FOR INFORMATION OF PROPRIETARY NATURE; SECTION 10-23, REPORT TO INCLUDE IN COUNTY MARKET DELIVERY ONLY; AND ARTICLE IV, SOLID WASTE COLLECTION SERVICE; SECTION 10-24, SERVICE AREA ESTABLISHED; SECTION 10-25, COLLECTION SERVICES—GENERALLY; SECTION 10-26, STORAGE OF SOLID WASTE

AND REYCLABLE MATERIALS; SECTION 10-27, CERTAIN SOLID WASTE NOT TO BE COLLECTED; SECTION 10-28, TAMPERING PROHIBITED; SECTION 10-29, RECYCLING; SECTION 10-30, FEES AND CHARGES; SECTION 10-31, RESPONSIBILITY FOR FEES AND CHARGES; SECTION 10-32, WHEN BILLS ARE TO BE PAID, OVERDUE ACCOUNTS; SECTION 10-33, FAILURE TO RECEIVE BILL NO EXCUSE; SECTION 10-34, CHARGE TO BE ASSESSED FOR CHECKS RETURNED FROM BANK FOR INSUFFICIENT FUNDS OR OTHER REASONS; AND SECTION 10-35, REDUCTIONS IN FEES AND CHARGES FOR QUALIFYING PERSONS.

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 repealing Article I, In General; Section 10-1, Purpose; Section 10-2, Definitions; Section 10-3, Prohibited disposition of wastes generally; Section 10-4, Maintenance of premises-duty of owners, occupants and persons in charge; Section 10-5, Recourse of county upon failure to maintain by owner or occupant; Section 10-6, Presumptions; Section 10-7, Penalty; Article II, Refuse removers; Section 10-8, General regulations for removing and transporting refuse; Section 10-9, Requirements for refuse removal vehicle construction and equipment; Sections 10-10—10-12, Reserved; Section 10-13, Where vehicles to be emptied; Sections 10-14—10-30, Reserved; Article III, Recycling; Section 10-31, Optional recycling collection service, fees; and by renaming Chapter 10, Garbage and Refuse to Chapter 10, Solid Waste, Refuse, and Recycling; and by replacing with new Article I, In general; Section 10-1, Purpose; Section 10-2, Definitions; Section 10-3, Prohibited disposition of wastes generally; Section 10-4, Maintenance of premises-duty of owners, occupants and persons in charge; Section 10-5, Recourse of county upon failure to maintain by owner or occupant; Section 10-6, Presumptions; Section 10-7, Penalty; Section 10-8, General regulations for removing and transporting refuse; Section 10-9, Requirements for refuse removal vehicle construction and equipment; Section 10-10, Where vehicles to be emptied; Section 10-11, Conflict with other laws; Section 10-12, Ownership of solid waste and recyclable materials; Section 10-13, Transport of solid waste, duty of transporter; Section 10-14, Removal of recyclable solid waste; Article II, Disposal Facilities; Section 10-15, Disposal facilities; Section 10-16, Disposition of solid waste; Section 10-17, Use of county disposal facilities—rules and regulations; Article III, Solid waste recycling report; Section 10-18, Purpose; Section 10-19, Annual report required by nonresidential waste generators, solid waste managers or recyclers; Section 10-20, Required information; Section 10-21, Report to be based on actual volume or weight; Section 10-22, Exclusion for information of proprietary nature; Section 10-23, Report to include in county market delivery only; and Article IV, Solid Waste Collection Service; Section 10-24, Service area established; Section 10-25, Collection services—generally; Section 10-26, Storage of solid waste and recyclable materials; Section 10-27, Certain solid waste not to be collected; Section 10-28, Tampering prohibited; Section 10-29, Recycling; Section 10-30, Fees and charges; Section 10-31, Responsibility for fees and charges; Section 10-32, When bills are to be paid, overdue accounts; Section 10-33, Failure to receive bill no excuse;

Section 10-34, Charge to be assessed for checks returned from bank for insufficient funds or other reasons; and Section 10-35, Reductions in fees and charges for qualifying persons.

~~Chapter 10. GARBAGE AND REFUSE~~

~~ARTICLE I - IN GENERAL~~

~~Sec. 10-1. Purpose.~~

~~It is the purpose of this chapter to aid in refuse control throughout the county in order to protect public health, safety and welfare.~~

~~Sec. 10-2. Definitions.~~

~~For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~*Ashes.* The residue resulting from the burning of wood, coal, coke or other combustible material.~~

~~*Clutter.* Any mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.~~

~~*County administrator.* The county administrator of James City County.~~

~~*Director.* The director of general services of James City County.~~

~~*Garbage.* All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.~~

~~*Litter.* All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.~~

~~*Manager.* The county administrator or his designee.~~

~~*Recycling collection service area.* The residential parcels within the county designated by the director for optional curbside recycling collection service.~~

~~*Refuse.* All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.~~

~~*Refuse remover.* Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.~~

~~*Refuse vehicle.* Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.~~

~~*Residential recyclable material.* Certain glass, plastic, metal, paper products, and other materials authorized by the director to be placed in an authorized recycling container which have been generated by occupants of a residential dwelling unit, specifically excluding hazardous waste.~~

~~Sec. 10-3. Prohibited disposition of wastes generally.~~

~~It shall be unlawful for any person to dispose of any garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, in any well, spring, reservoir, watercourse or body of water, or upon any street, sidewalk, or public or private grounds other than grounds designated by governmental authority for such purpose and then only in the manner provided by governmental regulations relating thereto. General performance standards:~~

~~Sec. 10-4. Maintenance of premises-duty of owners, occupants and persons in charge.~~

~~(a) It shall be the duty of each owner of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse, clutter, except on land zoned for or in active farming operation, or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance. Such garbage, trash, litter, refuse or other waste material shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.~~

~~(b) It shall be the duty of each owner of any occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within platted subdivisions and areas zoned for residential, business, commercial, or industrial use, to provide for the cutting of grass, weeds, running bamboo, and other foreign growth as often as needed to prevent breeding and harboring places for insects, reptiles and rodents, or to prevent other hazards to the health or safety of residents of the county or other nuisances. This section shall not apply to land zoned for or in active farming operation.~~

~~Sec. 10-5. Recourse of county upon failure to maintain by owner or occupant.~~

~~(a) The county administrator or his designee, upon complaint by any responsible person that conditions exist on any real property in violation of section 10-4, shall investigate conditions existing on real property in the county at any time. Upon determination that the owner of any real property in the county stands in violation of his duty as provided in section 10-4, the county administrator or his designee shall direct him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.~~

~~(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any nuisance or condition which might endanger the health or safety of residents of the county, including cutting any grass, weeds, running bamboo, or other foreign growth which is in violation of section 10-4 of this chapter. All expenses resulting therefrom shall be chargeable to and paid by the owner of such property and shall be collected by the county as taxes and levies are collected, and all charges not so collected shall constitute a lien against such property. In addition, the county administrator or his designee may record such documents among the real estate records of the county as may be necessary to give notice of such lien.~~

~~Sec. 10-6. Presumptions.~~

~~When a violation of the provisions of this chapter has been observed by any person and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.~~

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.

ARTICLE II - REFUSE REMOVERS

Sec. 10-8. General regulations for removing and transporting refuse.

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

(1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.

(2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.

(3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager. This provision is not applicable to materials loaded and carried at the direction of public officials, public employees or public servants executing their duties in emergencies.

Sec. 10-9. Requirement for refuse removal vehicle construction and equipment.

It shall be unlawful for any vehicle used by refuse removers for removing and transporting refuse to fail to meet the following requirements:

(1) The bodies of all such vehicles shall be constructed so as to prevent the refuse from spilling, leaking or being blown or hurled from the vehicle or deposited upon any street during loading or while in transit.

(2) Nonwatertight vehicle bodies may be used; provided, that any liquid or semiliquid refuse transported shall be in watertight containers.

(3) The vehicle body shall be so constructed that no refuse can be carried at any place other than in the enclosed body.

(4) All vehicles, other than those which are completely enclosed, shall be equipped with a tarpaulin or other cover which shall be constructed and employed so as to prevent refuse from falling from the vehicle onto the street.

Secs. 10-10—10-12. Reserved.

Editor's note(s)—Ord. No. 131A-8, adopted October 13, 2015, repealed §§ 10-10—10-12, which pertained to identification of vehicles, periodic inspection of vehicles, and transfer of refuse from one vehicle to another, respectively. These sections derived from Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-00.

Secs. 10-13. Where vehicles to be emptied.

It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved duly licensed disposal facility. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

Secs. 10-14—10-30. Reserved.

Editor's note(s)—Ord. No. 131A-8, adopted October 13, 2015, repealed §§ 10-14—10-30, which pertained to refuse permit and solid waste recycling report. These sections derived from Ord. No. 131A-3, 2-5-90; Ord. No. 131A-4, 3-18-91.

