AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

May 12, 2026

5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATION(S)

1. Proclamation - Adult Abuse Prevention Month

F. PUBLIC COMMENT

G. CONSENT CALENDAR

H. PUBLIC HEARING(S)

1. Verizon Franchise Agreement
2. Grant of Right of Way over 8429 Pocahontas Trail to Dominion Energy
3. SUP-26-0001. 147 Whiting Avenue Short Term Rental
4. Z-23-0004/MP-23-0001. Westwood Park Rezoning
5. LU-20-0003. Eastern State (Parcels A, B and D) - Land Use Designation Change
6. Ordinance to Levy an Admissions Tax

I. BOARD CONSIDERATION(S)

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

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

M. ADJOURNMENT

1. Adjourn until 1 pm on May 26, 2026 for the Business Meeting

M E M O R A N D U M

DATE: May 12, 2026

TO: The Board of Supervisors

FROM: Liz Parman, Deputy County Attorney

SUBJECT: Cable Television Franchise Agreement

The attached Cable Franchise Agreement ("Agreement") by and between James City County and Verizon Virginia LLC ("Verizon") is submitted to the Board of Supervisors for consideration pursuant to Section 626 of the Cable Communications Policy Act (the "Cable Act"). This Agreement is consistent with current franchise agreements with Shenandoah Cable Television, LLC, and Cox Communications, LLC, and would provide a third cable provider option to James City County residents within Verizon's service area. Staff recommends approval of the attached resolution authorizing the County Administrator to enter into the Agreement with Verizon.

I. THIS FRANCHISE AGREEMENT DOES **NOT**:

- Grant a Monopoly. This franchise agreement does not exclude other cable service providers. It does not grant a monopoly to Verizon; it is a non-exclusive franchise.
- Address Internet Service. This franchise agreement does not address internet or broadband services. A cable franchise agreement can only address the provision of cable services in the County.
- Establish Rates. This franchise agreement does not regulate the rates for cable service.

II. THIS FRANCHISE AGREEMENT DOES:

- Allows Verizon to begin offering cable television service in the County.
- Requires Verizon to provide cable service to public facilities including the schools and the County's recreation centers if in the service area.
- Requires Verizon to provide three public access (PEG) channels.

LP/ap
CblFranAgt-mem

Attachment

R E S O L U T I O N

CABLE TELEVISION FRANCHISE AGREEMENT

WHEREAS, staff has negotiated a new franchise agreement (the "2026 Franchise") with Verizon Virginia LLC ("Verizon"); and

WHEREAS, the Board held a duly advertised public hearing regarding the 2026 Franchise.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of James City, Virginia, that the County Administrator is hereby authorized to execute those documents necessary to enter into a cable television franchise agreement with Verizon Virginia LLC.

_____
John J. McGlennon
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2026.

CblFranAgt-res

CABLE FRANCHISE AGREEMENT

BETWEEN

JAMES CITY COUNTY, VIRGINIA

AND

VERIZON VIRGINIA LLC

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THIS CABLE FRANCHISE AGREEMENT (the "Franchise" or "Agreement") is entered into by and between James City County, a validly organized and existing political subdivision of the Commonwealth of Virginia (the "Local Franchising Authority" or "LFA"), and VERIZON VIRGINIA LLC, a limited liability company duly organized under the applicable laws of the Commonwealth of Virginia (the "Franchisee").

WHEREAS, the Franchisee is a "cable operator" and the LFA is a "franchising authority" in accordance with Title VI of the Communications Act (*see* 47 U.S.C. §§ 522(5), 522(10)) and the LFA is authorized to grant one (1) or more nonexclusive cable franchises to operate a Cable System within the LFA pursuant to Title VI of the Communications Act;

WHEREAS, the LFA wishes to grant the Franchisee a nonexclusive franchise to own, construct, operate, and maintain a Cable System in the LFA as designated in this Franchise;

WHEREAS, the Franchisee has installed a Fiber to the Premise Telecommunications Network ("FTTP Network") that occupies the Public Rights-of-Way within the LFA for the transmission of Non-Cable Services pursuant to authority granted by applicable state law and Title II of the Communications Act, which Non-Cable Services are not subject to Title VI of the Communications Act or this Agreement;

WHEREAS, pursuant to and in accordance with applicable federal and state law, the LFA undertook a process to determine whether the grant of a nonexclusive franchise to the Franchisee to provide Cable Service in the LFA is consistent with the public interest;

WHEREAS, the LFA has found the Franchisee to be financially, technically and legally qualified to operate the Cable System and has identified the LFA's future cable-related needs and interests in accordance with applicable law;

WHEREAS, following good faith negotiations between the parties, the LFA and the Franchisee have agreed on the terms for a franchise agreement under which the Franchisee will operate its Cable System in the LFA; and

WHEREAS, the LFA has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations.

NOW, THEREFORE, in consideration of the LFA's grant of a franchise to the Franchisee, the Franchisee's promise to provide Cable Service to residents of the LFA pursuant to and consistent with the Communications Act (as hereinafter defined), pursuant to the terms and conditions set forth herein, the promises and undertakings herein, and other good and valuable consideration, the receipt and the adequacy of which are hereby acknowledged,

THE SIGNATORIES DO HEREBY AGREE AS FOLLOWS:

1. DEFINITIONS

Except as otherwise provided herein, the definitions and word usages set forth in the Communications Act (as hereinafter defined) are incorporated herein and shall apply in this Agreement. In addition, the following definitions shall apply:

1.1 *Access Channel*: A video Channel that the Franchisee shall make available to the LFA without charge for public, educational and/or governmental use for the transmission of Video Programming as directed by the LFA.

1.2 *Additional Service Area*: Shall mean any portion of the LFA added pursuant to Subsection 3.1.2 of this Agreement.

1.3 *Affiliate:* Any Person who, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, the Franchisee.

1.4 *Basic Service:* Any service tier that includes the retransmission of local television broadcast signals as well as the PEG Channel required by this Franchise.

1.5 *Cable Service* or *Cable Services:* Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(6), as may be amended, which currently states: "(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service."

1.6 *Cable System* or *System:* Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(7), as may be amended, which currently states: "a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of [T]itle II of this Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with section 653 of this title; or (E) any facilities of any electric utility used solely for operating its electric utility systems."

1.7 *Channel:* Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(4), as may be amended, which currently states: "a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the [FCC] by regulation)."

1.8 *Communications Act*: The Communications Act of 1934, as may be amended.

1.9 *Complaint*: Any written communication, including electronic mail, by a Subscriber expressing dissatisfaction with any aspect of the Franchisee's Cable System or Cable Service operations in the LFA.

1.10 *Control:* The ability to exercise *de facto* or *de jure* control over day-to-day policies and operations or the management of the Franchisee's affairs.

1.11 *Customer Service Standards:* The standards for customer service as set forth in Exhibit A.

1.12 *Educational Access Channel*: An Access Channel available for the use of the local schools in the LFA.

1.13 *Effective Date*: Shall mean the later of the date on which both parties sign this Agreement.

1.14 *FCC*: The United States Federal Communications Commission, or successor governmental entity thereto.

1.15 *Fiber to the Premise Telecommunications Network* or *FTTP Network*: The Franchisee's network that transmits Non-Cable Services pursuant to the authority granted under the laws of the Commonwealth of Virginia and under Title II of the Communications Act, which Non-Cable Services are not subject to Title VI of the Communications Act or this Agreement, and which provides Cable Services from the operation of a Cable System.

1.16 *Force Majeure*: An event or events reasonably beyond the ability of the Franchisee to anticipate and control. This includes, but is not limited to, the following: severe or unusual weather conditions; labor strikes and slowdowns; war or act of war (whether an actual declaration of war is made or not); insurrection, riots, or act of public enemy, including terrorist attacks; orders of the government of the United States or the Commonwealth of Virginia; actions or inactions of any government instrumentality or public utility other than the Franchisee (including condemnation to the extent not foreseeable); major accidents for which the Franchisee is not responsible; fire, flood, epidemics, pandemics, public health emergencies, or other acts of God; or work delays caused by waiting for utility providers to service utility poles to which the Franchisee's FTTP Network is attached and the unavailability of materials and/or qualified labor to perform the work necessary to the extent that such unavailability of materials and/or qualified labor was reasonably beyond the ability of the Franchisee to foresee or control.

1.17 *Franchisee:* Verizon Virginia LLC, and its lawful and permitted successors, assigns, and transferees.

1.18 *Government Access Channel*: An Access Channel available for the use of the LFA for governmental purposes.

1.19 *Gross Revenue:* All revenue, as determined in accordance with generally accepted accounting principles, which is derived by the Franchisee or its Affiliates, from the operation of the Cable System to provide Cable Service in the Service Area including, but not limited to:

(1) Basic Service fees;

(2) fees charged to Subscribers for any service tier other than Basic Service;

(3) fees charged to Subscribers for premium Cable Services;

(4) fees charged to Subscribers for video-on-demand and pay-per-view Cable Services;

(5) fees charged to Subscribers for any optional, per-channel or per-program Cable Services;

(6) revenues from the provision of any other Cable Services;

(7) charges for installation, additional outlets, relocation, disconnection, reconnection and change-in-service fees for Video Programming;

(8) fees for changing any level of Cable Service programming;

(9) fees for service calls;

(10) early termination fees (solely to the extent such early termination fee can be proportionately attributable to Cable Service);

(11) fees for leasing of Channels;

(12) rental of any and all Subscriber equipment, including digital video recorders, converters and remote control devices;

(13) advertising revenues (on a pro rata basis) as set forth herein;

(14) revenues from the sale or rental of Subscriber lists;

(15) revenues or commissions received from the carriage of home shopping channels (on a pro rata basis as set forth herein) subject to Subsection 1.19.5 below;

(16) fees for music services that are Cable Services over the Cable System;

(17) fees for DVR Cable Services;

(18) regional sports programming fees;

(19) broadcast retransmission fees;

(20) late payment fees;

(21) NSF check charges;

(22) franchise fees collected from Subscribers for the provision of Cable Services over the Cable System in the Service Area; and

(23) forgone revenue that the Franchisee chooses not to receive in exchange for trades, barters, services, or other items of value consistent with Subsection 1.19.8 below.

For the avoidance of doubt, advertising revenues shall include the amount of the Franchisee's gross advertising revenue calculated in accordance with generally accepted accounting principles (i.e., without deducting commissions paid to independent third parties). Advertising and home shopping revenue, as described in Sections 1.19(13) and 1.19(15) above, is based upon the ratio of the number of the Franchisee's Subscribers in the Service Area as of the last day of the period for which Gross Revenue is being calculated to the number of the Franchisee's Subscribers within all areas covered by the particular revenue source as of the last day of such period. By way of illustrative example, the Franchisee sells two ads: Ad "A" is broadcast nationwide; Ad "B" is broadcast only within Virginia. The Franchisee has 100 Subscribers in the Service Area, 500 Subscribers in Virginia, and 1,000 Subscribers nationwide. Gross Revenue as to the LFA from Ad "A" is ten percent (10%) of the Franchisee's revenue therefrom. Gross Revenue as to the LFA from Ad "B" is twenty percent (20%) of the Franchisee's revenue therefrom.

Gross Revenue shall not include:

1.19.1 Revenues received by any Affiliate or other Person in exchange for supplying goods or services used by the Franchisee to provide Cable Service over the Cable System;

1.19.2 Bad debts written off by the Franchisee in the normal course of its business; provided, however, that bad debt recoveries shall be included in Gross Revenue during the period collected;

1.19.3 Refunds, rebates, or discounts made to Subscribers or other third parties;

1.19.4 Any revenues classified, in whole or in part, as Non-Cable Services revenue under federal or state law including, without limitation, revenue received from Telecommunications Services; revenue received from Information Services including, without limitation, Internet Access service, electronic mail service, internet-derived electronic bulletin board service, or similar online computer services; charges made to the public for commercial or cable television that is used for two-way communication that is classified as Non-Cable Services; and any other revenues classified as Non-Cable Services in accordance with applicable laws or regulations;

1.19.5 Any revenue of the Franchisee or any other Person that is received directly from the sale of merchandise through any Cable Service distributed over the Cable System, notwithstanding that portion of such revenue which represents or can be attributed to a Subscriber fee or a payment for the use of the Cable System for the sale of such merchandise, which portion shall be included in Gross Revenue;

1.19.6 The sale of Cable Services on the Cable System for resale in which the purchaser is required to collect cable franchise fees from purchaser's customer;

1.19.7 Any tax of general applicability imposed upon the Franchisee or upon Subscribers by a local, state, federal, or any other governmental entity and required to be collected by the Franchisee and remitted to the taxing entity (including, but not limited to, sales/use tax, gross receipts tax, excise tax, utility users tax, public service tax, communication taxes, and non-cable franchise fees);

1.19.8 Any forgone revenue that the Franchisee chooses not to receive in exchange for its provision of free or reduced cost cable or other communications services to any Person including, without limitation, employees of the Franchisee and public institutions or other institutions designated in this Franchise; provided, however, that such forgone revenue that the Franchisee chooses not to receive in exchange for trades, barters, services, or other items of value shall be included in Gross Revenue;

1.19.9 Sales of capital assets or sales of surplus equipment that are not deemed to be a Cable Service;

1.19.10 Program launch fees; and

1.19.11 Directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement, and electronic publishing.

1.20 *High Definition* or *HD:* Format for digital television transmission with video transmitted in at least a 16:9 aspect ratio with a resolution of at least 720p or 1080i.

1.21 *Information Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(24), as may be amended, which currently states: "the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service."

1.22 *Initial Service Area*: All portions of the LFA where Cable Service is being offered as of the Effective Date.

1.23 *Internet Access*: Broadband access service that enables Subscribers to access the Internet.

1.24 *Local Franchising Authority* or *LFA*: Hanover County, Virginia or the lawful successor, transferee, or assignee thereof.

1.25 *Non-Cable Services*: Any service that is not a Cable Service as defined herein including, but not limited to, Information Services and Telecommunications Services.

1.26 *Normal Operating Conditions*: Those service conditions that are within the control of the Franchisee. Those conditions that are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions that are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or rebuild of the Cable System. *See* 47 C.F.R. § 76.309(c)(4)(ii).

1.27 *PEG*: Public, Educational or Government.

1.28 *Person*: An individual, partnership, association, joint stock company, trust, corporation, limited liability company, or governmental entity.

1.29 *Public Access Channel*: An Access Channel available for the non-commercial use by the residents in the LFA.

1.30 *Public Rights-of-Way*: The surface and the area across, in, over, along, upon, and below the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys, and boulevards, including public utility easements and public lands and waterways used as Public Rights-of-Way, as the same now or may hereafter exist, which are under the jurisdiction or control of the LFA. Public Rights-of-Way do not include the airwaves above a right-of-way with regard to cellular or other wireless communications or broadcast services.

1.31 *Service Area*: All portions of the LFA where Cable Service is offered.

1.32 *Service Interruption:* The loss of picture or sound on one (1) or more cable Channels.

1.33 *Standard Definition* or *SD*: Format for digital television transmission with video transmitted in a 4:3 aspect ratio with a resolution of at least 480i.

1.34 *Subscriber*: A Person who lawfully receives Cable Service over the Cable System with the Franchisee's express permission.

1.35 *Telecommunications Facilities*: The Franchisee's existing Telecommunications Services and Information Services facilities and its FTTP Network facilities.

1.36 *Telecommunications Services:* Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(53), as may be amended, which currently states: "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used."

1.37 *Title II*: Title II of the Communications Act, Common Carriers, as may be amended, which governs the provision of Telecommunications Services.

1.38 *Title VI*: Title VI of the Communications Act, Cable Communications, as may be amended, which governs the provision of Cable Services by the Franchisee.

1.39 *Transfer of the Franchise*:

1.39.1 Any transaction in which:

1.39.1.1 the right, title, control or other interest in the Franchisee is transferred, directly or indirectly, from one (1) Person or group of Persons to another Person or group of Persons, so that control of the Franchisee is transferred; or

1.39.1.2 at least thirty percent (30%) of the equitable ownership of the Franchisee is transferred or assigned; or

1.39.1.3 the rights held by the Franchisee pursuant to this Agreement are transferred or assigned to another Person or group of Persons.

1.39.2 Notwithstanding Subsection 1.39.1 above, a Transfer of the Franchise shall not include transfer of an ownership or other interest in the Franchisee to the parent of the Franchisee or to another Affiliate of the Franchisee; transfer of an interest in this Franchise or the rights held by the Franchisee under this Franchise to the parent of the Franchisee or to another Affiliate of the Franchisee; any action that is the result of a merger of the parent of the Franchisee; or any action that is the result of a merger of another Affiliate of the Franchisee.

1.40 *Video Programming:* Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(20), as may be amended, which currently states: "programming provided by, or generally considered comparable to programming provided by, a television broadcast station."

1.41 *Video Service Provider* or *VSP:* Any entity using wired facilities occupying a substantial portion of the Public Rights-of-Way as the primary means of delivery to provide Video Programming services to multiple subscribers within the territorial boundaries of the LFA. A VSP shall include any entity that provides Cable Services or Video Programming services within the territorial boundaries of the LFA.

2. GRANT OF AUTHORITY; LIMITS AND RESERVATIONS

2.1 *Grant of Authority*: Subject to the terms and conditions of this Agreement and applicable laws and regulations, the LFA hereby grants to the Franchisee the right to own, construct, operate, and maintain a Cable System to provide Cable Services along the Public Rights-of-Way within the LFA. No privilege or power of eminent domain is bestowed or waived by this grant or by this Agreement.

2.2 *The LFA's Regulatory Authority*: The parties recognize that the Franchisee's FTTP Network has been constructed and is operated and maintained as an upgrade

to and/or extension of its existing Telecommunications Facilities for the provision of Non-Cable Services. The jurisdiction of the LFA over the Franchisee's Telecommunications Facilities is governed by federal and state law, and the LFA will not assert jurisdiction over the Franchisee's FTTP Network in contravention of those laws. Therefore, as provided in Section 621(b)(3)(A) of the Communications Act, 47 U.S.C. § 541(b)(3)(A), the LFA's regulatory authority under Title VI of the Communications Act is not applicable to the construction, installation, maintenance, or operation of the Franchisee's FTTP Network to the extent the FTTP Network uses the Franchisee's existing Telecommunications Facilities for the provision of Non-Cable Services. This Agreement shall not be construed to limit whatever existing regulatory authority the LFA may have under federal and state law with respect to the FTTP Network facilities.

2.3 *Term:* This Franchise shall become effective on the Effective Date as defined in Section 1.13 above. The term of this Franchise shall be five (5) years from the Effective Date, unless the Franchise is earlier terminated by the Franchisee pursuant to the terms of Section 2.4 of this Agreement or is revoked by the LFA pursuant to Section 12.4 of this Agreement.

2.4 *Extension Option:* The Franchisee shall have the option to extend this Agreement for an additional period of five (5) years ("Extension"). The Extension shall be exercised, at the sole discretion of the Franchisee, upon the Franchisee providing the LFA with written notice of extension at least thirty (30) days prior to the expiration of the then-current term.

2.5 *Termination Generally*: Notwithstanding any provision herein to the contrary, the Franchisee may terminate this Franchise and all obligations hereunder at any time during the term, including during an Extension of the term, of this Franchise for any reason, in the Franchisee's sole discretion, upon six (6) months' written notice to the LFA.

2.6 *Modification Based on VSP Requirements; Competitive Equity:*

2.6.1 If there is a change in federal, state, or local law that reduces any material financial and/or operational obligation that the LFA has required from or imposed upon a VSP, or if the LFA enters into any franchise, agreement, license, or grant of authorization with a VSP to provide Video Programming services to residential subscribers in the LFA and the franchise, agreement, license or grant of authorization, taken as a whole upon consideration of all of its material obligations, is materially less burdensome than the terms imposed by this Franchise, then the Franchisee and the LFA shall, within sixty (60) days of the LFA's receipt of the Franchisee's written notice, commence negotiations to modify this Franchise to create reasonable competitive equity between the Franchisee and such other VSP(s).

2.6.2 The Franchisee's notice pursuant to Subsection 2.5.1 shall specify either the change in law or the lesser burden in an authorization to a competitive VSP and the resulting change in obligations. The Franchisee shall respond to reasonable information requests from the LFA, as may be necessary to review the change in obligations resulting from the cited law or the alleged lesser burden.

2.6.3 In the event the parties do not reach mutually acceptable agreement on a modification requested by the Franchisee, the Franchisee shall, at any time and in its sole discretion, have the option of exercising either of the following actions:

2.6.3.1 if agreed by both parties, submitting the matter to binding commercial arbitration by a mutually-selected arbitrator in accordance with the rules of the American Arbitration Association; or

2.6.3.2 submitting the matter to mediation by a mutually-acceptable mediator.

2.7 *Grant Not Exclusive:* This Franchise and the rights granted herein to use and occupy the Public Rights-of-Way to provide Cable Services shall not be exclusive, and the LFA reserves the right to grant other franchises for similar uses or for other uses of the Public Rights-of-Way, or any portions thereof, to any Person, or to make any such use itself, at any time during the term of this Franchise. Any such rights that are granted shall not materially interfere with existing facilities of the Cable System or the Franchisee's FTTP Network.

2.8 *Franchise Subject to Federal, State, and Local Law:* Notwithstanding any provision to the contrary herein, this Franchise is subject to and shall be governed by all applicable provisions of federal, state, and local laws and regulations.

2.9 *No Waiver*:

2.9.1 The failure of the LFA on one (1) or more occasions to exercise a right or to require compliance or performance under this Franchise, the Communications Act, or any other applicable state or federal law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the LFA, nor to excuse the Franchisee from complying or performing, unless such right or such compliance or performance has been specifically waived in writing.

2.9.2 The failure of the Franchisee on one (1) or more occasions to exercise a right under this Franchise or applicable law, or to require performance under this Franchise, shall not be deemed to constitute a waiver of such right or of performance by the Franchisee, nor shall it excuse the LFA from performance, unless such right or performance has been specifically waived in writing.

2.10 *Construction of Agreement*:

2.10.1 The provisions of this Franchise shall be liberally construed to effectuate their objectives.

2.10.2 Nothing herein shall be construed to limit the scope or applicability of Section 625 of the Communications Act, 47 U.S.C. § 545.

2.10.3 Should any change to federal, state or local law have the lawful effect of materially altering the terms and conditions of this Agreement making it commercially impracticable for the Franchisee to continue the provision of Cable Services in the LFA, then the

parties shall modify this Franchise to the mutual satisfaction of both parties to ameliorate the negative effects on the Franchisee and the LFA of the material alteration. Any modification to this Franchise shall be in writing and signed by both parties. If the parties cannot reach agreement on the above-referenced modification to this Franchise, then upon either party's initiative, the parties agree to submit the matter to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association.

2.11 *Police Powers*: Nothing in this Franchise shall be construed to prohibit the reasonable, necessary, and lawful exercise of the police powers of the LFA. The LFA shall not subject the Franchisee to any ordinances or regulations that are in material conflict with this Franchise. If the LFA exercises its reasonable, necessary, and lawful police power rights and such exercise results in a material alteration of the terms and conditions of this Agreement that makes it commercially impracticable for the Franchisee to continue the provision of Cable Services in the LFA, then the parties shall modify this Agreement to the mutual satisfaction of both parties to ameliorate the negative effects of the LFA's exercise of its police power rights on the Franchisee. Any modification to this Agreement shall be in writing and signed by both parties. If the parties cannot reach agreement on how to ameliorate the negative effects of the LFA's exercise of its police power rights, then the parties agree to submit the matter to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association.

2.12 *Compliance with Federal and State Privacy Laws*: The Franchisee shall comply with the privacy provisions of Section 631 of the Communications Act, 47 U.S.C. § 551, and all other applicable federal and state privacy laws and regulations. The parties agree that, during the term hereof, the Franchisee shall not be subject to any local laws or ordinances which, directly or indirectly, conflict with or exceed the scope of such applicable federal and/or state privacy laws.

2.13 *Permits:* Nothing herein shall be construed to limit the LFA's lawful authority to require permits and applicable fees for certain activities in the Public Rights-of-Way; provided, however, that the Franchisee shall not be required to obtain permits for Cable Service drops for individual Subscribers.

3. PROVISION OF CABLE SERVICE

3.1 *Service Area*:

3.1.1 *Initial Service Area*: Subject to the issuance of all necessary permits by the LFA, the Franchisee shall offer Cable Service to all residential households in the Initial Service Area, and may make Cable Service available to businesses in the Initial Service Area, except: (A) for periods of Force Majeure; (B) for periods of unreasonable delay caused by the LFA; (C) for periods of delay resulting from the Franchisee's inability to obtain authority to access rights-of-way in the Service Area; (D) in areas where developments, buildings or other residential dwelling units are subject to claimed exclusive arrangements with other providers; (E) in areas, developments, buildings or other residential dwelling units where the Franchisee cannot gain access under reasonable terms and conditions after good faith negotiation, as reasonably determined by the Franchisee; (F) in areas, developments, buildings or other residential dwelling units where the Franchisee is unable to provide Cable Service for technical reasons or

which require non-standard facilities which are not available on a commercially reasonable basis including, but not limited to, circumstances where the Franchisee cannot access the areas, developments, buildings or other residential dwelling units by using the Franchisee's existing network pathways and which would thus require the construction of new trunk, feeder, or distribution lines; (G) in areas, developments, buildings or other residential dwelling units where the Franchisee determines, at its sole discretion, that providing such Cable Service is not commercially reasonable; and (H) in areas, developments, buildings or other residential dwelling units that are not habitable or have not been constructed as of the Effective Date.

3.1.2 *Additional Service Areas*: The Franchisee shall not be required to extend its Cable System or to provide Cable Services to any other areas within the LFA during the term of this Franchise or any renewals thereof. If the Franchisee desires to add Additional Service Areas within the LFA, the Franchisee may do so at its sole discretion.

3.2 *Availability of Cable Service*: The Franchisee shall make Cable Service available to all residential dwelling units and may make Cable Service available to businesses within the Service Area in conformance with Section 3.1, and the Franchisee shall not discriminate between or among any individuals in the availability of Cable Service. In the areas in which the Franchisee shall provide Cable Service, the Franchisee shall be required to connect, at the Franchisee's expense, other than a standard installation charge, all residential dwelling units that are within two hundred and fifty (250) feet of trunk or feeder lines not otherwise already served by the Franchisee's FTTP Network. The Franchisee shall be allowed to recover, from a Subscriber that requests such connection, no more than the actual costs incurred for the portion of a residential dwelling unit connection that exceeds two hundred and fifty (250) feet and the actual costs incurred to connect any non-residential dwelling unit Subscriber.

3.3 *Cable Service to Public Buildings*: Subject to Section 3.1, the Franchisee shall provide, without charge and within ninety (90) days following the LFA's written request, one (1) service outlet activated for Basic Service (or equivalent) to the following:

3.3.1 Each current municipal building, fire station, each public K-12 school, and public library located in the Service Area; provided, however, that if it is necessary to extend the Franchisee's trunk or feeder lines more than two hundred and fifty (250) feet solely to provide service to any such public building, the LFA shall have the option either of paying the Franchisee's direct costs for such extension for the portion of the connection in excess of two hundred and fifty (250) feet, or of releasing the Franchisee from the obligation to provide service to such public building. Furthermore, the Franchisee shall be permitted to recover, from any public building owner entitled to service under this subsection, the direct cost of installing, when requested to do so, more than one (1) outlet, or concealed inside wiring, or a service outlet requiring more than two hundred and fifty (250) feet of drop cable; provided, however, that the Franchisee shall not charge for the provision of Basic Service to the additional service outlets once installed except in accordance with Subsection 3.3.2 below.

3.3.2 In accordance with the applicable provisions of the FCC's 2019 Third Report and Order In the Matter of Implementation of Section 621 of the Cable Act (the "621 Order") and the decision on appeal by the Sixth Circuit Court of Appeals, the Franchisee may charge for the services described in Subsections 3.3.1 and 3.3.2 above in accordance with

applicable law, which as of the Effective Date is the Franchisee's marginal cost of providing such service. Prior to charging for such services, the Franchisee shall provide written notice to the LFA of its intent to charge for such services and shall provide reasonable detail sufficient to substantiate the marginal cost and the amount due.

4. SYSTEM FACILITIES

4.1 *Technical Requirements:* The Cable System shall meet or exceed all applicable technical performance standards of the FCC, any other future applicable technical performance standards, the National Electrical Safety Code, the National Electrical Code and any other applicable federal laws and the laws of the Commonwealth of Virginia to the extent not in conflict with federal law and regulations.

4.2 *System Characteristics:* The Franchisee's Cable System shall be designed and operated as an active two-way system that allocates sufficient bandwidth to deliver reliable two-way Cable Services.

4.3 *Interconnection:* The Franchisee shall operate its Cable System so that it may be interconnected with other cable systems in the LFA. Interconnection of systems may be made by direct cable connection, microwave link, satellite, or other appropriate methods.

4.4 *No Interference:* The Cable System shall be operated in such a manner as to comply with all applicable FCC requirements regarding (i) consumer electronic equipment and (ii) interference with the reception of off-the-air signals of licensed FCC operators.

4.5 *Standby Power:* The Cable System shall incorporate equipment capable of providing continuous standby powering of the System during any commercial utility power outage.

4.6 *Emergency Alert System*: The Franchisee shall comply with the applicable requirements of the FCC and the Commonwealth of Virginia with respect to the operation of an Emergency Alert System ("EAS") and with applicable state and local EAS plans in order that emergency messages may be distributed over the Cable System.

5. PEG SERVICES

5.1 *PEG Channel Set Aside:*

5.1.1 In order to ensure universal availability of Public, Educational, and Government Access programming, the Franchisee shall reserve on the Basic Service tier capacity for three (3) dedicated Public, Educational, and Government Access Channels ("PEG Channels") for exclusive use by the LFA or its designee. The PEG Channels shall be used for community programming related to public, educational and/or governmental activities. The LFA shall have complete control over the content, scheduling, administration and all other programming aspects of the PEG Channels, and may delegate such functions, or a portion of such functions, to an appropriate designee. The Franchisee shall not exercise any editorial control over PEG Channel programming. The Franchisee shall maintain in good working order the video link(s) and equipment necessary to transmit the PEG Channel signals to the channel aggregation site for further processing and distribution to Subscribers. The Franchisee shall maintain the PEG Channels and video link(s) in accordance with FCC technical specifications that are comparable to the specifications used to maintain commercial Channels transmitted to Subscribers on the Cable System, except that the Franchisee shall not be responsible for the technical signal quality of the programming produced by any PEG Channel producer.

5.1.2 The LFA and the Franchisee will comply with all laws and regulations related to use of the PEG Channels. The parties agree that the Franchisee shall retain the right to utilize such reserved PEG Channel capacity, in its sole discretion, during the term of this Franchise until such time as the LFA notifies the Franchisee in writing of its desire to begin using the PEG Channels pursuant to Subsection 5.1.3 below.

5.1.3 The LFA may obtain from the Franchisee, within one hundred twenty (120) days of the receipt of written notice from the LFA, three (3) PEG Channels as identified in Subsection 5.1.1 for exclusive use by the LFA or its designee. Such notification shall constitute authorization to the Franchisee to transmit such PEG Channel programming within and without the LFA. The Franchisee shall assign the PEG Channel numbers to the extent such Channel number assignment does not interfere with the Franchisee's existing or planned Channel number line-up and contractual obligations, provided it is understood that the Franchisee specifically reserves the right to make or change such PEG Channel number assignment, in its sole discretion, upon at least thirty (30) days' written notice to the LFA. If the PEG Channels provided under this Article 5 is not being utilized by the LFA, or if the LFA ceases to use the PEG Channels during the term of this Franchise, the Franchisee may utilize such PEG Channel capacity, in its sole discretion, until such time as the LFA elects to utilize the PEG Channel for its intended purpose. In the event the LFA decides to exercise its right to use previously de-activated PEG Channel capacity, the LFA shall provide the Franchisee with written notice and the Franchisee shall re-activate the PEG Channel within ninety (90) days of receipt of the written request from the LFA.

5.2 *PEG Channel Equipment and Programming*: The LFA and/or its designee shall be solely responsible for operating its switching equipment and the picture and audio quality of all PEG Channel programming up to the demarcation point and for ensuring all PEG Channel programming is inserted on the appropriate upstream PEG Channel. All PEG Channel programming shall be transmitted to the Franchisee in baseband or SD-SDI format with either mono or stereo audio signals, and with signals received by the Franchisee in stereo cablecast by the Franchisee in stereo. Notwithstanding the foregoing, the Franchisee shall not be obligated to provide the LFA or its designee with either cablecast equipment and facilities or the personnel

responsible for maintaining and operating equipment and facilities on the LFA's side of the demarcation point and used to generate or administer any PEG Channel access signals, except as necessary to implement the Franchisee's responsibilities specified herein. The LFA and the Franchisee shall work together in good faith to resolve any connection issues. If the LFA issues a franchise to, or renews a franchise with, a competing cable operator, the competing cable operator may not connect its system to the Franchisee's System for the purposes of obtaining PEG Channel programming from the PEG Channels transmitted on the Franchisee's System without the Franchisee's prior written consent.

5.3 *Interconnection for PEG Channel Programming*: The Franchisee may, in its sole discretion, use reasonable efforts to interconnect its Cable System with the existing cable operator(s). If interconnection is not pursued, for purposes of providing the PEG Channels, no earlier than six (6) months after written notice by the LFA to activate the PEG Channel, subject to the provisions of Section 3.1 and so long as such location(s) are within the Initial Service Area, the LFA may require the Franchisee to provide a video link, without charge to the LFA, to a location within the Service Area where PEG Channel programming is originated for the purpose of cablecasting such PEG Channel programming. The Franchisee shall maintain the fiber connection to such origination location in good working order and without any charge to the LFA. Alternatively, in coordination with Franchisee, the LFA will deliver the PEG programming to Franchisee via the LFA's own broadband connection using Secure Reliable Transport (SRT) or other comparable broadband video delivery technology as designated by the Franchisee; such delivery will be the LFA's responsibility, including any broadband subscription costs and compliance with terms of service of the internet service provider. The Franchisee shall not be obligated to provide the LFA with either cablecast equipment and facilities or personnel responsible for maintaining and operating such equipment and facilities or generating any such PEG Channel programming.

5.4 *PEG Channel Relocation*: The LFA shall have the right to relocate the location where its PEG Channel programming originates after such time as the Franchisee has established a direct connection or has interconnected with another cable operator for purposes of obtaining PEG Channel programming as follows: (i) the Franchisee's obligation shall be subject to the same conditions that apply to the PEG Channel origination sites as set forth in this Article 5; (ii) the LFA shall provide access to such site at least ninety (90) days prior to the LFA's anticipated use of the relocated PEG Channel origination site; and (iii) the LFA shall reimburse the Franchisee for the actual costs it incurs to relocate its direct connection or for any additional costs associated with the interconnection with any other cable operator. Said relocation shall be undertaken within ninety (90) days of the LFA both: (A) providing a written request therefore, and (B) meeting the conditions set forth above.

5.5 *High Definition PEG Channel:* The LFA may make a written request to activate a PEG Channel, or to upgrade/replace an existing Standard Definition ("SD") PEG Channel, to be broadcast in High Definition ("HD"). The Franchisee shall carry all components of the HD PEG Channel signals that are provided by the LFA or its designee including, but not limited to, video, audio, stereo, closed captioning, and other elements associated with the programming. Upon receipt of the LFA's written request, the Franchisee shall make the HD PEG Channel available to the LFA or the PEG Channel designee within one hundred twenty (120) days if the HD PEG Channel is an initial activation or within two hundred

seventy (270) days if the HD PEG Channel is an upgrade/replacement of an existing SD PEG Channel. If applicable, the LFA shall include in the written notice a statement of the existing PEG Channel number assignment on the Franchisee's Cable System and the originating location of the PEG Channel programming. The HD PEG Channel will be assigned a new Channel number on the Franchisee's Channel line-up. To the extent permitted by law, the Franchisee shall be allowed to recover from Subscribers applicable costs incurred to transmit HD PEG Channel programming.

5.5.1 All programming content for the HD PEG Channel shall be transmitted to the Franchisee in HD-SDI format with a resolution of 720p or 1080i. The LFA expressly acknowledges that an HD PEG Channel may not be available at all times during the term of this Agreement on the Franchisee's Basic Service tier and that in order to view the HD PEG Channel, a Subscriber may be required to upgrade equipment at an additional charge. The Franchisee shall have the right to discontinue provision and reclaim the bandwidth of the Standard Definition Access Channel ninety (90) days after the launch of the HD PEG Channel as required by this Section 5.5.

5.6 *Indemnity for PEG Services*: The LFA shall require all local producers and users of any of the PEG facilities or the PEG Channel to agree in writing to authorize the Franchisee to transmit programming consistent with this Agreement and to defend and hold harmless the Franchisee and the LFA from and against any and all liability or other injury, including the reasonable cost of defending claims or litigation, arising from or in connection with claims regarding a PEG Channel programming facility, not including the FTTP Network, or PEG Channel or PEG Channel programming, including claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state, or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name, or service mark; for breach of contractual or other obligations owing to third parties by the producer or user; and for any other injury or damage in law or equity. The LFA may establish rules and procedures for use of PEG Channel facilities consistent with applicable laws and regulations. Notwithstanding the foregoing, the LFA shall not indemnify the Franchisee for any damages, liability, or claims resulting from acts of willful misconduct or negligence of the Franchisee, its officers, employees, or agents.

5.7 *PEG Grant*

5.7.1 *Annual Capital Grant*: As of the Effective Date of this Agreement, the amount of the PEG Grant is set at zero cents ($0.00). If separately approved by the County's Board of Supervisors and upon providing ninety (90) days written notice to Verizon, so long as the same is required of all other providers of Cable Service in the County, Verizon shall provide an annual grant to the County to be used in support of the production of local PEG programming (the "Annual PEG Access Capital Grant"). Such grant may be used by the County, in its sole discretion for (i) PEG access equipment, including, but not limited to, studio and portable production equipment, editing equipment and program playback equipment; and (ii) renovation or construction of PEG access facilities.

5.7.2 *Amount of Grant*: The Annual PEG Access Capital Grant provided by Verizon hereunder may be up to forty-five cents ($0.45) per month, per Subscriber, in the Service Area. The Annual PEG Access Capital Grant payment, along with a brief summary of the Subscriber information and any supporting back-up information upon which it is based, shall be delivered to the County within sixty (60) days after the beginning of each calendar year during the Franchise Term. Calculation of the Annual PEG Access Capital Grant will commence ninety (90) days after the provision of written notice to Verizon as set forth in Subsection 5.7.1 above.

5.8 *Recovery of Costs*: The Franchisee shall be allowed to recover any costs arising from the provision of PEG Channel services as set forth in Section 622 of the Communications Act, 47 U.S.C. § 542, and to include such costs as a separately billed line item on each Subscriber's bill. Without limiting the foregoing, if allowed under state and federal laws, the Franchisee may externalize, line-item, or otherwise pass through interconnection costs to Subscribers.

6. FRANCHISE FEES

6.1 *Communications Sales and Use Tax*: The parties shall comply with all applicable requirements of the provisions of Section 58.1-645 of the Code of Virginia (the "Communications Sales and Use Tax") in its current form and as it may be amended. Should at any time during the term of this Franchise the Communications Sales and Use Tax be repealed or amended to reduce or eliminate the payment of taxes by the Franchisee on the provision of Cable Services over the Cable System, the LFA may, to the extent allowable under applicable law, require, upon sixty (60) days written notice, that the Franchisee pay to the LFA a franchise fee based on Gross Revenue in an amount established by the LFA that is no greater than that allowed by federal law; provided, however, that: (1) any such requirement to pay a franchise fee applies equally to all franchised cable operators in the LFA; (2) the Franchisee shall not be compelled to pay any higher percentage of gross revenue as franchise fees than any other franchised cable operator providing service in the LFA; and (3) Franchisee shall not be obligated to pay franchise fees on revenues not included in gross revenues by any other franchised cable operator in the LFA. Any payment of franchise fees to the LFA pursuant to this Article 6 shall be made on an annual basis and shall be due forty-five (45) days after the close of each calendar year. Each franchise fee payment shall be accompanied by a brief report prepared by a representative of the Franchisee that shows the basis for the computation of all Gross Revenue derived during the period for which such franchise fee payment is made.

6.2 *Supporting Information:* Each franchise fee payment shall be accompanied by a brief report that provides line items for revenue sources and the amount of revenue received from each source and is verified by a financial manager of the Franchisee showing the basis for the computation.

6.3 *Limitation on Franchise Fee Actions*: The parties agree that the period of limitation for recovery of any franchise fee payable hereunder shall be forty-eight (48) months from the date on which the applicable payment by the Franchisee is due.

6.4 *Audits*:

6.4.1 The LFA may conduct a franchise fee review or audit of the Franchisee's books and records pertaining directly to the Franchisee's payment of franchise fees to the LFA no more than once every three (3) years during the term of this Franchise. Any audit shall be initiated through written notice to the Franchisee by the LFA, and the LFA or any auditor employed by the LFA shall submit its request for records within forty-five (45) days of the LFA's notice; provided, however, that the parties shall work cooperatively on an ongoing basis during the audit review in the event the LFA or its designated auditor identifies reasonable follow-up records that are necessary to complete the audit. Subject to the confidentiality provisions of Section 8.1 below, and execution of a non-disclosure agreement with the LFA or an auditor employed by the LFA, all records requested by the LFA for such audit shall be made available to the LFA or its auditor within forty-five (45) days of the LFA's request for documents. All records shall be provided by the Franchisee for inspection at a mutually agreed upon location or, if agreed by the parties, through secure electronic communication.

6.4.2 Any audit conducted by the LFA or auditor employed by the LFA shall be completed within one hundred twenty (120) days of receipt of all documents identified in the request for records submitted pursuant to Subsection 6.4.1, or by such other date as is mutually agreed to by the parties. If upon completion of the audit, the LFA does not make a claim for additional payments, then the LFA shall provide the Franchisee with written documentation of closure of the audit within forty-five (45) days from the date the audit is completed. The LFA's claim for additional franchise fee payments shall be provided to the Franchisee within forty-five (45) days from the date on which the audit is completed by the LFA or its auditor or by such other date as is mutually agreed to by the parties.

6.4.3 Each party shall bear its own costs of an audit; provided, however, that if the results of any audit indicate that the Franchisee underpaid the franchise fees by five percent (5%) or more, then the Franchisee shall pay the reasonable, documented, out-of-pocket costs of the audit up to eight thousand dollars ($8,000).

6.4.4 If the results of an audit indicate an underpayment of franchise fees, the parties agree that such underpayment shall be remitted to the LFA within forty-five (45) days; provided, however, that the Franchisee shall be required to remit underpayments to the LFA together with interest at six percent (6%) of the amount correctly due from the date such underpayment would have been due.

6.4.5 Any entity employed by the LFA that performs the audit or franchise fee review shall be a professional firm with recognized expertise in auditing franchise fees and shall not be permitted to be compensated on a success-based formula, e.g., payment based on an underpayment of franchise fees, if any.

6.5 *Bundled Services*: If Cable Services are provided to Subscribers in conjunction with Non-Cable Services, the calculation of Gross Revenue shall be adjusted, if needed, to include only the value of the Cable Services billed to Subscribers, as reflected on the books and records of the Franchisee in accordance with FCC rules, regulations, standards, or orders. If the Franchisee bundles Cable Services with Non-Cable Services, the Franchisee agrees that it will not intentionally or unlawfully allocate such revenue for the purpose of evading payments due under this Franchise. The parties agree that tariffed Telecommunications Services

that cannot be discounted by state or federal law or regulation are to be excluded from the bundled discount allocation basis.

7. CUSTOMER SERVICE

Customer Service Standards to be complied with by the Franchisee are set forth in Exhibit A. Such standards may be amended by written consent of the parties.

8. REPORTS AND RECORDS

8.1 *Open Books and Records*: Upon written notice to the Franchisee, the LFA shall have the right to inspect the Franchisee's books and records pertaining to this Agreement or the Franchisee's provision of Cable Service in the LFA at any time during Normal Business Hours to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the section or subsection of this Franchise that is under review, so that the Franchisee may organize the necessary books and records for appropriate access by the LFA. Within thirty (30) days of the LFA's written notice, all records requested by the LFA shall be provided by the Franchisee for inspection at a mutually agreed upon location or, if agreed by the parties, through secure electronic communication. The Franchisee shall not be required to maintain any books and records for Franchise compliance purposes longer than forty-eight (48) months. Notwithstanding anything to the contrary set forth herein, the Franchisee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor to disclose any of its or an Affiliate's books and records not relating to this Agreement or to the provision of Cable Service in the LFA. If the Franchisee claims any information to be proprietary or confidential, it shall identify the information and provide a written explanation as to the reason it is claimed to be confidential or proprietary. The LFA shall treat any information disclosed by the Franchisee as confidential so long as it is permitted to do so under applicable law, and shall only disclose it to employees, representatives, and agents of the LFA that have a need to know, or in order to enforce the provisions hereof. The Franchisee shall not be required to provide Subscriber information in violation of Section 631 of the Communications Act, 47 U.S.C. § 551.

8.2 *Records Required*: The Franchisee shall at all times maintain the following, which may be inspected pursuant to Section 8.1 above:

8.2.1 Records of all Complaints for a period of forty-eight (48) months. Complaints recorded will not be limited to Complaints requiring an employee service call.

8.2.2 Records of Significant Outages (as defined in the Customer Service Standards attached as Exhibit A) for a period of forty-eight (48) months.

8.2.3 Records of Service Calls for repair and maintenance (as set forth in the Customer Service Standards attached as Exhibit A) for a period of forty-eight (48) months.

8.2.4 Records of installation/reconnection and requests for service extension (as set forth in the Customer Service Standards attached as Exhibit A) for a period of forty-eight (48) months.

9. INSURANCE AND INDEMNIFICATION

9.1 *Insurance*:

9.1.1 The Franchisee shall maintain in full force and effect, at its own cost and expense, during the Franchise term, the following insurance coverage:

9.1.1.1 Commercial General Liability Insurance with limits of three million dollars ($3,000,000) per occurrence for property damage and bodily injury and three million dollars ($3,000,000) general aggregate including premises-operations, contractual liability, personal and advertising injury and products/completed operations covering the construction, operation, and maintenance of the Cable System, and the conduct of the Franchisee's Cable Service business in the LFA.

9.1.1.2 Automobile Liability Insurance in the amount of one million dollars ($1,000,000) combined single limit each accident for bodily injury and property damage coverage covering all owned, non-owned, and hired vehicles.

9.1.1.3 Workers' Compensation Insurance in compliance with the statutory requirements of the Commonwealth of Virginia and Employers' Liability Insurance in the following amounts: (i) Bodily Injury by Accident: one hundred thousand dollars ($100,000); and (ii) Bodily Injury by Disease: one hundred thousand dollars ($100,000) each employee; five hundred thousand dollars ($500,000) disease policy limit.

9.1.2 The LFA shall be included as an additional insured as its interest may appear under this Franchise on Commercial General Liability and Automobile Liability insurance policies.

9.1.3 Upon receipt of notice from its insurer, the Franchisee shall provide the LFA with thirty (30) days' prior written notice of cancellation of any required insurance.

9.1.4 Each of the required insurance policies shall be with insurers qualified to do business in the Commonwealth of Virginia, with an A-VII or better rating for financial condition and financial performance by Best's Key Rating Guide, Property/Casualty Edition.

9.1.5 Upon written request, the Franchisee shall deliver to the LFA Certificates of Insurance showing evidence of the required coverage.

9.2 *Indemnification*:

9.2.1 The Franchisee agrees to indemnify, save, hold harmless, and defend the LFA, its elected and appointed officials, officers, agents, boards, and employees, from and against any and all claims for injury, loss, liability, cost or expense arising in whole or in part from, incident to, or connected with any act or omission of the Franchisee, its officers, agents, or employees, including the acts or omissions of any contractor or subcontractor of the Franchisee, arising out of the construction, operation, upgrade, or maintenance of its Cable System. The

obligation to indemnify, save, hold harmless and defend the LFA shall include the obligation to pay judgments, injuries, liabilities, damages, penalties, expert fees, court costs and the Franchisee's own attorney's fees. The LFA shall give the Franchisee timely written notice of the LFA's request for indemnification within (i) thirty (30) days of receipt of a claim or action pursuant to this subsection or (ii) ten (10) days following service of legal process on the LFA or its designated agent of any action related to this subsection. The LFA agrees that it will take all necessary action to avoid a default judgment. Notwithstanding the foregoing, the Franchisee shall not indemnify the LFA for any damages, liability, or claims resulting from, and the LFA shall be responsible for, the LFA's own acts of willful misconduct or the willful misconduct of its elected and appointed officials, officers, agents, boards, and employees.

9.2.2 With respect to the Franchisee's indemnity obligations set forth in Subsection 9.2.1, the Franchisee shall provide the defense of any claims brought against the LFA by selecting counsel of the Franchisee's choice to defend the claim, subject to the consent of the LFA, which shall not unreasonably be withheld. Nothing herein shall be deemed to prevent the LFA from cooperating with the Franchisee and participating in the defense of any litigation by its own counsel at its own cost and expense; provided, however, that after consultation with the LFA, the Franchisee shall have the right to defend, settle, or compromise any claim or action arising hereunder, and the Franchisee shall have the authority to decide the appropriateness and the amount of any such settlement. In the event that the terms of any such proposed settlement include the release of the LFA, and the LFA does not consent to the terms of any such settlement or compromise, the Franchisee shall not settle the claim or action, but its obligation to indemnify the LFA shall in no event exceed the amount of such settlement.

10. TRANSFER OF FRANCHISE

Subject to Section 617 of the Communications Act, 47 U.S.C. § 537, and applicable federal regulations, no Transfer of the Franchise shall occur without the prior written consent of the LFA, provided that such consent shall not be unreasonably conditioned or withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, by assignment of any rights, title, or interest of the Franchisee in this Franchise or the Cable System in order to secure indebtedness, or for transactions otherwise excluded under Section 1.39 above.

11. RENEWAL OF FRANCHISE

The LFA and the Franchisee agree that any proceedings undertaken that relate to the renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Communications Act, 47 U.S.C. § 546.

12. ENFORCEMENT AND TERMINATION OF FRANCHISE

12.1 *Notice of Noncompliance*: If at any time the LFA believes that the Franchisee has not complied with the terms of this Franchise, the LFA shall informally discuss the matter with the Franchisee. If these discussions do not lead to resolution of the problem in a reasonable time, the LFA shall then notify the Franchisee in writing of the nature of the alleged noncompliance (for purposes of this Article 12, the "Noncompliance Notice"). If the LFA does

not notify the Franchisee of any alleged noncompliance, it shall not operate as a waiver of any rights of the LFA hereunder or pursuant to applicable law.

12.2 *The Franchisee's Right to Cure or Respond*: The Franchisee shall have thirty (30) days from receipt of the Noncompliance Notice to: (i) respond to the LFA in writing, if the Franchisee contests (in whole or in part) the assertion of noncompliance; (ii) cure such noncompliance; or (iii) in the event that, by its nature, such noncompliance cannot be cured within such thirty (30) day period, initiate reasonable steps to remedy such noncompliance, diligently pursue such remedy to completion, and notify the LFA of the steps being taken and the date by which the cure is projected to be completed. Upon cure of any noncompliance, the LFA shall provide written confirmation that such cure has been effected.

12.3 *Liquidated Damages*: After the time periods set forth in Sections 12.1-12.2 above, in the event that the LFA finds that an alleged noncompliance continues to exist and that the Franchisee has not corrected the same in a satisfactory manner, the Franchisee agrees that the LFA may recover liquidated damages from the Franchisee in the amounts set forth below; provided, however, that if the Franchisee disputes the assessment of any liquidated damages hereunder, the Franchisee may request and the LFA agrees to schedule a public hearing with regard to such dispute. Following the notice and opportunity to cure periods in Sections 12.1-12.2 above, the LFA shall provide the Franchisee with written notice that it intends to impose the liquidated damages remedies set forth herein. If the LFA elects to recover liquidated damages for any item set forth in Subsection 12.3.1 below (including customer service violations), the LFA agrees that such recovery shall be its exclusive remedy for the time period for which liquidated damages are assessed; provided, however, that once the LFA has ceased to assess its liquidated damages remedies as set forth in Subsection 12.3.1 below, it may pursue other available remedies.

12.3.1 Pursuant to Section 12.3, the following monetary damages shall apply:

For failure to maintain the FCC technical standards as set forth in Section 4.1 ..... $250/day for each day the violation continues;

For failure to provide PEG services to the community as specified in Article 5 ..... $250/day for each day the violation continues;

For failure to provide the LFA with any reports or records required by this Agreement within the time period required ..... $200/day for each day the violation continues;

For failure to meet customer service requirements as set forth in Exhibit C ..... $500 for each quarter in which such standards were not met;

For failure to carry the insurance specified in

Section 9.1.....$250/day for each day the violation continues; and

For a Transfer specified in Article 10 without required approval.....$250/day for each day the violation continues.

12.3.2 The amount of all liquidated damages per annum shall not exceed ten thousand dollars ($10,000) in the aggregate. All similar violations or failures from the same factual events affecting multiple Subscribers shall be assessed as a single violation, and a violation or a failure may only be assessed under any one (1) of the above-referenced categories. Violations or failures shall not be deemed to have occurred or commenced until they are not cured as provided in Sections 12.1-12.2.

12.3.3 Except as otherwise provided herein, any liquidated damages assessed pursuant to this Section 12.3 shall not be a limitation upon any other provisions of this Franchise and applicable law, including revocation.

12.4 *Additional Enforcement Measures*: Subject to applicable federal, state and local law, in the event the LFA determines that the Franchisee is in default of any provision of this Franchise, the LFA may:

12.4.1 Commence an action at law for monetary damages or seek other equitable relief; or

12.4.2 In the case of a substantial noncompliance with a material provision of this Franchise, seek to revoke the Franchise in accordance with Section 12.4 below.

12.5 *Revocation*: Should the LFA seek to revoke this Agreement after following the procedures set forth in Sections 12.1-12.2 above, the LFA shall give written notice to the Franchisee of such intent. The notice shall set forth the specific nature of the noncompliance. The Franchisee shall have sixty (60) days from receipt of such notice to object in writing and to state its reasons for such objection. In the event the LFA has not received a satisfactory response from the Franchisee, it may then seek revocation of this Agreement and shall schedule a public hearing. The LFA shall cause to be served upon the Franchisee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing.

12.5.1 At any designated public hearing at which the LFA has informed the Franchisee that revocation is a possible consequence in accordance with the written notice requirements set forth above, the Franchisee shall be provided a fair opportunity for full participation, including the following rights: to be represented by legal counsel; to introduce relevant evidence and require the production of evidence; and to question and/or cross-examine witnesses. A complete verbatim record and transcript shall be made of such hearing at the Franchisee's sole cost and expense.

12.5.2 Following the public hearing, the Franchisee shall be provided up to thirty (30) days to submit its proposed findings and conclusions to the LFA in writing, and

thereafter the LFA shall provide a written determination to the Franchisee setting forth: (i) whether an event of default has occurred under this Agreement; (ii) whether such event of default is excusable; and (iii) whether such event of default has been cured by the Franchisee. The LFA shall also determine whether it will revoke this Franchise based on the information presented or, in the discretion of the LFA, grant additional time to the Franchisee to effect any cure. If the LFA determines that it will revoke this Franchise, the LFA shall promptly provide the Franchisee with a written determination setting forth the LFA's reasoning for such revocation. The Franchisee may appeal such written determination of the LFA to an appropriate court of competent jurisdiction, which will have the power to review the determination of the LFA consistent with applicable law. The Franchisee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within the time frame permitted by law.

13. MISCELLANEOUS PROVISIONS

13.1 *Actions of Parties*: In any action by the LFA or the Franchisee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner.

13.2 *Binding Acceptance*: This Agreement shall bind and benefit the parties hereto and their respective successors and assigns.

13.3 *Preemption*: In the event that a change in federal or state law or regulation preempts or limits the enforceability of a provision of this Agreement, the provision shall be read to be preempted or limited, but only to the extent and for the time required by such law or regulation. In the event such federal or state law or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted or limited is no longer preempted or limited, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the LFA.

13.4 *Force Majeure*: The Franchisee shall not be held in default under, or in noncompliance with, the provisions of this Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by a Force Majeure event.

13.5 *Good Faith Error:* The parties hereby agree that it is not the LFA's intention to subject the Franchisee to penalties, fines, forfeitures, or revocation of the Franchise for violations of this Agreement where the violation was a good faith error that resulted in no or minimal negative impact on Subscribers or the LFA, or where strict performance would result in practical difficulties and hardship being placed upon the Franchisee that outweigh the benefit to be derived by Subscribers and/or the LFA.

13.6 *Delivery of Payments*: The Franchisee may use electronic funds transfer to make any payments to the LFA required under this Agreement.

13.7 *Notices:* Unless otherwise expressly stated herein, notices required under this Franchise shall be mailed first-class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party.

13.7.1 Notices to the Franchisee shall be mailed to:

Latanya Buggs
Regional President – Consumer & Mass Business Markets
Verizon Virginia LLC
13101 Columbia Pike
Silver Spring, MD 20904

With a copy to:

Verizon
One Verizon Way
Basking Ridge, NJ 07920
Attention: Sarah Lyzak, Vice President and Deputy General Counsel

13.7.2 Notices to the LFA shall be mailed to:

County Administrator
James City County
P.O. Box 8784
Williamsburg, Virginia 23187-8784

With a copy to:

County Attorney
James City County
P.O. Box 8784
Williamsburg, Virginia 23187-8784

13.8 *Entire Agreement*: This Franchise and the Exhibits hereto constitute the entire agreement between the Franchisee and the LFA and supersedes all prior or contemporaneous agreements, representations, or understanding (whether written or oral) of the parties regarding the subject matter hereof. Any lawful ordinances or parts of ordinances related to the provision of Cable Services over the Cable System in the LFA that conflict with the provisions of this Agreement are superseded by this Agreement.

13.9 *Amendments:* Amendments or modifications to this Agreement shall be mutually agreed to in writing and signed by the parties.

13.10 *Captions:* The captions and headings of articles and sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

13.11 *Severability*: If any section, subsection, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, subsection, sentence,

paragraph, term, or provision hereof, all of which will remain in full force and effect for the term of this Franchise.

13.12 *Recitals:* The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein.

13.13 *FTTP Network Transfer Prohibition:* Under no circumstance including, without limitation, upon expiration, revocation, termination, denial of renewal of this Franchise, or any other action to forbid or disallow the Franchisee from providing Cable Services, shall the Franchisee or its assignees be required to sell any right, title, interest, use, or control of any portion of the Franchisee's FTTP Network including, without limitation, the Cable System and any capacity used for Cable Service or otherwise, to the LFA or any third party. The Franchisee shall not be required to remove the FTTP Network or to relocate the FTTP Network or any portion thereof as a result of revocation, expiration, termination, denial of renewal, or any other action to forbid or disallow the Franchisee from providing Cable Services. This provision is not intended to contravene leased access requirements under Title VI of the Communications Act or the PEG service requirements set out in this Agreement.

13.14 *Parental Control:* The Franchisee shall comply with all applicable requirements of federal law(s) governing Subscribers' capability to control the reception of any Channels being received on their television sets.

13.15 *Independent Review*: The LFA and the Franchisee each acknowledge that they have received independent legal advice in entering into this Agreement. In the event that a dispute arises over the meaning or application of any term(s) of this Agreement, such term(s) shall not be construed by the reference to any doctrine calling for ambiguities to be construed against the drafter of this Agreement.

13.16 *No Third Party Beneficiaries*: Except as expressly provided herein, this Agreement is not intended to, and does not, create any rights or benefits on behalf of any Person other than the parties to this Agreement.

13.17 *Counterparts:* This Agreement may be executed in two (2) counterparts, each of which shall be deemed an original, and the parties may become a party hereto by executing a counterpart hereof. Further, this Agreement may be executed by facsimile, email, electronic signature or other electronic means, and so executed shall have the full force and legal effect as an executed original of this Agreement. This Agreement and any counterpart so executed shall be deemed to be one and the same instrument. It shall not be necessary in making proof of this Agreement or any counterpart hereof to produce or account for the other counterparts.

[SIGNATURE PAGE FOLLOWS]

JAMES CITY COUNTY, VIRGINIA

By: _____

Print: _____

Title: _____

Date: _____

VERIZON VIRGINIA LLC

By: _____

Print: _____

Title: _____

Date: _____

EXHIBIT

Exhibit A – Customer Service Standards

EXHIBIT A

CUSTOMER SERVICE STANDARDS

These standards shall apply to the Franchisee to the extent it is providing Cable Services over the Cable System in the Service Area.

SECTION 1: DEFINITIONS

A. Respond: The Franchisee's investigation of a Service Interruption after receiving a Subscriber call by opening a trouble ticket, if required, and responding to the call.

B. Significant Outage: A Significant Outage of the Cable Service shall mean any Service Interruption lasting at least four (4) continuous hours that affects at least ten percent (10%) of the Subscribers in the Service Area.

C. Service Call: The action taken by the Franchisee to correct a Service Interruption the effect of which is limited to an individual Subscriber.

D. Standard Installation: Installations where the Subscriber is within two hundred (200) feet of trunk or feeder lines.

SECTION 2: OFFICE HOURS AND TELEPHONE AVAILABILITY

A. The Franchisee shall maintain a toll-free number to receive all calls and inquiries from Subscribers and/or residents in the Service Area regarding Cable Service. Franchisee representatives trained and qualified to answer questions related to Cable Service in the Service Area must respond to Subscriber telephone inquiries during the Franchisee's Normal Business Hours. Franchisee representatives shall identify themselves by name when answering this number. After Normal Business Hours, the toll-free number may be answered by an Automated Response Unit ("ARU") or a Voice Response Unit ("VRU"), including an answering machine. Inquiries received after Normal Business Hours shall be responded to by a trained Franchisee representative on the next business day.

B. The Franchisee's telephone numbers shall be listed, with appropriate description (e.g., administration, customer service, billing, repair, etc.), in the directory published by the local telephone company or companies serving the Service Area, beginning with the next publication cycle after acceptance of this Franchise by the Franchisee.

C. The Franchisee may, at any time, use an ARU or a VRU to distribute calls. If a foreign language routing option is provided, and the Subscriber does not enter an option, the menu will default to the first tier menu of English options.

After the first tier menu (not including a foreign language rollout) has run through three (3) times, if Subscribers do not select any option, the ARU or VRU will forward the call to a queue for a live representative. The Franchisee may reasonably substitute this requirement with another method of handling calls from Subscribers who do not have touch-tone telephones.

D. Under Normal Operating Conditions, calls received by the Franchisee shall be answered within thirty (30) seconds. The Franchisee shall meet this standard for ninety percent (90%) of the calls it receives at all call centers receiving calls from Subscribers, as measured on a cumulative quarterly calendar basis. Measurement of this standard shall include all calls received by the Franchisee at all call centers receiving calls from Subscribers, whether they are answered by a live representative, by an automated attendant, or abandoned after thirty (30) seconds of call waiting.

E. Under Normal Operating Conditions, callers to the Franchisee shall receive a busy signal no more than three percent (3%) of the time during any calendar quarter.

F. At the Franchisee's option, the measurements above may be changed from calendar quarters to billing or accounting quarters. The Franchisee shall notify the LFA of such a change at least thirty (30) days in advance of any implementation. The Franchisee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless a historical record of Complaints indicates a clear failure to comply.

SECTION 3: INSTALLATIONS AND SERVICE APPOINTMENTS

A. All installations will be in accordance with the rules of the FCC, the National Electrical Code, and the National Electrical Safety Code including, but not limited to, appropriate grounding, connection of equipment to ensure reception of Cable Service, and the provision of required consumer information and literature to adequately inform the Subscriber in the utilization of Franchisee-supplied equipment and Cable Service.

B. The Standard Installation shall be performed within seven (7) business days after the placement of the Optical Network Terminal ("ONT") on the Subscriber's premises or within seven (7) business days after an order is placed if the ONT is already installed on the Subscriber's premises.

The Franchisee shall meet this standard for ninety-five percent (95%) of the Standard Installations it performs, as measured on a calendar quarter basis, excluding Subscriber requests for connection later than seven (7) days after ONT placement or later than seven (7) days after an order is placed if the ONT is already installed on the Subscriber's premises.

C. At the Franchisee's option, the measurements above may be changed from calendar quarters to billing or accounting quarters. The Franchisee shall notify the LFA of such a change at least thirty (30) days in advance of any implementation.

D. The Franchisee will offer Subscribers "appointment window" alternatives for arrival to perform installations, Service Calls, and other activities of a maximum four (4) hour time block scheduled during Normal Business Hours. At the Franchisee's discretion, the Franchisee may offer Subscribers appointment arrival times other than these four (4) hour time blocks, if agreeable to the Subscriber. These hour restrictions do not apply to weekends. The Franchisee may not cancel an appointment with a Subscriber after the close of business on the business day prior to the scheduled appointment. If a technician is running late for an appointment with a Subscriber and will not be able to keep the appointment as scheduled, the Subscriber will be

contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the Subscriber.

SECTION 4: SERVICE INTERRUPTIONS AND OUTAGES

A. The Franchisee shall exercise commercially reasonable efforts to limit any Significant Outage for the purpose of maintaining, repairing, or constructing the Cable System. Except in an emergency or other situation necessitating a more expedited or alternative notification procedure, the Franchisee may schedule a Significant Outage for a period of more than four (4) hours during any twenty-four (24) hour period only after the LFA and each affected Subscriber in the Service Area have been given fifteen (15) days' prior notice of the proposed Significant Outage. Notwithstanding the foregoing, the Franchisee may perform modifications, repairs, and upgrades to the Cable System between 12:01 a.m. and 6:00 a.m. which may interrupt Cable Service.

B. Under Normal Operating Conditions, the Franchisee must Respond to a call from a Subscriber regarding a Service Interruption or other service problem within the following time frames:

(1) Within twenty-four (24) hours, including weekends, of receiving Subscriber calls respecting Service Interruptions in the Service Area, and shall diligently pursue to completion.

(2) The Franchisee must begin actions to correct all other Cable Service problems the next business day after notification by the Subscriber or the LFA of a Cable Service problem, and shall diligently pursue to completion.

C. Under Normal Operating Conditions, the Franchisee shall complete Service Calls within seventy-two (72) hours of the time the Franchisee commences to Respond to the Service Interruption, not including weekends and situations where the Subscriber is not reasonably available for a Service Call to correct the Service Interruption within the seventy-two (72) hour period.

D. The Franchisee shall meet the standard in Subsection 4.C. for ninety percent (90%) of the Service Calls it completes, as measured on a calendar quarterly basis.

E. At the Franchisee's option, the above measurements may be changed from calendar quarters to billing or accounting quarters. The Franchisee shall notify the LFA of such a change at least thirty (30) days in advance of any implementation.

F. Under Normal Operating Conditions, the Franchisee shall provide a credit upon Subscriber request when all Channels received by that Subscriber are out of service for a period of four (4) consecutive hours or more. The credit shall equal, at a minimum, a proportionate amount of the affected Subscriber's current monthly bill. In order to qualify for the credit, the Subscriber must promptly report the problem and allow the Franchisee to verify the problem if requested by the Franchisee. If Subscriber availability is required for repair, a credit will not be provided for such time, if any, that the Subscriber is not reasonably available.

G. Under Normal Operating Conditions, if a Significant Outage affects all Cable Services for more than twenty-four (24) consecutive hours, the Franchisee shall issue upon Subscriber request a credit in an amount equal to their monthly recurring charges for the proportionate time the Cable Service was out, or a credit equal to the charge for the basic plus enhanced basic level of service for the proportionate time the Cable Service was out, whichever is technically feasible or, if both are technically feasible, as determined by the Franchisee provided such determination is non-discriminatory. Such credit shall be reflected on a subsequent Subscriber billing statement.

H. The Franchisee may provide all notices identified in this Section 4 electronically or on-screen.

SECTION 5: SUBSCRIBER COMPLAINTS

Under Normal Operating Conditions, the Franchisee shall investigate Subscriber Complaints referred by the LFA within seventy-two (72) hours of receipt. The Franchisee shall notify the LFA of those matters that necessitate an excess of seventy-two (72) hours to resolve, but those matters must be resolved within fifteen (15) days of the initial Complaint. The LFA may require reasonable documentation to be provided by the Franchisee to substantiate the request for additional time to resolve the problem. For purposes of this Section 5, "resolve" means that the Franchisee shall perform those actions which, in the normal course of business, are necessary to investigate the Subscriber's Complaint and advise the Subscriber of the results of that investigation.

SECTION 6: BILLING

A. Subscriber bills shall be clear, concise, and understandable. Bills shall be fully itemized to include all applicable service tiers and, if applicable, all related equipment charges. Bills shall clearly delineate activity during the billing period, including optional charges, rebates, credits, and aggregate late charges. The Franchisee shall maintain records of the date and place of delivery of bills.

B. A specific due date shall be listed on the bill of every Subscriber whose account is current. Delinquent accounts may receive a bill that lists the due date as upon receipt; however, the current portion of that bill shall not be considered past due.

C. Any Subscriber who, in good faith, disputes all or part of any bill shall have the option of withholding the disputed amount without disconnect or late fee being assessed until the dispute is resolved provided that:

(1) The Subscriber pays all undisputed charges;

(2) The Subscriber provides notification of the dispute to the Franchisee within five (5) days prior to the due date;

(3) The Subscriber cooperates in determining the accuracy and/or appropriateness of the charges in dispute; and

(4) It shall be within the Franchisee's sole discretion to determine when the dispute has been resolved.

D. Under Normal Operating Conditions, the Franchisee shall initiate investigation and resolution of all billing Complaints received from Subscribers within five (5) business days of receipt of the Complaint. Final resolution shall not be unreasonably delayed.

E. The Franchisee shall provide a telephone number and address on the bill for Subscribers to contact the Franchisee.

F. The Franchisee shall forward a copy of any Cable Service related billing inserts or other mailing sent to Subscribers to the LFA upon written request.

G. The LFA hereby requests that the Franchisee omit the LFA's name, address, and telephone number from Subscriber bills as permitted by 47 C.F.R. § 76.952.

SECTION 7: RATES, FEES, AND CHARGES

A. The Franchisee shall not, except to the extent permitted by law, impose any fee or charge for Service Calls to a Subscriber's premises to perform any repair or maintenance work related to the Franchisee's equipment necessary to receive Cable Service, except where such problem is caused by a negligent or wrongful act of the Subscriber (including, but not limited to a situation in which the Subscriber reconnects the Franchisee's equipment incorrectly) or by the failure of the Subscriber to take reasonable precautions to protect the Franchisee's equipment.

B. The Franchisee shall provide reasonable notice to Subscribers of the possible assessment of a late fee on bills or by separate notice.

SECTION 8: DISCONNECTION/DENIAL OF SERVICE

A. The Franchisee shall not terminate Cable Service for nonpayment of a delinquent account unless the Franchisee provides a notice of the delinquency and impending termination prior to the proposed final termination. The notice shall be provided to the Subscriber to whom the Cable Service is billed. The notice of delinquency and impending termination may be part of a billing statement.

B. Cable Service terminated in error must be restored without charge within twenty-four (24) hours of notice. If a Subscriber was billed for the period during which Cable Service was terminated in error, a credit shall be issued to the Subscriber if the Cable Service termination was reported by the Subscriber.

C. Nothing in these standards shall limit the right of the Franchisee to deny Cable Service for non-payment of previously provided Cable Services, refusal to pay any required deposit, theft of Cable Service, damage to the Franchisee's equipment, abusive and/or threatening behavior toward the Franchisee's employees or representatives, refusal to provide credit history information, or refusal to allow the Franchisee to validate the identity, credit history, and credit worthiness via an external credit agency.

SECTION 9: COMMUNICATIONS WITH SUBSCRIBERS

A. All Franchisee personnel, contractors, and subcontractors contacting Subscribers or potential Subscribers at the homes of such Subscribers or potential Subscribers shall wear a clearly visible identification card bearing their name and photograph. The Franchisee shall make reasonable efforts to account for all identification cards at all times. In addition, all Franchisee representatives shall wear appropriate clothing while working at a Subscriber's or potential Subscriber's premises. Every service vehicle of the Franchisee and its contractors or subcontractors shall be clearly identified as such to the public. Specifically, Franchisee vehicles shall have the Franchisee's logo plainly visible. The vehicles of those contractors and subcontractors working for the Franchisee shall have the contractor's/subcontractor's name plus markings (such as a magnetic door sign) indicating they are under contract to the Franchisee.

B. All contact with a Subscriber or potential Subscriber by a Person representing the Franchisee shall be conducted in a courteous manner.

C. All notices identified in this Section 9 shall be by either:

(1) A separate document included with a billing statement or a message included on the portion of the monthly bill that is to be retained by the Subscriber;

(2) A separate electronic notification;

(3) A separate on-screen notification; or

(4) Any other reasonable written means.

D. The Franchisee shall provide reasonable notice to Subscribers of any pricing changes or additional changes (excluding sales discounts, new products, or offers) and, subject to the foregoing, any changes in Cable Services, including Channel line-ups. Such notice must be given to Subscribers a minimum of thirty (30) days in advance of such changes if within the control of the Franchisee, and the Franchisee shall provide a copy of the notice to the LFA including how and where the notice was given to Subscribers.

E. The Franchisee shall provide information to all Subscribers about each of the following items at the time of installation of Cable Services, annually to all Subscribers, at any time upon request, and, subject to Subsection 9.D., at least thirty (30) days prior to making significant changes in the information required by this Subsection 9.E. if within the control of the Franchisee:

(1) Products and Cable Services offered;

(2) Prices and options for Cable Services and condition of subscription to Cable Services. Prices shall include those for Cable Service options, equipment rentals, program guides, installation, downgrades, late fees, and other fees charged by the Franchisee related to Cable Service;

(3) Installation and maintenance policies including, when applicable, information regarding the Subscriber's in-home wiring rights during the period Cable Service is being provided;

(4) Channel positions of Cable Services offered on the Cable System;

(5) Complaint procedures, including the name, address, and telephone number of the LFA, but with a notice advising the Subscriber to initially contact the Franchisee about all complaints and questions;

(6) Procedures for requesting Cable Service credit;

(7) The availability of a parental control device;

(8) Franchisee practices and procedures for protecting against invasion of privacy; and

(9) The address and telephone number of the Franchisee's office to which complaints may be reported.

F. Notices of changes in rates shall indicate the Cable Service new rates and old rates, if applicable.

G. Every notice of termination of Cable Service shall include the following information:

(1) The name and address of the Subscriber whose account is delinquent;

(2) The amount of the delinquency for all services billed;

(3) The date by which payment is required in order to avoid termination of Cable Service; and

(4) The telephone number for the Franchisee where the Subscriber can receive additional information about their account and discuss the pending termination.

M E M O R A N D U M

DATE: May 12, 2026

TO: The Board of Supervisors

FROM: Andrew Dean, Assistant County Attorney

SUBJECT: Grant of Right-of-Way over 8429 Pocahontas Trail to Dominion Energy

---

Virginia Electric and Power Company ("Dominion Energy Virginia") has asked the County to convey a right-of-way to facilitate upgrades to Virginia Natural Gas ("VNG") infrastructure located at 8429 Pocahontas Trail. This right-of-way would be located within the existing Dominion Energy pole line easement to provide the necessary electrical service for VNG's facility upgrades.

Attached is a proposed Right-of-Way Agreement that will convey the aforesaid rights.

Staff recommends approval of the Right-of-Way Agreement.

AD/ap
AuthROW8429PocTrl-mem

Attachments

R E S O L U T I O N

CONVEYANCE OF RIGHT-OF-WAY TO VIRGINIA ELECTRIC AND POWER COMPANY

WHEREAS, James City County currently owns the property located at 8429 Pocahontas Trail (the "Property"); and

WHEREAS, Virginia Electric and Power Company ("Dominion Energy") has requested a right-of-way to facilitate upgrades to Virginia Natural Gas infrastructure on the Property; and

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

WHEREAS, the Board of Supervisors of James City County finds the right-of-way's conveyance to Virginia Electric and Power Company to be in the public interest.

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

_____
John J. McGlennon
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2026.

AuthROW8429PocTrl-res

Dominion Energy

Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this _____ day of _____, _____, by and between **JAMES CITY COUNTY ("GRANTOR")** and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, with its principal office in Richmond, Virginia **("GRANTEE").**

W I T N E S S E T H :

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE** its successors and assigns, the perpetual right, privilege and exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes; including but not limited to the rights:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said exclusive easement shall extend **FIFTEEN (15)** feet in width across the lands of **GRANTOR;**

1.2 Paragraph is for granting overhead rights within this Right of Way Agreement and is intentionally not included.

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in **JAMES CITY COUNTY,** Virginia, as more fully described on Plat(s) Numbered **28-25-0019,** attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE. GRANTEE** shall have the right to inspect, including but not limited to the airspace above the property controlled by **GRANTOR,** reconstruct, remove, repair, improve, relocate on and within the easement area and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

This Document Prepared by Virginia Electric and Power Company and should be returned to: Dominion Energy Virginia, 902 G Street, Attn: R/W, Hampton, VA 23661

Initials: _____ _____ _____ _____

GPIN: 5230100001

DEVID No(s): 28-25-0019

Form No. 728493 ©2023 Dominion Energy

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR.**

5. For the purpose of exercising the rights granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR.** The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR.**

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE's** rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR,** at **GRANTEE's** option, for other damage done to **GRANTOR's** property inside the boundaries of the easement (subject, however, to **GRANTEE's** rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE's** facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR,** its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE's** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE's** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE's** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE's** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE.** In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE's** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE's** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE's** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____ _____ _____ _____

DEVID No(s): 28-25-0019

Form No. 728493 ©2023 Dominion Energy

11. **GRANTOR** represents that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said .

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

_____
(Signature)

By _____

_____
(Name of Officer or Agent)

Title _____

_____
(Title of Officer or Agent)

State of _____

City/County of _____, to-wit:

The foregoing instrument was acknowledged before me ☐ In Person or by ☐ Remote notarization

on this_____ day of _____, _____, by _____ , _____
(Name of Officer or Agent) (Title of Officer or Agent)

on behalf of _____.

_____
Notary Public (Print Name)

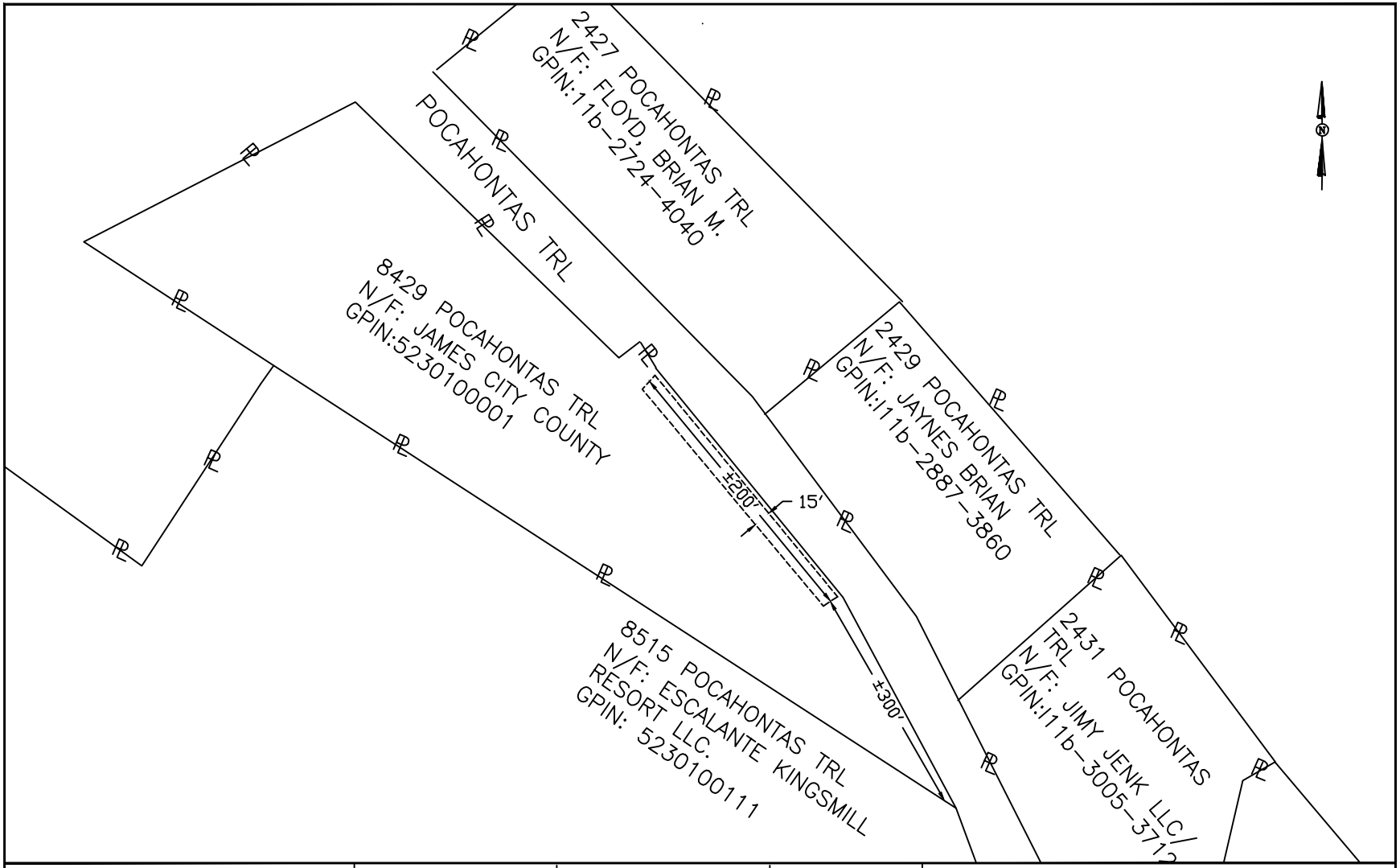
_____
Notary Public (Signature)

Notary Registration Number: _____ My Commission Expires:_____

DEVID No(s). 28-25-0019

Form No. 723294 ©2023 Dominion Energy

_____
(Affix Notary Seal Above Line)



LEGEND

— — — Location of Right of Way Boundary

—℄— Indicates Property Line is Right of Way Boundary

Region: EASTERN	Local Office: WILLIAMSBURG	State: VA	
County/City: JAMES CITY COUNTY		Grid Number: M2035	
Work Request Number: 10834708	DEVID No.: 28-25-0019	Scale: Not to Scale	
Date: 12-18-25	By: E. LAWSON		

UG

PLAT TO ACCOMPANY
RIGHT OF WAY AGREEMENT

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as

Dominion Energy Virginia

OWNER INITIALS _____ _____ _____ _____ _____

SUMMARY FACTS

Applicant:	Mr. George B. Buskey
Landowner:	Ms. Sonya D. Savedge
Proposal:	To allow for a short-term rental of up to two bedrooms in an existing three-bedroom single-family dwelling.
Location:	147 Whiting Avenue
Tax Map/Parcel No.:	5230200046B
Property Acreage:	± 0.315 acres
Zoning:	R-2, General Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Will Albiston, Planner

PUBLIC HEARING DATES

Planning Commission:	April 1, 2026, 6:00 p.m.
Board of Supervisors:	May 12, 2026, 5:00 p.m.

FACTORS FAVORABLE

1. There is adequate off-street parking.
2. The applicant has acknowledged that should this application be approved, he will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. The owner and applicant will reside on-site during the time of the rentals.
4. The impacts to adjacent properties will be similar to those of a typical three-bedroom single-family home.
5. Impacts: See Impact Analysis on Pages 4-5.
6. See 2045 Comprehensive Plan Analysis on Page 6.

FACTORS UNFAVORABLE

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

PLANNING COMMISSION RECOMMENDATION

At is April 1, 2026, Regular Meeting, the Planning Commission recommended approval of this application with an additional condition by a vote of 5-1.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

The additional condition included in the Planning Commission's recommendation for approval requires the property owner or a manager to live on the property during short-term rentals. This condition was added to guarantee that the fourth standard of the Short-Term Rental Development Standards provided in the 2045 Comprehensive Plan would be met.

SUMMARY STAFF RECOMMENDATION

Staff finds the proposal not fully consistent with the recommendations of the 2045 Comprehensive Plan. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

PROJECT DESCRIPTION

Mr. George B. Buskey has applied on behalf of Ms. Sonya D. Savedge for a Special Use Permit (SUP) to allow for a short-term rental of up to two rooms located within an existing three-bedroom single-family dwelling. The proposal includes no changes to the size or footprint of the house.

Unlike the "Tourist Home" use, the "Rental of Rooms" use limits rentals to a maximum of three bedrooms and requires the homeowners to continue residing at the property during the time of rentals. The short-term rental of the entire home would not be permitted under a Rental of Rooms SUP. While the use permits the rental of a maximum of three rooms, the applicant stated that it is their intent to remain in their current bedroom and rent out the other two bedrooms. In previous rental of rooms applications, staff calculated the number of occupants to be two people per bedroom. Therefore, proposed Condition No. 3 states that the maximum number of occupants per rental is four.

The property is accessed by an existing gravel driveway. Staff has taken on-site measurements of the existing gravel driveway and has determined it is large enough to accommodate the five parking spaces required by the Ordinance. Proposed Condition No. 6 requires a parking plan to be submitted to the Planning Director or designee prior to the issuance of a Certificate of Occupancy for the rental of rooms.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the property.
- On September 3, 2025, the Zoning Division mailed a reach-out letter regarding short-term rental operations on the property without an SUP. However, as of the writing of this report, the short-term rental operations are still shown as active on an online platform.
- On November 13, 2026, the Zoning Division mailed a Notice of Violation letter regarding short-term rental operations at the property without an SUP which was returned undelivered in December 2025. Another letter was mailed on January 8, 2026, which was received by the property owner. The applicant started the application for this SUP on January 19, 2026, to attempt to come into compliance.