ARTICLE III - RECYCLING

Sec. 10-31. Optional recycling collection service, fees.

(a) The county may offer an optional curbside recycling collection service to residential properties located within the recycling collection service area.

(b) Residents who subscribe to the optional curbside recycling collection service shall use an authorized container approved by the director and shall pay a user fee.

(c) The optional curbside recycling collection service shall provide for the collection of residential recyclable material according to a schedule approved by the director.

(d) Residential recyclable material that is inaccessible to collection vehicles or located outside of an authorized container shall not be collected.

(e) Material that does not meet the definition of residential recyclable material shall not be collected.

(f) The user fee for curbside recycling collection service shall be set by the county administrator.

(g) The director may terminate curbside recycling collection service to any dwelling upon failure of its owner(s) or occupant(s) to comply with the provisions of this article.

Chapter 10. SOLID WASTE, REFUSE AND RECYCLING

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.

It is the purpose of this chapter to aid in refuse control throughout the county in order to protect public health, safety and welfare.

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section.

Ashes. The residue resulting from the burning of wood, coal, coke or other combustible material.

Bulky items. Normal household items too large to be placed in the county or contractor furnished container, but which the contractor shall collect as set out herein, including such items as stoves, refrigerators, hot water tanks, washers, dryers, up to six (6) rolls of carpet, a set of box springs and mattresses, regular size doors, lawn mowers, grills, bundled vegetative material, or other normal household/business furniture. The term "Bulky Items" does not include dead animals, manure, or other waste materials resulting from the operation of a horse or other animal stable, hazardous waste (including, for example, batteries), tires, construction or renovation debris, or other items too heavy or too bulky to be handled by a two-man crew.

Clutter. Any mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

Convenience Center. An area of disposal at the Waste Management complex where citizens can dispose of solid waste materials.

Collection. Removal of solid waste and/or recyclable materials from its place of origin or storage to a transportation vehicle.

Collection vehicle. Any vehicle used to collect or transport solid waste or recyclable materials.

Collector. Any person engaged in the business of the collection and transportation of solid waste or recyclable materials.

Container. County or contractor furnished wheeled waste and/or recycling containers for each designated household or qualified small business, as needed.

County Administrator. The county administrator of James City County, Virginia, or his authorized designee.

Compacted refuse. Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at a disposal facility.

Curbside Garbage and Recycling Collection. One provided container for garbage to be collected every week (EW) and one provided container for recyclable materials to be collected every other week (EOW).

Customer. Those James City County individual households or qualified small businesses that have agreed to and signed up to receive a County offered curbside trash and/or recycling service at the fees described in section 10-33.

Director, General Services. The director, general services, James City County, Virginia, or his/her authorized designee.

Disposal facility. Any site used for the disposal of solid waste or processing of recyclable materials including, but not limited to, transfer stations, material recovery facilities, recycling centers, sanitary landfills, drop-off convenience centers, and composting plants.

Foreign growth. Any plant or grouping or mass of plants, including grass and weeds, whether or not indigenous.

Garbage. Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food.

Garbage only. Level of service providing one or more containers for weekly curbside garbage *collection* only.

Generators. Any entity whose act or process produces solid waste.

Hazardous waste. "Hazardous waste" as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household. A single-family detached home, trailers, duplex, or other residential units that can be serviced by a container.

Household waste. See "residential/household waste."

Litter. All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Recycling. The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.

Recycling only. Level of service providing one or more containers for recyclable materials to be collected once every other week.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

Residential/household waste. Solid waste resulting from single-family detached homes or condominiums, apartments, townhouses, trailers or duplexes.

Roadside. That portion of the right-of-way adjacent to a paved or traveled public roadway, or adjacent to a private land or long driveway.

Rubbish. Any materials unused and rejected as worthless or unwanted.

Sanitary landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid waste. As defined in 9VAC 20-81-95 of the Virginia Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.

Solid waste materials. Solid waste and bulky items.

Source reduction. Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

Transfer station. Any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

Trash. Any rubbish that includes cans, bottles, containers, plastic, paper, cardboard or other discarded material of an inorganic nature.

VPPSA. Virginia Peninsulas Public Service Authority.

Waste. Useless, unwanted or discarded materials.

Waste generator. The person who actually produces the commercial, household, industrial or institutional/governmental solid waste.

Yard waste. Grass clippings, leaves, plant materials, roots, branches, and similar biodegradable materials.

Sec. 10-3. Prohibited disposition of wastes generally.

It shall be unlawful for any person to dispose of any garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, in any well, spring, reservoir, watercourse or body of water, or upon any street, sidewalk, or public or private grounds other than grounds designated by governmental authority for such purpose and then only in the manner provided by governmental regulations relating thereto.

Sec. 10-4. Maintenance of premises-duty of owners, occupants and persons in charge.

(a) It shall be the duty of each owner of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse, clutter, except on land zoned for or in active farming operation, or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance. Such garbage, trash, litter, refuse or other waste material shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(b) It shall be the duty of each owner of any occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within platted subdivisions and areas zoned for residential, business, commercial, or industrial use, to provide for the cutting of grass, weeds, running bamboo, and other foreign growth as often as needed to prevent breeding and harboring places for insects, reptiles and rodents, or to prevent other hazards to the health or safety of residents of the county or other nuisances. This section shall not apply to land zoned for or in active farming operation.

Sec. 10-5. Recourse of county upon failure to maintain by owner or occupant.

(a) The county administrator or his designee, upon complaint by any responsible person that conditions exist on any real property in violation of section 10-4, shall investigate conditions existing on real property in the county at any time. Upon determination that the owner of any real property in the county stands in violation of his duty as provided in section 10-4, the county administrator or his

designee shall direct him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any nuisance or condition which might endanger the health or safety of residents of the county, including cutting any grass, weeds, running bamboo, or other foreign growth which is in violation of section 10-4 of this chapter. All expenses resulting therefrom shall be chargeable to and paid by the owner of such property and shall be collected by the county as taxes and levies are collected, and all charges not so collected shall constitute a lien against such property. In addition, the county administrator or his designee may record such documents among the real estate records of the county as may be necessary to give notice of such lien.

Sec. 10-6. Presumptions.

When a violation of the provisions of this chapter has been observed by any person and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

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.

Sec. 10-8. General regulations for removing and transporting refuse.

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

(1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.

(2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.

(3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager. This provision is not applicable to materials loaded and carried at the direction of public officials, public employees or public servants executing their duties in emergencies.

Sec. 10-9. Requirements for refuse removal vehicle construction and equipment.

It shall be unlawful for any vehicle used by refuse removers for removing and transporting refuse to fail to meet the following requirements:

(1) The bodies of all such vehicles shall be constructed so as to prevent the refuse from spilling, leaking or being blown or hurled from the vehicle or deposited upon any street during loading or while in transit.

(2) Nonwatertight vehicle bodies may be used; provided, that any liquid or semiliquid refuse transported shall be in watertight containers.

(3) The vehicle body shall be so constructed that no refuse can be carried at any place other than in the enclosed body.

(4) All vehicles, other than those which are completely enclosed, shall be equipped with a tarpaulin or other cover which shall be constructed and employed so as to prevent refuse from falling from the vehicle onto the street.

Sec. 10-10. Where vehicles to be emptied.

It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved duly licensed disposal facility. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

Sec. 10-11. Conflict with other laws.

The provisions of this chapter shall in no way alter, diminish or change the provisions of any other law, ordinance or regulation. In the case of any conflict in the terms, conditions or provisions of this chapter with any terms, conditions or provisions of any other law, ordinance or regulation, the more restrictive requirement shall prevail.

Sec. 10-12. Ownership of solid waste and recyclable materials.

All solid waste and recyclable materials collected by James City County or its designated collection contractor, upon being inspected and removed by the county or its agents from the premises where produced or accumulated, shall become and be the property of the county collector. When solid wastes not collected by the county or its agents are deposited at the county disposal facility or recycling processing center, after inspection and acceptance, they shall forthwith become the property of the county collector. Recyclable materials deposited at the county disposal facility will remain the property of the county, or its designated agent.

Sec. 10-13. Transport of solid waste, duty of transporter.

It shall be unlawful for any person transporting any waste or solid waste upon or over any public street or right-of-way within the county to fail to provide a suitable and secure cover therefor and to take such other precautions as may be necessary to prevent such waste or solid waste from spilling from the vehicle in which it is being transported.

Sec. 10-14. Removal of recyclable solid waste.

It shall be unlawful for any person, other than an authorized collector pursuant to section 10-24 of this chapter, to remove any recyclable solid waste placed by the occupant of a dwelling unit for disposal or collection unless permission has been obtained from the occupant of the dwelling unit for such removal. Nothing in this section shall be construed as prohibiting a person from selling, or otherwise disposing of his own recyclable solid waste.