SURROUNDING ZONING AND DEVELOPMENT

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

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-2, General Residential	Vacant / High Voltage Power Lines	Low Density Residential
SOUTH	R-2, General Residential	Single-Family Residential	Low Density Residential
EAST	R-2, General Residential	Single-Family Residential	Low Density Residential
WEST	R-2, General Residential	Single-Family Residential	Low Density Residential

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	- The proposal is not anticipated to generate traffic exceeding a typical single-family residential use. - The subject property is located on a local road. Staff finds that the road is adequate for this use and that the Level of Service will not be negatively impacted.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Per the Regional Bikeways Map and Pedestrian Accommodations Master Plan, bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance. - The property is not located within walking distance to a Williamsburg Area Transit Authority transit stop.
Public Safety	No Mitigation Required	- Fire Station 2 on Pocahontas Trail serves this area of the County and is approximately one mile from the proposed rental of rooms property. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
Public Schools	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate relevant impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	- The property is served by public water and sewer. - The proposal does not generate impacts that require mitigation to groundwater or 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 Skiffes Creek Watershed.	No Mitigation Required	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
Cultural/Historic	No Mitigation Required	- The subject property has been previously disturbed and has no known cultural resources on-site and no land disturbance is proposed.
Nearby and Surrounding Properties	Mitigated	- The owner and applicant will reside on-site during the time of the rentals, providing active monitoring of guest activity and behavior. - The subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and rental occupancy. Future expansions of the use would require an SUP amendment.
Community Character	No Mitigation Required	- Whiting Avenue is not designated as a Community Character Corridor and this parcel is not located within a Community Character Area.
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

2045 COMPREHENSIVE PLAN ANALYSIS

The property is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. All surrounding properties to the north, south, east, and west are designated Low Density Residential. Per the 2045 Comprehensive Plan, appropriate primary uses include single-family and multifamily units, accessory units, cluster or cottage homes on small lots, and recreation areas. Appropriate secondary and tertiary uses include civic uses such as schools and places of public assembly and very limited commercial uses.

Specific to short-term rentals, the 2045 Comprehensive Plan states that, if located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

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

  This property is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map, therefore the proposal does not meet this standard.

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

  This property is internal to the Harwood subdivision, therefore the proposal does not meet this standard.

- Be located on a major road.

  Whiting Avenue is classified as a local road, therefore the location does not meet this standard.

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

  The owners of the property will continue to reside on-site during the rentals, therefore the proposal meets this standard.

As the proposal does not meet three out of four of the development standards for short-term rentals set forth in the 2045 Comprehensive Plan, staff does not find this proposal not fully consistent with the 2045 Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds the proposal not fully consistent with the recommendations of the 2045 Comprehensive Plan. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

WA/ap
SUP26-1_147Whiting

Attachments:
1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Unapproved Minutes of the April 1, 2026, Planning Commission Regular Meeting

R E S O L U T I O N

CASE NO. SUP-26-0001. 147 WHITING AVENUE SHORT-TERM RENTAL

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

WHEREAS, Mr. George B. Buskey, on behalf of Ms. Sonya D. Savedge, has applied for an SUP to allow for the rental of rooms within a single-family dwelling located at 147 Whiting Avenue and further identified as James City County Real Estate Tax Map Parcel No. 5230200046B (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 1, 2026, recommended approval of Case No. SUP-26-0001 by a vote of 5-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-26-0001; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code (the "County Code"), does hereby approve the issuance of Case No. SUP-26-0001 as described herein with the following conditions:

1. *Master Plan*. This SUP shall permit the rental of rooms on property located at 147 Whiting Avenue and further identified as James City County Real Estate Tax Map Parcel No. 5230200046B (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-26-0001 147 Whiting Ave - Short-Term Rental" and date stamped March 24, 2026 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.

2. *Commencement.* Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.

3. *Number of Rental Room Occupants*. There shall be no more than two (2) bedrooms available for rent and no more than four (4) rental occupants total at any one time.

4. *Contracts per Rental Period.* There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.

5. *Signage*. No signage related to the use of rental of rooms shall be permitted on the Property.

6. *Parking*. Off-site parking for this use shall be prohibited. No oversized commercial vehicles associated with rental occupants of the rental of rooms, such as, but not limited to, buses, commercial trucks, and trailers shall be allowed to park on the Property. Prior to the issuance of a Certificate of Occupancy for the use, the applicant shall submit a parking plan depicting five parking spaces. The parking plan shall be approved by the Director of Planning or designee prior to the issuance of the Certificate of Occupancy.

7. *Validity*. This SUP shall be valid until December 31, 2029.

8. *Management Requirement*. The rental of rooms shall be operated in a manner such that the property owner or manager will continue to live and reside on the property during the rental.

9. *Severance Clause*. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

_____
John J. McGlennon
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2026.

SUP26-1_147Whiting-rev-res

SUP-26-0001. 147 Whiting Avenue Short Term Rental

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SUP-26-0001
147 Whiting Ave - Short Term-Rental

3/24/2026

Property Information

5230200046B
147 Whiting Ave
Williamsburg, VA 23185
R-2, General Residential
2045 Comp. Plan: Low Density Residential

General Notes

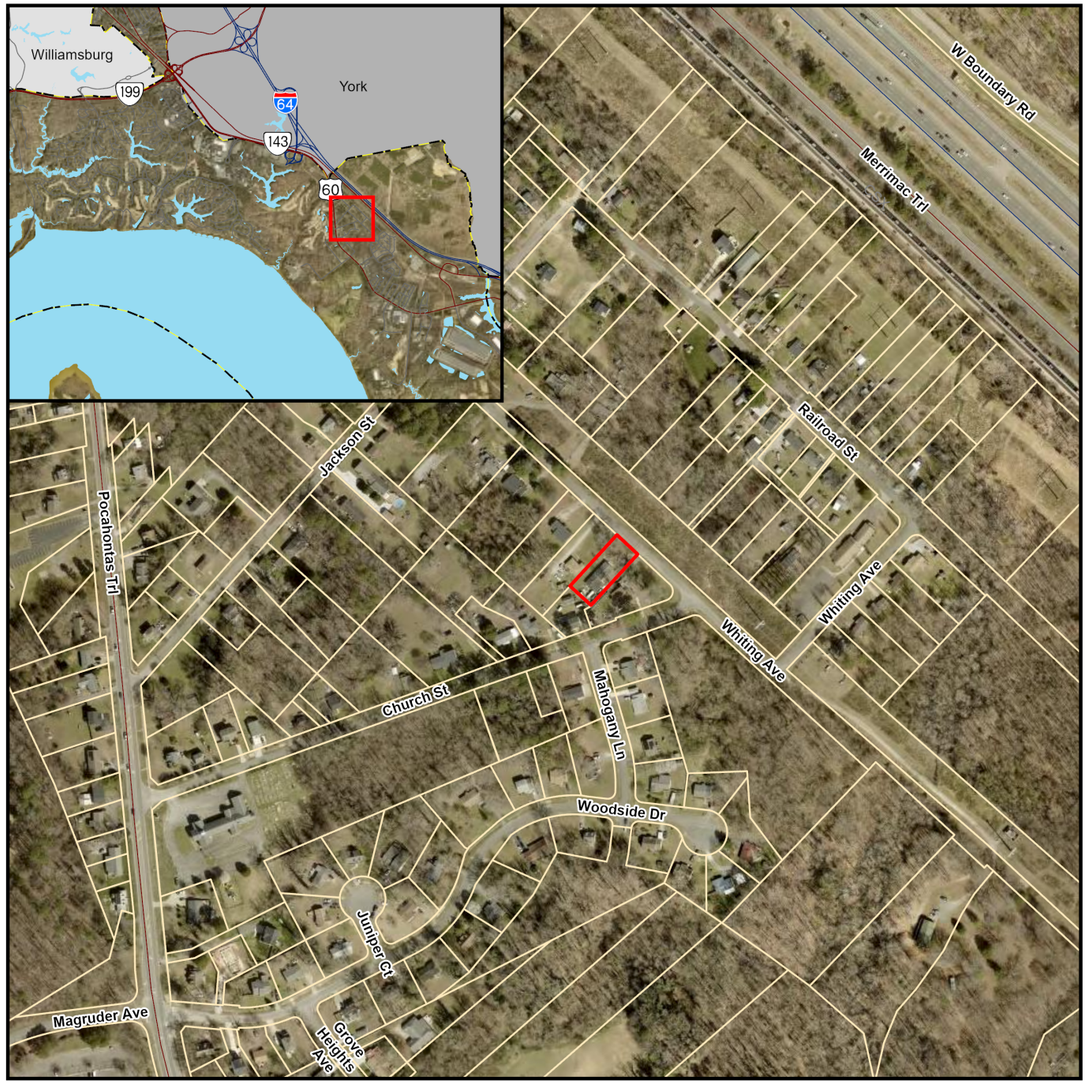
1. No changes to water/sewer utilities.

2. This site does not appear to be located in the Resource Protection Area.

3. This site does appear to be located in Zone X on Flood Insurance Rate Map 51095C0228D, effective 12/16/15.

Sheet Index

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



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Maps Not To Scale

Project Description

Short-term rental within an owner-occupied, single-family dwelling in accordance with James City County zoning regulations. The owner will reside at the property during rental periods, providing on-site oversight and management. The dwelling will be used for transient lodging for periods of fewer than 30 consecutive days. Occupancy will comply with all county requirements, and no events, parties, or commercial gatherings will be permitted. Adequate off-street parking will be provided on site, and the residential character of the neighborhood will be maintained. The owner will ensure compliance with all applicable safety, noise, health, and property maintenance standards. The proposed use is intended to be compatible with surrounding residential uses and will not negatively impact adjacent properties.

153
149
147
147
129
143
90
Whiting Ave
1:228

147

147

George Buskey
147 Whiting Avenue
Williamsburg, VA 23185
(757) 561-5537
buskeyg@gmail.com

March 1, 2026

Will Albiston, Planner
James City County – Department of Community Development
101-A Mounts Bay Road, P.O. Box 8784
Williamsburg, VA 23187-8784

Re: SUP-26-0001 — Applicant's Response to Staff Comments | 147 Whiting Avenue Short-Term Rental

Dear Mr. Albiston,

Thank you for your thorough and professional review letter dated February 27, 2026, regarding Special Use Permit Application No. SUP-26-0001. I appreciate the opportunity to respond and to provide the Planning Commission and Board of Supervisors with a complete and accurate picture of my proposal. I am committed to full transparency, responsible operation, and compliance with all applicable James City County regulations.

This letter directly addresses each of staff's questions and concerns, provides clarifying information regarding the physical configuration of the property and its proposed use, and offers legal and policy arguments supporting approval of this application with appropriate conditions.

I. Clarification of Property Configuration and Proposed Use

A critical clarification is necessary at the outset: the property at 147 Whiting Avenue is a three-bedroom home, not a two-bedroom home. The original application described two bedrooms as being available to guests. Staff's review letter reflects this description. However, the complete picture of the property's configuration is essential to understanding how this proposal fully and unambiguously satisfies the County's owner-occupancy requirement.

A. The Three-Bedroom Layout and Owner's Permanent Quarters

The home contains three bedrooms. I, as the property owner, permanently occupy Bedroom No. 3 as my personal living quarters. This bedroom is not included in the rental listing, is not accessible to guests, and serves as my full-time, private residence within the home. This arrangement will not change during any rental period — I will always be present on-site and will always maintain my own dedicated bedroom.

The two remaining bedrooms — Bedrooms No. 1 and No. 2 — are the only spaces offered to guests. These two bedrooms, combined with a sleeper sofa located in the common living area,

provide comfortable accommodations for up to six overnight guests. This is a standard and widely accepted sleeping configuration in the short-term rental industry. The listing will accurately describe the property as offering two bedrooms sleeping up to six guests.

This configuration eliminates any ambiguity regarding owner displacement. There is no scenario under this proposal in which I am without dedicated sleeping quarters, nor is there any scenario in which I am absent from the property. I live here. I sleep here. I am here.

B. Response to Staff Question 1a: Where Will the Owner Stay?

The answer is unequivocal: I will stay in my own bedroom — Bedroom No. 3 — which is permanently designated as my private owner's quarters and is entirely separate from the rental space. This bedroom provides me with private, permanent accommodations that are not subject to guest rental under any circumstances. Staff's concern about owner displacement is fully resolved by this three-bedroom configuration.

C. Response to Staff Question 1b: Will There Be More Than One Listing?

There will be one listing only. The listing will describe the property accurately as a two-bedroom home that sleeps up to six guests. There will be no separate listings for individual rooms, no tiered-access arrangements, and no listings that misrepresent the nature of the rental. Guests will book the property as a single, unified short-term rental. All bookings will be managed by me personally as the on-site owner.

II. Response to Comprehensive Plan Consistency Analysis

Staff has determined that this proposal meets one of the four Comprehensive Plan development standards applicable to short-term rentals. I respectfully submit that this analysis, while technically accurate, does not tell the complete story — and that the Planning Commission and Board of Supervisors should find, upon full consideration, that approval of this application is consistent with the intent, purpose, and language of the 2045 Comprehensive Plan.

The Comprehensive Plan itself expressly acknowledges that 'every location can be considered uniquely.' This language is not incidental — it is a deliberate recognition by the County that short-term rental applications require individualized judgment, not mechanical application of a checklist. The four development standards are planning guidance, not zoning code requirements. The Special Use Permit process exists precisely to evaluate uses that present unique circumstances. This is one of them.

A. Land Use Designation

The property is designated Low Density Residential. Staff correctly notes this is not among the preferred land use designations listed in the Comprehensive Plan. However, the Comprehensive Plan's overarching policy on short-term rentals states that they 'should serve to complement the residential character of the area rather than altering its nature.' A small-scale, owner-occupied, two-bedroom rental — in which the owner lives full-time in the same home — is the very definition of a use that complements rather than alters residential character.

This is not a commercial vacation property. It is not an investor-owned, absentee-managed rental that operates as a de facto hotel in a residential neighborhood. It is a family home in which a resident homeowner hosts occasional guests in two spare bedrooms. The functional and experiential difference between this use and an unregulated, absent-landlord short-term rental is enormous. The land use designation concern is appropriately addressed through the SUP conditions process, not through categorical denial.

B. Location Within the Subdivision

The Comprehensive Plan recommends that short-term rentals be located on the edge or corner of a subdivision rather than internal to it. The policy rationale behind this standard is the reduction of traffic, commercial activity, and disruption to the interior of residential neighborhoods. That rationale is fully satisfied here through the owner-occupancy arrangement.

Because I live on-site, I am personally and financially invested in ensuring that guests behave respectfully, that noise levels are appropriate, and that the property presents no burden to neighbors. No absentee landlord has this incentive. My presence is a more effective safeguard than any geographic location standard could provide. I respectfully submit that the purpose behind this standard is met, even if the precise geographic criterion is not.

C. Road Classification

The property is located on a local road rather than a major road. This standard is intended to minimize traffic impacts on residential streets. The anticipated traffic generated by this use is, however, negligible. A two-bedroom short-term rental with a maximum of six guests and an on-site owner will generate no more traffic than any occupied single-family home — and likely less, given that guests typically arrive in one or two vehicles and remain in place during their stay.

I am prepared to accept a condition limiting the minimum rental stay to two nights, which further reduces turnover traffic. I am also prepared to accept a condition limiting the total number of rental nights per calendar year, providing an enforceable cap on cumulative traffic generation. These conditions, taken together, render the road classification concern negligible.

D. Owner Occupancy — The Standard This Proposal Fully and Completely Satisfies

My proposal meets the Comprehensive Plan's owner-occupancy standard in the clearest and most complete way possible. I own this property. I live in this property. I have a dedicated, private bedroom in this property that is not part of the rental. I will be present during every rental period. There is no gap, ambiguity, or conditional compliance here — this standard is met absolutely and unconditionally.

Owner occupancy is not simply one standard among four. It is, by any reasonable policy analysis, the most important standard — because it is the single factor most directly responsible for preventing the harms that short-term rental regulations are designed to address. Absentee rentals create noise complaints, property deterioration, neighborhood disruption, and loss of residential character. Owner-occupied rentals do not — because the owner's personal comfort, property value, and community relationships depend on responsible guest management. This proposal offers the County precisely the kind of short-term rental that works.

III. Proactive Commitments and Proposed SUP Conditions

I am not merely asking for approval — I am offering accountability. I voluntarily commit to the following conditions and invite the Planning Commission and Board of Supervisors to incorporate them as binding SUP conditions:

1. Owner Occupancy. I will maintain my permanent residence at 147 Whiting Avenue and will be present on-site during all rental periods. Bedroom No. 3 will remain my exclusive private quarters and will never be offered to guests.

2. Occupancy Limit. Maximum overnight occupancy will not exceed six guests.

3. Single Listing. Only one listing will exist for this property at any time.

4. Minimum Stay. I will implement a two-night minimum stay requirement to reduce traffic turnover.

5. Parking. All guest vehicles will park on-site only. No street parking by guests will be permitted.

6. Noise. Quiet hours will be enforced between 10:00 p.m. and 8:00 a.m. in compliance with County noise ordinance.

7. Neighbor Contact. I will provide immediate neighbors with my direct phone number for 24/7 contact regarding any concerns.

8. Licensing and Taxation. I will register with the Commissioner of the Revenue, obtain all required business licenses, and collect and remit all applicable transient occupancy taxes.

9. Certificate of Occupancy. I will obtain the required C.O. and ensure all fire safety equipment — including fire extinguisher, smoke detectors, and emergency evacuation plan — is properly installed and inspected prior to operation.

IV. Deed and Covenant Verification

I have reviewed the deed to the property at 147 Whiting Avenue and have confirmed that there are no restrictive covenants prohibiting commercial activity on the property. The property is not subject to any Homeowners Association agreement. Documentation confirming the absence of such restrictions is available and will be provided to staff upon request or submitted with my hearing materials.

V. Neighborhood Outreach

I have personally spoken with several of my immediate neighbors regarding this proposal. The response has been positive. Neighbors who have expressed support understand that I will be living on-site, that the rental will be modest in scale, and that I am committed to being a responsible and responsive host. Written statements of neighbor support are being gathered and will be submitted to staff and the Planning Commission in advance of the April 1, 2026 hearing.

VI. Conclusion

This proposal is, at its core, a homeowner asking to host guests in two spare bedrooms of a three-bedroom home in which he lives full-time. It is modest in scale, responsible in design, and accountable in structure. The owner-occupancy safeguard — which this proposal satisfies without reservation — is the most powerful protection available to ensure that a short-term rental operates as a good neighbor rather than a neighborhood burden.

I respectfully request that the Planning Commission recommend, and the Board of Supervisors approve, Special Use Permit Application No. SUP-26-0001, subject to the conditions set forth above and any additional conditions staff deems appropriate. I am committed to working cooperatively with the County at every stage of this process.

I welcome the opportunity to present this proposal in person at the April 1, 2026 Planning Commission hearing. Please do not hesitate to contact me at any time with questions or requests for additional information.

Respectfully submitted,

George Buskey
Owner, 147 Whiting Avenue
Williamsburg, VA 23185
(757) 561-5537 | buskeyg@gmail.com

Community Impact Statement

SUP Application – 147 Whiting Avenue, Williamsburg, Virginia

Parcel ID: 5230200046B

This statement is submitted in accordance with Section 24-23 of the James City County Zoning Ordinance to describe the anticipated impacts of the proposed use.

Project Description

The applicant seeks approval of a Special Use Permit to allow use of an existing single-family residence as a short-term rental. The proposal includes no exterior modifications, no expansion of the structure, and no changes to the existing site layout.

Traffic and Access

The proposed use will generate traffic comparable to typical residential occupancy. Guests will utilize the existing driveway for parking, and no additional access points are proposed. No adverse impacts to Whiting Avenue or surrounding streets are anticipated.

Utilities and Infrastructure

The property is already served by existing residential utilities. No increase in capacity, new connections, or infrastructure improvements are requested. Utility demand is expected to remain consistent with standard residential use.

Environmental Considerations

The proposal includes no land disturbance, no grading, no tree removal, and no alteration of drainage patterns. All existing environmental conditions will remain unchanged.

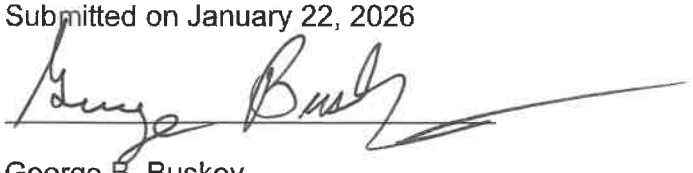
Neighborhood Character and Compatibility

The dwelling will retain its residential appearance and function. No signage is proposed. The use will be limited to short-term residential stays and will not involve events, large gatherings, or commercial activity beyond normal residential use. The proposal is compatible with the surrounding neighborhood.

Conclusion

The proposed short-term rental represents a low-impact residential use that does not adversely affect infrastructure, public services, or neighborhood character. The request is consistent with the intent of the zoning ordinance and appropriate for approval.

Submitted on January 22, 2026



George B. Buskey

Applicant / Authorized Agent

Statement of Justification – Special Use Permit

Property: 147 Whiting Avenue, Williamsburg, VA 23185 (PIN: 5230200046B)
Owner: Sonya D. Savedge
Zoning: R-2 General Residential
Land Use Designation: Low Density Residential

The applicant requests approval of a Special Use Permit to operate an owner-occupied residential short-term rental within an existing single-family dwelling. The owner will reside on site during rental periods, providing direct supervision and management.

The proposed use is consistent with the R-2 zoning district and the Low Density Residential land use designation. No physical alterations, site expansion, or increase in residential density are proposed. The character and appearance of the neighborhood will remain unchanged.

Occupancy will comply with James City County requirements. No events, parties, or commercial gatherings will be permitted. Adequate off-street parking is provided on site. Noise, trash, and property maintenance standards will be enforced by the owner.

Given the owner-occupied nature of the use and the lack of site changes, the proposed short-term rental will not adversely impact surrounding properties and will remain compatible with the existing residential neighborhood.

Operational Clarification Statement

SUP Application: 147 Whiting Avenue, Williamsburg, VA 23185

Parcel ID: 5230200046B

Date: January 22, 2026

This statement is submitted to provide clarification regarding the operation of the proposed short-term rental use at the above-referenced property.

Maximum Occupancy: The dwelling will be limited to no more than six (6) overnight guests. This reflects the two existing bedrooms, with additional accommodation available only by use of a sofa sleeper in the front living area if necessary.

Bedrooms Utilized: The residence contains two (2) bedrooms, both of which may be used for guest lodging.

Events and Gatherings: The property will not be used for parties, events, receptions, or large gatherings. The use is limited to short-term residential lodging only.

Noise and Nuisance Compliance: The operator will ensure compliance with all applicable county noise, nuisance, and public safety regulations. Guests will receive clear house rules to support neighborhood compatibility.

Parking: Guests will utilize the existing on-site driveway for parking. Routine operation is not expected to require on-street parking.

The proposed use is intended to remain consistent with the residential character of the neighborhood and to operate in a manner that is respectful of surrounding properties.

Respectfully submitted,

George B. Buskey

Applicant / Authorized Agent

On behalf of Sonya D. Savedge, Property Owner

Responsible Party & Management Plan

Property: 147 Whiting Avenue, Williamsburg, VA 23185
Owner/Responsible Party: Sonya D. Savedge

The property is owner-occupied. The owner resides on site during all short-term rental periods and is available 24 hours a day, 7 days a week to respond to any issues or concerns.

- Immediate response to noise or disturbance complaints.
- Enforcement of occupancy limits and prohibition of events or parties.
- On-site parking management to ensure no on-street congestion.
- Proper trash and recycling procedures in accordance with county guidelines.
- Ongoing property maintenance to preserve neighborhood character.

Existing Site Plan – Narrative Description

The subject property consists of a 0.315-acre residential lot within the Harwood subdivision. The site contains one existing single-family dwelling and an existing driveway providing off-street parking. No new structures, impervious surfaces, or site modifications are proposed as part of this Special Use Permit.

Access to the property is provided via Whiting Avenue. All parking will occur within the existing driveway. Stormwater drainage, utilities, and site conditions will remain unchanged.

Floor Plan – General Description

The existing single-family dwelling will be used for owner-occupied short-term rental purposes. Guest accommodations are limited to existing bedrooms within the residence. No structural changes or reconfiguration of the floor plan are proposed.

The owner will maintain primary residence within the dwelling during rental periods, ensuring continuous oversight and compliance with all applicable regulations.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 1, 2026
6:00 PM

A. CALL TO ORDER

Dr. Allman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:
Kira Allman, Chair
Jack Haldeman
Frank Polster
Steve Rodgers
Jay Everson
Vincent Passero

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Tom Leininger, Principal Planner
Roberta Sulouff, Senior Planner
Will Albiston, Planner
Linda Titus, Administrative Coordinator
Hannah Hunnicutt, Administrative Coordinator

Planning Commissioners Absent:
Crystal Haskins

C. PUBLIC COMMENT

Dr. Allman opened Public Comment.

As no one wished to speak, Dr. Allman closed the Public Comment.

D. REPORTS OF THE COMMISSION

Dr. Allman stated that the Development Review Committee (DRC) and Policy Committee did not meet in March.

E. CONSENT AGENDA

1. Minutes of the March 4, 2026, Regular Meeting

2. Minutes of the March 16, 2026, Organizational Meeting

Mr. Everson stated he would abstain from voting on the March 16, 2026, Organizational Meeting minutes as he was absent from the meeting.

On a voice vote, the Commission voted to approve the minutes of the March 4 and March 16 meetings. (6-0)

F. PUBLIC HEARING(S)

1. SUP-26-0001. 147 Whiting Avenue Short Term Rental

Mr. Will Albiston, Planner, addressed the Commission stating that Mr. George B. Buskey had applied on behalf of his wife, Ms. Sonya D. Savedge, for a Special Use Permit (SUP) to allow for the short-term rental of up to two bedrooms in the three-bedroom single-family home at 147 Whiting Avenue. Mr. Albiston noted that the property was zoned R-2, General Residential, designated Low Density Residential on the Comprehensive Plan Land Use Map, and was located inside of the Primary Service Area (PSA).

Mr. Albiston stated that Condition No. 3 limits this SUP to only allow for the short-term rental of up to two bedrooms, with the applicant and owner living in the third bedroom. Mr. Albiston noted that the owner-occupied nature of this short-term rental allowed for active monitoring of guest activity and behavior. Mr. Albiston stated that staff found this to be a favorable factor of the application and consistent with one of the four recommendations for short-term rentals provided in the Comprehensive Plan. Mr. Albiston stated that the application was not consistent with the other three standards, making staff unable to recommend approval of the application. Mr. Albiston noted that if the Planning Commission recommended approval of the application, staff had provided Proposed Conditions for consideration.

Mr. Passero asked what was considered “short term” in terms of a rental.

Mr. Albiston answered, stating less than 30 days was considered short term.

Mr. Haldeman asked if a condition had been included to require the owner to live on the property.

Mr. Albiston stated that it had not been added, but the Planning Commission could adopt that condition in the resolution.

Mr. Rodgers asked for clarification on the unfavorable standards.

Mr. Albiston stated that the standards were not met because the property was designated as Low Density Residential on the Land Use map, was internal to a subdivision, and was not located on a major road.

Dr. Allman opened the Public Hearing.

Mr. George Buskey, 147 Whiting Avenue, gave a presentation to the Commission to request a recommendation of approval.

Mr. Everson asked why the Notice of Violation that had been mailed to Mr. Buskey's home came back as undeliverable.

Mr. Buskey stated that it had been delivered to the wrong address.

Mr. Rodgers asked if neighbors had been notified about the application.

Mr. Buskey stated that his neighbors were in support of the application, and some were present at the meeting.

Mr. Rodgers asked why the property was still listed online as a three-bedroom rental.

Mr. Buskey stated that he had changed the number of bedrooms available to two recently.

Mr. Rodgers asked if Mr. Buskey was currently operating the short-term rental.

Mr. Buskey stated that he was currently operating.

Mr. Polster asked where the neighbors who were in favor of the application but unable to attend the meeting lived in relation to Mr. Buskey's house.

Mr. Buskey stated that one neighbor lived next door and the other lived two houses down from his house.

Mr. Glen Carter, 130 Jackson Street, spoke to the Commission in favor of the proposed project.

Rev. Dr. Carlon Lassiter, 1363 Government Road, spoke to the Commission in favor of the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Haldeman gave an explanation of the four standards the Commission used to evaluate short-term rental applications and explained that the goal was to protect the character of residential areas. Mr. Haldeman noted that SUPs run with the land, and if Mr. Buskey were to sell this property, then the next owner could utilize the SUP.

Mr. Polster stated that due to the positive remarks and support from the neighbors, he would also be in support of the application. Mr. Polster then asked if Mr. Buskey would agree to add the condition stating that the owners would reside in the home.

Mr. Buskey agreed to the condition.

Mr. Polster explained that in five years, the Board of Supervisors could review the SUP application again to ensure that the property owner was abiding by the conditions.

Mr. Passero stated that he was in support of the application.

Mr. Rodgers stated that he had concerns about how often short-term rental SUPs were granted despite not meeting the four standards used to evaluate the applications. Mr. Rodgers suggested that the Commission reconsider the criteria.

Mr. Passero expressed concerns about the criteria and stated that it restricted many property owners from being able to operate short-term rentals.

Discussion ensued.

Mr. Everson stated he would not be in support of the application because it was of commercial use in a residential area.

Mr. Polster stated that it was up to the Commission to evaluate these applications on a case-by-case basis.

Dr. Allman stated she would be in support of the project and commended the applicant for his presentation.

Mr. Polster made a motion to recommend approval of SUP-26-0001. 147 Whiting Avenue Short Term Rental with Conditions to the Board of Supervisors.

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

2. Z-24-0013/SUP-24-0033/MP-24-0005. Bluffs at Kiskiack

Ms. Roberta Sulouff, Senior Planner, presented to the Commission stating that Mr. Mark Jakobowski of Pathmark Consulting and Design, LLC, had applied on behalf of Mr. Howard B. Hankins, Hankins Land Trust No. 1, and the Historic Virginia Land Conservancy, to rezone an approximately 276.10-acre portion of land located at 8196, 8212, and 8220 Croaker Road. Ms. Sulouff explained that the application included an SUP request for the extension of public water and sewer to the site, an SUP for an open-air museum, and an SUP for the existing resource recovery operation. Ms. Sulouff stated that the properties were currently zoned M-1, Limited Business/Industrial, with Proffers, and were inside the PSA.

Ms. Sulouff noted that 8196 Croaker Road, or The Conservancy Property, was designated as Community Character Conservation, Open Space, or Recreation on the Comprehensive Plan, while the remaining parcels were designated Mixed Use.

Ms. Sulouff explained that the application requested to rezone approximately 56 acres of land on the Conservancy property from M-1 to A-1, General Agricultural, with the remaining approximately 220 acres of the site being rezoned from M-1 to MU, Mixed Use.

Ms. Sulouff stated that the Board of Directors for the Historic Virginia Land Conservancy issued a resolution stating that they felt the private road and proposed

rezoning protected the conservation values of the property. Ms. Sulouff explained that the parcel was the subject of a Land Use designation change approval during the Comprehensive Plan process. Ms. Sulouff stated that the Board approved a redesignation of the property from Mixed Use to its current designation of Community Character Conservation, Open Space, or Recreation. Ms. Sulouff explained that staff viewed this request as bringing the zoning of the property into conformance with its Land Use Designation.

Ms. Sulouff stated that the remaining 220 acres, including approximately five acres of the Conservancy property, was proposed to be rezoned from M-1, Limited Business/Industrial to MU, Mixed Use with Proffers. Ms. Sulouff noted that the proposed Mixed Use Development, titled The Bluffs of Kiskiack, was divided into nine land bays to be developed in four phases.

Ms. Sulouff gave the Commission an explanation of land bays 1, 6, and 7, with uses including a maximum of 704 residential dwellings, comprised of 384 Continuing Care and Retirement Community (CCRC) units, 178 single-family attached units, and 142 single-family detached units which corresponded to a proposed residential density of 3.99 units per developable acre. Ms. Sulouff stated that the applicant had proffered that 30% of the non-CCRC dwelling units would be made affordable for those making up to 80% of the Area Median Income (AMI).

Ms. Sulouff explained that two land bays exceeded Zoning Ordinance density caps for their use type. Ms. Sulouff stated that the application required two density bonus points, which the applicant was achieving by proffering a stream restoration project in the Skimino Creek Watershed Management Plan. Ms. Sulouff noted that the proffered affordable housing offered was not being used toward density bonus points.

Ms. Sulouff stated that land bays 2, 3, 4, 5, 8, and 9 housed the proposed non-residential uses, including 24,500 square feet of commercial development for retail, and potentially a hotel; 22,000 square feet of office development-specifically medical offices; 5.2 acres for an open-air museum and visitor's center, shown on the plan as the President's Walk Museum; 12.5 acres for an open-air place of public assembly and community gathering; and 4.8 acres set aside for dedication of a future public use site.

Ms. Sulouff explained the phasing plan and proffers included in the application, stating that the traffic improvements, dedication of the public use site, and the President's Walk Museum, were all planned for Phase 1 of the development. The CCRC, commercial, and multifamily/single family attached were all planned for the second of four phases of development, with the remaining uses for the third and fourth phases.

Ms. Sulouff stated that staff reviewed the proposal and associated studies, such as the Fiscal Impact Analysis and the Virginia Department of Transportation (VDOT) approved the Traffic Impact Analysis (TIA) and found that the applicant had addressed possible rezoning development impacts through both plan design and proffers.

Ms. Sulouff explained that staff also found that the rezoning proposal was consistent with the Zoning Ordinance and adopted policies, such as the Skimino Creek Watershed Master Plan, and exceeded the recommendations of the Parks & Recreation Development Guidelines and workforce and affordable housing recommendations found in the Comprehensive Plan.

Ms. Sulouff explained that this proposal was located in the southeast quadrant of the Croaker Interchange area. Ms. Sulouff noted that recommendations for the southeast quadrant did not include commercial or residential uses as either principal or secondary recommended uses.

Ms. Sulouff stated that the applicant had also requested SUPs to extend water/sewer facilities to the site, to permit the operation of the proposed museum and to permit the operation of the existing resource recovery facility. Ms. Sulouff explained that staff included conditions to offset impacts to adjacent properties during the construction of the water/sewer facilities, as well as conditions to address potential impacts of the museum via screening, hours of operation, noise, and site design.

Ms. Sulouff stated that staff could not recommend approval of these applications as the proposed rezoning was not consistent with the Comprehensive Plan land use recommendations specific to the Croaker Interchange Mixed Use Area, meaning staff could not recommend a finding of consistency for the proposed public facilities extension to serve the non-conformant use. Ms. Sulouff then explained the new proffers that were given to the Commissioners, stating that the majority of the changes were to the Stormwater Development Master Plan and the language related to the tennis courts had changed to be more inclusive of other activities.

Mr. Polster commended Ms. Sulouff for the Housing Affordability Analysis included in the staff report.

Mr. Polster asked if the major change in the new proffers was elaborating on the specific work needed on BMP YR005.

Ms. Sulouff stated that there were a few other additions to the Special Stormwater Criteria (SSCs) but otherwise a majority of the change did come from Stormwater and Resource Protection (SRP) Division explaining the work needed on the Best Management Practive (BMP).

Mr. Everson asked if Proffer No. 10, stating that “sales of all targeted for-sale units shall include a soft second deed of trust for the benefit of the County” was in relation to the Community Land Trust (CLT).

Ms. Sulouff explained that this application had been submitted before the Board had approved the CLT, and that this was the standard operating procedure for proffering affordable housing.

Discussion ensued.

Mr. Haldeman read from the Comprehensive Plan and stated that the suggested use for development of the southeast quadrant of the Croaker Road interchange included light manufacturing and office but did not mention residential. Mr. Haldeman continued reading from the Comprehensive Plan, stating that areas noted under the median town or suburban center were intended to maximize the economic development potential of the area by providing for more intensive office and commercial development with ancillary residential uses to make a complete community.

Mr. Haldeman noted that the residential uses were permitted but not specifically in the Croaker Road southeast quadrant.

Discussion ensued.

Mr. Haldeman asked where CCRCs fit into the Comprehensive Plan.

Ms. Sulouff explained that CCRCs were seen as a combination of institutional and residential uses, with independent living counting toward the density cap and assisted living being an institutional use.

Mr. Haldeman stated that he did not see CCRCs under Mixed Use in the Comprehensive Plan.

Ms. Sulouff explained that providing a variety of housing for specific populations was stated under Mixed Use.

Mr. Everson asked if the new proffers required the applicant to construct the regenerative stormwater conveyance BMP as stated in the Community Impact Statement.

Ms. Sulouff stated that the proffer language allowed flexibility in how the BMP would be constructed if it was required.

Mr. Haldeman asked if the construction phases were binding and to what extent was construction considered complete before moving to the next phase.

Ms. Sulouff stated she did not know the level of completion the construction would need to be.

Mr. Haldeman asked if pouring foundations would be considered enough to move to the next construction phase.

Ms. Sulouff stated that this would be correct based on the purpose of the proffer.

Discussion ensued.

Mr. Passero expressed concerns about the proposed project, specifically with the traffic on Fenton Mill Road, access to the emergency entrance, and the effects on Barlows Pond in York County.

Ms. Sulouff stated that when SRP gave its approval of the proffers, it did so having reviewed impacts to the Barlows Pond subwatershed.

Mr. Passero asked what type of commercial businesses would exist in the proposed development.

Ms. Sulouff stated that restaurants, retail, and hotel were proposed, but ultimately referred to the applicant for details.

Ms. Sulouff explained the process of the TIA and how the studies had been agreed upon by VDOT and the Planning Division. Ms. Sulouff noted that the highway project on Interstate 64 had affected traffic and the impact on service roads but that those impacts were clearly associated with construction and not long term, meaning they could not be included in the parameters of the TIA studies. Ms. Sulouff explained that VDOT had no objection to the emergency entrance, and that the goal was to keep Croaker Road running smoothly as possible with the proposed location of the entrance and exit. Ms. Sulouff explained that there was no other location to access the interior of the development without cutting through other owners' properties.

Discussion ensued.

Mr. Haldeman pointed out a discrepancy between the number of CCRC units in the staff report and the TIA.

Ms. Sulouff stated that she believed that it might be a typo and confirmed that the correct number of CCRC units was 384.

Mr. Haldeman discussed the rising rate of inflation and cost of building materials and expressed concerns that building affordable housing might not be possible.

Discussion continued.

Mr. Haldeman asked about the gated access to the development.

Ms. Sulouff explained that the road was private but open to the public to non-residential areas. Ms. Sulouff noted that gating the residential areas was not stated in the proffers.

Dr. Allman asked for any disclosures from the Commissioners.

Mr. Polster and Mr. Haldeman stated they had met with the applicant.

Dr. Allman opened the Public Hearing.

Mr. Mark Jakobowski, of Pathmark Consulting and Design, LLC, 1450 Quarterpath Road, Williamsburg, VA, gave a presentation to the Commission requesting a recommendation of approval.

Mr. Polster asked if the hybrid houses for the CCRC would be located in land bay 1.

Mr. Jakobowski stated that this was correct.

Mr. Passero asked what percentage of the development would be assisted living.

Mr. Jakobowski stated that 39.2 acres were dedicated to healthcare.

Mr. Passero asked about Mr. Jakobowski's suggestion to put a fire station on the lot the development was dedicating to the County.

Mr. Jakobowski stated that an additional fire station might be necessary to serve the new development, but ultimately the County could decide what to do with the lot.

Discussion ensued.

Mr. Passero expressed concerns about the volume of cars and traffic on Fenton Mill Road.

Mr. Jakobowski stated that the intersection on Fenton Mill Road would be modified to accommodate the development's entrance and exit.

Mr. Passero asked what the population projection would be for the proposed development.

Ms. Sulouff explained that the application did not have a population projection stated.

Discussion continued.

Mr. Passero stated his concerns with growth and development in the County to the Commissioners.

Mr. Bill Apperson, 4900 Fenton Mill Road, expressed concerns to the Commission regarding the proposed project.

Mr. Steve Mallory, 4650 Fenton Mill Road, expressed concerns to the Commission about the proposed project.

Mr. Carl Zangardi, 112 Heathery, spoke to the Commission in favor of the proposed development.

Mr. James Gordon, 5101 Riverview Road, expressed concerns to the Commission about the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster explained the Comprehensive Plan process and noted that the goal was to confine development into the PSA and that the Board had made a decision to designate the Croaker Road interchange as Mixed Use to accommodate growth.

Mr. Polster explained how the proposed development did not affect the Rochambeau Drive and Croaker Road intersection. Mr. Polster commended the applicant for proffering the required SSCs and maintenance for the BMPs and RPA surrounding Skimino Creek and for including the affordable housing in the second phase of construction.

Mr. Everson shared that he was in support of the development, and spoke favorably about the proposed museum, hotel, and CCRC and the applicant's commitment to maintaining the BMPs and RPA.

Mr. Passero stated that he was not in support of the proposed development being located in the northern part of the County.

Mr. Rodgers stated he was in support of the development, stating he was in favor of new developments within the PSA and the affordable housing that the project proposed.

Mr. Haldeman stated the location was suitable for a mixed-use development but noted that the primary residential use of the proposed project was not in accordance with the Comprehensive Plan. Mr. Haldeman expressed concerns with the construction phasing plan and the cumulative impact on schools and traffic.

Dr. Allman commended the applicant for the emphasis on affordable housing, the multi-generational aspect of the community, and the commitment to the mitigation strategies for the environmental factors. Dr. Allman shared that she was bothered that several people spoke about not being aware of the project and stressed the importance of developers reaching out to the adjacent property owners.

Mr. Rodgers agreed with Dr. Allman and reminded the Commissioners that their role was to provide a recommendation and advised citizens to attend the Board of Supervisors' meeting.

Discussion ensued.

Mr. Everson made a motion to find Z-24-0013/SUP-24-0033/MP-24-0005. Bluffs at Kiskiack substantially in accordance with the Comprehensive Plan.

On a roll call vote, the Commission voted to find the application substantially in accordance with the Comprehensive Plan. (4-2)

Mr. Polster made a motion to recommend approval of Z-24-0013/SUP-24-0033/MP-24-0005. Bluffs at Kiskiack with Proffers and Conditions to the Board of Supervisors.

On a roll call vote, the Commission voted 3-3 on the motion, resulting in a neutral recommendation.

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Polster requested to post signs on the properties that were subject to a public hearing.

Mr. Haldeman requested that the Commissioners be notified of what cases were being presented prior to the Agenda being published.

Mr. Polster discussed the decisions that were made in the Comprehensive Plan regarding keeping residential growth within the PSA in the northern part of the County.

Discussion ensued.

The Commissioners discussed the process of updating the Comprehensive Plan.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2026

Ms. Istenes stated she had no additions to the report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Dr. Allman stated that Mr. Polster would be representing the Commission at the May 12, 2026, Board of Supervisors meeting.

Dr. Allman reminded the Commissioners of the upcoming Policy Committee and DRC meetings.

Discussion ensued.

Dr. Allman thanked Mr. Polster and Mr. Everson for agreeing to Chair the DRC and Policy Committee.

J. ADJOURNMENT

Dr. Allman asked for a motion to adjourn.

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 8:45 p.m.

_____ _____

Susan Istenes, Secretary Dr. Kira Allman, Chair

SUMMARY FACTS

Applicants:	Mr. Jason Grimes, AES Consulting Engineers, and Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP
Landowner:	Commonwealth of Virginia Eastern State Hospital
Proposal:	Rezoning of approximately 79.56 acres from PL, Public Lands to PUD-R, Planned Unit Development Residential, with Proffers, to allow for up to 155 residential dwellings consisting of 82 single-family detached units and 73 single-family attached and multifamily units, and up to 24,000 square feet of commercial uses.
Location:	A portion of 4601 Ironbound Road
Tax Map/Parcel No.:	A portion of 3910100152
Current Zoning:	PL, Public Lands
Proposed Zoning:	PUD-R, Planned Unit Development Residential, with Proffers
Project Acreage:	+/- 79.56 acres
Comprehensive Plan:	Mixed Use - Eastern State
Primary Service Area (PSA):	Inside
Staff Contact:	Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	April 2, 2025, 6:00 p.m.
Board of Supervisors:	October 14, 2025, 5:00 p.m. (Postponed) February 10, 2026, 5:00 p.m. (Postponed) April 14, 2026, 5:00 p.m. (Postponed) May 12, 2026, 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 generally consistent with the Comprehensive Plan and the adopted Mixed Use - Eastern State land use designation text (see Pages 21-27).