ARTICLE II. DISPOSAL FACILITIES

Sec. 10-15. Disposal facilities.

The county, or its designated contractor, may maintain and operate such disposal facilities or collection centers as it shall deem necessary in the public interest. Such disposal or collection centers shall be operated in accordance with regulations promulgated by the Virginia Department of Environmental Quality and in accordance with applicable provisions of the James City County Code.

Sec. 10-16. Disposition of solid waste.

All persons collecting or disposing of solid waste within the county shall dispose of the same at a disposal facility which is operated in accordance with all applicable federal, state and local laws and regulations.

Sec. 10-17. Use of county disposal facilities—Rules and regulations.

All persons using any county disposal facility shall be subject to the following requirements, the violation of which shall result in punishment in accordance with section 10-3 of this chapter.

(a) All materials disposed of at county disposal facilities will be inspected and after acceptance shall thereupon become the property of the county, or its agent, and shall be subject to salvage by the county for its own use and benefit. No person shall engage in scavenging at a county disposal facility without a written salvage permit from the director, general services. Such permit shall be subject to conditions designed to improve and promote county disposal facilities and shall not be granted if the activities of the scavenger would interfere with county operations. It is the intent of this provision that a permit not be granted simply to further the business interests of scavengers but that, in addition, the county must derive a substantial benefit therefrom.

(b) No person shall enter upon, deposit or dump any waste or solid waste at any county disposal facility at any time when such facility is closed.

(c) All persons using a county disposal facility shall obey the orders and directives of the county employee or agent in charge thereof.

(d) Whenever solid waste brought by any person to a county disposal facility for disposal is such that, in the opinion of the director, general services, or his or her agent, it requires special handling, he may refuse to accept the same or may agree to accept such solid waste upon payment of a service charge based upon the cost of handling and disposing of such waste as set forth in section 10-33.

ARTICLE III. SOLID WASTE RECYCLING REPORT

Sec. 10-18. Purpose.

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste as provided for in section 10.1-1411, Code of Virginia, as authorized by section 15.2-939, Code of Virginia.

Sec. 10-19. Annual report required by nonresidential waste generators, solid waste managers or recyclers.

All non-residential solid waste generators who generate more than five hundred (500) pounds of solid waste annually and companies that manage solid waste in excess of five hundred (500) pounds annually or recycle materials in excess of five hundred (500) pounds annually within the county shall submit an annual report to the director, general services, on or before the 15th of March, annually.

Sec. 10-20. Required information.

Each annual report required to be submitted hereunder shall be submitted on a form prescribed by the director, general services and shall include the following information with respect to the reporting party for the period covered by the report:

(a) The name and address of the reporting party.

(b) The total quantity of solid waste generated, managed and principal and/or supplemental recycling materials recycled by the reporting party during the past calendar year.

(c) The total quantity or volume of solid waste that has been the subject of source reduction or reuse as defined in this article.

Sec. 10-21. Report to be based on actual volume or weight.

The report required under this article shall be based on actual volume or weight. Where actual volume or weight cannot be accurately determined, the volume or weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.

Sec. 10-22. Exclusion for information of proprietary nature.

Nothing hereunder shall be construed to require any party to report information of a proprietary nature. Where any party fails to report any information otherwise required hereunder based upon a determination that such information is of a proprietary nature, the party shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.

Sec. 10-23. Report to include in county market delivery only.

Recycled solid waste included in the report shall include only those solid wastes delivered to market from within the county.

ARTICLE IV. SOLID WASTE COLLECTION SERVICE

Sec. 10-24. Service area established.

Pursuant to the authority expressly granted by section 15.2-930, Code of Virginia, and other general enabling legislation, there is hereby established a solid waste collection service area to include the entire area within the territorial limits of the county.

Sec. 10-25. Collection services—Generally.

(a) The county may furnish solid waste and recycling collection services for all households in the county. The county may, at its option, furnish solid waste and recycling collection services to households other than single-family detached residences, qualified small businesses, and households on federal property.

(b) The director, general services is authorized to promulgate reasonable rules and regulations not in conflict with the provisions of this chapter for the operation and management of the county's collection system.

(c) The director, general services may offer solid waste and recycling collection services exclusively to residential properties located within area(s) designated by the director or his/her designee without offering solid waste and recycling collection services to the entire county. The director, general services may expand or terminate solid waste and recycling collection services in a designated service area based on resident participation.

(d) *County not responsible for maintenance of driveways or lanes*. Neither the county nor its agents shall be responsible for maintenance or normal wear and tear on private driveways or private lanes that are used for service pursuant to the provisions of subsection (e) above, and this shall expressly be made a condition of receiving such service.

Sec. 10-26. Storage of solid waste and recyclable materials.

The responsibility for storage of solid waste and recyclable materials prior to collection shall be with the occupant of each premises from which it is to be collected. The occupant shall maintain waste storage areas, containers, and the areas surrounding them in a clean, neat and sanitary condition at all times. It shall be the occupant's responsibility to remove any material outside of containers.

Sec. 10-27. Certain solid waste not to be collected.

(a) Collection may be refused for any premises where the provisions of this chapter are violated.

(b) The following are several types of solid waste that shall be prepared in the manner indicated prior to being placed in a container for collection:

(1) *Hypodermic instruments and other sharp articles*. No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before breaking, disassembling, destroying or otherwise rendering the same inoperative and incapable of reuse. Such hypodermic syringe, needle, instrument or device shall not be disposed of without safeguarding by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to collection personnel.

(2) *Ashes*. Ashes shall be thoroughly wetted and cooled to the touch.

(3) *Pressurized cans*. All pressurized cans containing pesticides or any other dangerous materials shall be relieved of all pressure.

(4) *Glass*. All broken glass or any type of glass that may cause injury to collection personnel shall be separately wrapped to prevent injury.

(5) *Pesticides and poisons*. All pesticide and poison containers shall be emptied.

Sec. 10-28. Tampering prohibited.

No person shall tamper with any container placed at the roadside for collection. No owner of a dog or other domesticated animal shall permit it to damage or open any container placed at the roadside for collection.

Sec. 10-29. Recycling.

(a) All households and qualified small businesses are encouraged to recycle. For the county's customers, items that are acceptable for collection are listed by the county and can be determined by contacting the general services division. These items are variable and are affected by the market for recyclable materials.

(b) For the county's customers, acceptable recyclable materials placed in the county or agent of the county furnished container are not required to be separated for collection.

(c) Yard waste shall not be collected for disposal in county disposal facilities, unless it is bagged and placed in a county or agent of the county furnished solid waste container.

(d) Yard waste as defined in section 10-1 that is too large to be placed in containers, such as tree limbs, may be collected from any premises in the county by scheduling a bulk pickup.

Sec. 10-30. Fees and charges.

(a) All residential and contracted entities using county collection service shall be subject to the applicable solid waste user and/or recycling fees, and additional collection fees, which shall be approved by the board of supervisors prior to implementation.

Sec. 10-31. Responsibility for fees and charges.

(a) All fees and charges for collection service shall be the responsibility of the owner of the premises served. If someone other than the owner occupies the premises, and such person is a recipient of the service and is responsible for the payment of such charges through agreement with the owner and the county, the county will bill such person with the consent of the owner or agent of owner. However, the owner of the premises served shall be responsible for billings of services even if the owner is not the recipient of the service.

(b) Service may be added or canceled at any time, but no proration in fees for less than one (1) month will be made for either added or canceled service.

Sec. 10-32. When bills are to be paid, overdue accounts.

The fees and charges established in this article shall be due upon receipt of the statement rendered by the county and shall be considered delinquent 30 days following the billing date. A late charge of 10% or $10, whichever is greater, shall be added to all service charges when they are first considered delinquent. Interest at the rate of (6%) per annum shall be charged on the aggregate of the payment and penalty due

beginning with the date the penalty is applied. If any bill shall not be paid within 30 days of the billing date, county collection services to the property may be discontinued.

Sec. 10-33. Failure to receive bill no excuse.

Failure to receive a bill for service charges shall not exempt any person from liability for payment of bills or from the provisions of this article. It shall be the responsibility of the owner, occupant, or consumer to notify the county of the failure to receive a bill for any reason and to advise the county whenever it is suspected that charges for services are improperly billed. When improper billing is determined to have occurred, correcting adjustments or credits shall be limited to a 3-year period.

Sec. 10-34. Charge to be assessed for checks returned from bank for insufficient funds or other reasons.

When a check received in payment of service charges or fees is returned by the bank for insufficient funds or the account has been closed, a service charge shall be made for each returned check. This charge is to defray the administrative costs to the county of handling and processing returned checks.

Sec. 10-35. Reductions in fees and charges for qualifying persons.