3. The applicants have proffered a 50-foot-wide buffer from properties along Discovery Park Boulevard and 100-foot-wide buffer from properties along Rollison Drive.

4. The proposal requires a minimum of two density points and the applicants have offered two density points. Staff finds that the applicants have satisfied the requirements to achieve the density points (see Page 5).

5. This proposal is consistent with the recommendations on workforce and affordable housing as stated in the Comprehensive Plan (see Pages 5-6).

6. The application is expected to have a positive cumulative fiscal impact based on analysis from the County's Fiscal Impact Model (see Pages 24-25).

7. The proposal passes the Adequate Public Schools Facilities Test (see Pages 9-10).

8. The proposal passes the Adequate Transportation Facilities Test (see Pages 6-9).

9. The application is generally consistent with the Parks & Recreation Development Guidelines (see Page 10).

10. See Impact Analysis on Pages 17-19.

FACTORS UNFAVORABLE

1. See Impact Analysis on Pages 17-19.

2. The land area percentages proposed by the application are not fully consistent with the general Mixed Use, Level 1 *Recommended Land Area Percentages* (see Page 21).

3. The densities and intensities proposed by the application are not fully consistent with the general Mixed Use, Level 1 *Recommended Density and Intensity* (see Page 22).

PLANNING COMMISSION RECOMMENDATION

At its April 2, 2025, Regular Meeting, the Planning Commission recommended denial of this application by a vote of 5-1.

CHANGES MADE SINCE THE APRIL 14, 2026, BOARD OF SUPERVISORS MEETING

No changes to the application have been made by the applicants.

On February 24, 2026, the James City Service Authority (JCSA) Board of Directors held its Annual Retreat. At that meeting, JCSA staff presented and discussed the Wastewater Capacity Study. Given the results of the recent Wastewater Capacity Study, JCSA staff worked closely with the Hampton Roads Sanitation District (HRSD) in evaluating this application.

According to the current Regional Hydraulic Model (RHM), the existing HRSD infrastructure downstream of the proposed development lacks the wet weather capacity during larger events to handle the anticipated flows without increasing the risk of overflow. However, it should be noted that HRSD has recently made operational improvements at both its Ford's Colony and Greensprings pump stations which will likely improve capacity, but these recent improvements are not yet reflected in the RHM. Adding additional flow upstream of these HRSD stations will reduce the effectiveness of these operational improvements. In addition, the flows conveyed to the JCSA New Town pump station are nearing or at capacity, which may necessitate upgrades to the existing facility to accommodate any additional demands.

A formal assessment, requiring a Water and Sewer Master Plan, and flow-acceptance process would need to be conducted through JCSA and HRSD to determine potential flow impacts on the JCSA and HRSD pump stations, if any. Generally, as with any new development throughout the County, as existing infrastructure nears capacity, upgrades to existing facilities to accommodate any additional demands may be required, including to the pump station(s) mentioned above. Accordingly, as noted later on in this staff report, while legislative applications require the submission of Conceptual Utility Master Plan, it is not guaranteed that required service levels are available from the existing systems to support the development and it is not guaranteed that the size, location, and configuration of the water and sewer facilities shown thereon will work.

Specific to this application, staff notes that the applicants have proffered the submission of a detailed Utility Master Plan. This application further proffers that the County shall not be obligated to approve any final development plans for the property until the Water and Sewer Master Plan has been approved by JCSA and that the approved Water and Sewer Master Plan, to include the need for any required off-site improvements, shall be implemented by the developer.

CHANGES MADE SINCE THE OCTOBER 14, 2025, BOARD OF SUPERVISORS MEETING; these changes represent the most current application information

On December 9, 2025, the Board of Supervisors approved Case No. LU-20-0002 to change the Comprehensive Plan Land Use Map designation of the subject property from Federal, State, or County Land to the Mixed Use Level 1, Small Town or Suburban Center, designation.

Prior to the February 10, 2026, Board of Supervisors meeting, the applicants reduced the proposed residential density of the development from 176 units, comprised of 86 single-family detached and 90 single-family attached and multifamily units, to a total of 155 units, comprised of 82 single-family detached units and 73 single-family attached and multifamily units.

Adjusting for the reduction in the number of units, the applicants adjusted Proffer No. 8 to increase the per unit cash contribution from $1,276.81 to $1,451.61 so that a total cash contribution of $225,000 will be provided to the County to be used for a stream restoration project on or near the property.

The applicants also revised the proposed design guidelines to specify that commercial and mixed use buildings shall be two to three stories in height to align with the Mixed Use Level 1 description.

CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

Prior to the October 14, 2025, Board of Supervisors meeting, the applicants reduced the proposed residential density of the development from 186 units, comprised of 86 single-family detached and 100 single-family attached and multifamily units, to 176 units, comprised of 86 single-family detached units and 90 single-family attached and multifamily units. The applicants also reduced the proposed amount of commercial uses from 40,000 square feet to 24,000 square feet.

The applicants added Proffer No. 8 to require the developer to provide cash contributions to the County to be used for a stream restoration project on or near the property. Accordingly, the applicants have updated Proffer No. 7 to state that the required master stormwater management plan shall include the location of stream restoration/improvements needed within Subwatershed 208 of the Powhatan Creek Watershed. However, Proffer No. 9 was revised to remove the proposed retrofit of the New Town Block 8 Phase 1B Dry Pond (BMP ID PC243).

Regarding the stream restoration proffer: the proffers have been made with the concept that the County would undertake the stream restoration project itself, and not the developer. Under this scenario, it would be the County who would ultimately fund, design, permit, construct, and complete the restoration project. Further, the proffers have been made with the concept that, in order to fully fund the project, proffered funds from this application, if approved, would be combined with proffered funds from the other Eastern State development application, if approved. Those combined proffered funds would then be leveraged for a future Stormwater Local Assistance Fund (SLAF) grant application to the state. If that grant application is approved, staff estimates the three sources of funding would come close to fully covering expected costs for the stream restoration project, as the stream exists today.

Without funding coming from all three of these sources (i.e., the two Eastern State development applications and from the state via a competitive SLAF grant application), staff notes that expected costs for the full stream restoration, as identified in the adopted Watershed Master Plan report, would exceed available funding. Alternatives would then need to be developed and considered.

The applicants also updated Proffer No. 4 to reflect the Area Median Income (AMI) in 2025 and revised Proffer No. 6 to reduce the area of passive parks from six acres to five acres.

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

Mr. Jason Grimes of AES Consulting Engineers, on behalf of ABVA Development, LP, has applied to rezone an approximately 79.56-acre portion of land located at 4601 Ironbound Road from PL, Public Lands to PUD-R, Planned Unit Development Residential, with Proffers. This application includes the following:

- The proposal is for 155 residential dwellings, with 82 single-family detached units, and 73 single-family attached (townhomes) and multifamily units (apartments). The proposal also includes up to 24,000 square feet of commercial uses.

- The parcel has approximately 25.39 acres of non-developable area which includes 8.53 acres of wetlands, 16.86 acres of Resource Protection Area (RPA), and 0.15 acres of steep slopes (outside the RPA). The net developable area of the parcel is approximately 54.05 acres.

- The proposal includes a total of 44.9 acres of open space including the 25.39 acres of non-developable area and 19.5 acres of the developable land.

- Based on the developable acreage of the parcel, this project proposes a net density of up to 2.87 units per acre. In accordance with Section 24-487(b) of the Zoning Ordinance, the project requires two density bonus points to be provided.

- The applicants are proposing pedestrian connections to connect with existing pedestrian facilities along Discovery Park Boulevard as well as pedestrian facilities on both sides of the proposed public roads. Additionally, the Zoning Ordinance requires pedestrian accommodations along at least one side of proposed internal private roads or along both sides of proposed internal private roads with areas designated as Mixed Use in the Comprehensive Plan.

- The application proposes a vegetated buffer at least 50 feet in width between the multifamily residential areas and the existing properties along Discovery Park Boulevard. The application proposes a vegetated buffer at least 100 feet in width between the single-family residential areas and the existing properties along Rollison Drive.

- Proposed recreational amenities include (1) one swimming pool 75-foot in length by 16-foot in width with a wading area at least 600-square-foot in size and a bathhouse, (2) passive parks at least five acres in size, (3) two playgrounds at least 2,500 square feet in size with at least five activities, (4) a grilling station and picnic area in a passive park, (5) a deck overlook, (6) a pavilion/bus shelter, and (7) at least 3,000 linear feet of soft surface trails. The Parks & Recreation Department has reviewed this proposal and found that it is not fully consistent with the Parks & Recreation Development Guidelines.

- At least 20% of the dwelling units permitted on the property shall be offered for sale at prices that are targeted at households earning up to 80% of the AMI.

- A Traffic Impact Analysis (TIA) for the proposal and other approved developments found that no road improvements are required.

- The application proposes one stormwater management facility retrofit and one stormwater management facility outfall repair to be completed by the developer, cash contributions to the County to be used for a stream channel restoration project, and compliance with the most updated Special Stormwater Criteria (SSC) for consistency with the Powhatan Creek Watershed Master Plan.

- The application ensures that off-site improvements necessitated by the development for the JCSA water system and HRSD sanitary sewer system will be completed by the developer.

Density Bonuses

Based on developable acreage, the proposed development of 155 residential dwelling units corresponds to a density of 2.87 units per developable acre. Per Section 24-487(b), the project requires two bonus density points which have been proposed by the following options.

- Bonus Item Option C: Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same subwatershed, as identified by an approved watershed management plan or by the Stormwater and Resource Protection Division. (Bonus Point 1.5)

  Proffer No. 9 includes proposed stormwater management facility retrofits, including the retrofit of the Courthouse Green Dry Pond (see Attachment No. 12) which the applicants have indicated is being offered to fulfill this density bonus item. The proffer ensures that the applicants will prepare the development plans for the required work, requires such plans to have been approved before building permits have been issued for more than 80 residential units, and requires that the work associated with the retrofit is substantially complete before building permits have been issued for 150 residential dwelling units. This will ensure that the development does not exceed the otherwise permissible base density before the work for this bonus item option is completed. Staff finds that the intent of this bonus item option has been fulfilled and credit has been given for this density bonus item.

- Bonus Item Option K: Developing binding design guidelines for the development that include superior architectural and design standards. Design guidelines shall be reviewed and approved by the Director of Planning. (Bonus Point 0.5)

  The design guidelines submitted have been reviewed and approved by the Director of Planning. Proffer No. 13 requires all building plans and elevations to be approved by the New Town Design Review Board (NTDRB). Credit has been given for this density bonus item.

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 AMI level as determined by the U.S. Department of Housing and Urban Development. The applicants have proffered that at least 20% (31 units) of the dwelling units shall be offered for sale or rent at prices that are targeted at households earning up to 80% of the AMI. 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

Public Transportation: Vehicular

The scale of this proposal requires the submittal of a TIA. The TIA examines the existing conditions of vehicular traffic, including Level of Service (LOS), with a focus on the roads and intersections serving and impacted by the proposed development. The study projects that the development would generate 356 A.M. peak-hour trips, 458 P.M. peak-hour trips, and approximately 4,600 daily trips.

The proposed access to the development is an extension of the public Discovery Park Boulevard right-of-way. Discovery Park Boulevard is a two-lane road with connections to Ironbound Road, Casey Boulevard, and New Town Avenue. Casey Boulevard and the portion of Discovery Park Boulevard from Ironbound Road to Casey Boulevard are considered to be Minor Collector roads. LOS is not determined for Discovery Park Boulevard or Casey Boulevard. The portion of Ironbound Road which will receive traffic from this development currently operates at LOS A-C and is projected to continue to operate at LOS A-C in 2045. The portion of Monticello Avenue which receives traffic from Casey Boulevard and New Town Avenue currently operates at LOS A-C and is projected to operate at LOS E-F in 2045.

The TIA analyzed the following roads and intersections:

- Casey Boulevard
- Discovery Park Boulevard
- Ironbound Road/Discovery Park Boulevard (signalized)
- Ironbound Road/Monticello Avenue (signalized)
- Monticello Avenue/Courthouse Street (signalized)
- Monticello Avenue/Casey Boulevard/Ironbound Road (signalized)
- Discovery Park Boulevard/Casey Boulevard (unsignalized)

The tables on Pages 7-8 show the LOS of the studied intersections based on various scenarios analyzed in the TIA.

Ironbound Road/Discovery Park Boulevard										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	B	C	B	C	B	C	B	C	B	C
EBLT	D	E	D	E	D	E	D	E	D	E
EBRT	D	D	D	D	D	D	D	D	D	D
NBLT	D	D	C	D	C	D	C	D	C	D
NBTH	A	B	A	A	A	A	A	A	A	A
SBTH	B	B	A	B	B	B	B	B	B	B
SBRT	B	B	A	B	B	B	B	B	B	B

Eastbound (EB) traffic is coming from the proposed development and traveling east towards Ironbound Road.

Northbound (NB) traffic along Ironbound Road is traveling north towards DePue Drive.

Southbound (SB) traffic along Ironbound Road is traveling towards Monticello Avenue.

Ironbound Road/Monticello Avenue										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	D	D	D	D	D	D	D	D	D	D
EBLT	E	E	D	C	D	D	D	D	D	D
EBTH	D	D	D	C	D	C	D	C	D	C
EBRT	B	B	B	B	B	C	B	B	B	C
WBLT	D	E	D	E	D	E	D	E	D	E
WBTH	C	C	C	D	C	D	C	D	C	D
WBRT	B	B	C	C	B	B	B	B	B	B
NBLT	E	E	D	E	D	E	D	E	D	E
NBTH	D	E	D	E	D	E	D	E	D	E
NBRT	C	D	C	D	C	D	C	D	C	D
SBLT	C	F	C	D	D	E	D	E	D	E
SBTH	C	D	C	E	C	E	C	E	C	E
SBRT	F	D	F	E	F	F	F	F	F	F

Eastbound (EB) traffic along Monticello Avenue is traveling east towards the City of Williamsburg.

Westbound (WB) traffic along Monticello Avenue is traveling west towards Courthouse Street.

Northbound (NB) traffic along Ironbound Road is traveling north towards Discovery Park Boulevard.

Southbound (SB) traffic along Ironbound Road is traveling towards Strawberry Plains Road.

Monticello Avenue/Courthouse Street										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	C	B	C	B	C	B	C	B	C	B
EBLT	B	B	B	A	B	A	B	A	B	A
EBTH	C	A	C	A	C	B	C	B	C	B
EBRT	B	B	B	A	B	B	B	A	B	B
WBLT	B	A	B	A	B	A	B	A	B	A
WBTH	C	B	C	B	C	B	B	B	B	B
WBRT	B	B	B	B	B	B	B	B	B	B
NBLT-TH	D	E	D	E	D	E	D	E	D	E
NBRT	D	D	D	E	D	E	D	E	D	E
SBLT-TH	D	D	D	D	D	D	D	D	D	D
SBRT	D	D	D	D	D	D	D	D	D	D

Eastbound (EB) traffic along Monticello Avenue is traveling east towards Ironbound Road.

Westbound (WB) traffic along Monticello Avenue is traveling west towards New Town Avenue.

Northbound (NB) traffic is traveling north from the Williamsburg/James City County (W/JCC) Courthouse towards Courthouse Street.

Southbound (SB) traffic along Courthouse Street is traveling towards the (W/JCC) Courthouse.

Monticello Avenue/Casey Boulevard/Ironbound Road										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	C	D	C	D	C	D	C	D	C	D
EBLT	D	E	D	D	D	E	D	D	D	E
EBTH	B	C	C	C	B	C	C	C	C	C
EBRT	B	B	B	C	B	C	B	C	B	C
WBLT	D	D	C	B	D	B	C	B	C	B
WBTH-RT	C	D	C	C	C	C	C	C	C	C
NBLT	D	E	D	D	D	D	D	D	D	D
NBTH-RT	D	E	D	D	D	D	D	D	D	D
SBLT-TH	D	E	D	E	D	E	D	E	D	E
SBRT	C	D	C	D	C	D	C	D	C	D

Eastbound (EB) traffic along Monticello Avenue is traveling east towards Settlers Market Boulevard.

Westbound (WB) traffic along Monticello Avenue is traveling west towards Route 199.

Northbound (NB) traffic along Ironbound Road is traveling towards Casey Boulevard.

Southbound (SB) traffic along Casey Boulevard is traveling towards Ironbound Road.

Discovery Park Boulevard/Casey Boulevard										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	A	A	A	A	A	A	A	A	A	A
EBLT-TH-RT	-	-	-	-	-	-	-	-	-	-
WBLT-TH-RT	-	-	-	-	-	-	-	-	-	-
NBLT-TH-RT	C	B	B	B	C	C	B	B	C	D
SBLT-TH-RT	C	C	B	B	C	C	B	B	C	C

Eastbound (EB) traffic along Discovery Park Boulevard is traveling from the proposed development east towards New Town Avenue.

Westbound (WB) traffic along Discovery Park Boulevard is traveling west towards the proposed development.

Northbound (NB) traffic along Casey Boulevard is traveling towards Discovery Park Boulevard.

Southbound (SB) traffic along Casey Boulevard is traveling towards Ironbound Road.

The County adopted the Adequate Transportation Facilities Test by resolution on August 14, 2018. This policy requires a proposed Special Use Permit (SUP) or Rezoning to be tested during the application process to ensure that transportation facilities are adequate to mitigate traffic impacts.

A proposed Rezoning or SUP application will be tested for Adequate Transportation Facilities and will pass the test if:

- No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation (VDOT); or

- All off-site improvements recommended by a TIA that are approved by both the Planning Director and VDOT are guaranteed in a form approved by the Planning Director and the County Attorney.

The recommendations listed in the TIA for the signalized intersections were to maintain existing lanes and provide optimized signal timings. The process for adjusting signal timings is administered by VDOT on a recurring basis and does not necessitate action as part of this application. VDOT has confirmed that signal timing adjustments along Monticello Avenue and Ironbound Road were completed in 2025 to account for development in the area, including the approved Wawa gas station on Ironbound Road and Westwood Park.

For the Discovery Park Boulevard/Casey Boulevard intersection, the TIA found that a right-turn lane from Discovery Park Boulevard to southbound Casey Boulevard would be warranted. However, the TIA does not recommend the installation of a right-turn lane on the basis that the right-turn movement is not stop-controlled allowing vehicles to make the right-turn without causing delay. Furthermore, the TIA finds that the additional right-of-way width required to install a right-turn lane would result in disruptions to the existing bike lane and sidewalks at this intersection. After discussion with VDOT, this recommendation was found to be acceptable given the urban context of the intersection.

As no improvements are recommended by the TIA and the TIA has been approved, this proposal passes the Adequate Transportation Facilities Test.

Schools

The County adopted the Adequate Public Schools Facilities Test by resolution on June 23, 1998. A proposed rezoning or SUP application for residential development is required to show that the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional schoolchildren generated by the development. The schools shall be deemed adequate if the projected student population does not exceed 100% of the design capacity.

However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the Capital Improvement Program (CIP), and/or through a redistricting plan that was approved by the School prior to application, then the application will be deemed to have passed the test.

The proposed development is anticipated to generate an additional 46 students. As illustrated in the following table, the 43 students projected from the development would not cause the enrollment levels for Clara Byrd Baker Elementary School, James Blair Middle School, or Lafayette High School to exceed effective capacity. Thus, this proposal passes the Adequate Public Schools Facilities Test.

Student Enrollment and School Capacity, Williamsburg-James City County (WJCC) Schools 2025-2026

School	*Effective Capacity*	*Enrollment 2025-2026*	*Projected Students Generated*	*Enrollment + Projected Students*
Clara Byrd Baker Elementary School	618	502*	+19	521
James Blair Middle School	608	465	+10	475
Lafayette High School	1,514	1,211	+14	1,225

**Figure includes Pre-Kindergarten enrollment*
Source: WJCC Staff Correspondence

Parks & Recreation

This proposal includes 155 residential units consisting of 82 single-family detached units, 73 single-family attached and multifamily units. Some recreational amenities are proposed for the facility types recommended in the James City County Parks & Recreation Development Guidelines including a minimum of five acres of passive parkland, two playgrounds at least 2,500 square feet in size with five activities, and a minimum of 3,000 linear feet of soft surface trails. The applicants have proffered one pool that is 75 feet in length, 16 feet in width, and includes a shallow area at least 600 square feet in size. However, the pool does not meet the recommended size of 25 meters in length by 45 feet in width for swim competitions. The applicants have also proffered additional amenities which are not included in the Parks & Recreation Development Guidelines which include at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area within the passive park, and a deck overlook. The Parks & Recreation Department has reviewed this proposal and determined that the application has satisfied the required parkland acreage, playground, and biking/jogging trails categories. Additionally, while the application does not include a multiuse field or a pool sized for competition use, additional alternative amenities as well as a second playground have been provided to offset the competition pool and multiuse field categories. Therefore, the application is generally consistent with the Parks & Recreation Development Guidelines.

James City County Parks & Recreation Development Guidelines Comparison

Minimum Requirement (units)	*Minimum Required*	*Proffered or Shown on Master Plan*
Parkland Acreage	0.61 acres	5 acres
Biking/Jogging Trails	818.40 linear feet	3,000 linear feet
Playground	1	2
Sport Court or Pool	1	One Pool
Multiuse Field	1	None

JCSA

JCSA has reviewed the proposal and determined that while the development is within the PSA and can be served by the public water and sewer systems, it is not guaranteed that required service levels are available from the existing systems to support the development and that the size, location, and configuration of the water and sewer facilities shown on the Conceptual Utility Master Plan are not approved. A detailed Utility Master Plan, including Hydraulic Analysis, are required to be submitted to and approved by JCSA prior to the submission of development plans. The configuration of the utilities, including necessity for any off-site improvements, will be determined during the Utility Master Plan review process. In addition, improvements to HRSD receiving facilities may be required to support the development.

Accordingly, the applicants have proffered the submission of a detailed Utility Master Plan depicting the proposed public water and sewer systems as well as any required off-site improvements for the systems which shall be shown on the development plans for the project and completed by the applicants.

Powhatan Creek Watershed Master Plan

The proposed development is located within Subwatershed 208 of the Powhatan Creek Watershed. On September 26, 2023, the Board of Supervisors adopted the updated Powhatan Creek Watershed Master Plan providing goals and recommended strategic actions for the watershed as well as identifying candidate site of improvements within each subwatershed.

The Watershed Master Plan identifies recommended strategic actions related to SSC measures including that they should be expanded to apply to any new development within County watersheds. The application has proffered the submission of a Master Stormwater Management Plan, including that stormwater management facility outlet protection shall be designed for 100-year storm events based on post-development conditions. The application has also proffered that the development of the property shall be in accordance with the most updated SSC, dated March 2025, which are being considered by the Board of Supervisors for adoption.

The Watershed Master Plan also identifies three candidate projects to restore stream reaches, one candidate project to stabilize the outfall of an existing stormwater management facility, and three candidate projects to retrofit existing stormwater facilities. The application has proffered cash contributions to the County for the County to undertake stream restoration projects on or near the property. The application has also proffered to complete a retrofit of the Courthouse Green Dry Pond (BMP ID PC144) (see Attachment No. 12). The Courthouse Green Dry Pond retrofit is proposed to meet the density bonus requirements of the PUD-R Zoning District. While not identified as a candidate project within the Watershed Master Plan, the application has also proffered to repair the outfall of the SunTrust Wet Pond (BMP ID PC173).

The Stormwater and Resource Protection Division has reviewed the application and found it to be generally consistent with the Powhatan Creek Watershed Master Plan.

Proffers

Voluntary proffers have been offered by the applicants to mitigate the development's impact on County resources. Staff has reviewed these proffers for enforceability and for their effectiveness in mitigating the impacts. Comments are provided in italics.

- Proffer No. 4 Affordable Housing Units. At least twenty percent of the dwelling units permitted on the Property shall be offered for sale at prices or offered for lease at rents that are targeted at households earning 80% or less of the Area Median Income as determined by the U.S. Department of Housing and Urban Development ("AMI"). The maximum sale price for such a unit sold in 2026 shall be Two Hundred Eighty-One Thousand Seven Hundred Fifty Dollars ($281,750). The per unit maximum sale price in any subsequent year shall consist of the maximum price specified above plus any adjustments included in The Marshall and Swift Building Cost Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2025 to the year the sale is closed. The per unit maximum sale price shall be adjusted once a year with the January supplement of the Index of the sale year. In no event shall the per unit maximum sale price be adjusted to a sum less than the maximum price specified above. If the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Director of Financial and Management Services) shall be relied upon in establishing an inflationary factor for purposes of

increasing the per unit maximum sale price to approximate the rate of annual inflation in the County. Maximum rents shall be determined annually by the County's Neighborhood Development department based on payment of 30% of household income toward housing costs. Unless otherwise approved by the Neighborhood Development Division, sales of all targeted for sale units shall include a soft second Deed of Trust for the benefit of the County securing a shared appreciation note in an amount equal to the difference between the sale price of a comparable market rate unit and the sale price of the proffered unit and with a term of seven years. The original note, Deed of Trust, and a copy of the Settlement Statement shall be delivered to the Neighborhood Development Division after each closing. If down payment assistance loans are authorized by the Neighborhood Development Division, the soft second Deed of Trust may be recorded in third priority. Rental units shall be made available at the targeted rents for a period of 20 years. With respect to rental units provided pursuant to this proffer, if any, Developer shall submit an annual report for each year of the required 20-year term to the Zoning Administrator on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified income range. All affordable units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income range used to determine the prices/rental rates by the County's Neighborhood Development Division.

The proffer meets the Comprehensive Plan's guidance that at least 20% of dwelling units should be offered at prices affordable to households earning up to 80% of AMI.

Proffer No. 6. Recreation. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the property until the following recreational facilities shall be provided: a swimming pool 75 feet in length and 16 feet in width with a shallow area of at least 600 square feet and a bathhouse, passive parks of at least five acres, including two playgrounds of at least 2,500 square feet and at least five activities, at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area in a passive park, a deck overlook and trails/paths with a length of at least 3,000 linear feet that meet or exceed the James City County Greenway Master Plan. 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. The only connection between the trail/path system on the Property and the trail/path system located within the New Town development shall be adjacent to Discovery Park Boulevard unless otherwise approved by the New Town Residential Association.

The proffer ensures that recreational facilities are provided before building permits are issued for more than 80 dwelling units. While the proffer includes at least five acres of parkland, two playgrounds at least 2,500 square feet in size with five activities, and 3,000 linear feet of trails, the proffer does not include a competition-sized pool or multiuse field. However, the proffer provides additional alternative facilities as well as a second playground to offset the competition-sized pool and multiuse field categories. Therefore, the application is generally in accordance with the Parks & Recreation Development Guidelines.

- Proffer No. 7. Master Stormwater Management Plan. Developer shall submit to the County a Master Stormwater Management Plan at least three months before the initial site or development plan submittal for the Property, to include the stormwater management Best Management Practices (BMPs), for review and approval by the Stormwater and Resource Protection Division. The Master Stormwater Management Plan shall include a requirement that all outlet protection be sized for the 100-year, post-development storm and shall show the location of stream restoration/improvements needed in Powhatan Creek, Sub-

watershed 208. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with prior approval of the Stormwater and Resource Protection Division. The County shall not be obligated to approve any final development plans for the Property until the Master Stormwater Management Plan has been approved by the Stormwater and Resource Protection Division. The Master Stormwater Management Plan, as revised and/or updated, shall be implemented in all development plans for the Property. All development plans for the Property shall implement the County's SSC criteria dated March 2025.

The proffer ensures that a Master Stormwater Management Plan is submitted at least 30 days in advance of the first development plan of the property and that the Master Stormwater Management Plan shall be approved prior to approval of development plans. The proffer also ensures that enhanced outlet protection will be included for stormwater management facilities as well as that all development plans will adhere to the most current version of the SSC.

- Proffer No. 8. Stream Channel Restoration.

  a. The Developer shall make a contribution to the County in the amount of $225,000 (the "Stream Channel Restoration Amount") for preparation of stream restoration construction plans and stream channel restoration to be conducted by the County on or in the immediate vicinity of the Property, which Stream Channel Restoration Amount shall be paid in increments of $1,451.61 per residential unit developed on the Property (the "Per Unit Stream Restoration Contribution"). The Per Unit Stream Restoration Contribution shall be payable for each residential unit developed 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. The County shall utilize these monies for the restoration of stream channels located on or in the immediate vicinity of the Property or for a like project within the same watershed that is directly related to water quality.

  b. The Stream Channel Restoration Amount and the Per Unit Stream Restoration Contribution (the "Proffered Amounts") shall be adjusted annually beginning January 1, 2027, to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Cost Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "MSI"). In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. In the event a substantial change is made in the method of establishing the MSI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the MSI. In the event that the MSI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the MSI (approved in advance by the County Manager of Financial and Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Proffered Amounts to approximate the rate of annual inflation in the County.

  c. Notwithstanding the foregoing, any unpaid balance of the Stream Channel Restoration Amount shall be paid to the County in full on or before the date which is five years after the date of final approval by the County of the first site plan or subdivision plan for development of the Property pursuant to the Master Plan.

  d. At the request of the County, the Developer shall provide one or more access easements over and across the property in a form acceptable to the County Attorney from public right of way to the stream channels located within or adjacent to the Property sufficient to allow the County to perform the stream

channel restoration work and any maintenance thereof. The location of the easement(s) shall be shown on the first development plan for development on the Property.

This proffer requires the Developer to provide a total cash contribution of $225,000 to the County for the County to undertake a stream restoration project on or near the property or a like project within the same watershed. Contributions shall be made in increments of $1,451.61 per residential unit prior to the issuance of a Certificate of Occupancy for that residential unit. The total cash contribution shall be paid in full within five years of the date of the first site plan approval. The developer shall provide the County with easements necessary for the stream restoration project.

- Proffer No. 9. Stormwater BMP Upgrades/Retrofits. The Developer shall prepare plans for the (i) upgrade/retrofit of the Courthouse Green Dry Pond, BMP ID PC144 in accordance with the recommendations of the Powhatan Creek Watershed Study and (ii) repair of the outfall of the SunTrust Wet Pond, PC173, and have such plans approved by the Stormwater and Resource Protection Division. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the Property until the BMP retrofit/repair plans have been approved by the Stormwater and Resource Protection Division and work pursuant to the approved plans has commenced, as evidenced by issuance of a land disturbance permit. The County shall not be obligated to issue preliminary plan approval for more than a total of 150 dwelling units on the Property until the BMP retrofit/repair work identified by this Proffer undertaken by Developer is substantially complete. The County will grant Developer, in form and substance acceptable to the County Attorney, the right to enter on the property on which PC144 is located to perform the work. The obligations of Developer under this Proffer with respect to PC173 are subject to Developer obtaining the permission from the owners thereof to enter the property and perform the work. Developer shall diligently pursue such permission.

  This proffer is linked to Density Bonus Item Option C: Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same subwatershed. The proffer commits the applicants to fully completing the retrofit of one stormwater management facility identified in the Powhatan Creek Watershed Master Plan as well as repairing a stormwater outfall within the same subwatershed. The proffer requires the development plans for such work to be approved prior to the issuance of more than 80 dwelling units and for the work to be substantially complete prior to preliminary plan approval for more than 150 dwelling units. This will ensure that the development does not exceed the number of dwelling units which would otherwise be permissible under the base density calculations for the site until the work for the density bonus option is completed.

- Proffer No. 12. Project Phasing. The County shall not be obligated to issue building permits for more than a total of 100 dwelling units on the Property until the County has issued a building permit for construction of at least 10,000 square feet of commercial space on the Property and construction has commenced. Construction having commenced shall mean foundations have been poured and have passed inspection. The County shall not be obligated to issue building permits for more than a total of 125 dwelling units on the Property until the County has issued any Certificate of Occupancy for all or any portion of the commercial space. With all development plan submittals, Developer shall include a running tally of the number of residential building permits issued for residential units on the Property.

  The proffer requires construction of at least 10,000 square feet of commercial space to commence prior to the issuance of building permits for more than 100 dwelling units and for a Certificate of Occupancy for all or a portion of the commercial space to be issued prior to the issuance of building permits for more than 125 dwelling units.

- Proffer No. 13. Design Guidelines. Developer has submitted Design Review Guidelines prepared by Hopke/Harrison, Inc., dated January 12, 2026, to the County setting forth design and architectural standards for the development of the Property (the "Guidelines"), which Guidelines shall be kept on file in the Planning Division. Once approved as a part of the rezoning, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be submitted to the New Town Design Review Board ("NTDRB") for review and approval by the NTDRB for consistency with the Guidelines.

  This proffer is linked to Density Bonus Item Option K: Developing Binding Design Guidelines. The proffer would ensure that the design guidelines submitted with this application are adhered to, with any amendments requiring approval by the Director of Planning. The proffer also requires that final building plans or elevations are reviewed for consistency with the design guidelines by the NTDRB.

- Proffer No. 14. Utility Master Plan. Developer shall submit to the County an updated Water and Sewer Master Plan, including a Hydraulic Analysis and identifying any required off-site improvements necessary to serve the Property, at least three months before the initial site or development plan submittal for the Property for review and approval by the JCSA. The Water and Sewer Master Plan may be revised and/or updated during the development of the Property with prior approval of the JCSA. The County shall not be obligated to approve any final development plans for the Property until the Water and Sewer Master Plan has been approved by the JCSA. The Water and Sewer Master Plan, as revised and/or updated, shall be implemented in all development plans for the Property at the time required to serve the Property.

  This proffer ensures that the applicants will provide a detailed Utility Master Plan for the proposed public water and sewer systems to JCSA prior to the submission of development plans. It also ensures that off-site improvements which may be required for the public water and sewer systems will be included with development plans for the property and the work will be completed by the applicants.

PLANNING AND ZONING HISTORY

The property was originally zoned R-3, General Residential, until 1992 when the R-3 Zoning District was redesignated to the R-2, General Residential Zoning District. The property was rezoned to PL, Public Lands, upon the creation of the Zoning District in 2007.

The property has been owned by the Commonwealth of Virginia and the location of the Eastern State Hospital facility for decades.

During the Engage 2045 Comprehensive Plan update process, two Land Use (LU) applications were submitted requesting to change the LU designations of portions of the property from Federal, State, or County Lands to Mixed Use - New Town. Specifically, Case No. LU-20-0002 aligns with the project area of this application. On April 12, 2022, the Board of Supervisors provided guidance to change the potential LU designation for the subject property from Mixed Use - New Town to Mixed Use - Eastern State. On December 9, 2025, the Board of Supervisors approved Case No. LU-20-0002 to change the Comprehensive Plan Land Use Map designation of the subject property to the Mixed Use Level 1, Small Town or Suburban Center, designation.

- 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; R-5, Multifamily Residential; LB, Limited Business; and PL, Public Lands	Residential and commercial uses, and the JCC Recreation Center	Low Density Residential; Moderate Density Residential; and Federal, State, or County Lands
SOUTH	Mixed Use and M-1, Limited Business/Industrial	New Town, Commercial, and Industrial Uses	Mixed Use and Limited Industry
EAST	JCC: PL, Public Lands City of Williamsburg: RS-3, Single-Family Dwelling District	The College of William & Mary Facilities and Residential Uses	JCC: Federal State or County Lands City of Williamsburg: Medium-Density Single-Family Detached Residential
WEST	R-4, Residential Planned Community	Ford's Colony	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	No Mitigation Required	- See discussion on Pages 6-9.
Public Transportation: Pedestrian/Bicycle	No Mitigation Required	- Pursuant to Section 24-35 of the Zoning Ordinance, pedestrian improvements for the public and private roads are required to be shown on the Construction Plan and installed as part of the development.
Public Safety	No Mitigation Required	- Fire Station 3 on John Tyler Highway is approximately 2.9 miles from this property and Fire Station 4 is approximately 3.4 miles from the property. - The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
Public Schools	No Mitigation Required	- See discussion on Pages 9-10.
Public Parks and Recreation	Mitigated	- See discussion on Page 10.
Public Libraries and Cultural Centers	No Mitigation Required	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
Groundwater and Drinking Water Resources	Mitigated	- See discussion on Pages 10-11. - JCSA regulations require the submittal of Water Conservation Standards to be reviewed and approved by the JCSA prior to any development on the property. **Proffers** - Proffer No. 11 requires the submittal and approval of Water Conservation Standards for the development. - Proffer No. 14 requires the developer to submit a Water and Sewer Utility Master Plan and to complete the installation of any required off-site improvements.

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.		
Watersheds, Streams, and Reservoirs	Mitigated	- See discussion on Page 11. **Proffers** - Proffer No. 7 requires the submission of a Master Stormwater Management Plan before the submission of a development plan for the property. The proffer also requires enhanced stormwater management facility outlet protection and that the stormwater management plan will adhere to the most recent version of the SSC. - Proffer No. 8 proposes cash contributions to the County to be used for a stream restoration project on or near the property. - Proffer No. 9 proposes a stormwater management facility retrofit of the Courthouse Green Dry Pond (BMP ID PC144) as well as the repair of an outfall for the SunTrust Wet Pond (BMP ID PC173).
Cultural/Historic	No Mitigation Required	- A Phase I Archaeological Study was completed for the project area which determined that there are no archaeological sites requiring further investigation.
Nearby and Surrounding Properties	Mitigated	- This parcel is surrounded by residential, commercial, and public lands. - This parcel is located adjacent to the New Town Master Plan Area. - A 50-foot-wide buffer is provided from the adjacent commercial properties on Discovery Park Boulevard and a 100-foot-wide buffer is provided from the adjacent residential dwellings on Rollison Drive. - The northern, eastern, and southwestern property lines are bounded by streams and required RPA buffers which will provide buffering from adjacent properties. - A 150-foot-wide buffer will be provided from the Route 199 CCC. - Staff finds this proposal compatible with the character of the existing surrounding development. **Proffers** Proffer No. 5 requires the 50-foot-wide buffer adjacent to the commercial uses along Discovery Park Boulevard and the 100-foot-wide buffer adjacent to the residential dwellings along Rollison Drive to be included in the development plan for the project.

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.		
Community Character	Mitigated	- The project includes land located inside the New Town Community Character Area (CCA). - The applicants have provided design guidelines for the development in accordance with Section 24-487(b). Staff finds that the design guidelines are generally in accordance with the County's Character Design Guidelines approved as part of the Comprehensive Plan. **Proffers** - Proffer No. 5 requires the 50-foot-wide buffer adjacent to the commercial uses along Discovery Park Boulevard and the 100-foot-wide buffer adjacent to the residential dwellings along Rollison Drive to be included in the development plan for the project. - Proffer No. 13 requires the project to adhere to the submitted design guidelines with any changes subject to approval by the Director of Planning. All building plans and elevations are required to be approved by the NTDRB for consistency with the design guidelines.

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as Virginia Lands and Energy Navigator (VaLENS) as follows:

ASSET	PRESENCE	IMPACT
Habitat Core	-Present on-site (see Attachment No. 10)	-All habitat cores identified in the Natural & Cultural Assets Plan are important ecologically. Of the 1-5 ranking system used in the Plan, the core on this property is ranked in Category 3 (with 1 being the lowest priority). -The entirety of the 79.56-acre project area is designated as being within the habitat core on the property. -Some of the habitat core acreage is located within non-developable areas including the RPA and thus protected.
Corridors	-Present on-site (see Attachment No. 10)	-The portions of habitat corridors shown on the property are aligned with the RPA on the property and thus protected.
Agricultural Assets	-Present on-site (see Attachment No. 11)	-Approximately 28.66 acres or 36.0% of the property is prime farmland and approximately 9.67 acres or 12.2% of the property is farmland of statewide importance. -The proposed 5-acre passive park is sited within the areas considered to be prime farmland which will reduce the overall amount of impervious cover added to these soils.

COMPREHENSIVE PLAN

The property is currently designated as Mixed Use - Eastern State on the Comprehensive Plan Land Use Map and is adjacent to properties designated as Mixed Use to the south (New Town Mixed Use Area) and Low Density Residential to the west (Ford's Colony).

For areas designated Mixed Use on the Comprehensive Plan Land Use Map, while there is general Mixed Use Language within the plan, each geographic area that is delineated Mixed Use is then more specifically defined with guiding principles; this is in recognition that each Mixed Use area and the development planned within, is unique. Further, on any given parcel, there may be factors or property features highlighted in other Comprehensive Plan sections (e.g., historic or environmental resources) which may also influence the preferred uses, intensities and general development of the property, or determine its suitability for open space preservation.

The Mixed Use - Eastern State designation includes the following guidance for the project area:

> "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, RPA 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."

While the application, as presented, does not fully integrate all proposed uses together, staff finds that the application adheres to the principal suggested uses, protects environmentally sensitive features, provides consistent design guidelines, and that the design, scale, and development patterns complement and is compatible with the New Town development.

Further, the Mixed Use - Eastern State designation of the project area follows the Mixed Use Designation, Descriptions, and Development Standards for the Level 1, Small Town or Suburban Center category. Specifically, the Mixed Use Level 1 designation provides the following general recommendations for the allocation of the gross land area of the Mixed Use area for different land uses, however they may be modified to better fit with the surrounding context.

Land Use	*Recommended Land Area Percentage*	*Proposed Land Area Percentage*
Residential Area	30-60%	100%
Non-residential Area	40-70%	17.3%
Civic, Open Space and Recreation Area	20%	56.4%

While the development provides more residential area and less non-residential area than the recommendations, the development provides significantly more open space area consisting of 25.4 non-developable acres and 19.5 acres of developable land.

Additionally, the Mixed Use Level 1 designation includes the following general recommended densities and intensities of land uses and structure types, however variability may be allowed to better achieve compatibility with surrounding communities.

Land Use	*Recommended Densities and Intensities*	*Proposed Densities and Intensities*
Non-residential Floor to Area Ratio (FAR)	0.2-0.4	0.01
Residential Density (units/developable acre)	4-8	2.87
Multi-family Residential Building Stories	2-3	2-3.5 (townhomes) 2-3 (apartments)
Office Building Stories	2-3	2-3
Retail and Service Commercial Building Stories	1-2	2-3

The proposed non-residential FAR and the proposed residential density are lower than recommended. The proposed number of stories for the specified structure types are higher than recommended as well. With the above findings, while staff finds that the proposed scale and intensity of the development is not consistent with the Mixed-Use Level 1 designations, generally, staff finds the project proposes densities are compatible with adjacent residential areas in New Town and building scales that are consistent with existing multi-family and non-residential buildings in New Town.

The following development standards are applicable for Mixed Use designations:

- 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.

  The proposed development provides affordable and workforce housing, protection of environmentally sensitive features, mitigation of stormwater runoff, water conservation standards, multimodal transportation options, and binding design guidelines which are generally consistent with the Character Design Guidelines.

- 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.

  The development proposes to create an urban core providing a mix of residential unit types, commercial development, and amenities which will be interconnected with pedestrian accommodations.

- 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 LOS 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.

The transportation network and public services are adequate for the development and the proffers will ensure that public utilities will be upgraded if necessary.

- The 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.

  The development will include an urban core consisting of residential and commercial uses and amenities which will serve as a focal point for the development.

- 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.

  The development will include an urban core consisting of compact development to include all of the single-family attached, multifamily dwelling units, and commercial uses and reducing the amount of development in the remainder of the property.

- 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.

  The development will include a mix of uses that could result in more trips internal to the site and will include pedestrian accommodations.