(a) The provisions of this section shall be administered by the director, general services or designee. The director, general services, or designee is hereby authorized to prescribe, adopt, promulgate and enforce such rules and regulations, in conformity with the general provisions of this section, as may be reasonably necessary to determine qualifications for reduced fees and charges. The director, general services, or designee shall make such inquiry of persons seeking such reduced fees and charges requiring answers under oath as may be reasonably necessary to determine qualifications therefore, as specified in this section.

(b) Any applicant making a false statement to obtain reduced rates under this section shall be in violation of this chapter and shall be subject to the penalty provisions contained in section 10-7.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
HIPPLE	____	____	____	____
NULL	____	____	____	____
LARSON	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

Ch10Amdt-rev-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 REPEALING ARTICLE I, IN GENERAL; SECTION 10-1, PURPOSE; SECTION 10-2, DEFINITIONS; SECTION 10-3, PROHIBITED DISPOSITION OF WASTES GENERALLY; SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; SECTION 10-5, RECOURSE OF COUNTY UPON FAILURE TO MAINTAIN BY OWNER OR OCCUPANT; SECTION 10-6, PRESUMPTIONS; SECTION 10-7, PENALTY; ARTICLE II, REFUSE REMOVERS; SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-9, REQUIREMENTS FOR REFUSE REMOVAL VEHICLE CONSTRUCTION AND EQUIPMENT; SECTIONS 10-10—10-12, RESERVED; SECTION 10-13, WHERE VEHICLES TO BE EMPTIED; SECTIONS 10-14—10-30, RESERVED; ARTICLE III, RECYCLING; SECTION 10-31, OPTIONAL RECYCLING COLLECTION SERVICE, FEES; AND BY RENAMING CHAPTER 10, GARBAGE AND REFUSE TO CHAPTER 10, SOLID WASTE, REFUSE, AND RECYCLING; AND BY REPLACING WITH NEW ARTICLE I, IN GENERAL; SECTION 10-1, PURPOSE; SECTION 10-2, DEFINITIONS; SECTION 10-3, PROHIBITED DISPOSITION OF WASTES GENERALLY; SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; SECTION 10-5, RECOURSE OF COUNTY UPON FAILURE TO MAINTAIN BY OWNER OR OCCUPANT; SECTION 10-6, PRESUMPTIONS; SECTION 10-7, PENALTY; SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-9, REQUIREMENTS FOR REFUSE REMOVAL VEHICLE CONSTRUCTION AND EQUIPMENT; SECTION 10-10, WHERE VEHICLES TO BE EMPTIED; SECTION 10-11, CONFLICT WITH OTHER LAWS; SECTION 10-12, OWNERSHIP OF SOLID WASTE AND RECYCLABLE MATERIALS; SECTION 10-13, TRANSPORT OF SOLID WASTE, DUTY OF TRANSPORTER; SECTION 10-14, REMOVAL OF RECYCLABLE SOLID WASTE; ARTICLE II, DISPOSAL FACILITIES; SECTION 10-15, DISPOSAL FACILITIES; SECTION 10-16, DISPOSITION OF SOLID WASTE; SECTION 10-17, USE OF COUNTY DISPOSAL FACILITIES—RULES AND REGULATIONS; ARTICLE III, SOLID WASTE RECYCLING REPORT; SECTION 10-18, PURPOSE; SECTION 10-19, ANNUAL REPORT REQUIRED BY NONRESIDENTIAL WASTE GENERATORS, SOLID WASTE MANAGERS OR RECYCLERS; SECTION 10-20, REQUIRED INFORMATION; SECTION 10-21, REPORT TO BE BASED ON ACTUAL VOLUME OR WEIGHT; SECTION 10-22, EXCLUSION FOR INFORMATION OF PROPRIETARY NATURE; SECTION 10-23, REPORT TO INCLUDE IN COUNTY MARKET DELIVERY ONLY; AND ARTICLE IV, SOLID WASTE COLLECTION SERVICE; SECTION 10-24, SERVICE AREA ESTABLISHED; SECTION 10-25, COLLECTION SERVICES—GENERALLY; SECTION 10-26, STORAGE OF SOLID WASTE

AND REYCLABLE MATERIALS; SECTION 10-27, CERTAIN SOLID WASTE NOT TO BE COLLECTED; SECTION 10-28, TAMPERING PROHIBITED; SECTION 10-29, RECYCLING; SECTION 10-30, FEES AND CHARGES; SECTION 10-31, RESPONSIBILITY FOR FEES AND CHARGES; SECTION 10-32, WHEN BILLS ARE TO BE PAID, OVERDUE ACCOUNTS; SECTION 10-33, FAILURE TO RECEIVE BILL NO EXCUSE; SECTION 10-34, CHARGE TO BE ASSESSED FOR CHECKS RETURNED FROM BANK FOR INSUFFICIENT FUNDS OR OTHER REASONS; AND SECTION 10-35, REDUCTIONS IN FEES AND CHARGES FOR QUALIFYING PERSONS.

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 repealing Article I, In General; Section 10-1, Purpose; Section 10-2, Definitions; Section 10-3, Prohibited disposition of wastes generally; Section 10-4, Maintenance of premises-duty of owners, occupants and persons in charge; Section 10-5, Recourse of county upon failure to maintain by owner or occupant; Section 10-6, Presumptions; Section 10-7, Penalty; Article II, Refuse removers; Section 10-8, General regulations for removing and transporting refuse; Section 10-9, Requirements for refuse removal vehicle construction and equipment; Sections 10-10—10-12, Reserved; Section 10-13, Where vehicles to be emptied; Sections 10-14—10-30, Reserved; Article III, Recycling; Section 10-31, Optional recycling collection service, fees; and by renaming Chapter 10, Garbage and Refuse to Chapter 10, Solid Waste, Refuse, and Recycling; and by replacing with new Article I, In general; Section 10-1, Purpose; Section 10-2, Definitions; Section 10-3, Prohibited disposition of wastes generally; Section 10-4, Maintenance of premises-duty of owners, occupants and persons in charge; Section 10-5, Recourse of county upon failure to maintain by owner or occupant; Section 10-6, Presumptions; Section 10-7, Penalty; Section 10-8, General regulations for removing and transporting refuse; Section 10-9, Requirements for refuse removal vehicle construction and equipment; Section 10-10, Where vehicles to be emptied; Section 10-11, Conflict with other laws; Section 10-12, Ownership of solid waste and recyclable materials; Section 10-13, Transport of solid waste, duty of transporter; Section 10-14, Removal of recyclable solid waste; Article II, Disposal Facilities; Section 10-15, Disposal facilities; Section 10-16, Disposition of solid waste; Section 10-17, Use of county disposal facilities—rules and regulations; Article III, Solid Waste Recycling Report; Section 10-18, Purpose; Section 10-19, Annual report required by nonresidential waste generators, solid waste managers or recyclers; Section 10-20, Required information; Section 10-21, Report to be based on actual volume or weight; Section 10-22, Exclusion for information of proprietary nature; Section 10-23, Report to include in county market delivery only; and Article IV, Solid Waste Collection Service; Section 10-24, Service area established; Section 10-25, Collection services—generally; Section 10-26, Storage of solid waste and recyclable materials; Section 10-27, Certain solid waste not to be collected; Section 10-28, Tampering prohibited; Section 10-29, Recycling; Section 10-30, Fees and charges; Section 10-31, Responsibility for fees and charges; Section 10-32, When bills are to be paid, overdue accounts; Section 10-33, Failure to receive bill

no excuse; Section 10-34, Charge to be assessed for checks returned from bank for insufficient funds or other reasons; and Section 10-35, Reductions in fees and charges for qualifying persons.

Chapter 10. SOLID WASTE, REFUSE AND RECYCLING

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.

It is the purpose of this chapter to aid in refuse control throughout the county in order to protect public health, safety and welfare.

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section.

Ashes. The residue resulting from the burning of wood, coal, coke or other combustible material.

Bulky items. Normal household items too large to be placed in the county or contractor furnished container, but which the contractor shall collect as set out herein, including such items as stoves, refrigerators, hot water tanks, washers, dryers, up to six (6) rolls of carpet, a set of box springs and mattresses, regular size doors, lawn mowers, grills, bundled vegetative material, or other normal household/business furniture. The term "Bulky Items" does not include dead animals, manure, or other waste materials resulting from the operation of a horse or other animal stable, hazardous waste (including, for example, batteries), tires, construction or renovation debris, or other items too heavy or too bulky to be handled by a two-man crew.

Clutter. Any mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

Convenience Center. An area of disposal at the Waste Management complex where citizens can dispose of solid waste materials.

Collection. Removal of solid waste and/or recyclable materials from its place of origin or storage to a transportation vehicle.

Collection vehicle. Any vehicle used to collect or transport solid waste or recyclable materials.

Collector. Any person engaged in the business of the collection and transportation of solid waste or recyclable materials.