A portion of the project area is located within the New Town CCA and is encouraged to follow New Town's architectural design and features to maintain a unifying look and feel for the area. The design guidelines included with the application will ensure a consistent design which will be administered by the NTDRB.

Character Design Guidelines

As part of the Comprehensive Plan, the County adopted a set of Character Design Guidelines to be applied to all developments requiring legislative approval to encourage development to be compatible with the overall character of the County. The proposed design guidelines submitted with the application are consistent with the County's Character Design Guidelines in many areas, including providing an interconnected street network, providing pedestrian accommodations, limiting the amount of street-facing garages, creating architectural variety and discrete facades among single-family attached units, and ensuring the design of commercial buildings are of a scale and intensity that is compatible with the surrounding residential development. Overall, staff finds the proposed design guidelines to be consistent with the County's Character Design Guidelines.

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 $4,146,715 (see Attachment No. 9 for additional details).

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 Fiscal Residential Impacts Information

Category	Residential Impact	Mitigation Through Current Application
Roadways	SFD $40.18 SFA $30.68 MF $19.35	See Note 1
Parks & Recreation	SFD $3,580.93 SFA $2,363.12 MF $2,479.11	See Note 1
Fire and Emergency Services	SFD $1,013.86 SFA $669.06 MF $701.90	See Note 1
Police	SFD $7.76 SFA $5.12 MF $5.37	See Note 1
Library	SFD $460.19 SFA $303.69 MF $318.59	See Note 1
General Government	SFD $257.25 SFA $169.76 MF $178.09	See Note 1
General Services	SFD $216.18 SFA $142.66 MF $149.66	See Note 1
Courts	SFD $1,432.37 SFA $945.25 MF $991.64	See Note 1
Schools	SFD $14,133.30 SFA $7,425.42 MF $5,640.90	See Note 1
TOTAL	SFD $21,142.01 SFA $12,054.77 MF $10,484.61	See Note 1

SFD - Single Family Detached
SFA - Single Family Attached
MF - Multifamily

Note 1: The applicants have not proffered cash contributions for community impacts to the County from the physical development and operation of the Property.

Note 2: Per Proffer No. 12, a minimum of 10,000 square feet of commercial uses are required before the construction of residential units is complete. If only 10,000 square feet of commercial uses are constructed, the net fiscal impact would remain positive with an overall impact of $3,161,021.

The applicants have provided a narrative on Pages 11-12 of the Community Impact Statement (Attachment No. 6) regarding the cumulative fiscal impact of the development.

Overall, staff finds that the application does not require mitigation for the fiscal impacts of the proposed development and is therefore consistent with the guidance in the Comprehensive Plan regarding the mitigation of impacts.

Goals, Strategies, and Actions

Staff reviewed the application to determine if the proposal aligns with the Comprehensive Plan's GSAs. The analysis is as follows.

Land Use

- GSA LU4 - Direct growth into designated growth areas in an efficient and low-impact manner by:
    - GSA LU4.4 - Accommodate mixed-use developments within the PSA, as further defined in the Mixed Use land use designation and development standards. Support design flexibility to promote the mixing of various types of residential and non-residential uses and structures. Encourage mixed use developments and complete communities to develop in compact nodes in well-defined locations within the PSA.

      The proposed development is within the PSA and proposed to be designated Mixed Use with a variety of residential and non-residential uses.

- GSA LU5.2 - Through the following measures, coordinate allowable densities and intensities of proposed developments with the capacities and availability of water, public roads, schools, and other facilities and services:
    - GSA LU5.2.3 - Permit higher densities and more intensive development in accordance with the Future Land Use Map where existing public facilities and services are adequately provided.

      Staff finds that the capacities of public services and facilities are adequate for this development and that impacts to public utilities have been mitigated.

- GSA LU5.3 - Ensure that developments are subject to zoning or special use permit review to mitigate their impacts through the following means:
    - GSA LU5.3.1 - Require sufficient documentation to determine the impacts of a proposed development, including but not limited to studies of traffic impact, capacity of public schools, historic and archaeological resources, water quality and quantity, other environmental considerations, and fiscal impact.

      The application includes documentation analyzing such features to determine potential impacts.

    - GSA LU5.3.2 - Ensure that the recommendations of such studies are adequately addressed prior to preparation of development plans, or in instances where a rezoning or Special Use Permit is required, as part of those applications.
      Staff finds that there are several proffers which ensure potential impacts have been or will be mitigated for the development.

Transportation

- GSA T1.2 - Expect new developments to follow recommended densities, intensities, and development patterns that will maintain an acceptable level of service on the surrounding roads and intersections consistent with the land use context (rural, suburban, urban) and the functional classification of the roadway. Ensure that new developments do not compromise planned transportation enhancements.

  While some intersections studied in the TIA currently operate below LOS C, the TIA found that LOS would not decrease and that no improvements are recommended.

- GSA T1.2.3 - Concentrate commercial development in compact nodes or in Mixed Use areas with internal road systems and interconnected parcel access rather than extending development with multiple access points along existing primary and secondary roads.

  The development concentrates commercial development within the urban core with interconnection to the surrounding residential development.

Housing

- GSA H2.1 - Guide new developments to incorporate high housing quality and design.

  This development provides a range of home types and prices, including open space, recreational amenities, connections between residential developments, trails, and sidewalks.

Community Character

- GSA CC2.3 - In New Town, continue to support the design review process by working closely with the New Town Design Review Board and supporting the implementation of New Town's design guidelines.
  - GSA CC2.3.1 - For areas within the New Town CCA but not subject to the New Town Master Plan and/or proffers, ensure that new development is consistent with existing adjacent development and the New Town design guidelines.

    The proposed design guidelines include that development should be consistent with New Town and that the NTDRB will review building plans and elevations.

- GSA CC3 - Preserve and enhance neighborhood and community appearance.
  - GSA CC3.3 - Continue to improve and protect the character of the County through use of the Character Design Guidelines.

    Staff finds the proposed design guidelines to be consistent with the County's Character Design Guidelines.

Parks & Recreation

- GSA PR5.3 - Encourage new developments requiring legislative review to provide public recreation facilities consistent with standards in the Parks & Recreation Master Plan. New developments should have neighborhood parks with trails, bikeways, playgrounds, practice fields, sports courts, and open spaces.

This proposal includes a number of recreational amenities including a passive park, trails, a pool, and two playgrounds. However, a multiuse field is not provided, and the proffered pool does not meet the recommended dimensions for competition use. The application does however include additional amenities including at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area within the passive park, and a deck overlook. *Overall, the application is generally consistent with the Parks & Recreation Development Guidelines.*

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
RZ23-04-MP23-01WstPk

Attachments:
1. Proposed Ordinance
2. Proposed Proffers
3. Location Map
4. Proposed Master Plan
5. Illustrative Conceptual Plan
6. Community Impact Statement
7. Proposed Design Guidelines
8. Traffic Impact Analysis
9. Fiscal Impact Analysis
10. Exhibit - Habitat Core and Corridors
11. Exhibit - Prime Farmland
12. Exhibit - Proposed BMP Retrofit and Outfall Repair
13. Applicant Correspondence
14. Public Correspondence
15. Approved Minutes of the April 2, 2025, Planning Commission Meeting

ORDINANCE NO._____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 79.561 ACRES AT 4601 IRONBOUND ROAD (JAMES CITY COUNTY REAL ESTATE TAX MAP PARCEL NO. 3910100152) FROM PL, PUBLIC LANDS TO PUD-R, PLANNED UNIT DEVELOPMENT RESIDENTIAL, WITH PROFFERS AS DESCRIBED IN CASE NOS. Z-23-0004 AND MP-23-0001.

WHEREAS, Mr. Jason Grimes of AES Consulting Engineers and Mr. Vernon Geddy, III, of Geddy, Harris, Franck & Hickman, LLP, have applied to rezone approximately 79.561 acres from PL, Public Lands to PUD-R, Planned Unit Development Residential, with Proffers; and

WHEREAS, the area proposed to be rezoned is a portion of the property located at 4601 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 3910100152, and is shown on the Master Plan titled "Rezoning for Westwood Park" dated February 15, 2023, and revised January 22, 2026 (the "Master Plan"); and

WHEREAS, the Planning Commission, following its public hearing on April 2, 2025, recommended denial of Case Nos. Z-23-0004 and MP-23-0001 by a vote of 5-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case Nos. Z-23-0004 and MP-23-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-23-0004 and MP-23-0001 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, that Case Nos. Z-23-0004 and MP-23-0001 is hereby approved as described therein and the voluntary proffers are accepted.

_____
John J. McGlennon
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2026.

RZ23-04-MP23-01WstPk-ord

Tax Parcel: Part of 3910100152

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 30th day of January, 2026 by ABVA DEVELOPMENT, LLC, a Virginia limited liability company (together with its successors in title and assigns, the "Developer").

RECITALS

A. The COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL SERVICES (the "Commonwealth") is the owner of a parcel of land located in James City County, Virginia (the "County"), being a portion of Tax Parcel No. 3910100152, containing approximately 79.561 acres, more or less, and being more particularly described on Schedule A hereto (the "Property"), which Property has been declared to be surplus Property of the Commonwealth and which Property the Commonwealth of Virginia, Department of General Services has contracted to sell to Developer, pursuant to Virginia Code Section 2.2-1156.

B. Developer has contracted to purchase the Property from the Commonwealth contingent upon approval of the requested rezoning.

C. While property owned by the Commonwealth is not subject to local zoning jurisdiction, the Commonwealth, solely for the benefit of Developer as prospective purchase of the Property, (i) has permitted the Developer to apply to rezone the Property from PL - Public Lands to PUD-R Planned Unit Development - Residential,

with proffers, and (ii) has signed these Proffers solely for the purpose of acknowledging such permission.

C. Developer has submitted to the County a master plan entitled "Rezoning Plan for Westwood Park" prepared by AES Consulting Engineers dated February 15, 2023 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Developer desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned PUD-R in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Developer agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County or the purchase of the Property by Developer from the Commonwealth is not consummated, these Proffers shall be null and void. Acknowledgment of these Proffers by the Commonwealth does not subject the Property to local jurisdiction, or to these Proffers, so long as the Property is owned by the Commonwealth.

CONDITIONS

1. Name. The name of the development on the Property shall not include the name "New Town" or any variation thereof.

2. Density. There shall be a maximum of 82 single family detached units on Parcel A (Master Plan Designation A) shown on the Master Plan, 53 multi-family units and 24,000 square feet of commercial uses on Parcel B (Master Plan Designations B,

C, D, E, G, and I) shown on the Master Plan and 20 multi-family units on Parcel C (Master Plan Area Designations B, C and D).

3. Owners Associations. There shall be organized an owner's association for the development (the "Association") in accordance with Virginia law in which all residential property owners in the development, by virtue of their property ownership, shall be members. Owners of residential lots or units in the development shall not be a part of any property owners association in the adjacent New Town development. The articles of incorporation, bylaws, and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer prior to final approval of the first subdivision plat for the Property. 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, and shall provide for a Design Review Board in accordance with Section 11. The Governing Documents shall provide that at such time as 75% of the Lots permitted on the Property designated on the Master Plan 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.

4. Affordable Housing Units. At least twenty percent of the dwelling units permitted on the Property shall be offered for sale at prices or offered for rent at rents that are targeted at households earning 80% or less of the Area Median Income as determined by the U.S. Department of Housing and Urban Development ("AMI"). The maximum sale price for such a unit sold in 2026 shall be Two Hundred Eighty-One Thousand Seven Hundred and Fifty Dollars ($281,750.00). The per unit maximum sale price in any subsequent year shall consist of the maximum price specified above plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2025 to the year the sale is closed. The per unit maximum sale price shall be adjusted once a year with the January supplement of the Index of the sale year. In no event shall the per unit maximum sale price be adjusted to a sum less than the maximum price specified above. If 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 unit maximum sale price to approximate the rate of annual inflation in the County. Maximum rents shall be determined annually by the County's Neighborhood Development department based on payment of 30 percent (30%) of household income toward housing costs. Unless otherwise approved by the Neighborhood Development department, sales of all targeted for-sale units shall include a soft second deed of trust

for the benefit of the County securing a shared appreciation note in an amount equal to the difference between the sale price of a comparable market rate unit and the sale price of the proffered unit and with a term of seven years. The original note and deed of trust and a copy of the settlement statement shall be delivered to the Neighborhood Development department after each closing. If down-payment assistance loans are authorized by the Neighborhood Development department, the soft second deed of trust may be recorded in third priority. Rental units shall be made available at the targeted rents for a period of twenty (20) years. With respect to rental units provided pursuant to this proffer, if any, Developer shall submit an annual report for each year of the required 20-year term to the County Zoning Administrator on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified income range. All affordable units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income range used to determine the prices/rental rates by the County's Neighborhood Development department.

5. New Town Buffer. There shall be a 100' wide buffer along the boundary of the Property with Section 7 of New Town in the location shown on the Master Plan and labeled "Proposed 100' Buffer" and a 50' wide buffer along the remainder of the common boundary with New Town in the location shown on the Master Plan and labeled "Proposed 50' Buffer".

6. Recreation. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the Property until the following recreational facilities shall be provided: a swimming pool seventy-five feet in length and sixteen feet

in width with a shallows area of at least 600 square feet and bathhouse, passive parks of at least five acres, including two playgrounds of at least 2,500 square feet and at least five activities, at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area in a passive park, a deck overlook and trails/paths with a length of at least 3,000 linear feet that meet or exceed the James City County Greenway Master Plan. 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. The only connection between the trail/path system on the Property and the trail/path system located within the New Town development shall be adjacent to Discovery Park Boulevard unless otherwise approved by the New Town Residential Association, Inc.

7. Master Stormwater Management Plan. Developer shall submit to the County a master stormwater management plan at least three months before the initial site or development plan submittal for the Property, to include the stormwater management BMPs, for review and approval by the Stormwater and Resource Protection Division. The master stormwater management plan shall include requirements that no post-development stormwater from the Property be discharged toward the boundary of the Property with the Charlotte Park subdivision and that all outlet protection be sized for the 100-year, post-development storm and shall show the location of stream restoration/improvements needed in Powhatan Creek, Sub-watershed #208. The master stormwater management plan may be revised and/or updated during the development of the Property with prior approval of the Stormwater and Resource Protection Division. The County shall not be obligated to approve any

final development plans for the Property until the master stormwater management plan has been approved by the Stormwater and Resource Protection Division. The master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property. All development plans for the Property shall implement the County's SSC criteria dated March, 2025.

8. Stream Channel Restoration.

a. The Developer shall make a contribution to the County in the amount of $225,000.00 (the "Stream Channel Restoration Amount") for preparation of stream restoration construction plans and stream channel restoration to be conducted by the County on or in the immediate vicinity of the Property, which Stream Channel Restoration Amount shall be paid in increments of $1,451.61 per residential unit developed on the Property (the "Per Unit Stream Restoration Contribution"). The Per Unit Stream Restoration Contribution shall be payable for each residential unit developed 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. The County shall utilize these monies for the restoration of stream channels located on or in the immediate vicinity of the Property or for a like project within the same watershed that is directly related to water quality.

b. The Stream Channel Restoration Amount and the Per Unit Stream Restoration Contribution (the "Proffered Amounts") shall be adjusted annually beginning January 1, 2027 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Cost Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "MSI"). In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. In the event a substantial change is made in the method of establishing the MSI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the MSI. In the event

that the MSI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the MSI (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 Proffered Amounts to approximate the rate of annual inflation in the County.

c. Notwithstanding the foregoing, any unpaid balance of the Stream Channel Restoration Amount shall be paid to the County in full on or before the date which is five years after the date of final approval by the County of the first site plan or subdivision plan for development of the Property pursuant to the Master Plan.

d. At the request of the County, the Developer shall provide one or more access easements over and across the Property in a form acceptable to the County Attorney and in a location acceptable to the Director of Stormwater and Resource Protection from public right of way to the stream channels located within or adjacent to the Property sufficient to allow the County to perform the stream channel restoration work and any maintenance thereof. The location of the easement(s) shall be shown on the first development plan for development on the Property.

9. Stormwater BMP Upgrades/Retrofits. The Developer shall prepare plans for the (i) upgrade/retrofit of the Courthouse Green Dry Pond, BMP ID PC144 in accordance with the recommendations of the Powhatan Creek Watershed Study and (ii) repair of the outfall of the Suntrust Wet Pond, PC173, and have such plans approved by the Stormwater and Resource Protection Division. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the Property until the BMP retrofit/repair plans have been approved by the Stormwater and Resource Protection Division and work pursuant to the approved plans has commenced as evidenced by issuance of a land disturbance permit. The County shall not be obligated to issue preliminary plan approval for more than a total of 150

dwelling units on the Property until the retrofit/repair work identified by this Proffer undertaken by Developer is substantially complete. The County will grant Developer, in form and substance acceptable to the County Attorney, the right to enter on the property on which PC144 is located to perform the work. The obligations of Developer under this Proffer with respect to PC173 are subject to Developer obtaining the permission from the owners thereof to enter the property and perform the work. Developer shall diligently pursue such permission.

10. Private Streets. Any streets on the Property may be private. Pursuant to Section 24-62 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the Association an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements or appropriate equivalent as determined by the Planning Director. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan approval by the County for the phase or section which includes the street to be designated as private.

11. Water Conservation. The Developer 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 first final subdivision or site plan approval.

12. Project Phasing. The County shall not be obligated to issue building permits for more than a total of 100 dwelling units on the Property until the County has issued a building permit for construction of at least 10,000 square feet of commercial space on the Property and construction has commenced. Construction having commenced shall mean foundations have been poured and have passed inspection. The County shall not be obligated to issue building permits for more than a total of 125 dwelling units on the Property until the County has issued any certificate of occupancy for all or any portion of the commercial space. With all development plan submittals, Developer shall include a running tally of the number of residential building permits issued for residential units on the Property.

13 Design Guidelines. Developer has submitted design review guidelines prepared by Hopke/Harrison, Inc. dated January 12, 2026 to the County setting forth design and architectural standards for the development of the Property (the "Guidelines"), which Guidelines shall be kept on file in the Planning Department. Once approved as a part of the rezoning, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be submitted to the New Town Design Review Board ("NTDRB") for review and approval by the NTDRB for consistency with the Guidelines.

14. Utility Master Plan. Developer shall submit to the County an updated water and sewer master plan, including a hydraulic analysis and identifying any required off-site improvements necessary to serve the Property, at least three months before the initial site or development plan submittal for the Property for review and approval by the JCSA. The water and sewer master plan may be revised and/or updated during the development of the Property with prior approval of the JCSA. The County shall not be obligated to approve any final development plans for the Property until the water and sewer master plan has been approved by the JCSA. The water and sewer master plan, as revised and/or updated, shall be implemented in all development plans for the Property at the time required to serve the Property.

15. Severability. The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

16. Recitals. The Recitals to these Proffers are hereby incorporated by reference, as if fully set forth in the body of these Proffers, and constitute a binding and integral part hereof.

[*signatures appear on following pages*]

WITNESS the following signatures and seals:

APPLICANT:

ABVA DEVELOPMENT, LP, a Virginia limited partnership

By: NALD, LLC, a Virginia limited liability company, general partner

By: Michael N Youngblood
Name: Michael N. Youngblood
Title: Manager

Date: 1/27/26

COMMONWEALTH /~~STATE~~ OF VIRGINIA
CITY/~~COUNTY~~ OF WILLIAMSBURG, to wit:

The foregoing Proffers were acknowledged before me this 27th day of January 2026, by Michael N. Youngblood, acting in his/her capacity as Manager of NALD, LLC, ___, a Virginia limited liability company, on behalf of the company, as General Partner of ABVA Development, LP, a Virginia limited partnership.

Vernon M Geddy III
Notary Public

My commission expires: 12/31/28
My registration no.: 183270

VERNON MEREDITH GEDDY, III
Notary Public
Commonwealth of Virginia
Reg. #183270
My Commission Expires 12/31/2028

SOLELY FOR THE PURPOSE OF PROVIDING THE ACKNOWLEDGMENT CONTEMPLATED BY THE RECITALS TO THESE PROFFERS:

COMMONWEALTH:

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF GENERAL SERVICES

By: _____
Name: Banci E. Tewolde
Title: Director

Date: 2-4-2026

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to wit:

The foregoing Proffers were acknowledged before me this 4th day of February 2026, by Banci E. Tewolde, acting in her capacity as Director of the Commonwealth of Virginia, Department of General Services, on behalf of the Department.

_____
Notary Public

CATHERINE BOGGS
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 00341330
My Commission Expires 10/31/2028

Schedule A

Beginning at a point on the easterly right of way of Humelsine Parkway-State Route 199, a variable width public right of way. Said point also being a northerly property corner of the now or formerly FCD, LLC property. Thence, with the easterly right of way of Humelsine Parkway-State Route 199, the following courses and distances:

N03-26-03E 425.65 feet to a point.
N27-25-22W 117.14 feet to a point.
N03-57-37E 350.02 feet to a point.
Along the arc of a curve to the right, having a radius of 4,459.66 feet, an arc of 851.05 feet, the chord of said arc being N09-25-38W 849.76 feet to a point in the approximate center of a marshy area and stream.

Thence, departing the easterly right of way of Humelsine Parkway-State Route 199, and with the approximate center of marshy area and stream, the following courses and distances.
S70-05-17E 6.83 feet to a point.
S29-15-57E 10.30 feet to a point.
S03-15-18W 10.21 feet to a point.
S15-57-42E 12.22 feet to a point.
S62-33-27E 34.73 feet to a point.
S70-14-51E 36.32 feet to a point.
S37-29-12E 20.92 feet to a point.
S58-56-26E 30.36 feet to a point.
S81-32-24E 63.96 feet to a point.
S61-41-47E 27.94 feet to a point.
S80-32-02E 16.00 feet to a point.
N84-20-19E 32.13 feet to a point.
S86-36-05E 27.83 feet to a point.
S80-43-59E 29.86 feet to a point.
N82-12-02E 39.87 feet to a point.
S77-04-21E 37.66 feet to a point.
N79-16-37E 25.63 feet to a point.
S74-02-50E 44.17 feet to a point.
S75-50-18E 41.45 feet to a point.
S55-06-55E 32.25 feet to a point.
S71-13-12E 37.73 feet to a point.
S43-58-50E 31.31 feet to a point.
S65-36-10E 36.26 feet to a point.
S37-02-34E 27.19 feet to a point.
S73-47-42E 42.67 feet to a point.
S60-09-31E 36.42 feet to a point.

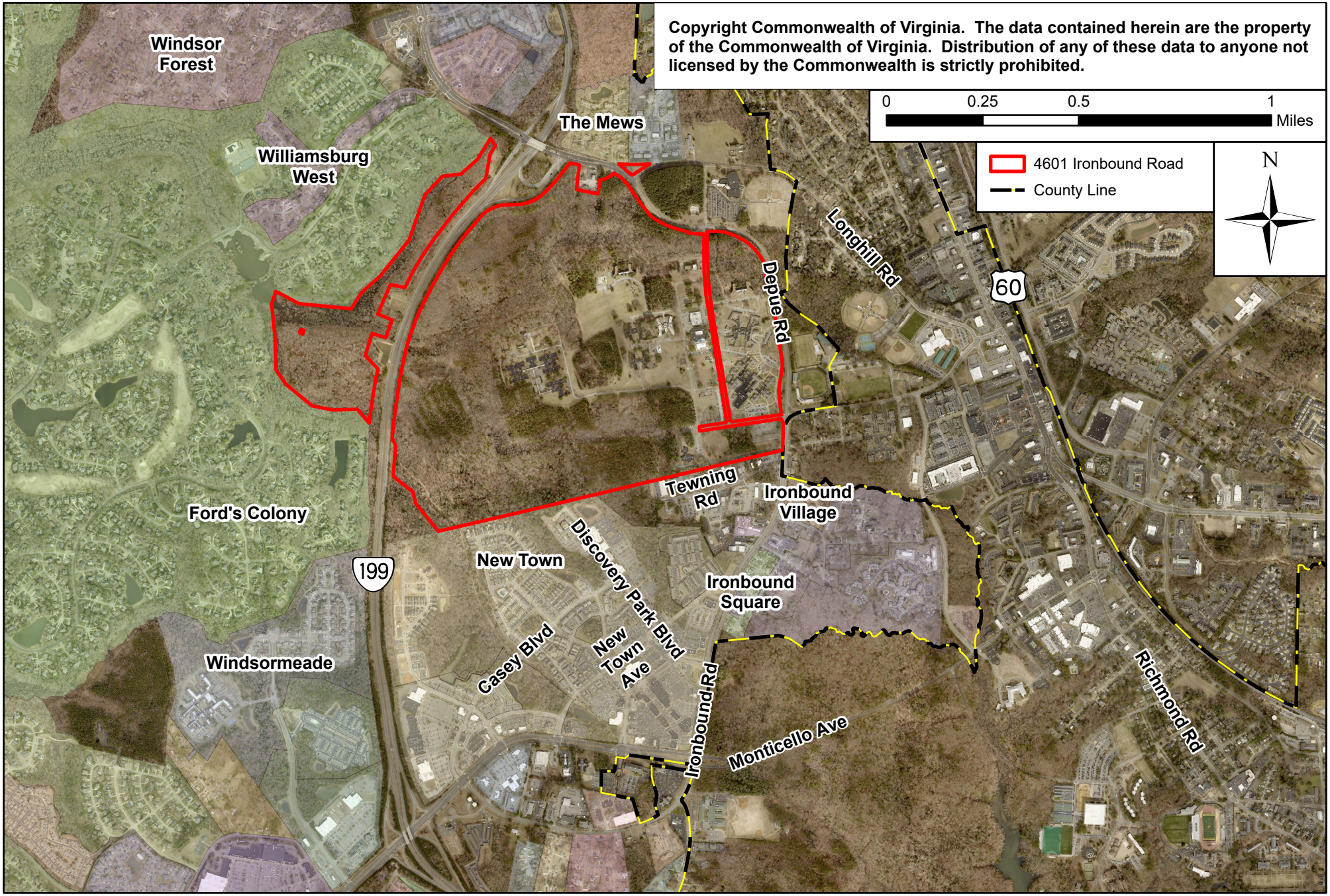
S69-19-15E 34.31 feet to a point.
S30-03-13E 32.02 feet to a point.
S44-35-21E 77.11 feet to a point.
S62-14-28E 40.98 feet to a point.
S41-17-46E 29.10 feet to a point.
S08-35-57E 38.76 feet to a point.
S01-35-26W 42.21 feet to a point.
S15-59-02E 31.09 feet to a point.
S03-44-26E 57.45 feet to a point
S24-00-21W 47.93 feet to a point.
S00-38-25E 41.10 feet to a point.
S33-29-49E 27.30 feet to a point.
S45-01-03E 28.90 feet to a point.
S00-13-17E 53.23 feet to a point.
S24-02-36E 38.52 feet to a point.
S55-13-15E 56.44 feet to a point.
S01-14-38E 38.35 feet to a point.
S58-44-59E 36.63 feet to a point.
S12-06-07E 43.35 feet to a point.
S64-56-17E 30.51 feet to a point.
S17-50-28E 23.57 feet to a point.
S62-55-13E 13.54 feet to a point.
S84-09-42E 32.92 feet to a point.
S74-18-23E 29.51 feet to a point.
S43-55-17E 64.15 feet to a point.
S55-08-53E 24.54 feet to a point.
S64-41-52E 41.57 feet to a point.
S40-44-58E 32.62 feet to a point.
S25-51-41E 54.93 feet to a point.
S02-48-12E 74.81 feet to a point.
S47-21-11E 41.11 feet to a point.
S26-02-51E 40.54 feet to a point.
S70-48-44E 34.09 feet to a point.
S84-51-39E 43.99 feet to a point.
N75-22-19E 24.05 feet to a point.
N87-39-49E 31.42 feet to a point.
N80-05-35E 81.39 feet to a point.
N62-03-23E 28.64 feet to a point.
N82-00-34E 44.32 feet to a point.
S85-33-10E 34.73 feet to a point.
S62-51-51E 48.90 feet to a point.
S23-55-49E 52.44 feet to a point.
S71-48-07E 22.51 feet to a point.
N79-40-46E 61.65 feet to a point.
N85-54-13E 27.50 feet to a point.
N59-39-41E 100.52 feet to a point.

N50-05-12E 43.79 feet to a point.
N60-35-50E 66.41 feet to a point.
N68-08-48E 47.34 feet to a point.
S82-41-10E 35.00 feet to a point.
S55-12-57E 35.87 feet to a point.
S84-16-27E 35.65 feet to a point.
N80-06-17E 40.84 feet to a point.
N61-15-26E 26.09 feet to a point.
S89-33-46E 81.06 feet to a point.
S09-25-43E 97.97 feet to a point.
S04-09-23W 186.24 feet to a point.
S03-45-14W 88.73 feet to a point.
S11-20-02E 59.16 feet to a point.
S19-34-58E 48.66 feet to a point.
S23-33-40E 77.53 feet to a point.
S09-43-59E 21.89 feet to a point.
S60-03-43E 37.84 feet to a point.
S20-05-59W 15.90 feet to a point.
S68-37-07E 8.90 feet to a point.
N59-24-41E 23.31 feet to a point.
S48-00-28E 52.72 feet to a point.
S69-59-49E 34.72 feet to a point.
S17-24-26E 48.46 feet to a point.
S59-05-45E 35.91 feet to a point.
S18-08-48E 44.29 feet to a point.
S61-53-27E 9.36 feet to a point.
N66-03-39E 35.77 feet to a point.
S61-08-08E 21.06 feet to a point on the northerly property line of the now or formerly New Town Associates, LLC property.

Thence, S76-38-09W 2,194.08 feet, running with the northerly property lines of the now or formerly New Town Associates, LLC properties and the terminus of Discovery Park Boulevard to a point.
N40-09-20W 8.01 feet to a point being a southerly property corner of the now or formerly FCD, LLC property.

Thence, with the easterly property lines of the of the now or formerly FCD, LLC property, the following courses and distances.
N40-09-20w 225.36 feet to a point.
N40-10-09W 225.48 feet to a point.
N00-29-46E 162.48 feet to a point.
N52-43-19W 337.53 feet to the point of beginning and containing 3,465,659 square feet or 79.5606 acres of land.

JCC Z-23-0004 / MP-23-0001, Westwood Park Rezoning



REZONING FOR WESTWOOD PARK

WESTWOOD, LLC

PROJECT TEAM

DEVELOPER: WESTWOOD, LLC

CIVIL CONSULTING: AES CONSULTING ENGINEERS

LAND PLANNING: HOPKE & ASSOCIATES

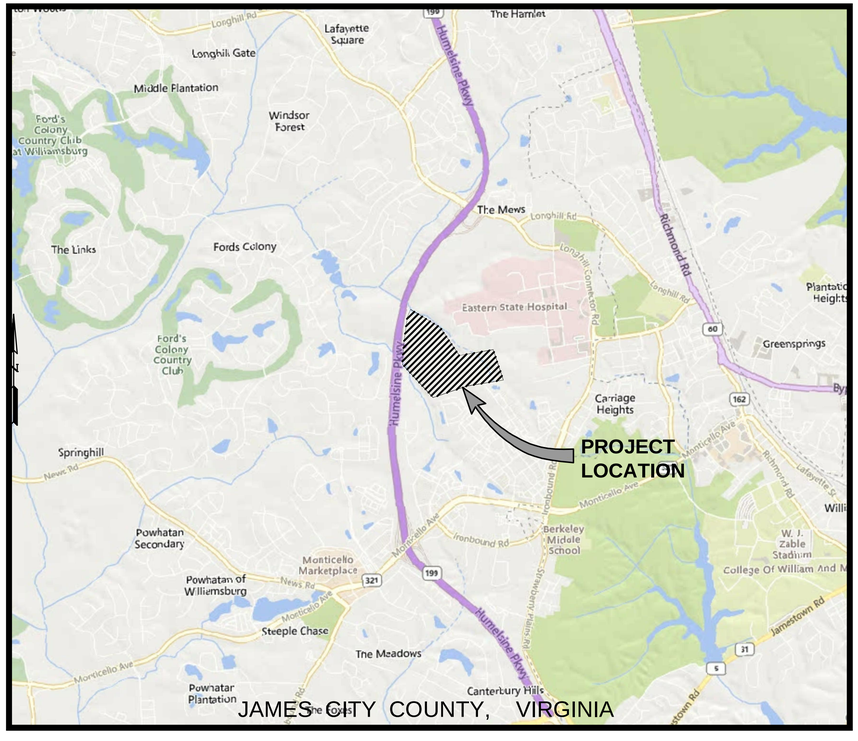
ENVIRONMENTAL: ECS LIMITED, LLC

TRAFFIC: MCPHERSON CONSULTING / VHB

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

SITE DATA:

PARCEL ID:	3910100152 (PORTION OF)
PROPERTY OWNERS:	COMMONWEALTH OF VIRGINIA
PROPERTY ADDRESS:	4601 IRONBOUND ROAD
PROPERTY ACREAGE:	79.56 AC. ± (PER VHB PLAT)
CURRENT ZONING:	PL (PUBLIC LANDS)
PROPOSED ZONING:	PUD-R (W/PROFFERS) UP TO 17.26 AC RESERVED FOR MIXED USE TO INCLUDE UP TO 24,000 SF OF COMMERCIAL USES



JAMES CITY COUNTY, VIRGINIA

VICINITY MAP

(APROX. SCALE 1"=2000')

ORIGINALLY SUBMITTED: FEBRUARY 15, 2023

RESUBMITTED: JANUARY 22, 2026

JCC CASE # Z-23-0004 / MP-23-0001

INDEX OF SHEETS

MP1.0	COVER SHEET
MP2.0	ENVIRONMENTAL INVENTORY
MP3.0	MASTER PLAN
MP4.0	UTILITY MASTER PLAN

NOTE: THIS PROJECT LIES WITHIN THE POWHATAN CREEK WATERSHED OF THE JAMES RIVER. THE PROPERTY IS PART OF POWHATAN CREEK SUBWATERSHED 208 (LOWER CHISEL RUN)

Rev.	Date	Description	Revised By
7	01/22/26	CORRECTIONS TO PROJECT AREA MP3.0	JAG
7	01/07/26	REVISED DENSITY PER CLIENT	JAG
6	09/16/25	REVISED PER PC MEETING COMMENTS	JAG
5	07/8/25	REVISED PER PC MEETING COMMENTS	JAG
4	02/25/25	REVISED PER JCC STAFF COMMENTS	JAG

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
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AES CONSULTING ENGINEERS

Middle Peninsula | Central Virginia | Hampton Roads

REZONING PLAN FOR WESTWOOD PARK

JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

Project Contacts:	JAG
Project Number:	W10634-00
Scale: AS NOTED	Date: 02/15/2023
Sheet Title:	COVER SHEET
Sheet Number	MP1.0

SOIL CHARACTERISTICS

SOIL #	SOIL NAME	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	CRAVEN-UCHEE COMPLEX	6-10%	0.28	5
14B	EMPORIA	2-6%	0.28	5
15E	EMPORIA COMPLEX	15-25%	0.28	5
17	JOHNSTON COMPLEX	0-2%	0.37	5
18B	KEMPSVILLE FINE SANDY LOAM	2-6%	0.28	5
19B	KEMPSVILLE-EMPORIA	2-6%	0.28	5
31B	SUFFOLK FINE SANDY LOAM	2-6%	0.24	5

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

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.

WETLANDS INFORMATION SHOWN BASE UPON FIELD INVESTIGATION BY ECS LIMITED ON JANUARY 13, 2020

DENOTES 25% OR GREATER SLOPES

DENOTES POTENTIAL IMPACT TO 25% OR GREATER SLOPES

WETLAND AREA:	371,567 S.F./8.53 AC.
RPA BUFFER AREA:	734,312 S.F./16.86 AC.
STEEP SLOPES (OUTSIDE OF RPA FEATURES):	6,630 S.F./0.15 AC.

LEGEND

- RPA IMPACTS
- WETLANDS AREA
- WETLANDS IMPACTS

N/F
COMMONWEALTH OF VIRGINIA
EASTERN STATE HOSPITAL
4601 IRONBOUND RD
PARCEL ID: 3910100152
ZONED PL

EXISTING PRIVATE SANITARY SEWER

±3900 SF OF STEEP SLOPES

PROPOSED SUBDIVISION BOUNDARY BY VHB

FEMA FLOOD ZONE "AE", SHOWN ON MAP NUMBER 51095C0136D ELEV: 42-55

150' COMMUNITY CHARACTER CORRIDOR BUFFER

±600 SF OF STEEP SLOPE IMPACT

100' RPA BUFFER

±500 SF OF STEEP SLOPE IMPACT

FEMA FLOOD ZONE "AE", SHOWN ON MAP NUMBER 51095C0136D ELEV: 42-55

100' RPA BUFFER

±300 SF OF STEEP SLOPE IMPACT

±1300 SF OF STEEP SLOPE IMPACT

PROPOSED SUBDIVISION BOUNDARY BY TIMMONS

FEMA FLOOD ZONE "AE", SHOWN ON MAP NUMBER 51095C0136D ELEV: 42-55

100' RPA BUFFER

±30' SF OF STEEP SLOPE IMPACT

N/F
NEW TOWN COMMERCIAL ASSOCIATION
4201 IRONBOUND RD
PARCEL ID: 3910100157
ZONED MU

±0.71 AC. OF RPA IMPACTS FOR ROAD CROSSING

PROPOSED 100' BUFFER FROM RESIDENTIAL USE BOUNDARY

±4,728 SF OF NON-TIDAL WETLAND IMPACTS AND ±106 LF OF STREAM IMPACTS

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5625 DISCOVERY PARK BLVD
PARCEL ID: 3824300021A
ZONED MU

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5585 DISCOVERY PARK BLVD
PARCEL ID: 3824300022
ZONED MU

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5725 DISCOVERY PARK BLVD
PARCEL ID: 3910100157A
ZONED MU

DISCOVERY PARK BOULEVARD (74' PUBLIC R/W)
(SEE JCC-SP-0047-2019)

NEW TOWN SECTION 6

NEW TOWN SECTION 7

NEW TOWN SECTION 8

N/F
FCD, LLC
11750 HUMELSINE PARKWAY
PARCEL ID: 3820100005
ZONED R4

Route 199

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

Rev.	Date	Description	Revised By
7	01/23/26	CORRECTIONS TO PROJECT AREA MP3.0	JAG
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4	02/25/25	REVISED PER JCC STAFF COMMENTS	JAG

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REZONING PLAN
FOR
WESTWOOD PARK
JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

Project Contacts:	JAG
Project Number:	W10634-00
Scale: 1"=100'	Date: 02/15/2023

Sheet Title:
ENVIRONMENTAL INVENTORY

Sheet Number
MP2.0

STORMWATER MANAGEMENT NARRATIVE

A STORMWATER MANAGEMENT MASTER PLAN SHALL BE SUBMITTED FOR THIS SITE TO MEET THE GENERAL CRITERIA OF THE COMMONWEALTH OF VIRGINIA AND JAMES CITY COUNTY'S STORMWATER REQUIREMENTS. THE PLAN SHALL BE SUBMITTED PRIOR TO A FINAL SUBDIVISION PLAN AND SHALL PROVIDE A STORMWATER SOLUTION UTILIZING A TREATMENT TRAIN 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 PONDS TO CONTROL FLOWS. ADDITIONAL CONSIDERATION SHALL BE GIVEN TO REACHES OF THE POWHATAN CREEEK THAT HAVE EXISTING DEGRADATION. OUTFALLS INTO DEGRADED AREAS OF THE CREEK SHALL BE LIMITED AND/OR INCORPROATE STREAM ENCHANCEMENTS AND/OR REPAIRS. ADDITIONAL STREAM ENCHANCEMENTS WILL BE CONSIDERED UNDER THE REVIEW OF THIS MASTER PLAN IN COORINATION WITH WETLANDS CONSULTANT AND JCC SRP. USE OF WATER QUALITY POLLUTANT CREDITS SHALL NOT BE PERMITTED TO ACHIEVE COMPLIANCE. ADDITIONALLY, SPECIAL STORMWATER CRITERIA SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS AT THE TIME OF SUBMITTAL OF THE MASTER PLAN FOR APPROVAL.

DEVELOPMENT TABULATION

PARCEL	AREA DESIGNATION	PROPOSED LAND USE	NUMBER OF UNITS	TOTAL AREA (AC.)	NON-DEVELOPABLE AREA (AC.)(1)	NET DEVELOPABLE AREA (AC.)	BASE DENSITY	W/ 2 DENSITY BONUS POINTS	MAX PROPOSED NET DENSITY
B	B,C,D,E,G,I	MIXED USE (MULTIFAMILY/OFFICE/RETAIL)	APPROX 53 RESIDENTIAL UP TO 24,000 OFFICE/RETAIL	±13.3 (16.7%)	±3.63	±9.67	5 UNITS/AC	10.6 UNITS/AC	5.5 UNITS/AC
C	B,C,D	RESIDENTIAL (MULTIFAMILY)	APPROX 20 RESIDENTIAL	±4.0 (5.0%)	±0.75	±3.25	5 UNITS/AC	10.6 UNITS/AC	6.2 UNITS/AC
A	A	RESIDENTIAL (SINGLE FAMILY LOTS)	UP TO 82 LOTS	±62.3 (78.3%)	±21.17	±41.13	2.0 UNITS/AC	2.66 UNITS/AC	2.0 UNITS/AC
		TOTALS	**MAX 155 RESIDENTIAL & 24,000 OFFICE/RETAIL**	**±79.6**	**±25.55**	**±54.05**	**4 UNITS/AC**		**2.9 UNITS/AC**

*DENSITY PER NET ACRE = DWELLING UNITS/ ACRE

DESIGNATED LAND USE KEY:
- A: SINGLE FAMILY
- B: MULTIFAMILY TOWNHOMES UP TO 4 UNITS
- C: MULTIFAMILY TOWNHOMES MORE THAN 4 DWELLING UNITS
- D: APARTMENTS
- E: COMMERCIAL USES
- G: OFFICE USES
- I: INSTITUTIONAL OR PUBLIC USES

DENSITY BONUS POINTS

C. OFFSITE BMP IMPROVEMENT (SEE PROFFERS FOR SPECIFICS)	1.5
K. BINDING DESIGN GUIDELINES	0.5
TOTAL DENSITY BONUS POINTS	2.0

DEVELOPMENT TABULATION NOTES:

1. NON-DEVELOPABLE AREAS ARE COMPRISED OF:
   - A. RESOURCE PROTECTION AREAS
   - B. FEMA FLOOD HAZARD ZONES
   - C. STEEP SLOPES (AREAS 1,000 SF OR GREATER)

   PER JAMES CITY COUNTY ZONING ORDINANCE
2. BUILDINGS SHALL BE LESS THAN 60-FT UNLESS A HEIGHT WAVIER IS OBTAINED.

OPEN SPACE

NON-DEVELOPABLE OPEN SPACE	± 25.4 AC
DEVELOPABLE LAND	± 54.1 AC
DEVELOPABLE OPEN SPACE REQUIRED (35% OF TOTAL DEVELOPABLE LAND)	± 18.9 AC
DEVELOPABLE OPEN SPACE PROVIDED	± 19.5 AC
1. AREAS USED TO MEET COUNTY POLICIES PERTAINING TO NATURAL RESOURCES, ARCHAEOLOGY, PARKS AND REC	5.0 AC
2. AREAS ONSITE USED TO ACHIEVE DENSTITY BONUS	0.0 AC
3. AREA WITHIN PERIMETER BUFFERS AND RIGHTS OF WAY	11.5 AC
4. AREA IN STORMWATER MANAGEMENT FACILITIES	3.0 AC
5. OTHER QUALIFYING OPEN SPACE	0.0 AC
TOTAL OPEN SPACE	± 44.9 AC

ANTICIPATED ENVIRONMENTAL IMPACTS

TIDAL WETLANDS:	NONE
TIDAL SHORES:	NONE
100 FT RPA BUFFER:	24,220 S.F.; 0.556 AC.
NON-TIDAL WETLANDS IN RMA:	NONE
NON-TIDAL WETLANDS IN RPA:	4,728 S.F.; 0.108 AC.
HYDRIC SOILS:	NOT MODIFIED
25% OR GREATER SLOPES:	8,000± S.F.; 0.18 AC.
NON-RPA BUFFERS:	NONE

ANTICIPATED SITE DATA:

FORESTED AREA:	± 29 ACRES	(35%)
MANAGED TURF AREA:	± 38 ACRES	(46%)
IMPERVIOUS AREA:	± 15 ACRES	(19%)
TOTAL SITE AREA:	± 81.5 ACRES	(100.00%)

LEGEND

- PEDESTRIAN ACCESS
- PUBLIC ROAD ACCESS
- PRIVATE ROAD ACCESS
- GENERAL LOCATION OF RECREATIONAL OPEN SPACE

N/F
COMMONWEALTH OF VIRGINIA - EASTERN STATE HOSPITAL
4601 IRONBOUND RD
PARCEL ID: 3910100152
ZONED PL

PARCEL D

FEMA FLOOD ZONE "AE", SHOWN ON MAP NUMBER 51095C0136D ELEV: 42-55

150' COMMUNITY CHARACTER CORRIDOR BUFFER

100' RPA BUFFER

PARCEL A (USE A) 62.30± AC

4 AC. PASSIVE PARK (MIN)

LOCATION OF PASSIVE PARK SPACES TO BE DEFINED WITH FINAL PLAN OF DEVELOPMENT. NO LESS THAN 5 ACRES OF PASSIVE PARK AND AT LEAST 3,000LF OF SOFT SURFACE TRAILS TO BE PROVIDED

POOL AND BATHOUSE

PARCEL B (USES B,C,D,E,G,I) 13.8± AC

50' PERIMETER BUFFER

PRIVATE ROAD ACCESS POINT

PUBLIC ROAD ACCESS POINT

100-FT PERIMETER BUFFER (EXPANDED FROM 50')

PARCEL C RESIDENTIAL (B,C,D) 4.0± AC

N/F
NEW TOWN COMMERCIAL ASSOCIATION
4201 IRONBOUND RD
PARCEL ID: 3824300022
ZONED MU

TEWNING RD

JCSA

N/F
FCD, LLC
11750 HUMELSINE PARKWAY
PARCEL ID: 3820100005
ZONED R4

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5625 DISCOVERY PARK BLVD
PARCEL ID: 3824300021A
ZONED MU

NEW TOWN SECTION 6

DISCOVERY PARK BOULEVARD (A PUBLIC R/W)

ROLLISON DRIVE

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5725 DISCOVERY PARK BLVD
PARCEL ID: 3910100157A
ZONED MU

NEW TOWN SECTION 7

OLIVE DRIVE

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5585 DISCOVERY PARK BLVD
PARCEL ID: 3824300022
ZONED MU

NEW TOWN SECTION 8

Route 199

Broadwater
Samoset
Harbourside
Heritage Pointe
Heritage Pointe
Heritage Pointe
Heritage Pointe
FORD'S COLONY
Killington
Belleview
's Creek
on Drive

GRAPHIC SCALE
200' 0' 200' 400'
SCALE: 1" = 200'

N

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7	01/23/26	CORRECTIONS TO PROJECT AREA MP3.0	JAG
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REZONING PLAN FOR
WESTWOOD PARK
JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

Project Contacts:	JAG
Project Number:	W10634-00
Scale: 1"=200'	Date: 02/15/2023

Sheet Title: MASTER PLAN

Sheet Number
MP3.0

NOTES:

- ALL GRAVITY SEWER MAINS SHALL BE 8" DIAMETER
- ALL WATERMAIN SHALL BE DUCTILE IRON
- ALL UNITS SHALL BE SERVED BY PUBLIC SEWER.
- FINAL WATERLINE SIZE WITHIN SINGLE FAMILY DEVELOPMENT TO BE CONFIRMED WITH JCSA TO ENSURE CAPACITY FOR FUTURE 12" INTERCONNECTION UNDER ROUTE 199.
- ADDITIONAL FIRE HYDRANTS WILL BE PLACED AT THE TIME OF SITE PLAN TO ENSURE PROPER FIRE DEPARTMENT ACCESS AND COVERAGE.
- UPGRADES OF JCSA LS 10-4 ARE ANTICIPATED TO HANDLE THE PROPOSED SEWAGE FLOWS DIRECTED TO THE EXISTING STATION.
- FLOWS TOWARDS LS 1-5 REQUIRE TURN OVER OF EASTERN STATE INSTALLED SANITARY SEWER TO BE INSPECTED AND CONVEYED TO JCSA. EXISTING PRIVATE SEWER DOWNSTREAM OF CONNECTION POINT WAS INSTALLED BY STATE OF VIRGINIA. DEVELOPER TO TEST AND CONVEY TO JCSA TO SERVICE THIS PROPERTY. AS-BUILTS WERE COMPLETED IN 2020 FOLLOWING INSTALLATION.
- 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

WATER DEMAND @ MAXIMUM BUILDOUT = ±156,150 GPD

THE LAYOUT SHOWN IS CONCEPTUAL AND USED TO SHOW GENERAL UTILITY LAYOUT, WATERLINE LOOPING TO ROUTE 199 AND SEWER FLOW DIRECTION.

N/F
COMMONWEALTH OF VIRGINIA
EASTERN STATE HOSPITAL
4601 IRONBOUND RD
PARCEL ID: 3910100152
ZONED PL

ASSUMED FLOWS TO LS 1-5 - 46.3 GPM PEAK

SEWER FLOWS TO JCSA LS 1-5

EXISTING SANITARY SEWER DOWNSTREAM OF PROJECT TO BE CONVEYED TO JCSA

EX MH
INV: 40.29

DEDICATE 20' JCSA UTILITY EASEMENT TO ROUTE 199 FOR FUTURE CONNECTION TO JCSA SYSTEM

PROVIDE 12" WATER STUB FOR FUTURE CONNECTION

"150' COMMUNITY CHARACTER CORRIDOR BUFFER (NATURAL VEGETATION TO BE PRESERVED)

FIRE HYDRANT

FEMA FLOOD ZONE "AE", SHOWN ON MAP NUMBER 51095C0136D ELEV: 42-55

8" W

12" W

SAN MH

POND

100' RPA BUFFER

12" WATERLINE OR LOOPED WATER SYSTEM TO BE PROVIDED

EX. JCSA SANITARY SEWER

Route 199

POOL

MIXED-USE PARCEL

N/F
NEW TOWN COMMERCIAL ASSOCIATION
4201 IRONBOUND RD
PARCEL ID: 3910100157
ZONED MU

RESIDENTIAL PARCEL 2

RESIDENTIAL PARCEL 1

EXTEND EXISTING 12" WATER

EX MH
INV: 80.32

FLOWS TO JCSA LS 10-4

N/F
FCD, LLC
11750 HUMELSINE PARKWAY
PARCEL ID: 3820100005
ZONED R4

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5625 DISCOVERY PARK BLVD
PARCEL ID: 3824300021A
ZONED MU

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5585 DISCOVERY PARK BLVD
PARCEL ID: 3824300022
ZONED MU

N/F
NEW TOWN COMMERCIAL ASSOCIATION
5725 DISCOVERY PARK BLVD
PARCEL ID: 3910100157A
ZONED MU

NEW TOWN SECTION 6

NEW TOWN SECTION 7

NEW TOWN SECTION 8

ASSUMED FLOWS TO LS 10-4 - 80.1 GPM PEAK

DISCOVERY BOULEVARD

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

N

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REZONING PLAN
FOR
WESTWOOD PARK
JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA

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Sheet Title:
UTILITY CONCEPTUAL MASTER PLAN

Sheet Number
MP4.0

AREA/UNIT COUNT:

Single Family Lots:	82
Townhomes:	57
Apartments/Condos:	16
Total Multifamily:	73
Total Residential:	155
Commercial:	24,000 sf
	((4) mixed-use buildings)

0 300 600 1200

H & A # 41067

08 JAN 2026

CONCEPTUAL SITE PLAN for WESTWOOD VILLAGE

JAMES CITY COUNTY VA

HOPKE/HARRISON, Inc
Architecture Planning Interiors

Community Impact Statement

For

Westwood Park

Prepared For

ABVA DEVELOPMENT, LP

Originally Submitted May 2023
Revised January 22, 2026
AES Project Number W10634-00

Prepared by:

AES
CONSULTING ENGINEERS

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I. INTRODUCTION/PROJECT HISTORY

ABVA DEVELOPMENT, LP, proposes to create a development consisting of a mix of residential single-family, multi-family, and neighborhood commercial/office uses. The master plan covers approximately 81 acres of vacant land currently owned by the Commonwealth of Virginia as a part of their Eastern State holdings located at the existing terminus of Discovery Park Boulevard. This proposal requests changing the zoning from Public Lands to Planned Unit Development (PUD-R).

In 2008 the Commonwealth of Virginia engaged Urban Land Associates to create a conceptual plan for the redevelopment of the Eastern State Hospital property. The plan was developed in a process that engaged a wide range of stakeholders, which included the city and county governments, mental health agencies, the business community and representatives of area neighborhoods.

With this concept plan in hand, the Commonwealth of Virginia approached ABVA Development in 2018 to develop 80 acres of the Eastern State property adjacent to the New Town Community. ABVA and affiliated entities have developed most of the residential neighborhoods in New Town, including the adjacent Charlotte Park neighborhood. They have also developed a number of commercial and mixed-use buildings in New Town.

In February 2021 ABVA Development and the Commonwealth of Virginia submitted a request to change the James City County Comprehensive Plan to designate the property as Mixed Use and to allow the subject property to be incorporated into the New Town development. During the review process, including a town meeting in New Town and a public hearing, residents of New Town, along with the Board of Supervisors provided suggestions. The Developer has modified the plans in response to these suggestions. Specifically, the Developer has made the following adjustments:

1. The new development will not use the New Town name and will not be deemed part of New Town;
2. The new development will have its own Homeowners' Association;
3. The new development will have its own design guidelines. The land planner John Hopke has created these guidelines, and there will be an architectural review process to ensure any future construction adheres to these guidelines;
4. Access to the site will be via Discovery Park Boulevard only, bringing traffic through the existing commercial corridor;
5. Olive Drive will not be extended and the land at the end of Olive Drive in Charlotte Park has been deeded over to the New Town Residential Association to ensure no future extension of the road;
6. The new development will have walking trails throughout the site;
7. The new development's trail system will only connect to the New Town trails in the vicinity of Discovery Park Boulevard;
8. The new development will have its own swimming pool and changing area;
9. The density has been reduced considerably from the plan originally shown.

In conclusion, the proposed use of the parcels considered here for rezoning results in a total residential density of approximately 1.9 residential units per gross acre (*The proposed Master Plan notes the density as 2.9 units per NET developable acre based on updated JCC calculations*), plus 24,000 square feet of commercial space. By comparison, the residential density of New Town Section 7 and 8 is 3.7 units per gross acre. Thus the proposed new development is approximately 49% less dense than the neighboring communities; providing greater open space and larger lots.

II. THE PROJECT TEAM

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

- Developer - ABVA DEVELOPMENT, LP
- Attorney - Geddy, Harris, Franck & Hickman, LLP
- Civil Engineering - AES Consulting Engineers
- Environmental/Wetlands - ECS, Limited
- Powhatan Creek - Stantec, Inc.
- Traffic - McPherson Traffic Consulting
- Archaeological - Cultural Resources Management, LLC
- Land Planning - Hopke & Associates

III. EXISTING CONDITIONS

Master Plan Sheet 2.0 contains location information on wetlands, buffers, soils, and slopes. A pre-development site analysis revealed the following results:

Wetland areas:	*8.53 acres*
Buffers:	*16.85 acres*
Uplands Land	*54.18 acres*
Total Site Area	***79.56 acres***

Site Location:

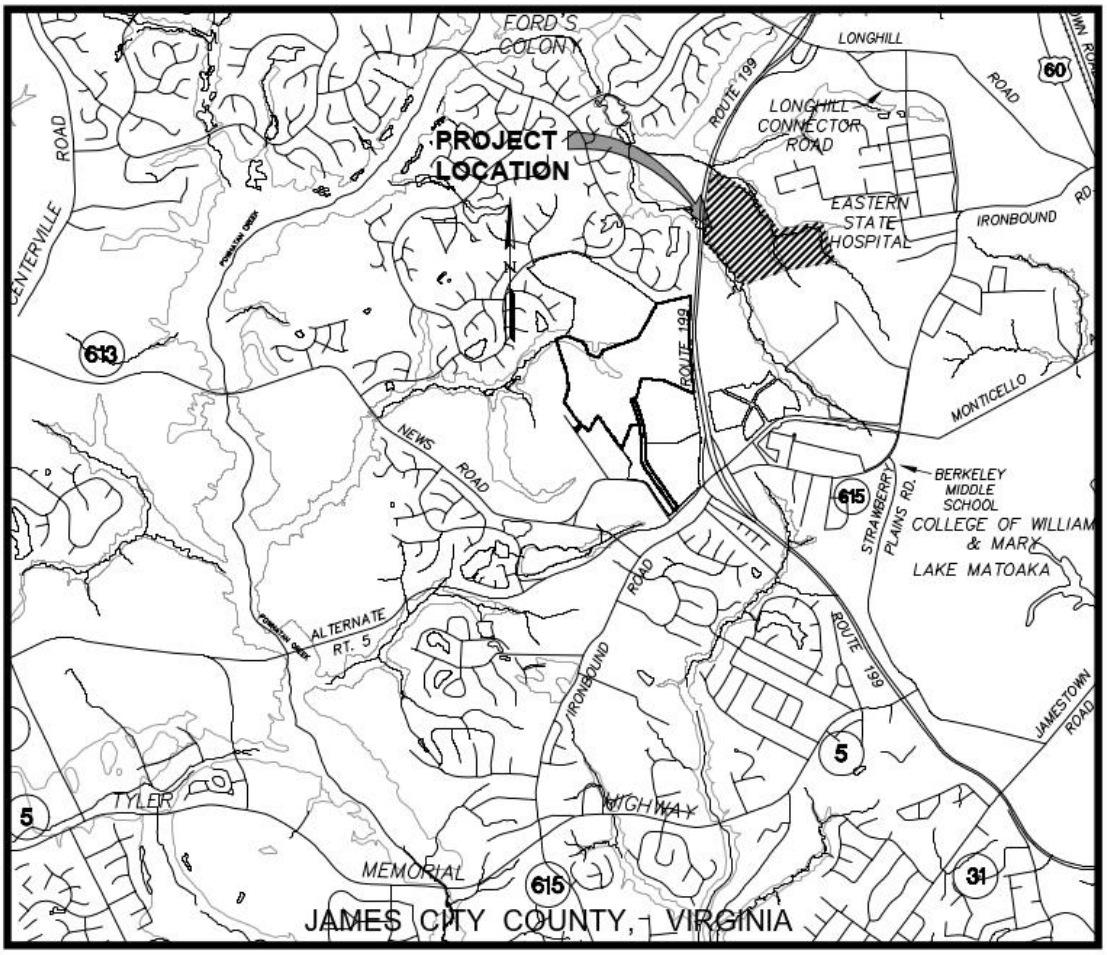

Figure 1

IV. PROJECT DESCRIPTION

Westwood Park is envisioned as an 80-acre mixed-use community located at the terminus of Discovery Park Boulevard in James City County providing 155 residential units and approximately 24,000sf of commercial uses. Approximately 70% of the site is preserved in open space, with wetlands, streams, and associated buffers being preserved 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.

V. PLANNING CONSIDERATIONS

A. Land Use

The proposed land use for Westwood Park is consistent with the surrounding Mixed Use property zoning, and while the property is currently listed as Public Lands on the Comprehensive Plan, simultaneously with the rezoning application, the County will be considering the change in the Comprehensive Plan land use designation to a Mixed Use designation. We submit that a change to PUD-R will provide zoning regulations consistent with the Mixed Use zoning of the adjoining properties. We believe that the proposed development will fit in appropriately with the adjoining properties, allowing the development to be less dense as it moves away from the core development of New Town and Monticello/Ironbound Roads. The development furthest from Ironbound/Monticello will be solely single family residential with lots larger than found in the adjacent New Town development and the portion closest to New Town will be developed at a higher density with a mix of commercial and multi-family development.

B. Density

The overall mix of residential units results in a combined overall density of approximately 2.9 dwelling unit per net developable acre. From a comparison standpoint, the overall density is less than the adjacent sections of New Town. The base density within the proposed PUD zoning is for 2 single family residential units per acre and up to 12 multifamily units per acre (depending on the unit types). The proposed densities within the identified use areas are around the cap at 2.0, 5.5 and 6.2 units per developable acre respectively, however as some of the development pods slightly exceed the limits we are proposing additional offsite BMP enhancements as a Density Bonus. The offsite BMP enhancements are proffered and also discussed further in the Section 8: Stormwater Analysis. *Note: The developable areas are listed and density calculated as noted on Sheet MP3.0 on the Master Plan.*

C. Environmental

A environmental site analysis was conducted on this property. The proposed portion of the Eastern State property is a hardwood forest. Recent work performed by the Environmental Services Division of ECS Limited, identified roughly 10.5 acres of wetlands and streams. ECS also conducted a perennial stream analysis on the property and is in the process of coordinating a review with the James City County Environmental Department. The master plan anticipates impacts to both wetlands and the Resource Protection Area (RPA) buffers; these are associated with a required roadway crossing to access the western portion of the property (to avoid access through New Town Section 7 residential development). ECS also provided an evaluation of endangered species on the property which was included in the application, with no noted species of concern.

Additionally, Stantec was added to the project team to provide input on the Powhatan Creek tributary and minimizing the impact of the development on the creek. Areas of the streams that are already impacted were reviewed (as previously noted in the Powhatan Creek study prepared by Stantec for James City County). As part of this

project we are proffering funds to make improvements to address existing concerns and committing to stormwater management measures that will protect the creek from future development on the property.

D. Parks and Recreation

The developer 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. The main active amenities for the project will be in the mixed-use designated section of the development. Additionally, the residential section of the development is envisioned with large swaths of passive open space containing soft surface trails and seating areas. The active amenities are to include a pool, bathhouse, natural trails and sidewalks.

E. Natural and Cultural Resources

A large portions of the forested area within Eastern State and the subject property has been identified as a wildlife habitat core. Our conceptual master plan has attempted to address maintaining a large swath of the residential area to maintain a wildlife corridor through the center of the project and maintaining large buffers around the perimeter to preserve natural open space. Outside of the wildlife habitat we also reviewed endangered species (plant and animal) and while noting isolated areas of potential habitat did not determine that any species at the time of review. Additional studies shall occur based on time of year requirements.

Additionally, we have reviewed cultural resources through an archeological study on the property. The study did not identify any areas of significance within the limits of the property.

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 4.0 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 within Discovery Park Boulevard. This line is supported by loops throughout the existing New Town development from Monticello Avenue and Ironbound Roads. The system facilities in this area are anticipated to be adequate for this development based upon previous flow data taken within the New Town development. This would indicate adequate pressures and flows will be present throughout the proposed development. **Additionally, the developer is making accommodations to provide**

JCSA with a future redundancy loop through the project via Route 199. This loop is not envisioned to be necessary to service the proposed project.

A detailed phased water distribution system model will be completed and submitted as part of the subdivision review process. The model will examine flow rates and pressures throughout the immediate water system area to ensure adequate flow and pressure to accommodate the required fire flows.

Table 1 – Projected Water Flows from *Westwood Park*

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
RESIDENTIAL						
Single-family	82	310	25,420	24	17.65	70.60
Multi Family	73	310	22,630	24	19.38	77.52
Subtotal	155		48,050		37.89	148.12
NON-RESIDENTIAL						
Retail/Office	24,000	0.2	4,800	12	6.67	26.68
Total			**52,850**		**44.56**	**174.80**

B. Public Sewer Facilities

Sanitary sewer service is provided to the subject property via two different sewer sheds. A newly upgraded private sewer within the Eastern State property will service the site and drain to Lift Station 1-5 (located within Ford's Colony). It is understood that the existing private sewer will need to be inspected prior to JCSA acceptance. Additionally, we are aware that there is a JCSA sewer line (and easement) that runs along the western boundary of the property towards LS 1-5, however, that sewer run is near capacity and would not be able to accept significant flows from the proposed development.

The mixed-use portion of the property drains towards LS 10-4 located on Discovery Park Boulevard. This station will need minor upgrades to accept the additional flows from this development. We anticipate pump modifications should be achievable to accommodate the newly proposed flows and to elevate existing flow issues at that station.

Table 2 – Projected Wastewater Flows from *Westwood Park*

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
RESIDENTIAL						
Single-family	82	310	25,420	24	17.65	46.28
Multi Family	73	310	22,630	24	19.38	48.45
Subtotal	155		56,660		40.04	94.73
NON-RESIDENTIAL						
Retail/Office	24,000	0.2	4,800	12	6.67	20.00
Total (to LS 1-5)			**25,420**		**17.65**	**46.28**
Total (to LS 10-4)			**27,430**		**26.5**	**68.45**

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 #3 at 5077 John Tyler Highway, approximately 2.9 miles south of this project. From this station, an estimated response time will be less than nine minutes. A similar distance away are both Station #4 (Olde Town Road) and Station #5 (Monticello Avenue). These three 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, and the City of Williamsburg Station on Lafayette Street is only 3 miles away.

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

Westwood Park is located within the Clara Byrd Baker Elementary School, James Blair Middle School, and Lafayette High School districts. This development will generate 46 school age children per James City County methodology: 19 elementary students, 10 middle school students, and 14 high school students.

VII. ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Preliminary Wetland Determination

Investigations were conducted by ECS Limited, LLC in January of 2020. The extent of wetland features is shown on the existing conditions map included in the master plan (Sheet 2). The U.S. Army Corps of Engineers confirmation of delineated wetlands is currently underway.

Based on the investigation, approximately 10.5 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, but there is a known need to cross the wetlands with a roadway to access the single-family lots within the development. In addition, there may be some stormwater outfalls with disturbances to steep slopes, buffers and wetlands. All of the above-described items may require proper state and federal permits 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 2- Existing Conditions. 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

The project will implement water quality controls that exceed State stormwater requirements, in accordance with James City County policy to protect the natural resources of the watershed. These measures, which align with the County's Special Stormwater Criteria (SSC), will enhance the quality of stormwater runoff from the development and assist in the preservation of pre-development hydrology. Water quality measures to be implemented include manufactured filtering devices, bioretention facilities, enhanced outlet protection at all piped outfalls, and enhanced slope stabilization measures applied site-wide.

As the property falls within the Powhatan Creek Watershed, our team has reviewed the recently prepared Powhatan Creek Watershed Management Plan (PCWMP, September 2023). The plan identifies concerns with stream channels ST3-49-G and ST3-48-G, which are located along the boundaries of the property. While the project team considered undertaking direct repairs, discussions with Stantec and other stakeholders made it clear that a financial proffer would be a more effective solution. This is primarily because the channels are significantly impacted by flows from the larger, upstream Eastern State property, making isolated repairs impractical. By proffering funds, we can contribute to a holistic restoration effort for the entire creek, help activate State matching funds, and ensure the improvements are coordinated with surrounding developments.

The proposed proffer amount of $1,433.12 per unit is based directly on the cost estimates within the PCWMP. The plan identifies the repair costs for the specific stream reaches abutting our project being between $750,000 and $1 million. Using the $1 million figure as a conservative estimate, we calculated our proportional contribution. Our 80-acre project constitutes 20% of the total 400-acre project area, resulting in a base contribution of $200,000. In good faith, we increased the total amount being proffered to $225,000 even following a reduction in overall residential density for the project. We believe this contribution is appropriate, as the damage to these channels is the result of historic watershed manipulation and not our proposed development. This proffer represents our commitment to a shared, amicable goal where developers, James City County, and the Commonwealth of Virginia all play a role in improving the watershed's condition.

Additionally, as part of our commitment and in keeping with the Stantec study, we propose a separate proffer to provide enhancements to existing ponds identified in the PCWMP within the subwatershed to improve water quality upstream of our property. This proffer is in addition to the stream restoration funds and the general stormwater controls being provided onsite.

Recognizing the complexities of the watershed, the applicant proffers to prepare a detailed Project Stormwater Management Plan prior to the submission of any final engineering plans. This additional step will ensure the following design commitments are met:

- The locations of ponds and other stormwater management features will be placed to discharge into field-identified impacted areas of the surrounding creek.
- Protection of existing forestland and unimproved areas will be prioritized. Large, natural perimeter buffers will be preserved to the greatest extent possible.
- Within the single-family section, a large wooded passive park will be maintained, providing benefits for both stormwater management and wildlife habitats.
- The applicant will restrict the impervious cover for the entire site at full buildout. The reduction in commercial building area has reduced the need for surface parking lots and permitted a reduction in impervious cover.

In summary, the comprehensive stormwater management plan and associated proffers for Westwood Park are specifically crafted to protect and enhance the Powhatan Creek. The on-site design will preserve the watershed's natural hydrology, while the proffered funds will address existing, off-site problem areas. This dual approach ensures the project will be a positive contributor to the long-term health of the watershed.

IX. ANALYSIS OF IMPACTS TO TRAFFIC

A traffic study memo has been prepared by McPherson Traffic Consulting to review the major intersections associated with the Monticello Avenue and Ironbound corridors and additionally looked at significant internal intersections within New Town. In summary of that study, the impacts associated with the rezoning are well within the safe operating limits of the surrounding roadway network and do not propose any undue time increases for turning motions that would result in failing turning motions.

X. FISCAL IMPACT STUDY

County Staff performed a fiscal impact analysis of the project for a 25-year period using the County's proprietary software program and County generated standard assessed values based on average data for the applicable fiscal analysis zone within the County that estimated total revenues of $25,599,435 which is a combination of General Fund Revenues and Schools Revenues ($19,625,120 + $5,974,314).

Total projected expenditures were calculated by James City County were unchanged at $21,452,720 which is a combination of Operating Expenditures ($5,108,276), Schools Operating Expenditures ($13,709,221), and Capital Expenditures ($2,635,223).

County Staff also performed a fiscal impact analysis of the Project using the projected assessed values provided by the Applicant (note this analysis excludes units being provided at below market rates). The Applicant believes these projected assessed values are more realistic than those used by the County. This analysis estimated total revenues of $33,020,242 which is a combination of General Fund Revenues and Schools Revenues ($27,045,928 & $5,974,314).

Total projected expenditures were calculated by James City County were unchanged at $18,817,497 which is a combination of Operating Expenditures ($5,108,276), Schools Operating Expenditures ($13,709,221), and Capital Expenditures ($2,635,223).

A simple subtraction of revenues minus expenditures equates to a positive net fiscal impact of $11,567,522.

XI. CONCLUSIONS

In summary, the Community Impact Statement for the rezoning and subsequent development of *Westwood Park* highlights the following conclusions and public benefits:

- This project will provide a significant financial benefit to James City County; with a net positive contribution of approximately $166k per year based upon County Base Pricing and $463k per year using Applicant projected unit pricing. [confirmed by JCC analysis]
- The rezoning is consistent with the surrounding land uses designated on the current Comprehensive Plan for this area. Further, the proposed residential development is less dense than the adjacent neighborhoods.
- Density has been reduced from previous applications to directly address impervious cover within the watershed.
- The project provides enhanced buffers and provides reduced impacts from the adjoining developments.
- There is adequate capacity in the system of roads serving this project.
- Adequate public services (water and sewer, fire) and utility services (gas, electricity, cable television, and telephone) are available for development.
- A detailed Stormwater Master Plan will be filed and reviewed prior to initiating the construction plans for this project.
- Additionally a proffer addressing the Powhatan Creek has been provided to address existing degradation within the stream reaches surrounding the project.

Design Guidelines for Westwood Park

Discovery Park Boulevard
James City County, Virginia

Draft: January 12, 2026

prepared by

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INTRODUCTION and DEFINITIONS

Westwood Village is a proposed development, adjacent to the New Town development, which will anchor Discovery Park Boulevard. Westwood Village is located on an 81 acre parcel being purchased from The Commonwealth of Virginia as vacant surplus property of Eastern State Hospital by ABVA Development, LP who proposes to create a development consisting of a mix of residential single-family, multi-family, and neighborhood commercial/office uses.

Although not a part of New Town, the developer proposes to develop the property with the enforcement of design guidelines which will maintain a consistency of fundamental principles undergirding New Town itself. To that end, these guidelines borrow heavily from design guidelines which were proposed, approved and adopted for Sections 7 and 8 in New Town as well as guidelines from the commercial sections of New Town, Sections 5 and 6. At the same time, these guidelines will not duplicate the existing housing and land planning patterns, in an effort to make the offerings in the vicinity of New Town more diverse.

Figure 1 East Parcel: mixed uses of commercial and multifamily residential

The proposed development is best understood as two complementary parcels: the East Parcel, which strictly single-family lots, and the West Parcel, which is more urban in character.

Definitions

We wish to note that the terminology used in these guidelines is intended to be consistent with the James City County Zoning Ordinance. In particular, the meanings of the following terms shall be as follows:

Single-family detached dwelling: A detached structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Multi-family dwellings: A building or structure including, but not limited to, townhouses, duplexes, and triplexes that are arranged or designed to be occupied by more than one family living in separate dwelling units with separate cooking, toilet facilities, and entrances.

Apartments: A building or structure arranged or designed to be occupied by three or more families living in separate dwelling units but sharing the entrance to the building.

Other terms that are or may be used within this document, or in discussions of its application for evaluation of designs, are listed below. *(Please note, some terms may not be consistent with definitions used in the Virginia Construction Code.)*:

Commercial Structures: buildings that are primarily used for Assembly, Retail, Office or Restaurant.

Multifamily Structures: buildings that are composed of attached dwelling units. These structures can take the form of "Multi-family dwellings" or "Apartments" as defined by the zoning ordinance.

Flats: "Apartments", as defined by the zoning ordinance.

Townhomes: dwelling units which are organized horizontally such that each dwelling reads as a separate unit with a separate main entrance for each unit, including "Multi-family dwellings" as defined by the zoning ordinance.

Multiuse Structures: buildings which contain more than one use, typically apartments over commercial functions.

East Parcel

Discovery Park Boulevard will be extended into the development and will terminate in an intersection designed as a point of transition to those traveling by car, bike or foot. The intersection shall be designed to "calm" traffic, and create a sense of arrival into Westwood Park.

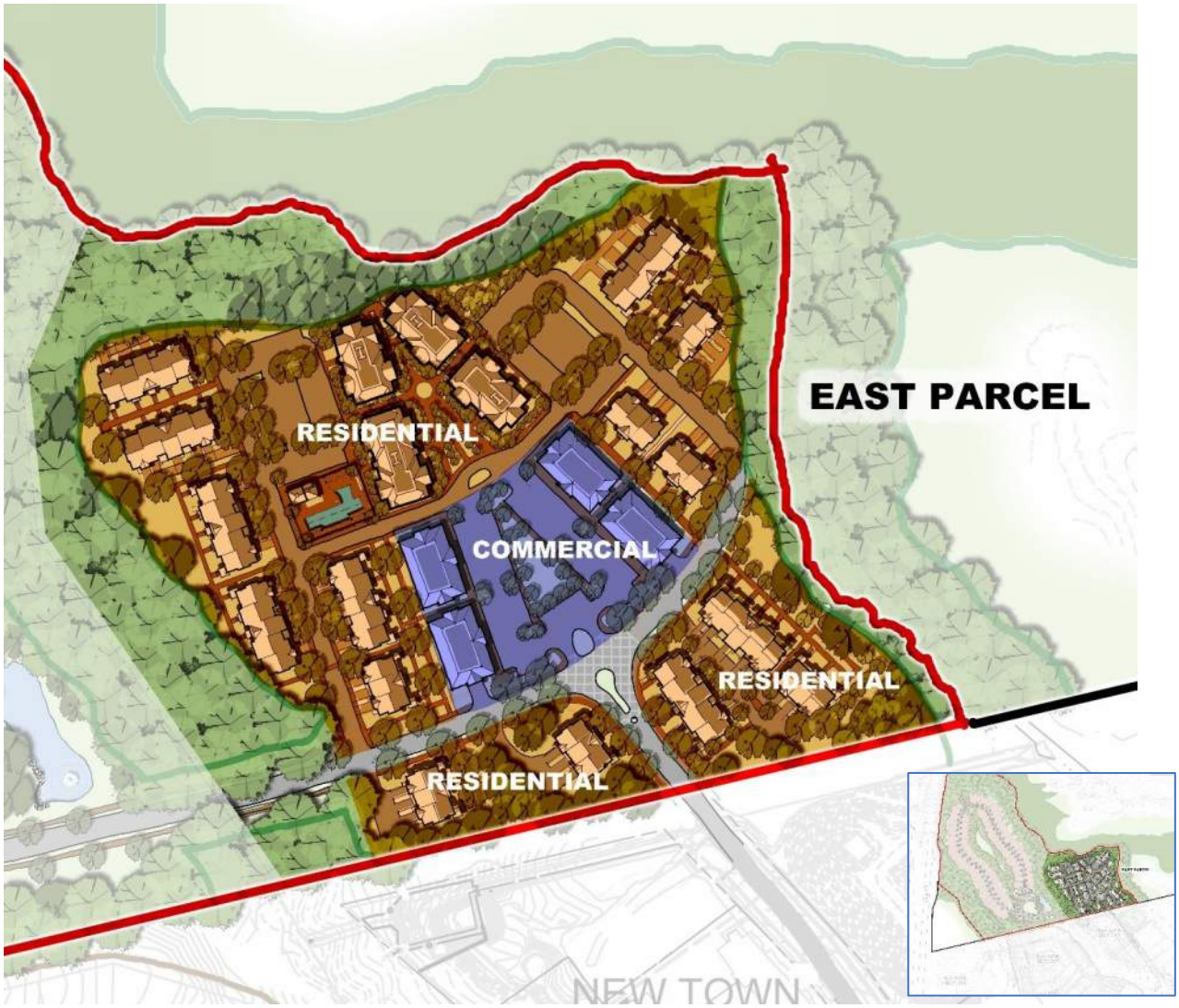


Figure 2 East Parcel: mixed uses of commercial and multifamily residential

The two quadrants of that intersection which border New Town are reserved for multi-family residential development. Beyond the intersection is a parcel of land surrounded on three sides by wetlands, which is to be developed as mixed-use, with multi-family housing that is urban in character and may include townhomes, multi-story apartments, or low-rise apartments. The building forms are to be arranged about a network of streets and parking lots to reinforce a sense of a walk-able village-like community. Interwoven with the multi-family buildings will be up to 40,000 square feet of commercial space disbursed among multiple buildings of similar scale and character as the residential buildings. The commercial structures may also be mixed-use, with apartments on upper floors. Structured parking is encouraged but not required.

West Parcel

To the west of this parcel, a spine road will extend to an adjacent parcel of land which itself is bounded by New Town to the south, Route 199 to the west, and wetlands to the north and east. This neighborhood will be developed with individual single-family homes on individual lots, each facing onto the spine road. These lots are to be somewhat larger than those in the adjacent Charlotte Park in New Town and an enlarged landscape buffer between the two is proposed. Here forward we will refer to this area as the "west parcel".

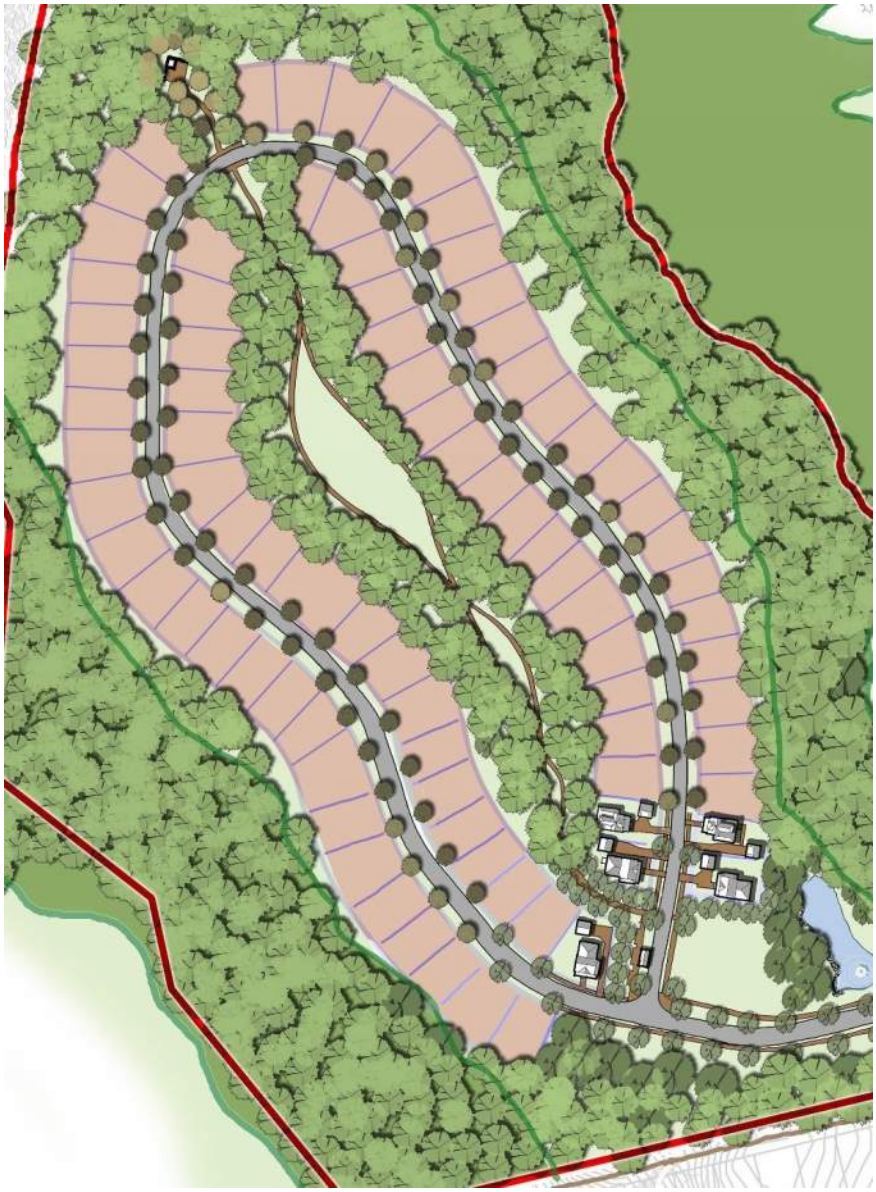


Figure 3: West Parcel: single family residential

GENERAL STREET DESIGN, BUILDING PLACEMENT AND PEDESTRIAN CONNECTIONS

Street design and walking trails are constrained by wetlands and grades. However, the intention of these guidelines is to provide an appropriate terminus to Discovery Park Boulevard and transition to street patterns appropriate for residential neighborhoods. Therefore, the following applies to both the east and west parcels and both residential and commercial uses.

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

Pedestrian Circulation

Pedestrian circulation is to be emphasized. Following are specific concepts and measures which shall be drawn from in the specific site design:

Curb design should accommodate pedestrian safety and reduce pedestrian conflicts with vehicles. Where sidewalks cross a drive lane, a demarcated and ADA accessible crosswalk shall be provided.

Pedestrian circulation routes shall be physically separated from the flow of vehicular traffic. Protection from weather elements is also encouraged. Methods and techniques include:

- Arcades, porticos, or other shade structures;
- Pedestrian light features;
- Curbs or curbing;
- Bollards;
- Seat walls or benches;
- Drinking water fountains; or
- Landscape planters.

Pedestrian walkways shall be a minimum width of five feet and connect:

- Entrances to each building on the site, including outparcel buildings;
- Between buildings on site and form buildings to the main pedestrian ways.
- Sidewalks located on the perimeter of the site.

When located within a parking area or vehicle right of way, clearly demarcate pedestrian walkways and crosswalks. Methods and techniques include:

- Changing paving material, patterns, or color;
- Changing paving height;
- Decorative bollards;
- Raised median walkways with landscaped buffers; or

- Stamped asphalt.

General Building Placement and Massing

Fundamentally, building masses are to be broken down into smaller, pedestrian scaled elements. Architectural elements, businesses and services with street activities such as sidewalk-dining and balcony overlooks are strongly encouraged. There should be a mix of sloped roof elements and/or parapet-roofed facades. Buildings are to have a predominantly 1-1/2 to 3-1/2 story expression.

The sense of scale of proposed commercial buildings shall be in keeping with existing adjacent developments. The total square footage of commercial buildings will be limited to 40,000 sf (gross), comprised in two or more separate buildings. Large floor plates (exceeding 10,000 sf) are generally not preferred, but if such a use is offered requiring a larger floor plate, building masses are to be visually broken down into smaller elements to give the appearance of an assembly of multiple smaller buildings.

Figure 4: Example Design Concept for commercial building massing and organization

Front building façades of more than 50 feet in length shall be articulated into a series of evenly-spaced storefronts to increase visual interest and pedestrian orientation. Incorporate two or more of the following design elements on each façade visible from a street:

- Changes in wall plane (such as projections or recesses) with an offset or depth of at least one foot, a width of at least ten feet, located a minimum of every 25 feet;
- Distinct changes in texture and color of wall surfaces;
- Variations in roof form and parapet heights;

- Vertical accents or focal points; or
- Features such as arcades, display windows, entry areas, or awnings.
- Step-back upper floors to reduce visual impact at the pedestrian scale, also permitting balconies in the step-back.
- Whenever possible, develop with smaller lot increments not to exceed one hundred feet in width.

Building massing shall prioritize human scale. Building massing shall not detract from the pedestrian experience, but rather enhance it. Visual rhythm of massing shall relate as closely as possible to existing massing, creating similar visual masses throughout the block. This rhythm and articulation across the massing helps relate to both the people that use the buildings and the other adjacent buildings.

Building Entrances: each building shall have at least one primary entrance onto a main street. Entrances shall be visibly prominent and shall include features such as changes in building materials or color, projection or recesses of at least 5 feet, outdoor spaces, canopies, porticos, archways, etc..

Building materials for walls shall promote visual interest. Large, monolithic structures with a single material should be avoided. Building walls shall prioritize the use of brick, wood, stucco, and glazing.

West Parcel Single Family Structures

The west parcel is intended to provide, in the terminology of New Urbanism, a suburban zone of the "Urban-Rural Transect". As such, the street pattern is less geometric and responds to the natural contours of the site. The homes are to face onto a single spine road which loops around onto itself. The street is to be edged with a sidewalk on both sides to promote pedestrian activity along it. Simultaneously, an informal walking trail is to traverse the site through common green spaces, connect to a passive park to create a symbolic entrance to the neighborhood, and then connect to the sidewalk system extending into the east parcel.

Figure 5: Example of single family sites and streetscape development

Homes along the spine road should be planned to reinforce the integrity of the street. To do so, they are required to accomplish the following:

- Engage a build-to line of 15'-0" from edge of right-of-way to the face of a structure. Structure may be the house façade, porch façade, face of freestanding garage or office, formal fencing, or some combination.
- Stoops and steps may encroach into the space between the build-to line and front property line by no more than 10'-0". Stoops may be covered with a roof element, if the roof element is substantially subordinate to the main façade of the house.