Container. County or contractor furnished wheeled waste and/or recycling containers for each designated household or qualified small business, as needed.

County Administrator. The county administrator of James City County, Virginia, or his authorized designee.

Compacted refuse. Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at a disposal facility.

Curbside Garbage and Recycling Collection. One provided container for garbage to be collected every week (EW) and one provided container for recyclable materials to be collected every other week (EOW).

Customer. Those James City County individual households or qualified small businesses that have agreed to and signed up to receive a County offered curbside trash and/or recycling service at the fees described in section 10-33.

Director, General Services. The director, general services, James City County, Virginia, or his/her authorized designee.

Disposal facility. Any site used for the disposal of solid waste or processing of recyclable materials including, but not limited to, transfer stations, material recovery facilities, recycling centers, sanitary landfills, drop-off convenience centers, and composting plants.

Foreign growth. Any plant or grouping or mass of plants, including grass and weeds, whether or not indigenous.

Garbage. Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food.

Garbage only. Level of service providing one or more containers for weekly curbside garbage *collection* only.

Generators. Any entity whose act or process produces solid waste.

Hazardous waste. "Hazardous waste" as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household. A single-family detached home, trailers, duplex, or other residential units that can be serviced by a container.

Household waste. See "residential/household waste."

Litter. All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Recycling. The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.

Recycling only. Level of service providing one or more containers for recyclable materials to be collected once every other week.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

Residential/household waste. Solid waste resulting from single-family detached homes or condominiums, apartments, townhouses, trailers or duplexes.

Roadside. That portion of the right-of-way adjacent to a paved or traveled public roadway, or adjacent to a private land or long driveway.

Rubbish. Any materials unused and rejected as worthless or unwanted.

Sanitary landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid waste. As defined in 9VAC 20-81-95 of the Virginia Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.

Solid waste materials. Solid waste and bulky items.

Source reduction. Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

Transfer station. Any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

Trash. Any rubbish that includes cans, bottles, containers, plastic, paper, cardboard or other discarded material of an inorganic nature.

VPPSA. Virginia Peninsulas Public Service Authority.

Waste. Useless, unwanted or discarded materials.

Waste generator. The person who actually produces the commercial, household, industrial or institutional/governmental solid waste.

Yard waste. Grass clippings, leaves, plant materials, roots, branches, and similar biodegradable materials.

Sec. 10-3. Prohibited disposition of wastes generally.

It shall be unlawful for any person to dispose of any garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, in any well, spring, reservoir, watercourse or body of water, or upon any street, sidewalk, or public or private grounds other than grounds designated by governmental authority for such purpose and then only in the manner provided by governmental regulations relating thereto.

Sec. 10-4. Maintenance of premises-duty of owners, occupants and persons in charge.

(a) It shall be the duty of each owner of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse, clutter, except on land zoned for or in active farming operation, or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance. Such garbage, trash, litter, refuse or other waste material shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(b) It shall be the duty of each owner of any occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within platted subdivisions and areas zoned for residential, business, commercial, or industrial use, to provide for the cutting of grass, weeds, running bamboo, and other foreign growth as often as needed to prevent breeding and harboring places for insects, reptiles and rodents, or to prevent other hazards to the

health or safety of residents of the county or other nuisances. This section shall not apply to land zoned for or in active farming operation.

Sec. 10-5. Recourse of county upon failure to maintain by owner or occupant.

(a) The county administrator or his designee, upon complaint by any responsible person that conditions exist on any real property in violation of section 10-4, shall investigate conditions existing on real property in the county at any time. Upon determination that the owner of any real property in the county stands in violation of his duty as provided in section 10-4, the county administrator or his designee shall direct him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any nuisance or condition which might endanger the health or safety of residents of the county, including cutting any grass, weeds, running bamboo, or other foreign growth which is in violation of section 10-4 of this chapter. All expenses resulting therefrom shall be chargeable to and paid by the owner of such property and shall be collected by the county as taxes and levies are collected, and all charges not so collected shall constitute a lien against such property. In addition, the county administrator or his designee may record such documents among the real estate records of the county as may be necessary to give notice of such lien.

Sec. 10-6. Presumptions.

When a violation of the provisions of this chapter has been observed by any person and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

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.

Sec. 10-8. General regulations for removing and transporting refuse.

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

(1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.

(2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.

(3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager. This provision is not applicable to materials loaded and carried at the direction of public officials, public employees or public servants executing their duties in emergencies.

Sec. 10-9. Requirements for refuse removal vehicle construction and equipment.

It shall be unlawful for any vehicle used by refuse removers for removing and transporting refuse to fail to meet the following requirements:

(1) The bodies of all such vehicles shall be constructed so as to prevent the refuse from spilling, leaking or being blown or hurled from the vehicle or deposited upon any street during loading or while in transit.

(2) Nonwatertight vehicle bodies may be used; provided, that any liquid or semiliquid refuse transported shall be in watertight containers.

(3) The vehicle body shall be so constructed that no refuse can be carried at any place other than in the enclosed body.

(4) All vehicles, other than those which are completely enclosed, shall be equipped with a tarpaulin or other cover which shall be constructed and employed so as to prevent refuse from falling from the vehicle onto the street.

Sec. 10-10. Where vehicles to be emptied.

It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved duly licensed disposal facility. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

Sec. 10-11. Conflict with other laws.

The provisions of this chapter shall in no way alter, diminish or change the provisions of any other law, ordinance or regulation. In the case of any conflict in the terms, conditions or provisions of this chapter with any terms, conditions or provisions of any other law, ordinance or regulation, the more restrictive requirement shall prevail.

Sec. 10-12. Ownership of solid waste and recyclable materials.

All solid waste and recyclable materials collected by James City County or its designated collection contractor, upon being inspected and removed by the county or its agents from the premises where produced or accumulated, shall become and be the property of the county collector. When solid wastes not collected by the county or its agents are deposited at the county disposal facility or recycling processing center, after inspection and acceptance, they shall forthwith become the property of the county collector. Recyclable materials deposited at the county disposal facility will remain the property of the county, or its designated agent.

Sec. 10-13. Transport of solid waste, duty of transporter.

It shall be unlawful for any person transporting any waste or solid waste upon or over any public street or right-of-way within the county to fail to provide a suitable and secure cover therefor and to take such other precautions as may be necessary to prevent such waste or solid waste from spilling from the vehicle in which it is being transported.

Sec. 10-14. Removal of recyclable solid waste.

It shall be unlawful for any person, other than an authorized collector pursuant to section 10-24 of this chapter, to remove any recyclable solid waste placed by the occupant of a dwelling unit for disposal or collection unless permission has been obtained from the occupant of the dwelling unit for such removal. Nothing in this section shall be construed as prohibiting a person from selling, or otherwise disposing of his own recyclable solid waste.

ARTICLE II. DISPOSAL FACILITIES

Sec. 10-15. Disposal facilities.

The county, or its designated contractor, may maintain and operate such disposal facilities or collection centers as it shall deem necessary in the public interest. Such disposal or collection centers shall be operated in accordance with regulations promulgated by the Virginia Department of Environmental Quality and in accordance with applicable provisions of the James City County Code.

Sec. 10-16. Disposition of solid waste.

All persons collecting or disposing of solid waste within the county shall dispose of the same at a disposal facility which is operated in accordance with all applicable federal, state and local laws and regulations.

Sec. 10-17. Use of county disposal facilities—Rules and regulations.

All persons using any county disposal facility shall be subject to the following requirements, the violation of which shall result in punishment in accordance with section 10-3 of this chapter.

(a) All materials disposed of at county disposal facilities will be inspected and after acceptance shall thereupon become the property of the county, or its agent, and shall be subject to salvage by the county for its own use and benefit. No person shall engage in scavenging at a county disposal facility without a written salvage permit from the director, general services. Such permit shall be subject to conditions designed to improve and promote county disposal facilities and shall not be granted if the activities of the scavenger would interfere with county operations. It is the intent of this provision that a permit not be granted simply to further the business interests of scavengers but that, in addition, the county must derive a substantial benefit therefrom.

(b) No person shall enter upon, deposit or dump any waste or solid waste at any county disposal facility at any time when such facility is closed.

(c) All persons using a county disposal facility shall obey the orders and directives of the county employee or agent in charge thereof.

(d) Whenever solid waste brought by any person to a county disposal facility for disposal is such that, in the opinion of the director, general services, or his or her agent, it requires special handling, he may refuse to accept the same or may agree to accept such solid waste upon payment of a service charge based upon the cost of handling and disposing of such waste as set forth in section 10-33.

ARTICLE III. SOLID WASTE RECYCLING REPORT

Sec. 10-18. Purpose.

The purpose of this article is the furtherance of solid waste management and the recycling of solid waste as provided for in section 10.1-1411, Code of Virginia, as authorized by section 15.2-939, Code of Virginia.