- Where fencing alone is utilized at the build-to line, fencing design must be substantial and turn back along side lot lines. Fencing alone, as the build-to line engagement, is not to be allowed for multiple contiguous lots.
- Side setbacks and rear setbacks are generally 5'-0" minimum. Reductions to not less than 3'-0" may be allowed on a case-by-case basis, if justified by unusual lot shape or grade.
- Garages shall comply with a 5'-0" side setback and are to be one of the following types:

    - Front/courtyard loading type
    - located to the rear of the rear façade of principle structure of the house, either attached or free-standing*
    - Located under the principle structure of the house (and accessed from the side or rear).

- Garage doors may not face the street unless the garage is detached and behind the rear façade of the principle structure of the house. Exceptions, due to specific site constraints, will be considered on a case-by-case basis.

At right are examples of possible siting configurations to be regarded as illustrative only. Other configurations are possible and acceptable where complying with the guidelines above:

A. House with rear-loading garage below, retaining wall small covered stoop forward of the build-to line, and well screened side patio.

B. House with recessed front porch, freestanding garage to rear of property.

C. House with substantial front porch (complying with build-to line) and rear-courtyard loading garage.

D. House with front courtyard loading garage and rear deck.

Figure 6: Examples of acceptable single- family lot/house configurations

Figure 7: Conceptual Design for acceptable single family homes

East Parcel Townhomes

This parcel is to be developed in the spirit of a “General Urban” edge zone, where street layout is geometric in character, while still responding to the unique grade and wetland challenges. Streets should read as streets - with or without parallel parking - and parking areas should read as alleys or courtyards – separated from the streets and not conducive to through-traffic..

The residential development along the roads and parking lots shall likewise be sited to reinforce the integrity of streets, courtyards and promenades. Streets are to include on-street parallel parking where possible and appropriate and sidewalks on both sides.

Figure 8: Conceptual Elevation of Townhomes showing acceptable facade development

Alley-loaded Townhomes

Alleyways should be utilized as the preferred means of access to garages and parking areas.

The use of rear alleys and front porches facing onto a pedestrian plaza, courtyard or “promenade” are required for at least 75% of the total number of units..

Along the front façade, variation is required. This includes a clearly discernable “bay rhythm” (e.g. ‘ABA’, ‘ABBA’, ‘BAAB’, ‘ABCBA’), and a balanced mix of external wall materials (simple color changes do not suffice). Design features that differentiate the individual dwelling units are also required. Examples of such design features include: offsets and (min.) 16” step backs in facades and rooflines, entry door/porch variation, variation in roof forms and pitch, etc..

Front-loaded Townhomes

Although not represented in the conceptual design developed for these guidelines, front loaded (ie units with a garage on the front façade) are permitted. These twnhomes shall be a minimum of 20’ to 24’ wide. No less than 3 units and no more than 6 units shall be attached in a row of townhomes. Along the front façade, variation is required. This includes a clearly discernable “bay rhythm” (e.g. ‘ABA’, ‘ABBA’, ‘BAAB’, ‘ABCBA’), and a balanced mix of external wall materials (simple color changes do not suffice). Design features that differentiate the individual dwelling units are also required. Examples of such design features include: offsets and

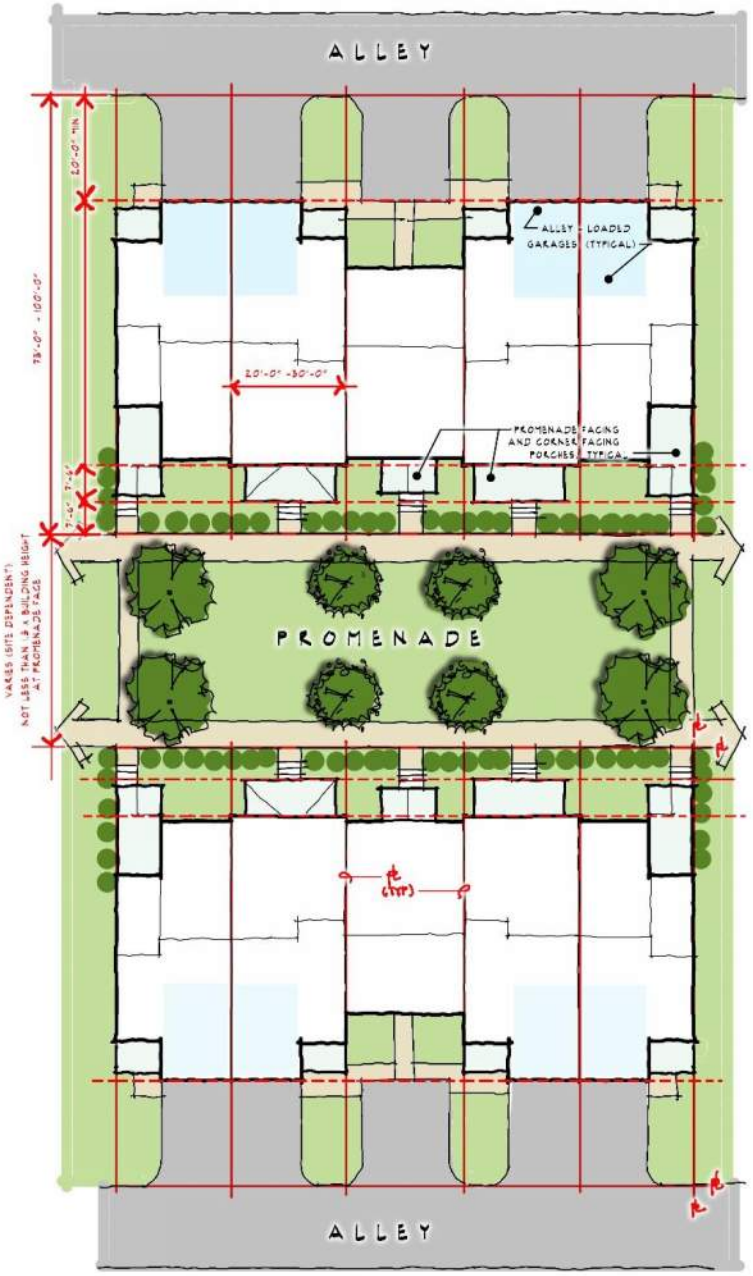


Figure 9: Townhomes oriented to Promenades

(min.) 16” step backs in facades and rooflines, entry door/porch variation, variation in roof forms and pitch, etc

Garages shall not be located side-by-side unless doors are kept to a maximum of 9’ width with a minimum of 24” between them. No more than two doors in a row shall appear in a single wall plane.

Where the townhome faces a street (as opposed to an alley), the garage driveway is to be 20’ clear beyond the sidewalk, to allow for off-street parking that does not conflict with pedestrian ways. In such cases, parallel spaces on-street are not required.

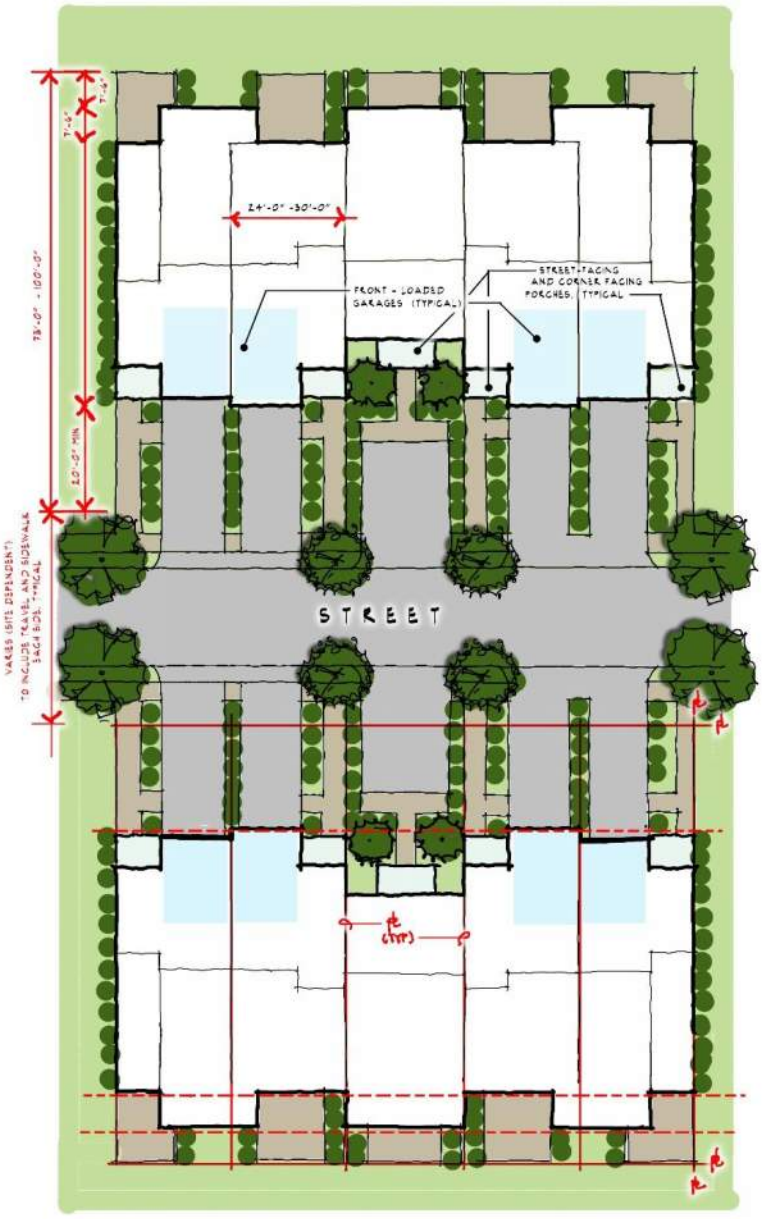


Figure 10: Front-loaded Townhomes (oriented to a Stree)

East Parcel Multifamily Structures

Parking for multifamily structures may be located on street, in parking lots or in parking structures. Parking lots shall be designed to appear as formal public spaces where pedestrian areas are identified by changing paving patterns and raised cross walks. Parking spaces against the residential buildings are discouraged. Large parking lots are to be avoided, and small parking lots separated by landscaping is encouraged. Parking structures shall be architecturally designed and arranged to be consistent with the design standards for multifamily structures.

Multifamily residential structures should be designed to reinforce shared outdoor spaces in each unit. Units should include private and shared outdoor spaces, such as balconies and porches, that promote observation of shared spaces, yet provide privacy by way of landscape buffers and vertical elevation.

Figure 11: Example of multifamily building bordering car court

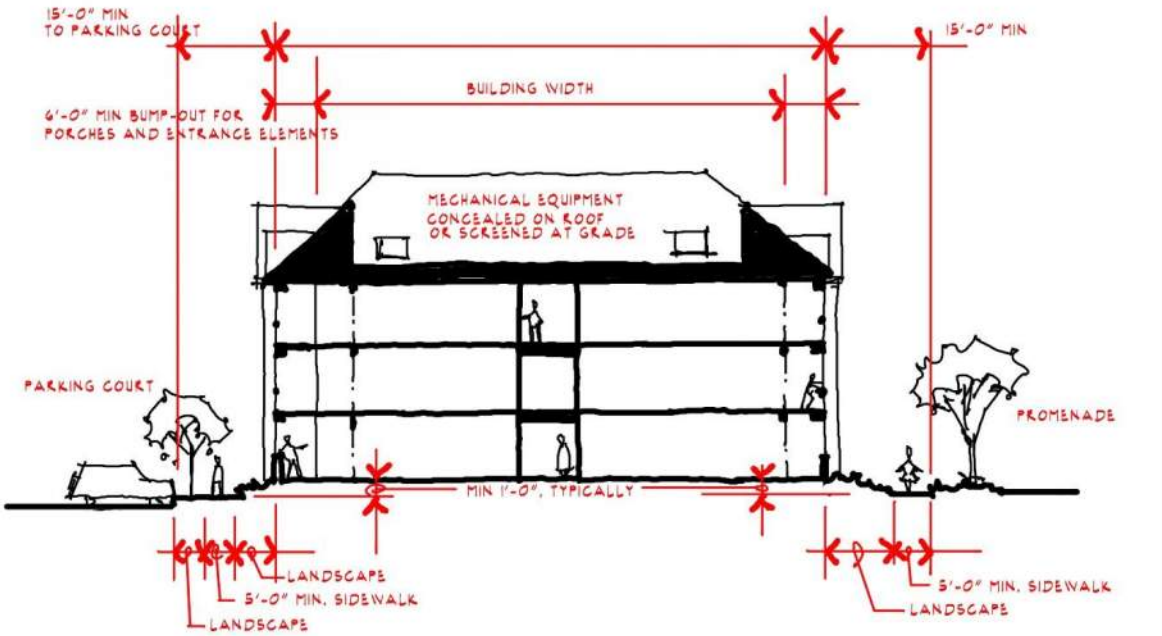


Figure 12: Apartment building site considerations

Figure 13: Conceptual Design Elevations: apartment facades

Figure 144: Conceptual Design Elevations: commercial/mixed-use facades

East Parcel: Commercial

Commercial buildings are to be interwoven with the multifamily buildings and are to be developed consistent with the other commercial properties in mixed use sections of New Town. As such, we wish to propose those buildings be developed consistent with the spirit of the existing design guidelines for those sections of New Town, with the following emphasis:

- The terrain may be steep where these buildings are sited. Use of the terrain for parking below the buildings is encouraged to preserve greenspace.
- The commercial buildings should be clustered to create a commercial district, with logical and walkable connections to the multifamily buildings.
- Mixed Use buildings, where multifamily is planned above commercial on the lower level(s), is not prohibited but not required. The scale of the development and conceptual plan anticipates the more likely scenario of mixed uses horizontally.

Figure 155: Commercial buildings in foreground with multi-family apartments beyond

VISUAL CHARACTER

Both parcels are to be developed with architecture which extends the urban fabric of New Town. To that end, the following requirements are to be incorporated. Please note that unless noted as “special requirements” or “exceptions”, these provisions apply to all portions of the project and building types.

Edge Definition and Screening

Fences, walls and hedges are to be used to define street edges and parking areas or to conceal utilities and mechanical equipment.

Fences and walls should be architecturally consistent with the buildings they serve. Walls should be of stucco concrete block or brick. Fences are to be made of wood pickets, wrought iron, vinyl, pvc or painted metal. Chain link fencing is not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views. Landscaping alone may be deemed acceptable where retained buffers provide natural screening.

Use of fences, walls and landscape along property lines is encouraged. Fences and walls are to be a maximum height of 6’-0”, except those located along public rights-of-way, along a shared public way, or forward of the “front” or main body of a structure, which are to be a maximum of 42” in height. Where fences or walls intersect, they should be consistent in height.

Ground mounted mechanical equipment, solid waste collection, recycling collection, and loading spaces shall be located in an area that minimizes the view of such areas from adjacent buildings and roadways and shall be screened with walls or opaque fences combined with plantings.

All roof mounted mechanical equipment is to be screened from public view.

Dumpsters are to be screened by a fully enclosing wall and/or opaque fencing. Trash cans shall be screened by a fence or wall of adequate height to conceal from them from view from the street or public pedestrian way.

Scale and Articulation

Generally

Buildings with large volumes should be designed to appear smaller through the articulation of the overall massing as a collection of smaller elements. The use of architectural elements such as bays, balconies, porches, loggias and arcades add interest to building facades and aid in relating the proportions of any building to the human form (ie makes the scale more humane). Roofs may be articulated through use of dormers, lanterns, monitors, widow’s walks, cupolas and other like elements. Roof elements should be designed to transmit light to the attic story, vent air, or be openings to habitable spaces. The appearance of false stories with faux windows should be avoided. However, bricked-in openings, closed operable shutters and other devices to articulate an otherwise bland façade are acceptable devices.

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

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

With these general requirements in mind, there are special requirements for the various building types anticipated:

Single Family Dwellings

Single Family Dwellings may range from 1-1/2 stories to 3-1/2 stories and should utilize simple geometric shapes in plan and elevation. The overall massing of the house should be a collection of simple volumes All houses should have pitched roofs except at porches and bays where a shallow pitch is acceptable. Minimum roof slope for the main body of the house is 6:12.

Townhomes

Townhomes may range from 2 to 3-1/2 stories and should be individually expressed through window patterns, roof massing, porch expression or placement relative to the front build-to line. Townhomes may be constructed as duplexes and, when so designed, shall have a secondary entrance to the lower dwelling unit from the exterior which is formally expressed.

Apartments

Apartment Buildings may be 2 to 3 stories in height, plus a walk-out basement level on no more than 50% of the perimeter of the foundation if finish grades allow. They should be articulated through use of multi-story porches, covered balconies or multi-story recesses or bays to articulate end bays, wings, or entrance elements. Each unit must have direct access to the exterior (e.g. a porch or balcony). Apartments may also occur on the upper floors of a mixed-use (commercial on the lower floors) building, but should always appear "residential" in character, as communicated through the scale of fenestration and use of roof forms.

Commercial and Mixed-use Buildings

These buildings may be 2 to 3 stories and should differentiate themselves from residential buildings, through the use of a grander sense of scale, window treatments, arcades, canopies, etc.. which are common elements in retail and office design. Nevertheless, the overall scale of the commercial buildings should live comfortably within the development of residential structures. For additional guidance, the designer may wish to review the New Town Design Guidelines of Sections 5 and 6 (Discovery Park Boulevard) and/or the completed buildings for compatible commercial buildings' scale and articulation.

Amenities

Buildings and structures associated with amenities (e.g. Bathhouse at Pool) which are to be shared by residents of the west and east parcels shall be designed with an architectural and hardscape character that blends those of both parcels such that the amenities read as a community asset belonging to all.

Figure 166: Example of amenities architecture in keeping with character of development

For all buildings it must be noted that the change in natural grade on these sites is a particular challenge.. and an opportunity. Design review will provide flexibility for design solutions which are environmentally sensitive.

Roofs and Parapets

Generally

Roof forms shall be evocative of a traditional small-town commercial quality and convey the use (commercial versus apartments versus townhouse and single-family residential) that they shelter.

Sloped roofs can be gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion. Generally, the minimum roof slope of a 1 or 1-1/2-story building should be 9:12 and a 2-story or greater shall be 6:12. Secondary sloped roofs which are a shed type shall have a minimum slope of 2:12. Secondary roofs which are a gabled type shall have a minimum slope of 9:12 or 6:12 if “Classical” or “Federal” in character. Deviations from these minimums will be considered on a case-by-case basis.

- Exception: Buildings which have long front-to-back dimensions may deviate from the minimum roof slope, if complying would create a disproportionate amount of roof. In such cases, designer may utilize a “Bastard Hip” with a shallow front-to-back slope if coupled with steep side-to-side hips and intersecting gables, creating the illusion of a steeper pitches throughout.

Commercial, Apartments and Mixed-use Buildings

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

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

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

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

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

Windows and Doors

Generally

Windows and doors shall help dictate the organization of masses, articulating entries, pedestrian pathways, and other massing features. Provide fenestration that conveys the use (commercial versus residential) by the use of appropriate scale and detail.

Commercial buildings

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

Residential Buildings (single-family homes, townhomes and apartments)

- The front façade of buildings should include windows oriented to the street. Ground floor windows should be minimum 48 inches tall.
- Windows shall be rectangular (except where arched or ocular are appropriate to the architecture) with a minimum proportion of 1.5 vertical to 1 horizontal, proportions of 2:1 per window are preferred.
- Picture windows and projecting bay windows are also suitable and may have wider proportions.
- Dormers can be pitched or eyebrow. Use dormers to break-up large roof masses and to provide additional animation of façades in the vicinity of entrances, and to bring light and ventilation to living spaces.
- Bay windows are suitable and may be rectangular or chamfered.
- Doors shall be rectangular. Transoms shall be rectangular (or arched if appropriate to the architecture), if used. Glazing within doors shall be consistent with window glazing.
- Garage doors shall be 16 feet maximum in width, articulated to appear as multiple doors where possible.

Frontage and Façade Treatments

Generally

Building facades and frontage should have an appropriate scale and treatment in accordance with their use (e.g. residential vs. retail, public vs. private, etc..). Following are requirements and guidance based upon different categories of building use anticipated:

Commercial buildings and Apartments

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

    - Plaza;
    - Placement of primary pedestrian entry;
    - Distinctive roof form; or
    - Other architectural features.

- The building façade containing the primary entrance is considered as the primary façade and shall face a public street, parking lot or courtyard. Public entrances shall feature no less than three of the following:

    - Canopies or porticos;
    - Overhangs;
    - Recesses/projections;
    - Arcades;
    - Raised corniced parapets over the door;
    - Peaked roof forms;
    - Arches;
    - Outdoor patios;
    - Display windows;

- Architectural detail such as tile work and moldings integrated into the building structure and design; or
- Integral planters that incorporate landscaped areas and places for siting.

- The front façade of buildings shall have high fenestration. Include glazing for at least 40 percent of the ground floor façade area between 2 feet above grade to 8 feet above grade towards the street that the front façade faces.

- All street-level widows shall be visually permeable between a height of three feet and eight feet above the walkway grade. Reflective or tinted glass that obstructs views into the building should not be used on 1st floor building façades adjacent to sidewalks.

- The use of porches, balconies, bays, loggias, arcades, chimneys, cupolas, dormers, and operable windows are encouraged as devices that help reduce the scale of buildings, making them more approachable and village-like.

- Mechanical units and building utilities, such as electrical meters and panels, are to be located so as not to detract from the architecture and are to be screened. Roof-top equipment should be architecturally screened and not visible from major roads, Generally, screens should be constructed of permanent materials that relate to the building architecture, such as stone and stucco. Where located against the property buffers, or otherwise not plainly visible from adjacent

streets, utilities and mechanical units may be screened with landscaping alone. Drainage from building roofs should be channeled underground to the storm water system unless "spilling at grade" can be engineered without compromising landscaping or pedestrian areas.

Single-family Residential and Townhomes

- The entrance must face a public street and be accessed via a porch or stoop.
- Corner lots should prioritize the frontage on the more primary or public street.
- Provide one or more of the following elements:
    - Placement of primary pedestrian entry;
    - Distinctive roof form; or
    - Other architectural features (e.g. porches, canopies).
- Porches must be a minimum of 8 feet deep and 12 feet wide except where serving only to cover a stoop. Single story porches are preferred.
- Stoops must be a minimum 5 feet deep and 6 feet wide.
- More ornate door styles are recommended with stoops to clearly indicate the entrance. A door with transom, tall molding or gabled profle are recommended styles.
- Any monolithic or stark appearance resulting from building design and materials is prohibited.
- Building design, rooflines, and materials should be used to add detail and relief from large blank walls. Blank lengths of wall exceeding 15 linear feet are prohibited on all front façades and side façades on a corner lot.
- Fenestration shall comprise at least 25%, but not more than 70% of all façades.

Townhomes

- In addition to the above, variation along the front façade of the entire building is required. This includes a clearly discernable “bay rhythm” (e.g. ‘ABA’, ‘ABBA’, ‘BAAB’, ‘ABCBA’), and a balanced mix of external wall materials (simple color changes do not suffice). Design features that differentiate the individual dwelling units are also required. Examples of such design features include: offsets and (min.) 16” step backs in facades and rooflines, entry door/porch variation, variation in roof forms and pitch, etc..

Exterior Materials

Following are general requirements of all building forms, independent of use.

Wall Cladding

- Building walls: brick, stucco, hardie-plank, clad wood, wood shingle, wood clapboard, wood board and batten, fiber cement siding are acceptable. Limited use of Vinyl may be approved on a case-by-case basis.
- Exposed foundation walls: Brick, stone, brick veneer, stucco over concrete/concrete block are acceptable.
- Material transitions should occur appropriately so as not to allow masonry to appear “paper thin” by terminating at an outside corner. Where possible, masonry should terminate at an inside corner. Where masonry terminates at an outside corner of a façade, the façade must be a gable and framed with a substantial corner board (as a customary masonry end-wall in local vernacular colonial architecture).

- Thin-stone or cultured stone veneer is also acceptable if corner units are utilized to wrap the corners to give the appearance of a depth of 4 inches or more.
- Each façade shall have a balance of two or three siding materials. One material, such as lapped weatherboard shall be primary to establish consistency while the others are secondary and utilized to provide interest and variation.

Roofing

- Roofs may be wood shingles, galvanized or painted metal seamed roof, copper, lead-coated copper, slate, synthetic slate or 30# fiberglass asphaltic shingles.
- Gutters and downspouts: galvanized or painted aluminum, painted or zinc coated steel, or copper.

Other Building Elements:

- Chimneys: brick, brick veneer, stucco.
- Arcades and colonnades: brick, stucco, wood, polystone, fiberglass
- Porches/Columns: painted wood, painted metal, polystone, fiberglass
- Posts, spindles, balusters: painted wood, painted metal, polystone, fiberglass
- Stoops and exterior stairs: brick, concrete or wood where adequately detailed to provide non-utilitarian appeal.
- Decks: wood, composite lumber or high-quality synthetic decking. Shiny plastic decking is not acceptable.
- Awnings and Canopies: canvass covered metal framing only.
- Signs: Wood, painted metal, hard foam, or as otherwise allowed by James City County ordinances.

Roof Forms

All buildings should have a varied character of traditionally shaped roofs:

- Principal Roofs: Gabled, hipped, hipped gables, clipped hips, gambrel roof in symmetrical fashion with a slope of 6:12 to 16:12. 10:12 to 12:12 pitch is appropriate for Colonial roof forms whereas 6:12 to 12:12 is more appropriate for Georgian structures. Parapeted, low slope roofs may be deemed acceptable if properly detailed to provide architectural character and interest.
- Secondary Roofs: Shed with minimum 2:12 slope or low-slope with parapet or balustrade.
- Flat roofs: Where allowed for above or as required for mechanical equipment, should be concealed by false mansard or other building element.
- Dormers: shed, gabled, eyebrow, etc.. as appropriate to complement the architecture of the building on which they reside.
- Narrow/Deep Lots: Where a building form may be limited in width, a shallower roof pitch for the primary roof form may be acceptable if hipped or intersected with cross gables of a steep pitch, giving the illusion of a steeper slope for the entire structure.

Fenestration

Generally

All buildings should have fenestration treatment that convey a sense of authenticity and attention to proportion, scale and detail. Except for necessary “back of house” functions, which are to be screened, all facades should be treated as “public facades”. Side and rear facades, which may properly have less detail than the front façade, shall nevertheless be designed with a similar attention to proportion, scale and cladding material quality.

Residential Buildings

Generally, the following apply to all residential buildings (multi-family, apartments, and residential portions of mixed-use buildings):

- Windows may be metal, wood, wood clad with metal or vinyl, or fiberglass.
- Bay windows: wood or metal with metal roofing.
- Shutters: wood, fiberglass resin or cellular pvc; shutters should be equipped with shutter hardware and be operable or give the appearance of being operable.
- Doors: wood, metal, or glass; utility doors should be metal or fiberglass.
- Windows shall appear as “punched openings” in façades. The horizontal dimension of the opening may not exceed the vertical dimension.
- Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least seven inches wide.
- Windows may be no closer than 30 inches to building corners (excluding bay windows).
- Rectangular and ocular windows: a vertical orientation (ie width less than or equal to height).
- Rectangular window grilles: a vertical orientation (ie width of lites less than or equal to height).
- Garage doors: 9’-0” width maximum or articulated to appear as multiple doors.
- Shutters: operable or equipped with hardware to appear operable, sized to fully cover and only cover the fenestration opening.

Commercial Buildings

In addition to the above, the following apply to all commercial and apartment buildings:

- Residential portions of multi-story buildings should comply with the above section “Residential Buildings”.
- When occupying floors above the ground level, office and retail functions should comply with the above section “Residential Buildings”, or be designed so as to complement adjacent apartment structures.
- Storefront window mullions should not exceed 48" in the horizontal dimension or should be mullion-less “all glass” window systems.
- Where clear windows are not useful to the function with portions of buildings, a false window (with “spandrel glass”, for example), closed shutters, or masonry recesses may be utilized to add interest to a façade’s fenestration.
- Ground story fenestration shall comprise 40% to 90% of the surface area on public facing walls of retail buildings. Upper stories and other uses shall have fenestration comprising 20% to 70% of the surface area of public facing walls.
- For storefront windows, a minimum of 80% of the window surface shall allow a view into the building for a depth of at least 15 feet.

Color and Material Palettes

Generally, the use of different materials and colors should be done with the intent of creating a balanced façade in the context of a streetscape with adequate variation to stir visual interest, but adequate consistency to convey a strong sense of order. For all buildings, there should be no more than three different materials for exterior cladding and no more than two different colors for painted surfaces. More than those maximums will only be considered on a case-by-case basis and only with a strong rationale from the designer.

Single Family Residential

It is anticipated that the West Parcel may be developed by a single builder or multiple builders (as opposed to a lot-by-lot basis). Whether one or several builder/developers, a limited set of optional colors and materials, complying with the guidance of the requirements above, is to be submitted and approved. All subsequent homes shall utilize selections from that palette of options.

Amendments to the palette of options will be considered on a case-by-case basis; however, additional colors must be compatible and/or complementary.

Townhomes

Townhomes are to be designed within a single palette of materials approved at the time of design submission. All exterior materials must be selected for compatibility with Apartments, Commercial and Mixed-use Buildings.

Apartments, Commercial and Mixed-Use Buildings

Larger buildings are to be designed with a single palette of materials. Materials should express a more monumental and permanent character (e.g. brick v. siding; cast stone v. brick) than the residential construction, and yet be compatible with it (see above).

LANDSCAPE AND OPEN SPACE STANDARDS

Whenever possible, existing natural features such as wetlands and ravines, high points of topography or special groupings of trees, should serve as neighborhood open space. Designed open spaces should possess individual character in their scale and articulation and by the uses that adjoin them. Landscaped open spaces should have emphasis placed on their edges either with buildings or plantings to create “outdoor rooms”.

Preserve existing specimen and mature trees. Prioritize preserving existing tree canopy as much as possible. All development plans shall contain tree protection/preservation plans.

Using natural elements to create privacy between spaces is preferred. Grooming is important. Remove underbrush and maintain or “limb” trees to permit better visibility into a site. Incorporate a good balance of trees and shrubs, including a balance of evergreen and deciduous trees.

When possible, existing mature trees should be retained in the open space areas of the west parcel. The use of hedges, shrubs, ground cover and ornamental trees is encouraged throughout these lots.

Landscape, Hardscape and Planting

Building Perimeters - Landscaping at buildings shall meet or exceed the requirements as specified in the James City County Zoning Ordinance, Section 24-97. The use of trellis and landscape structures to facilitate the growth of live plant material immediately in front of or on the buildings is encouraged.

Parking layout and landscaping is to comply with the requirements of the relevant landscape standards of the James City County Zoning Ordinance (Article II, Division 4). Hedges planted to screen the parking lots from the perimeter shall be planted at an installed height of 30". The predominant tree type used within parking lots shall be deciduous shade trees. Evergreen trees shall be provided where additional screening is desirable. All deciduous trees in parking lots shall be 2-1/2" caliper at installation

Landscaped open spaces, parking areas and pedestrian ways shall have emphasis placed on their edges either with buildings or plantings to create the effect of “outdoor rooms.” Walk-ways adjacent to buildings shall reinforce the sense of a public street. Walk-ways adjacent to open spaces shall be lined with trees or plants to reinforce the edge of the open space. Landscaping along residential areas should provide visibility into the development while creating an effective buffer for parking and “back of house” building elements. Other property edges should retain natural buffers, to the extent practical, to maintain a character consistent with the surrounding area

Landscape plantings shall be selected to reinforce a purpose, based on their location:

- Plantings for the purpose of screening will occur to screen the building and parking areas from the adjacent residential properties to the south. These planting are to be primarily evergreen with the intent of screening the view of automobiles and reduce the scale of the rear building façade. Evergreen hedges are to be used adjacent to parking spaces which face Discovery Park Blvd or the Spine Road.
- Foundation plantings will be selected and provide a natural base to the service side facade of the building and enhance the public facades. Public side plantings will be chosen to complement the architecture without limiting visibility of building face signage.
- Transitional landscaping will occur along the east and west property lines to augment existing natural landscaping, or replace existing landscaping which must be removed to accommodate construction.

- Street-side landscape will be provided along Discovery Park Blvd or the Spine Road, selected to create a lush setting for the building, while promoting the pedestrian character of the corridor and ensuring adequate visibility into the development from the street.
- Landscaping with vertical elements of a minimum 10 feet high should be included on sides adjacent to residential uses to provide screening. Tree rows or groups of trees are appropriate, and/or lower bushes and vegetation combined with berming, natural topographic features, and fencing. Fences should not occur within the front 10 feet of the lot so as to not impede pedestrian connectivity and visibility along the sidewalks between uses

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

Streets

The street within the west parcel is to be planted with trees spaced a maximum of 40'-0" on center. Shade/Canopy type trees are preferred; however ornamental trees may be used for areas of interest, pedestrian ways and minor streets.

Streets within the east parcel should be selected to create a formal rhythm of shade trees along main streets. Smaller ornamental trees may be selected to articulate alleys, minor streets and pedestrian ways.

Discovery Park Boulevard and the commercial sites flanking it are required to comply with the New Town open space standards articulated in the New Town Discovery Park Boulevard guidelines.

Parking Areas

On street parking is to be parallel and integrated with the building configurations and pedestrian ways to create a coordinated network that prioritizes pedestrian circulation and safety and/or reinforces building entrances.

Parking fields or lots should be arranged in groupings of no more than 40 parking spaces without a landscaped edge separating it from an adjacent street or parking field. Landscaping along the perimeter of each field should be designed to screen the front grilles of vehicles, such as hedges with a minimum height of 30".

Landscaping of attached and multifamily structures, commercial, public and mixed use buildings shall contain landscaping per James City County ordinance standards, but may be considered for reductions or modifications to these standards on a case-by-case basis. Waivers may be granted to minimum landscape quantities when provisions are made for the addition of outdoor furnishings, site structures and hardscaping that would offset the need for additional landscaping.

Neighborhood, urban and pocket parks

Whenever possible, existing natural features such as wetlands and ravines, high points of topography or special groupings of existing trees should serve as the basis for neighborhood open space. Designed open spaces should possess individual character in their scale and articulation and by the uses which front them. The landscape of each open space should reflect its internal character and use. In general, the landscape of open spaces should define its edges, acting to define an "outdoor room".

A pedestrian trail is to be provided that is punctuated by resting areas at locations with particular views or features, designed for the use of residents of the east and west parcels. These areas should include site furniture and screening landscaping where needed.

As one of these resting areas, the west parcel shall contain a passive park of open space size equal to or greater than approximately two residential lots.

Where possible, storm water retention facilities should be incorporated in the park planning to provide natural features (such as ponds) and landscaping to complement the open spaces and/or provide an edge for the pedestrian trail.

Smaller urban and pocket parks are to be incorporated in the east parcel. To complement the land planning of this parcel, these parks should be more formal in character, incorporating formal geometry and perimeter edges that create the sense of an “outdoor room”.

The pedestrian trail should integrate with the sidewalk system in the east parcel such that a continuous pedestrian route can be traversed along the trail and sidewalks, and through (or by) the urban and pocket parks without utilizing vehicular streets except for crossing.

A transitional buffer provided between Sections 7 and 8 and this proposed develop is to be maintained and enhanced. The existing 50’ buffer within Sections 7 and 8 is to be complemented with a minimum 100’ buffer within the proposed development. The existing forested vegetation, which is well established, is to be retained. Where needed by adjacent clearing for site development, understory plantings may be required at the edge of clearing. No pedestrian connection to Sections 7 and 8, planned or informal, is to be allowed along this buffer.

SITE LIGHTING

All lighting is to be designed and/or selected to meet the requirements of James City County Standards. Architecturally, site Lighting shall consist of two different types of fixtures:

- Lighting for parking and security - this lighting is for general visibility and security and should be tall and pole-mounted (30’ maximum). These fixtures may be contemporary in nature and are not intended to be architectural elements in-and-of themselves.
- Lighting for pedestrians should consist of decorative building-mounted fixtures, bollard-type fixtures and/or landscape mounted. These fixtures are intended to reinforce the overall architectural expression of the buildings and landscaping and should be arranged to help guide pedestrian movement about the site.

SIGNAGE

All signage recommendations shall be subject to the provisions of Article II, Division 3 of the James City County Zoning Ordinance.

Building mounted signs and free-standing signs will comply with the James City County Zoning Ordinance for sign location and construction. Wall mounted signage should be integrated with and/or be properly proportionate to the architecture of the building. They are to be mounted flat upon the facade or with "stand-offs" no greater than 6".

A free-standing sign for the development, if provided, is to be located at the end of Discovery Park Boulevard. This sign is to be monument style and designed to promote visual unity within the development. Individual letters in signs may be internally lit. Its size and scale should be in keeping with established monument signs on the corridor (e.g. Settlers Market and Courthouse Commons).

Other signs, when illuminated, must be externally lit. "Halo" lighting of individual letter signs (where the letters are opaque but an internal light washes the background of the letters) are acceptable as externally lit signage.

Way-finding signage is encouraged, but subject to regulation by the zoning administrator per James City County Zoning Ordinance, Section 24-73. Lettering and mounting height should be sized to assist the pedestrian in finding a building entrance, or a driver of a vehicle to find a parking space. Number and size of such signage is not specifically dictated but should be kept to the minimum number necessary and clearly subservient to other site signage. Generally, lettering should not be over 4" in height, and logos of that same size are permissible but shall not dominate the message of the sign. Street signs and traffic control signs within State right-of-way will utilize the New Town models, subject to VDOT approval.

Figure 17: Example of acceptable signage and site lighting

Traffic Impact Analysis

Westwood Park Development

James City County, Virginia

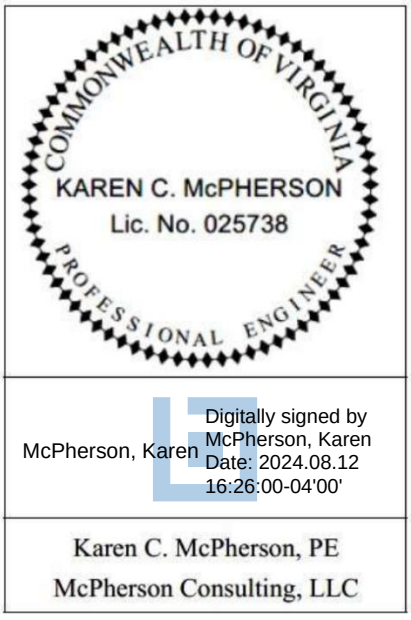
PREPARED FOR

AES Consulting Engineers, LLC
5248 Olde Towne Road Suite 1
Williamsburg, VA 23188

PREPARED BY

Vanasse Hangen Brustlin (VHB), Inc.
4500 Main Street, Suite 400
Virginia Beach, VA 23462

8/12/2024



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Executive Summary

The proposed Westwood Park mixed use development is located in James City County on the northern termini of Discovery Park Boulevard. This proposed development is an extension to an overall Newtown Development where the site is located on Eastern State Parcel C. **Figure 1** illustrates the study area and the five study area intersections that were agreed upon during the scoping meeting that occurred on July 22, 2022. **Figure 2** illustrates the proposed Westwood Park Development site plan.

McPherson Consulting, LLC (McPherson) was retained to perform a traffic impact analysis. In May 2024, McPherson Consulting merged with VHB. This updated TIA is being prepared by VHB to addressed minor changes to unit counts along with VDOT comments. The Virginia Department of Transportation (VDOT) maintains the roadways within James City County; therefore, this report has been prepared for review and approval by both James City County and VDOT based on criteria outlined in the Chapter 527 guidelines. The study will evaluate existing and future traffic conditions, and make recommendations to mitigate traffic impacts, if necessary, within the proposed study area.

Based on the level of development, the following recommendations are proposed for the study area:

Ironbound Road / Discovery Park Boulevard

- Maintain existing laneage.
- Provide optimized signal timings.

Ironbound Road / Monticello Avenue

- Maintain existing laneage.
- Provide optimized signal timings.

Monticello Avenue / Courthouse Street

- Maintain existing laneage.
- Provide optimized signal timings.

Monticello Avenue / Casey Boulevard / Ironbound Road

- Maintain existing laneage.
- Provide optimized signal timings.

Discovery Park Boulevard / Casey Boulevard

- Maintain existing laneage.

1 Introduction

1.1 Project History and Background

The proposed Westwood Park mixed-use development is located in James City County on the northern termini of Discovery Park Boulevard. **Figure 1** illustrates the study area and the five study area intersections that were agreed upon during the scoping meeting that took place on July 22, 2022. **Figure 2** illustrates the proposed Westwood Park Development site plan. For this study, Ironbound Road and Casey Boulevard are oriented in a north/south direction, and Monticello Avenue and Discovery Park Road are oriented in an approximate east/west direction.

VHB was retained to perform a traffic impact analysis for the proposed development. VDOT maintains the roadways within James City County; therefore, this report has been prepared for review and approval by both James City County and VDOT based on criteria outlined in the Chapter 527 guidelines. The study will evaluate existing and future traffic conditions, and make recommendations to mitigate traffic impacts, if necessary, within the proposed study area.

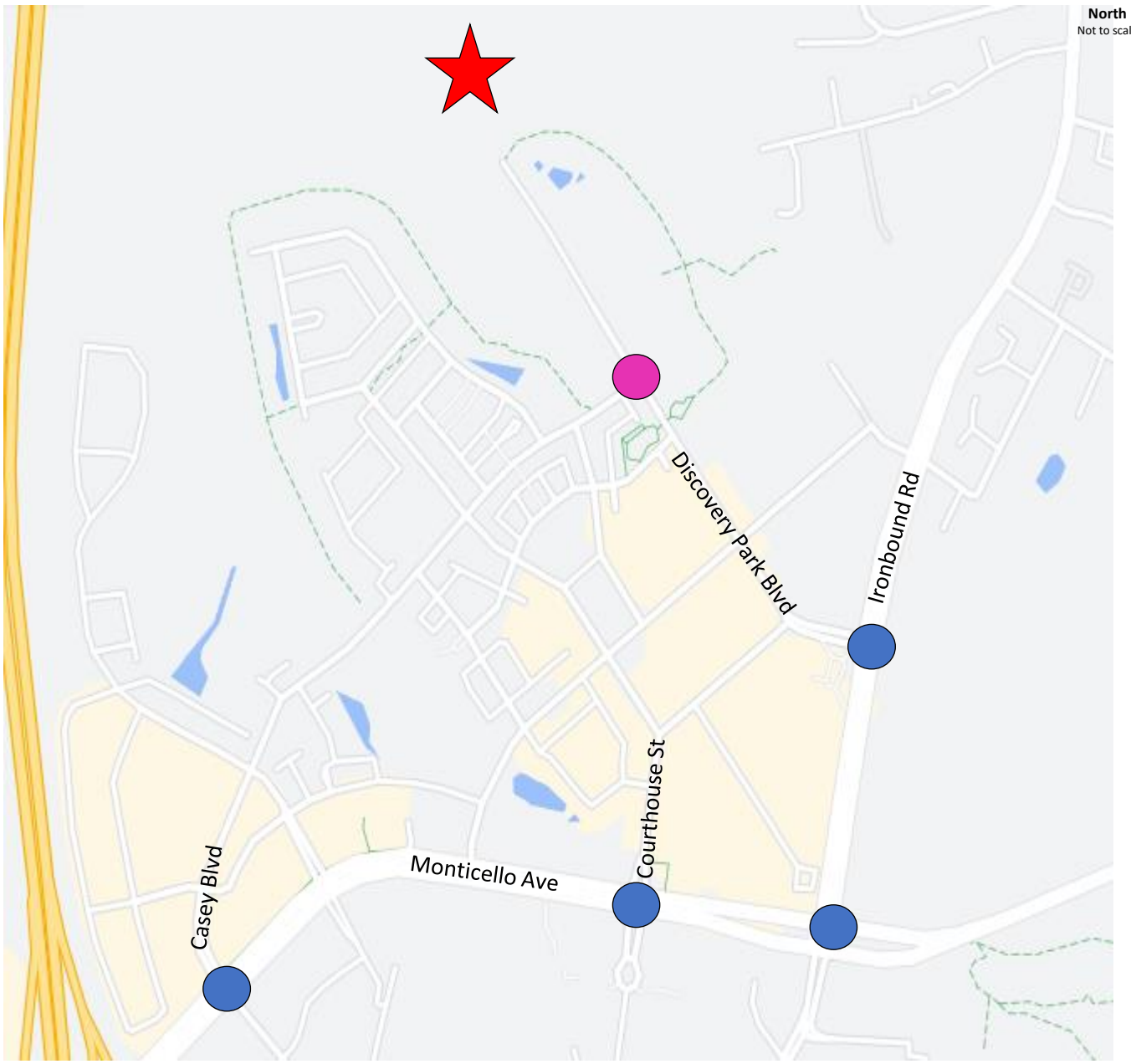
Assumptions regarding the study area, count data, traffic generation, trip distribution patterns, and analysis scenarios were discussed with VDOT and James City County and are documented in the Scoping Meeting documents included in the **Appendix**. The scoping meeting occurred on July 21, 2022. Since, several revisions have taken place on assumptions with the initial proposal to include the following:

Updated Scoping form included in appendix to reflect internal capture at 20%, no change to analysis

Background developments updated to include Ironbound Crossing Development site traffic.