Sec. 10-19. Annual report required by nonresidential waste generators, solid waste managers or recyclers.

All non-residential solid waste generators who generate more than five hundred (500) pounds of solid waste annually and companies that manage solid waste in excess of five hundred (500) pounds annually or recycle materials in excess of five hundred (500) pounds annually within the county shall submit an annual report to the director, general services, on or before the 15th of March, annually.

Sec. 10-20. Required information.

Each annual report required to be submitted hereunder shall be submitted on a form prescribed by the director, general services and shall include the following information with respect to the reporting party for the period covered by the report:

(a) The name and address of the reporting party.

(b) The total quantity of solid waste generated, managed and principal and/or supplemental recycling materials recycled by the reporting party during the past calendar year.

(c) The total quantity or volume of solid waste that has been the subject of source reduction or reuse as defined in this article.

Sec. 10-21. Report to be based on actual volume or weight.

The report required under this article shall be based on actual volume or weight. Where actual volume or weight cannot be accurately determined, the volume or weight may be reported using carefully estimated data. Any such report shall include a description of the basis for the reported data.

Sec. 10-22. Exclusion for information of proprietary nature.

Nothing hereunder shall be construed to require any party to report information of a proprietary nature. Where any party fails to report any information otherwise required hereunder based upon a determination that such information is of a proprietary nature, the party shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.

Sec. 10-23. Report to include in county market delivery only.

Recycled solid waste included in the report shall include only those solid wastes delivered to market from within the county.

ARTICLE IV. SOLID WASTE COLLECTION SERVICE

Sec. 10-24. Service area established.

Pursuant to the authority expressly granted by section 15.2-930, Code of Virginia, and other general enabling legislation, there is hereby established a solid waste collection service area to include the entire area within the territorial limits of the county.

Sec. 10-25. Collection services—Generally.

(a) The county may furnish solid waste and recycling collection services for all households in the county. The county may, at its option, furnish solid waste and recycling collection services to households other than single-family detached residences, qualified small businesses, and households on federal property.

(b) The director, general services is authorized to promulgate reasonable rules and regulations not in conflict with the provisions of this chapter for the operation and management of the county's collection system.

(c) The director, general services may offer solid waste and recycling collection services exclusively to residential properties located within area(s) designated by the director or his/her designee without offering solid waste and recycling collection services to the entire county. The director, general services may expand or terminate solid waste and recycling collection services in a designated service area based on resident participation.

(d) *County not responsible for maintenance of driveways or lanes*. Neither the county nor its agents shall be responsible for maintenance or normal wear and tear on private driveways or private lanes that are used for service pursuant to the provisions of subsection (e) above, and this shall expressly be made a condition of receiving such service.

Sec. 10-26. Storage of solid waste and recyclable materials.

The responsibility for storage of solid waste and recyclable materials prior to collection shall be with the occupant of each premises from which it is to be collected. The occupant shall maintain waste storage areas, containers, and the areas surrounding them in a clean, neat and sanitary condition at all times. It shall be the occupant's responsibility to remove any material outside of containers.

Sec. 10-27. Certain solid waste not to be collected.

(a) Collection may be refused for any premises where the provisions of this chapter are violated.

(b) The following are several types of solid waste that shall be prepared in the manner indicated prior to being placed in a container for collection:

(1) *Hypodermic instruments and other sharp articles*. No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before breaking, disassembling, destroying or otherwise rendering the same inoperative and incapable of reuse. Such hypodermic syringe, needle, instrument or device shall not be disposed of without safeguarding by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to collection personnel.

(2) *Ashes*. Ashes shall be thoroughly wetted and cooled to the touch.

(3) *Pressurized cans*. All pressurized cans containing pesticides or any other dangerous materials shall be relieved of all pressure.

(4) *Glass*. All broken glass or any type of glass that may cause injury to collection personnel shall be separately wrapped to prevent injury.

(5) *Pesticides and poisons*. All pesticide and poison containers shall be emptied.

Sec. 10-28. Tampering prohibited.

No person shall tamper with any container placed at the roadside for collection. No owner of a dog or other domesticated animal shall permit it to damage or open any container placed at the roadside for collection.

Sec. 10-29. Recycling.

(a) All households and qualified small businesses are encouraged to recycle. For the county's customers, items that are acceptable for collection are listed by the county and can be determined by contacting the general services division. These items are variable and are affected by the market for recyclable materials.

(b) For the county's customers, acceptable recyclable materials placed in the county or agent of the county furnished container are not required to be separated for collection.

(c) Yard waste shall not be collected for disposal in county disposal facilities, unless it is bagged and placed in a county or agent of the county furnished solid waste container.

(d) Yard waste as defined in section 10-1 that is too large to be placed in containers, such as tree limbs, may be collected from any premises in the county by scheduling a bulk pickup.

Sec. 10-30. Fees and charges.

(a) All residential and contracted entities using county collection service shall be subject to the applicable solid waste user and/or recycling fees, and additional collection fees, which shall be approved by the board of supervisors prior to implementation.

Sec. 10-31. Responsibility for fees and charges.

(a) All fees and charges for collection service shall be the responsibility of the owner of the premises served. If someone other than the owner occupies the premises, and such person is a recipient of the service and is responsible for the payment of such charges through agreement with the owner and the county, the county will bill such person with the consent of the owner or agent of owner. However, the owner of the premises served shall be responsible for billings of services even if the owner is not the recipient of the service.

(b) Service may be added or canceled at any time, but no proration in fees for less than one (1) month will be made for either added or canceled service.

Sec. 10-32. When bills are to be paid, overdue accounts.

The fees and charges established in this article shall be due upon receipt of the statement rendered by the county and shall be considered delinquent 30 days following the billing date. A late charge of 10% or $10, whichever is greater, shall be added to all service charges when they are first considered delinquent. Interest at the rate of (6%) per annum shall be charged on the aggregate of the payment and penalty due

beginning with the date the penalty is applied. If any bill shall not be paid within 30 days of the billing date, county collection services to the property may be discontinued.

Sec. 10-33. Failure to receive bill no excuse.

Failure to receive a bill for service charges shall not exempt any person from liability for payment of bills or from the provisions of this article. It shall be the responsibility of the owner, occupant, or consumer to notify the county of the failure to receive a bill for any reason and to advise the county whenever it is suspected that charges for services are improperly billed. When improper billing is determined to have occurred, correcting adjustments or credits shall be limited to a 3-year period.

Sec. 10-34. Charge to be assessed for checks returned from bank for insufficient funds or other reasons.

When a check received in payment of service charges or fees is returned by the bank for insufficient funds or the account has been closed, a service charge shall be made for each returned check. This charge is to defray the administrative costs to the county of handling and processing returned checks.

Sec. 10-35. Reductions in fees and charges for qualifying persons.

(a) The provisions of this section shall be administered by the director, general services or designee. The director, general services, or designee is hereby authorized to prescribe, adopt, promulgate and enforce such rules and regulations, in conformity with the general provisions of this section, as may be reasonably necessary to determine qualifications for reduced fees and charges. The director, general services, or designee shall make such inquiry of persons seeking such reduced fees and charges requiring answers under oath as may be reasonably necessary to determine qualifications therefore, as specified in this section.

(b) Any applicant making a false statement to obtain reduced rates under this section shall be in violation of this chapter and shall be subject to the penalty provisions contained in section 10-7.

M E M O R A N D U M

DATE: December 9, 2025

TO: The Board of Supervisors

FROM: Morgan Risinger, Senior Planner

SUBJECT: Case No. LU-20-0002. Eastern State - Parcel C Land Use Designation Change

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At its October 28, 2025, Business Meeting, the Board of Supervisors discussed the proposed land use designation change of the portion of the Eastern State property comprising "Parcel C". Materials from the October 28, 2025, meeting, are available using the following link: https://jamescitycova.portal.civicclerk.com/event/1355/overview.

The Board requested information regarding potential land use designation options. Notably, the proposed land use designation and description that were reviewed and recommended for approval by the Planning Commission considered changing the designation of this portion of the property to a Mixed Use Level 2, Medium Town or Suburban Center, designation. Level 2 Mixed Use areas are described as being located near interchanges and intersections of major thoroughfares. Accordingly, Level 2 areas allow for higher intensities of development including residential densities from six to 12 units per net developable acre and non-residential Floor to Area Ratio (FAR) ranging from 0.3 to 1.0. For reference, the existing New Town Mixed Use Area is designated as a Level 2 Mixed Use Area.

Alternatively, a Mixed Use Level 1, Small Town or Suburban Center, designation could be considered for this portion of the property. Mixed Use Level 1 areas are described as being located along collector roads, such as Discovery Park Boulevard. Level 1 areas allow for lower intensities of development including residential densities ranging from four to eight units per net developable acre and non-residential FAR's from 0.2 to 0.4. A full comparison of the descriptions and development standards for Level 1 and Level 2 areas is provided in Attachment No. 3.

Staff has provided the draft description language below for the Board's consideration regarding the potential Mixed Use Level as well as for potential adjustments to the description language to provide further guidance and expectations for the Parcel C property.

"Mixed Use Area No. 15 Eastern State. UDA: Medium Town or Suburban Center"

For the portion of the Eastern State property located directly north of New Town and abutting Route 199, the principal suggested uses are a mixture of commercial, office, residential, and limited industrial. It is of critical importance that environmentally sensitive features such as topography, Resource Protection Area features and wooded areas be protected and permanently preserved, where possible. New development or redevelopment in this area should follow consistent design guidelines and strive to integrate uses. The design, scale, and development pattern shall complement the existing New Town development located to the south.

Should the Board desire to change the land use designation of the Parcel C area to either a Mixed Use Level 1 or a Mixed Use Level 2 area, two resolutions are provided for the Board's consideration.

MR/ap
EstrnStLU20-2-mem

Attachments:
1. Proposed Resolution - Mixed Use Level 1
2. Proposed Resolution - Mixed Use Level 2
3. Mixed Use Level 1 and Level 2 Descriptions

R E S O L U T I O N

CASE NO. LU-20-0002. EASTERN STATE - PARCEL C

LAND USE DESIGNATION CHANGE

WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*; and

WHEREAS, at its September 28, 2021, October 26, 2021, April 12, 2022, April 11, 2023, and October 14, 2025, meetings, the Board of Supervisors postponed a component of the Comprehensive Plan, a land use designation change request submitted as Case No. LU-20-0002. Eastern State - Parcel C located at a portion of 4601 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 3910100152 (the "Property"); and

WHEREAS, the request was to change a portion of the Property from the Federal, State, or County Land use designation to the Mixed Use land use designation; and

WHEREAS, at its March 22, 2021, meeting, the Planning Commission Working Group voted 6-1 to recommend approval of Case No. LU-20-0002. Eastern State - Parcel C; and

WHEREAS, at its June 24, 2021, meeting, the Planning Commission voted 5-2 to adopt the Comprehensive Plan, including accepting the recommendation of approval of the Planning Commission Working Group for Case No. LU-20-0002; and

WHEREAS, the Board of Supervisors finds that the portion of the Property included within Case No. LU-20-0002 would be most compatible with the Mixed Use Level 1, Small Town or Suburban Center, designation description and development standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. LU-20-0002. Eastern State - Parcel C to change the designation of the portion of the Property to the Mixed Use Level 1, Small Town or Suburban Center, designation and approves the associated Mixed Use Area description language and directs that the James City County Comprehensive Plan Future Land Use Map and Land Use Chapter be updated accordingly.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
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ICENHOUR	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

EstrnStLU20-2MULvl1-res

R E S O L U T I O N

CASE NO. LU-20-0002. EASTERN STATE - PARCEL C

LAND USE DESIGNATION CHANGE

WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*; and

WHEREAS, at its September 28, 2021, October 26, 2021, April 12, 2022, April 11, 2023, and October 14, 2025, meetings, the Board of Supervisors postponed a component of the Comprehensive Plan, a land use designation change request submitted as Case No. LU-20-0002. Eastern State - Parcel C located at a portion of 4601 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 3910100152 (the "Property"); and

WHEREAS, the request was to change a portion of the Property from the Federal, State, or County Land use designation to the Mixed Use land use designation; and

WHEREAS, at its March 22, 2021, meeting, the Planning Commission Working Group voted 6-1 to recommend approval of Case No. LU-20-0002. Eastern State - Parcel C; and

WHEREAS, at its June 24, 2021, meeting, the Planning Commission voted 5-2 to adopt the Comprehensive Plan, including accepting the recommendation of approval of the Planning Commission Working Group for Case No. LU-20-0002; and

WHEREAS, the Board of Supervisors finds that the portion of the Property included within Case No. LU-20-0002 would be most compatible with the Mixed Use Level 2, Medium Town or Suburban Center, designation description and development standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. LU-20-0002. Eastern State - Parcel C to change the designation of the portion of the Property to the Mixed Use Level 2, Medium Town or Suburban Center, designation and approves the associated Mixed Use Area description language and directs that the James City County Comprehensive Plan Future Land Use Map and Land Use Chapter be updated accordingly.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

EstrnStLU20-2MULvl2-res

Chart 4. Mixed Use Designation Descriptions		
	Level 1: Areas Noted Below as "Rural or Village Center" or "Small Town or Suburban Center"	**Level 2: Areas Noted Below as "Medium Town or Suburban Center"**
1. Basic Description	• Located in the PSA where public services and utilities are available. • Located at the intersections of collector or arterial streets and intended to serve as local community focal points with a friendly blend of useful services, shopping, or employment and close-in housing just as in traditional town and village centers. • Have natural characteristics such as terrain and soils suitable for compact mixed use development or redevelopment. • Contain a mixture of uses, rather than uses segregated into individual areas for residences, retail, office, and services. • Designed with a pedestrian focus with good multimodal connections to surrounding areas and recreation opportunities. • Designed as lower intensity areas to be compatible with surrounding context and with transition areas and step downs in densities to respect nearby historic and/or residential areas. • Designed with a mix of uses that is compatible with the surrounding area, and is consistent with the specific area descriptions below.	• Located in the PSA where public services and utilities are available. • Designed as existing or future activity centers where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. • Located at or near interstate interchanges or the intersections of major thoroughfares, or adjacent to mixed use areas of similar intensity, and intended to maximize the economic development potential of these areas by providing for more intensive commercial, office, and industrial development, with ancillary residential uses to make a complete community. • Have characteristics such as terrain, high-capacity access and visibility that support higher density development with high design quality to serve as a countywide focal point. • Include mixed uses within buildings such as office or residential above ground floor retail for most buildings. Single use buildings should be integrated into a neighborhood of mixed uses and densities to create a more urban neighborhood character. • Designed as a walkable mixed-use community that supports multi-modal transportation choices and fosters substantial pedestrian activity.
2. Recommended Uses and Land Allocations	• While no specific mix of uses is prescribed for Level 1 mixed use areas except as noted in the Specific Mixed Use Area descriptions below, each development should be designed as a complete community to foster pedestrian access to a wide range of employment, residential, recreational, civic and service opportunities. In addition, compatibility with surrounding context is paramount and land use mix and density should be aligned with the surrounding context. • Within the general mix of uses noted in the Specific Mixed Use Area descriptions below, specific land area allocations should be within the following ranges. Land area allocations are guidelines and considerations of community compatibility may modify these to fit in better with the surrounding context: o Residential area: 30-60% o Non-residential area: 40-70% o Civic, open space and recreation areas: 20% • Note that the above are land allocations, not floor area allocations. Due to the typically higher Floor Area Ratios for commercial versus residential development, it would be expected that these land allocations would yield a much higher proportion of nonresidential floor area over residential floor area in a typical development.	• While no specific mix of uses is prescribed for Level 2 mixed use areas except as noted in the Specific Mixed Use Area descriptions below, each development should have a mix of uses that complements the area and should be designed as a complete community to foster pedestrian access to a wide range of employment, residential, recreational, civic and service opportunities. • Within the general mix of uses noted in the Specific Mixed Use Area descriptions below, specific land area allocations should be within the following ranges. Land area allocations are guidelines and variability may be allowed if alternate allocations can be shown to better meet the land use objectives of this district as described herein: o Residential area: 20-50% o Non-residential area: 50-80% o Public/Civic area: 5% o Open space and recreation areas: 10% • Note that the above are land allocations, not floor area allocations. Due to the typically higher Floor Area Ratios for commercial versus residential development, it would be expected that these land allocations would yield a much higher proportion of nonresidential floor area over residential floor area in a typical development

3. Recommended Density and Intensity	• Densities and intensities should be generally as follows but variability may be allowed only to better achieve compatibility with surrounding communities. Note that these include a minimum as well as maximum range. This is intended to ensure that these community-serving areas be used for their community development function and not be locked into low intensity single uses that preclude their function as a local activity area. Densities and intensities should be net, exclusive of open spaces and unbuildable areas. • Non-residential FAR: 0.2 to 0.4 • Residential density: 4-8 units/acre • Number of Stories: o Multi-family Residential: 2-3 o Office: 2-3 o Retail and Service Commercial: 1-2. Single-story buildings should only be located when integrated into a plaza or other public gathering space. • Developments at the higher ranges of density are not recommended unless they can be shown to be more compatible with surrounding community context and offer significant public benefits such as affordable/workforce housing, enhanced environmental protection, a high degree of access to multi-modal/transit transportation, or significant civic or recreational amenities.	• Densities and intensities should be generally as follows but variability may be allowed if alternate densities and intensities can be shown to better meet the land use objectives of this designation as described herein. Note that these include a minimum as well as maximum range. This is intended to ensure that these prominently located areas be used for their economic development function and not be locked into low intensity uses that preclude future higher economic returns. Note also there is some flexibility language in the densities to allow for unique context considerations or innovative master plan approaches. Densities and intensities should be net, exclusive of open spaces and unbuildable areas. • Non-residential FAR: 0.3 to 1.0 • Residential density: 6-12 units/acre • Number of Stories: o Multifamily Residential: 2-5 o Office: 2-6 o Retail and Service Commercial: 1-2. Single story buildings should only be located when integrated into a plaza or other public gathering space. • Developments at the higher ranges of density are not recommended unless they offer significant public benefits such as affordable/workforce housing, enhanced environmental protection, a high degree of access to multi-modal/transit transportation, or significant civic or recreational amenities.

Mixed Use Development Standards	
4. General Language	a. All developments should refer to the Residential and Commercial/Industrial Development Standards, including Affordable and Workforce Housing, Enhanced Environmental Protection, and Transportation and Mobility, along with the Mixed Use Development Standards. All developments should also refer to the Character Design Guidelines for more specific guidance on development character. b. Mixed Use developments should create vibrant urban/small town environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, complete communities, with a variety of uses that enable people to live, work, play, and shop in one place. c. Mixed Use developments require nearby police and fire protection, high capacity road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master plans are encouraged to be submitted to assist in the consideration of Mixed Use development proposals. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts. d. Mixed Use developments should focus on place-making. Developments should be designed to create a sense of place and should be seen as community destinations. Focal open spaces, community oriented gathering places, unified architectural design, and a mix of uses and design that encourages pedestrian activity are all examples of creating a sense of place. e. Mixed Use developments should allow for compact development that create more efficient buildings and spaces, which can be less of a burden on the environment, creating a more sustainable community. f. Mixed Use developments should encourage the proximity of diverse uses to make it possible to reduce vehicle trips and vehicle miles traveled, providing for a greater potential for internal capture than with typical suburban development and should provide good multimodal networks for bicycle and pedestrian uses.

M E M O R A N D U M

DATE: December 9, 2025

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Attorney

SUBJECT: First Phase of a Comprehensive Agreement - Consolidated Government Center

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At its January 23, 2024, meeting, the Board of Supervisors (the "Board") directed the County Administrator to negotiate an Interim Agreement with Henderson, Inc./Gilbane, a Joint Venture (HGJV) with the intent of moving forward with the potential construction of a new consolidated government center located at 5231 Longhill Road. That Interim Agreement was signed and executed in February of 2024. This first Interim Agreement took the project up to 30% design.

At its December 10, 2024, meeting, the Board directed the County Administrator to negotiate a second Interim Agreement that will take the design of the facility up to a 100% completion status along with final construction documents. HGJV is now in the process of completing construction documents for this project.

At its October 14, 2025, meeting, the Board directed the County Administrator to execute an early site work package that began site work on the proposed parcel for the construction of the new consolidated government center and library addition.

The County now desires to enter into an initial phase of a Comprehensive Agreement that will begin construction on the site in the coming months. The first phase of a Comprehensive Agreement is intended to cover the costs of pre-ordering steel, concrete work, initial plumbing, HVAC, and electrical work. The cost for the services provided under this first phase of a Comprehensive Agreement is not to exceed $46 million. The Board is of the understanding that the total anticipated cost of design and construction of the consolidated government center will not exceed $179 million. Funding for this phase of the project was previously approved in the County's Capital Improvement Program. Staff recommends the adoption of the attached resolution.

BJR/ap
CompAgtPh1-mem

Attachment

R E S O L U T I O N

FIRST PHASE OF A COMPREHENSIVE AGREEMENT FOR THE

CONSOLIDATED GOVERNMENT CENTER CONSTRUCTION

WHEREAS, the James City County Board of Supervisors (the "Board"), on January 23, 2024, directed the County Administrator to execute an Interim Agreement for the initial 30% design and programming for a potential new consolidated government center (the "Project") located at 5231 Longhill Road; and

WHEREAS, on December 10, 2024, the Board directed the County Administrator to execute a second Interim Agreement for the complete design of a consolidated government center (the "Project"); and

WHEREAS, James City County selected Henderson, Inc., a Virginia stock corporation ("Henderson"), and Gilbane Building Company, a Virginia stock corporation ("Gilbane"), jointly and severally, hereinafter ("HGJV"), as the primary partners in this Project; and

WHEREAS, on October 14, 2025, the Board directed the County Administrator to execute an early site work package that began site work on the proposed parcel for the construction of the Project and library addition; and

WHEREAS, HGJV began site work on the proposed location of the Project at 5231 Longhill Road after a groundbreaking ceremony held on November 12, 2025; and

WHEREAS, the Board now desires to enter into an initial phase of a Comprehensive Agreement that will begin construction on the site in the coming months to include pre-ordering steel, concrete work, initial plumbing, HVAC, and electrical work; and

WHEREAS, the Board understands that the cost for the services provided under this first phase of a Comprehensive Agreement is not to exceed $46 million; and

WHEREAS, the County desires to move forward with this Project; funds were previously allocated in the County's Capital Improvement Program to cover this expenditure; and

WHEREAS, the Board desires to begin construction on the Project at 5231 Longhill Road with the understanding that the total anticipated construction and design cost of the Project will not exceed $179 million.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the first phase of a Comprehensive Agreement with HGJV authorizing the start of construction of the Project not to exceed $46 million.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

CompAgtPh1-res

M E M O R A N D U M

DATE: December 9, 2025

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Administrator

SUBJECT: Contract Award for Construction Management Services - Consolidated Government Center and Library

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At its January 23, 2024, meeting, the Board of Supervisors (the "Board") directed the County Administrator to negotiate an Interim Agreement with Henderson, Inc./Gilbane, a Joint Venture (HGJV), with the intent of moving forward with the potential construction of a new consolidated government center located at 5231 Longhill Road. That Interim Agreement was signed and executed in February of 2024. This first Interim Agreement took the project up to 30% design.

At its December 10, 2024, meeting, the Board directed the County Administrator to negotiate a second Interim Agreement that will take the design of the facility up to a 100% completion status along with final construction documents. HGJV is now in the process of completing construction documents for this project.

At its October 14, 2025, meeting, the Board directed the County Administrator to execute an early site work package that began site work on the proposed parcel for the construction of the new consolidated government center and library addition.

The County now desires to enter into an initial phase of a Comprehensive Agreement that will begin construction on the site in the coming months. The County desires to enter in a contract with a Construction Management company to oversee the construction project and provide a variety of other services to include enhanced commissioning, materials testing, and special inspections. A competitive bidding process was conducted with the assistance of the Purchasing Division. A total of eight bids were received, and an internal working group was created to review the proposals. After a thorough vetting process, the unanimous decision by the working group was to select McDonough Bolyard Peck, Inc. (MBP) as the provider of these services. The cost of these services are not to exceed $1,782,523.

The Board is of the understanding that the total anticipated cost of design and construction of the consolidated government center will not exceed $179 million. Funding for this portion of the project was previously approved in the County's Capital Improvement Program. Staff recommends the adoption of the attached resolution.

BJR/tm
CA-CMS-CnslGvtCtrLib-mem

Attachment

R E S O L U T I O N

CONTRACT AWARD FOR CONSTRUCTION MANAGEMENT SERVICES

FOR CONSOLIDATED GOVERNMENT CENTER AND LIBRARY

WHEREAS, the James City County Board of Supervisors (the "Board"), on December 10, 2024, directed the County Administrator to execute a second Interim Agreement for the complete design of a consolidated government center (the "Project"); and

WHEREAS, James City County (the "County") selected Henderson, Inc., a Virginia stock corporation ("Henderson") and Gilbane Building Company, a Virginia stock corporation ("Gilbane"), jointly and severally, hereinafter ("HGJV"), as the primary partners in this project; and

WHEREAS, the County began site work on the proposed location of the project at 5231 Longhill Road after a groundbreaking ceremony held on November 12, 2025; and

WHEREAS, the Board desires to hire a construction management firm to oversee the construction and provide additional services on this project to include construction management, enhanced commissioning, materials testing, and special inspections; and

WHEREAS, the County conducted a competitive bidding process, and an internal working group has selected McDonough Bolyard Peck, Inc. (MBP) as the provider of these services at a cost not to exceed $1,782,523; and

WHEREAS, the County desires to move forward with this contract and funding has been allocated in the County's Capital Improvement Program to cover this expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract with MBP to provide construction management services for the construction of a new consolidated government center and library addition at a cost not to exceed $1,782,523.

_____
James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
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Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2025.

CA-CMS-CnslGvtCtrLib-res