Background developments updated to include unbuilt Sections 7,8,9 of New Town Development.

Study Area



Legend

- Site Location
- Study Area Intersection Signalized
- Study Area Intersection Unsignalized

SITE DATA (BASED UPON CONCEPT):
TOTAL SITE AREA=
3,551,447 S.F.; 81.53 AC±
ANTICIPATED DISTURBED AREA=
2,069,100 S.F.; 47.5 AC±
(58.3% OF TOTAL SITE)
ANTICIPATED IMPERVIOUS COVER=
763,561 S.F.; 17.5 AC±
(21.5% OF TOTAL SITE)
COMMERCIAL=
326,700 S.F.; 7.5 AC±
SINGLE FAMILY IMPERVIOUS COVER=
435,600 S.F.; 10.0 AC±
UNDISTURBED OPEN AREA =
1,507,176 S.F.; 34.03 AC±
(41.7% OF TOTAL SITE)

Rev.	Date	Description	Revised By
2.	6/3/24	REVISED PER JCC STAFF COMMENTS	JAG
1.	1/11/24	REVISED PER JCC STAFF COMMENTS	JAG

WEST PARCEL
EAST PARCEL
COMMERCIAL
COMMERCIAL
Route 199
ROLLISON DRIVE
NEW TOWN
SECTION 6
DISCOVERY PA
75'

HOPKE / HARRISON, Inc.
Architecture • Planning • Interiors

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

REZONING PLAN
FOR
WESTWOOD PARK
JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA

Project Contacts:	JAG
Project Number:	W10634-00
Scale: 1"=100'	Date: 02/15/2023
Sheet Title: CONCEPTUAL MASTER PLAN	
Sheet Number	MP 3.1

S:\2023\W10634 - Eastern State\00 - Comp Plan Update\Planning\Master Planning\W10634-00_MP 3.1 Conceptual Master Plan.dwg, 6/6/2024 1:55:39 PM, Marcin Pigan

1.2 Study Area

The study area for this analysis includes the following roadways and intersections as illustrated in **Figure 1**:

Roadways:

- Casey Boulevard
- Discovery Park Boulevard

Intersections:

- Ironbound Road / Discovery Park Boulevard (signalized)
- Ironbound Road / Monticello Avenue (signalized)
- Monticello Avenue / Courthouse Street (signalized)
- Monticello Avenue / Casey Boulevard / Ironbound Road (signalized)
- Discovery Park Boulevard / Casey Boulevard (unsignalized)

Study area roadways and intersections were identified and agreed upon by VDOT and James City County staff during the scoping meeting.

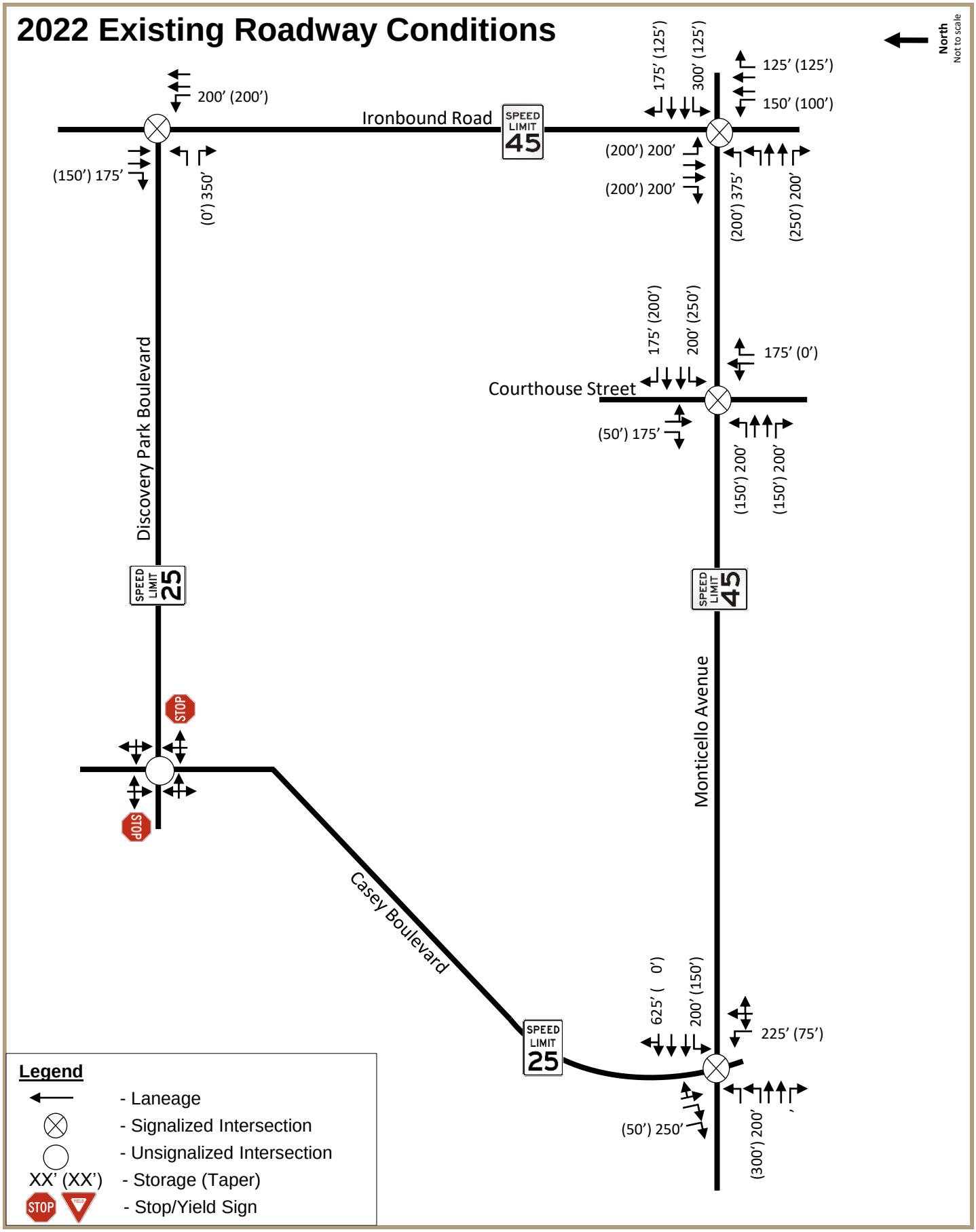
1.3 Existing Land Use

The Westwood Park Development is currently zoned as PL-Public Lands and is currently vacant. Within the immediate area of the Westwood Park Development is an established mixed-use development with numerous residential several local commercial and office developments, various retail businesses, medical offices, banks, and restaurants.

1.4 Existing Conditions

Discovery Park Boulevard will serve as the local direct roadway connection to Westwood Park with multiple connections to the external roadway network. Discovery Park Boulevard creates a signalized T-intersection with Ironbound Road. Within the Westwood Park Development, Discovery Park Boulevard has an unsignalized intersection with Casey Boulevard. Casey Boulevard extends south to a signalized intersection with Monticello Avenue. Approximately 1,100’ east of this signalized intersection is Monticello Avenue has and interchange with Route 199. Existing roadway conditions (laneage, storage, taper, and speed limits) are illustrated in **Figure 3**.

2022 Existing Roadway Conditions



The following provides a short description of the study area roadways:

Discovery Park Boulevard – has a varying cross section; west of Casey Boulevard, Discovery Park Boulevard is a two-lane, undivided roadway with on-street parking. East of Casey Boulevard, Discovery Park Boulevard has a 3-lane section with dedicated bicycle lanes. Discovery Park Boulevard has a posted speed limit of 25 miles per hour (mph) with an average daily traffic (ADT) of approximately 3,800 vehicles per day (vpd) as obtained from actual study area counts.

Ironbound Road – is a four-lane, divided major arterial north of Monticello Avenue. This section of Ironbound Road has a posted speed limit of 45 mph and an ADT of 12,000 vpd per *VDOT 2022 Annual Average Daily Traffic Volumes Estimate*.

Monticello Avenue – is a four-lane, divided major arterial in the immediate vicinity of the proposed project location that extends form Route 199 (Humelsine Parkway) to Ironbound Road in the eastern end of this study area. This roadway has a posted speed limit of 45 mph and an ADT of 30,000 vpd per *VDOT 2022 Annual Average Daily Traffic Volumes Estimate*.

Casey Boulevard – is a two-lane, undivided local roadway within the Westwood Park Development that connects Discovery Park Boulevard to Monticello Avenue. On-street parking and dedicated bicycle lanes are provided in some sections where space is available. Casey Boulevard has a posted speed limit of 25 mph and an ADT of 2,900 vpd as obtained from actual study area counts.

2

Analysis of Existing Conditions

2.1 Capacity Analyses at Critical Points

Intersection turning movement counts were used in conjunction with the number of lanes and traffic operations at each study intersection to determine existing and future levels of service. Level of service (LOS) describes traffic conditions—the amount of traffic congestion—at an intersection or on a roadway. **Table 1** shows the LOS and delay range for signalized and unsignalized intersections.

Table 1 Levels of Service and Ranges of Delay

LOS	Delay per Vehicle (seconds per vehicle)	
	Signalized	**Unsignalized**
A	≤ 10	≤ 10
B	> 10 - 20	> 10 - 15
C	> 20 - 35	> 15 - 25
D	> 35 - 55	> 25 - 35
E	> 55 - 80	> 35 - 50
F	> 80	> 50

2.2 Turning Movement Counts (TMCs)

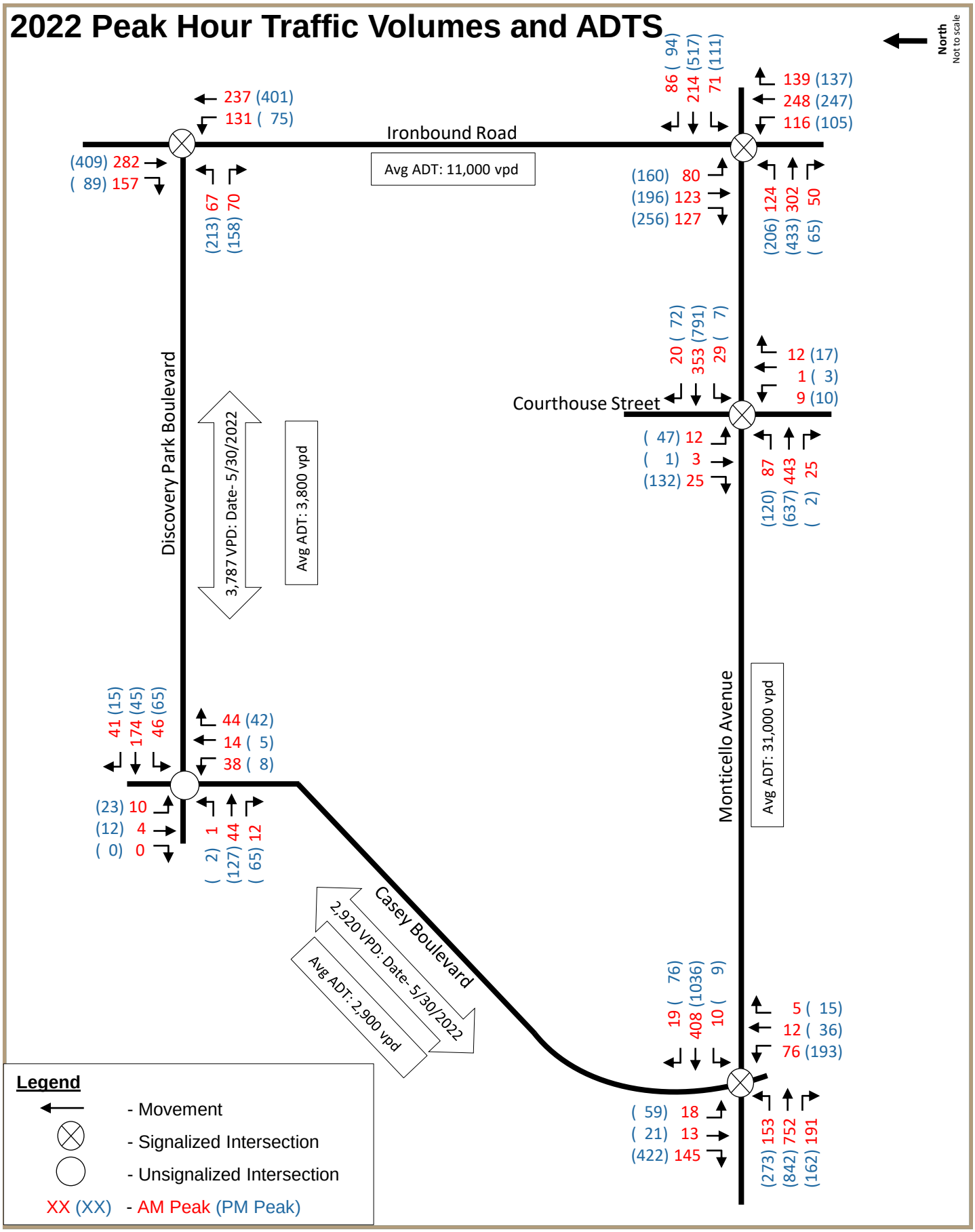
TMCs were collected by Data Collection Group at each of the following study area intersections on June 2, 2022, during the AM (7:00 to 9:00) and PM (4:00 to 6:00) peak periods:

- Ironbound Road / Discovery Park Boulevard
- Ironbound Road / Monticello Avenue
- Monticello Avenue / Courthouse Street
- Monticello Avenue / Casey Boulevard / Ironbound Road
- Discovery Park Boulevard / Casey Boulevard

2.3 Average Daily Traffic (ADT) Counts

Historic ADT counts from the VDOT *2021 Historic Average Daily Traffic Counts book* were collected for both Ironbound Road and Monticello Avenue. ADT counts were collected along Casey Boulevard and Discovery Park Boulevard to capture current travel patterns within the internal roadway network.

The TMC collected data is illustrated in **Figure 4** for the AM and PM peak periods at the study area intersections along with the location of the ADT data.


2022 Peak Hour Traffic Volumes and ADTS
North
Not to scale
Ironbound Road
Avg ADT: 11,000 vpd
Discovery Park Boulevard
3,787 VPD: Date- 5/30/2022
Avg ADT: 3,800 vpd
Courthouse Street
Monticello Avenue
Avg ADT: 31,000 vpd
Casey Boulevard
2,920 VPD: Date- 5/30/2022
Avg ADT: 2,900 vpd
237 (401)
131 (75)
(409) 282
(89) 157
(213) 67
(158) 70
86 (94)
214 (517)
71 (111)
139 (137)
248 (247)
116 (105)
(160) 80
(196) 123
(256) 127
(206) 124
(433) 302
(65) 50
20 (72)
353 (791)
29 (7)
12 (17)
1 (3)
9 (10)
(47) 12
(1) 3
(132) 25
(120) 87
(637) 443
(2) 25
41 (15)
174 (45)
46 (65)
44 (42)
14 (5)
38 (8)
(23) 10
(12) 4
(0) 0
(2) 1
(127) 44
(65) 12
19 (76)
408 (1036)
10 (9)
5 (15)
12 (36)
76 (193)
(59) 18
(21) 13
(422) 145
(273) 153
(842) 752
(162) 191
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XX (XX) - AM Peak (PM Peak)

2.4 Capacity and Levels of Service Analyses at Critical Points

Capacity analyses for the AM and PM peak hours were performed for the existing conditions for each study area intersection. Analyses were completed to determine the operating characteristics using *Synchro Professional 11.1*, which uses methodologies contained in the *2000 Highway Capacity Manual (HCM) [TRB Special Report 209, 2000]* and *HCM 6th Edition*.

Level of service analyses for the study area intersections were performed using optimized signal timings assuming coordination along Ironbound Road and Monticello Avenue. To compare operations among various scenarios, detailed analyses are illustrated in Chapter 6 to provide a side-by-side comparison.

3

Future Conditions without Development

Background traffic growth is the increase in traffic volumes due to usage increase and non-specific growth throughout an area. One method of determining reasonable growth rates for an area is to research past traffic counts for a roadway or intersection and review historical data or use knowledge of the surrounding area. After reviewing VDOT historical count data, it was noted that the traffic growth was relatively flat. However, based on discussion during the scoping meeting, stakeholders agreed to use a 1% annual growth rate to project the 2026 and 2032 Background traffic volumes.

3.1 Approved Development

In addition to an annual growth rate, VDOT requested approved developments be considered and then combined with annual growth to establish background conditions. Traffic generated from the following development is included in the background condition.

- Ironbound Crossing Development
- New Town- Sections 7,8 and 9

The trip generation and assignment for these two developments were obtained from the County.

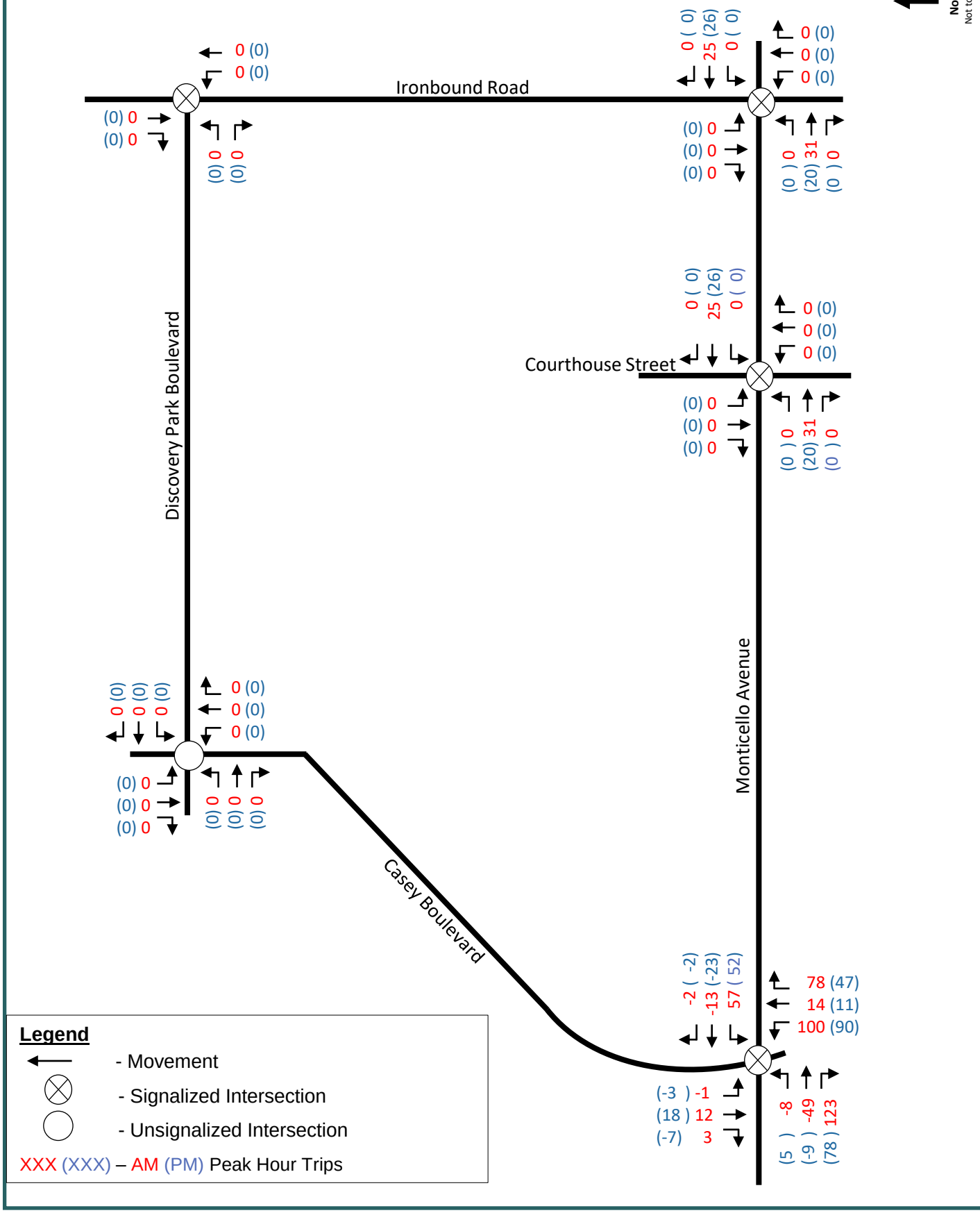
3.2 Growth Rate

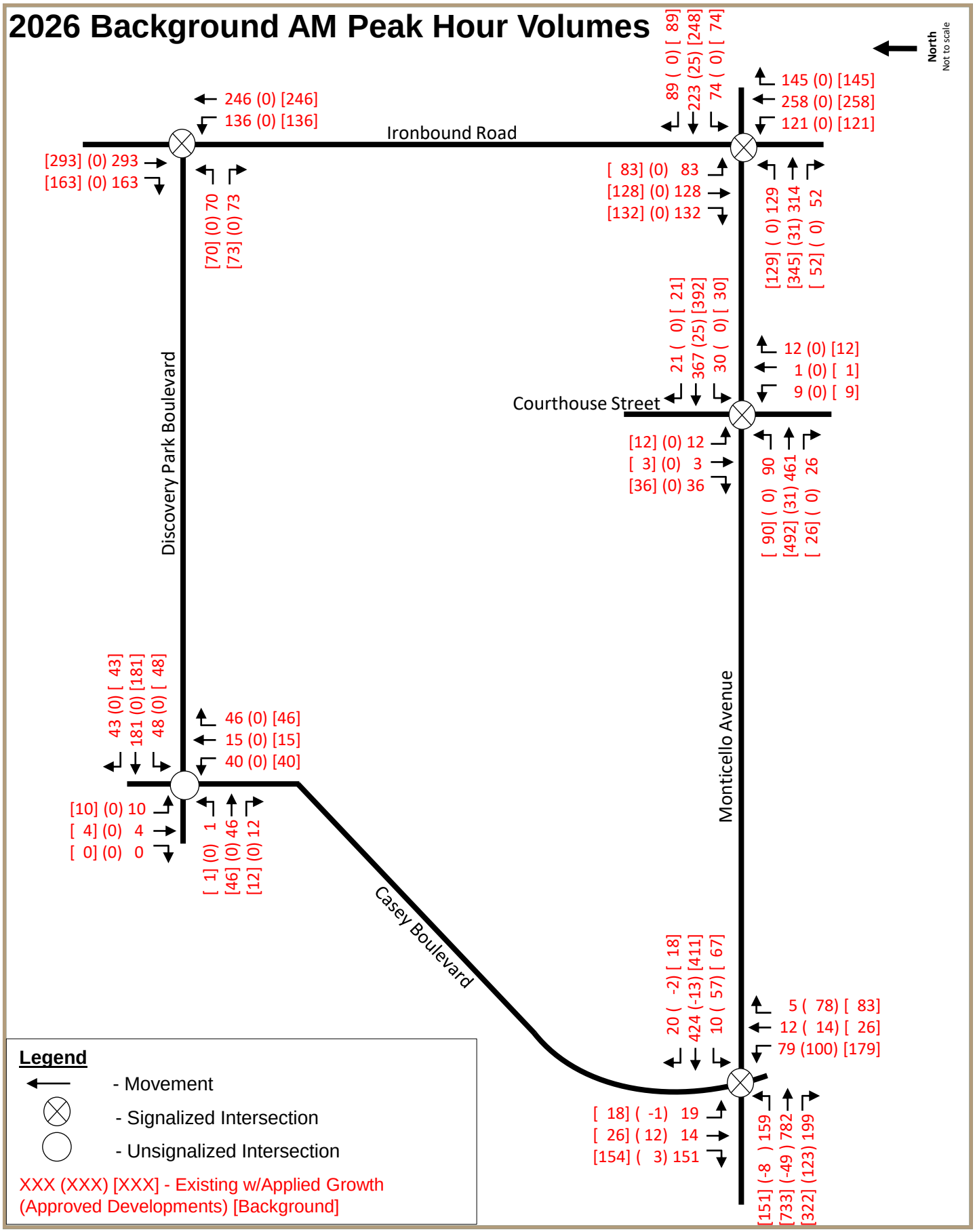
The agreed upon 1% annual growth rate was applied to the 2022 data over a period of four years and 10 years, resulting in a factor of 1.04 and 1.10 to generate the 2026 and 2032 background year volumes, respectively when combines with the approved developments site generated traffic. The assignment from each study is provided in the **Appendix** and the total approved development traffic is illustrated in **Figure 5.**

The following figures illustrate the study intersections background condition volumes for the AM and PM peak hours:

- **Figure 6** – 2026 Background Traffic Volumes (AM)
- **Figure 7** – 2026 Background Traffic Volumes (PM)
- **Figure 8** – 2032 Background Traffic Volumes (AM)
- **Figure 9** – 2032 Background Traffic Volumes (PM)

Approved Developments: *Total*




2026 Background AM Peak Hour Volumes
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
246 (0) [246]
136 (0) [136]
[293] (0) 293
[163] (0) 163
[70] (0) 70
[73] (0) 73
89 (0) [89]
223 (25) [248]
74 (0) [74]
145 (0) [145]
258 (0) [258]
121 (0) [121]
[83] (0) 83
[128] (0) 128
[132] (0) 132
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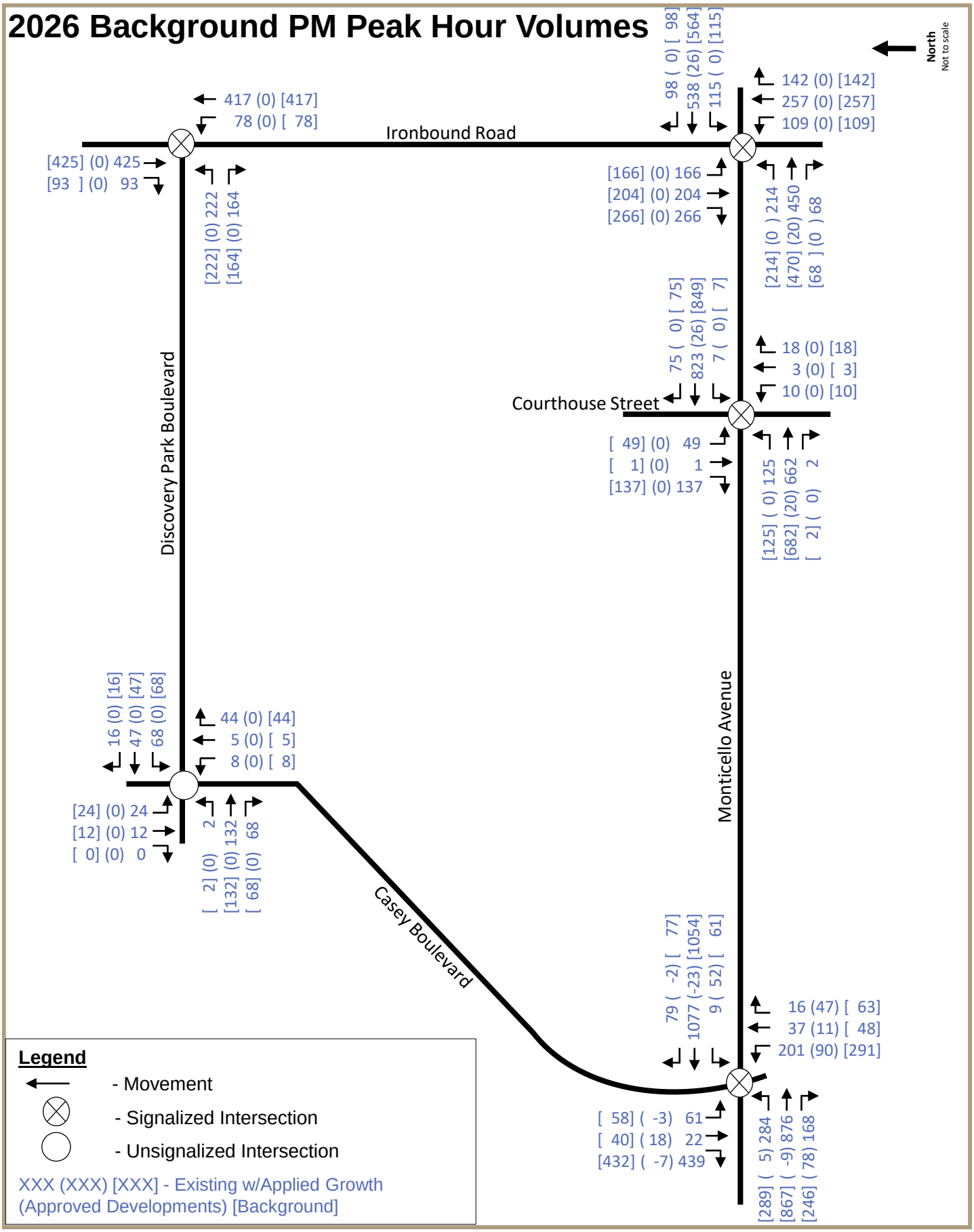
367 (25) [392]
30 (0) [30]
12 (0) [12]
1 (0) [1]
9 (0) [9]
[12] (0) 12
[3] (0) 3
[36] (0) 36
[90] (0) 90
[492] (31) 461
[26] (0) 26
43 (0) [43]
181 (0) [181]
48 (0) [48]
46 (0) [46]
15 (0) [15]
40 (0) [40]
[10] (0) 10
[4] (0) 4
[0] (0) 0
[1] (0) 1
[46] (0) 46
[12] (0) 12
20 (-2) [18]
424 (-13) [411]
10 (57) [67]
5 (78) [83]
12 (14) [26]
79 (100) [179]
[18] (-1) 19
[26] (12) 14
[154] (3) 151
[151] (-8) 159
[733] (-49) 782
[322] (123) 199
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] - Existing w/Applied Growth
(Approved Developments) [Background]


2026 Background PM Peak Hour Volumes
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
417 (0) [417]
78 (0) [78]
[425] (0) 425
[93] (0) 93
[222] (0) 222
[164] (0) 164
98 (0) [98]
538 (26) [564]
115 (0) [115]
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823 (26) [849]
7 (0) [7]
18 (0) [18]
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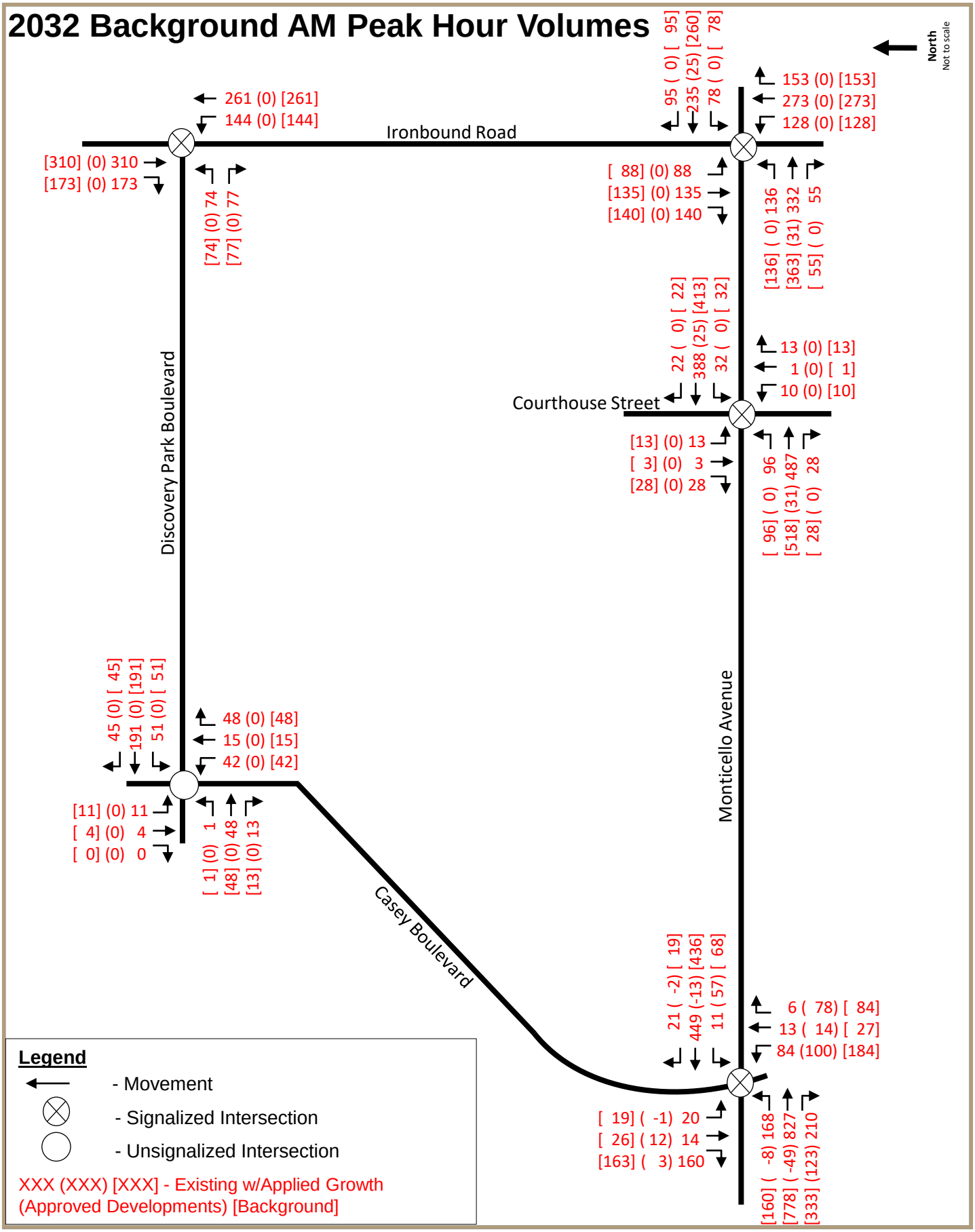
68 (0) [68]
44 (0) [44]
5 (0) [5]
8 (0) [8]
[24] (0) 24
[12] (0) 12
[0] (0) 0
[2] (0) 2
[132] (0) 132
[68] (0) 68
79 (-2) [77]
1077 (-23) [1054]
9 (52) [61]
16 (47) [63]
37 (11) [48]
201 (90) [291]
[58] (-3) 61
[40] (18) 22
[432] (-7) 439
[289] (5) 284
[867] (-9) 876
[246] (78) 168
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] - Existing w/Applied Growth
(Approved Developments) [Background]


2032 Background AM Peak Hour Volumes
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
261 (0) [261]
144 (0) [144]
[310] (0) 310
[173] (0) 173
[74] (0) 74
[77] (0) 77
95 (0) [95]
235 (25) [260]
78 (0) [78]
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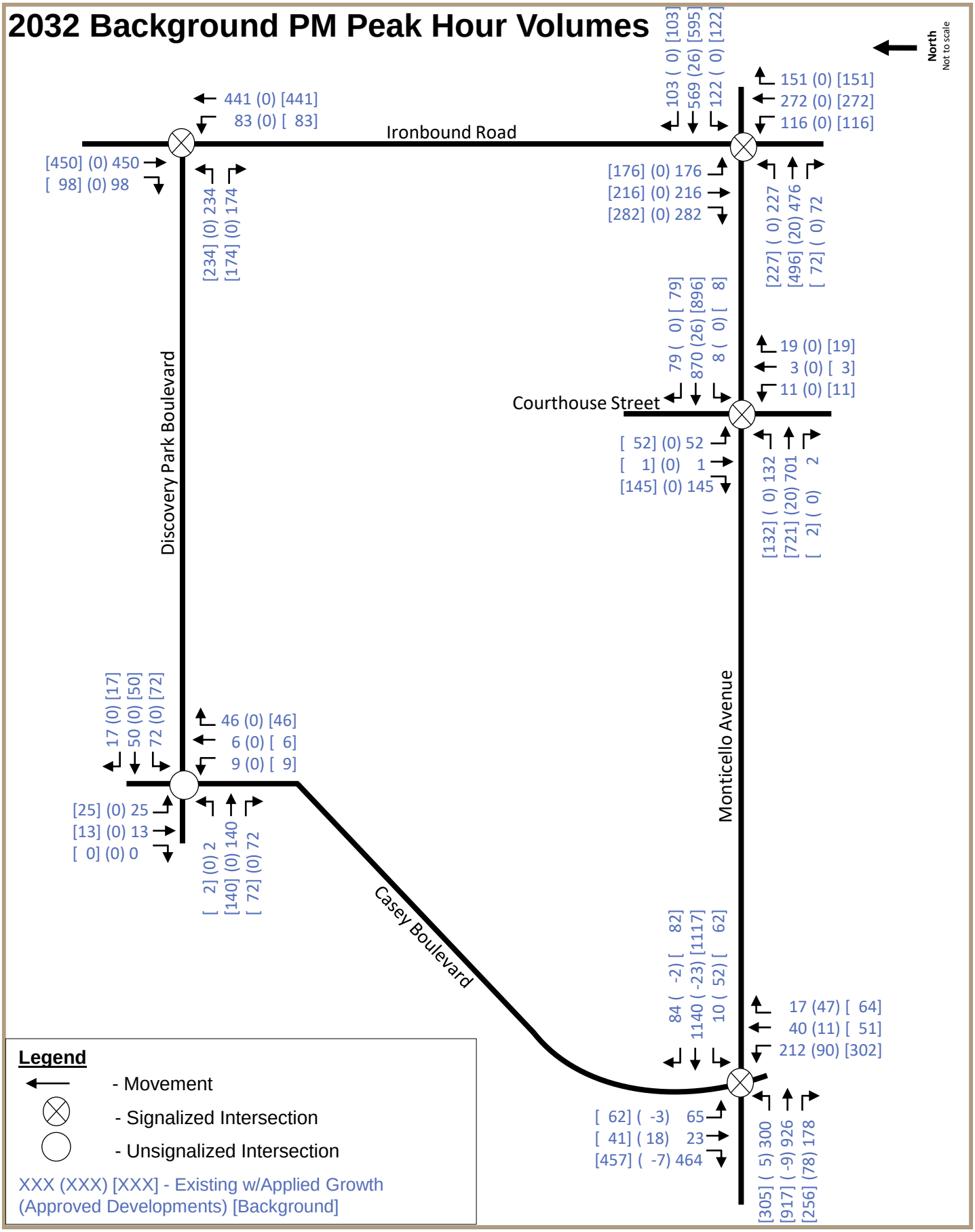
21 (-2) [19]
449 (-13) [436]
11 (57) [68]
6 (78) [84]
13 (14) [27]
84 (100) [184]
[19] (-1) 20
[26] (12) 14
[163] (3) 160
[160] (-8) 168
[778] (-49) 827
[333] (123) 210
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] - Existing w/Applied Growth
(Approved Developments) [Background]

2032 Background PM Peak Hour Volumes



4

Trip Generation

4.1 Trip Generation

Traffic generated by the proposed development was determined using trip generation methodology contained in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition,* 2021.

Per the VDOT TOSAM, trip generation is calculated using, the Average Rate (R), provided by the ITE Trip Generation Manual, when the R squared value was greater than or equal to 0.80. When the R squared value was less than 0.80, the Fitted Curve Equation (E), provided by the ITE Trip Generation Manual was utilized.

Table 2 summarizes the site generated traffic with the proposed rezoning.

Table 2 Westwood Park Trip Generation

Land use (code)	Variable (units)	Daily			AM Peak			PM Peak		
		E/R	In	Out	E/R	In	Out	E/R	In	Out
Single Family Detached Housing (210)	86 units	R	406	405	R	15	45	R	51	30
Senior Adult Housing | Multifamily (252)	100 units	R	337	337	E	13	41	R	32	19
Residential Total		**-**	**743**	**742**	**-**	**28**	**86**	**-**	**83**	**49**
General Office Building (710)	162 empl.	R	270	270	R	70	9	R	12	61
Office Total		**-**	**270**	**270**	**-**	**70**	**9**	**-**	**12**	**61**
Variety Store (814)	7 ksf	R	223	223	R	12	9	R	24	23
Fast Casual Restaurant (930)	4 ksf	R	195	194	R	3	3	E	31	25
Fast Casual Restaurant (930)	4 ksf	R	195	194	R	3	3	E	31	25
Fast-Food Restaurant without Drive-Through (933)	3 ksf	R	676	675	R	75	55	E	47	47
Commercial Total		**-**	**1,289**	**1,286**	**-**	**93**	**70**	**-**	**133**	**120**
Total		**-**	**2,302**	**2,298**	**-**	**191**	**165**	**-**	**228**	**230**

4.2 Internal Capture

Internal capture accounts for those motorists who access multiple land uses during a single trip and do not access the external roadway network.

The Westwood Park Development is envisioned as a mixed-use development with neighborhood commercial land uses. Based on the site's locations and existing commercial developments located along the primary external roadways (i.e., Ironbound Road and Monticello Avenue), a 20% internal capture will be applied to the number of vehicle trips to/from the external network but will be originating from the Newtown Development. This internal capture was agreed upon by VDOT and James City County during the scoping meeting.

4.3 Pass-by

Based on the nature of this development, no pass-by reductions were applied to the network as part of the trip assignment.

5

Site Traffic Distribution and Traffic Assignments

5.1 Trip Distribution

The directional distribution and assignment of trips generated by the proposed development is based on a review of existing intersection traffic volumes, an understanding of travel patterns within the study area, and discussions with VDOT and James City County staff during the scoping meeting.

Due to the different land use types, separate distributions were applied to the Residential/Office uses versus the Commercial uses. The overall external distribution applied to each land use illustrates how trips are distributed within the limits of study area as agreed upon during the scoping meeting and is outlined below:

Table 3 Westwood Park Trip Distribution

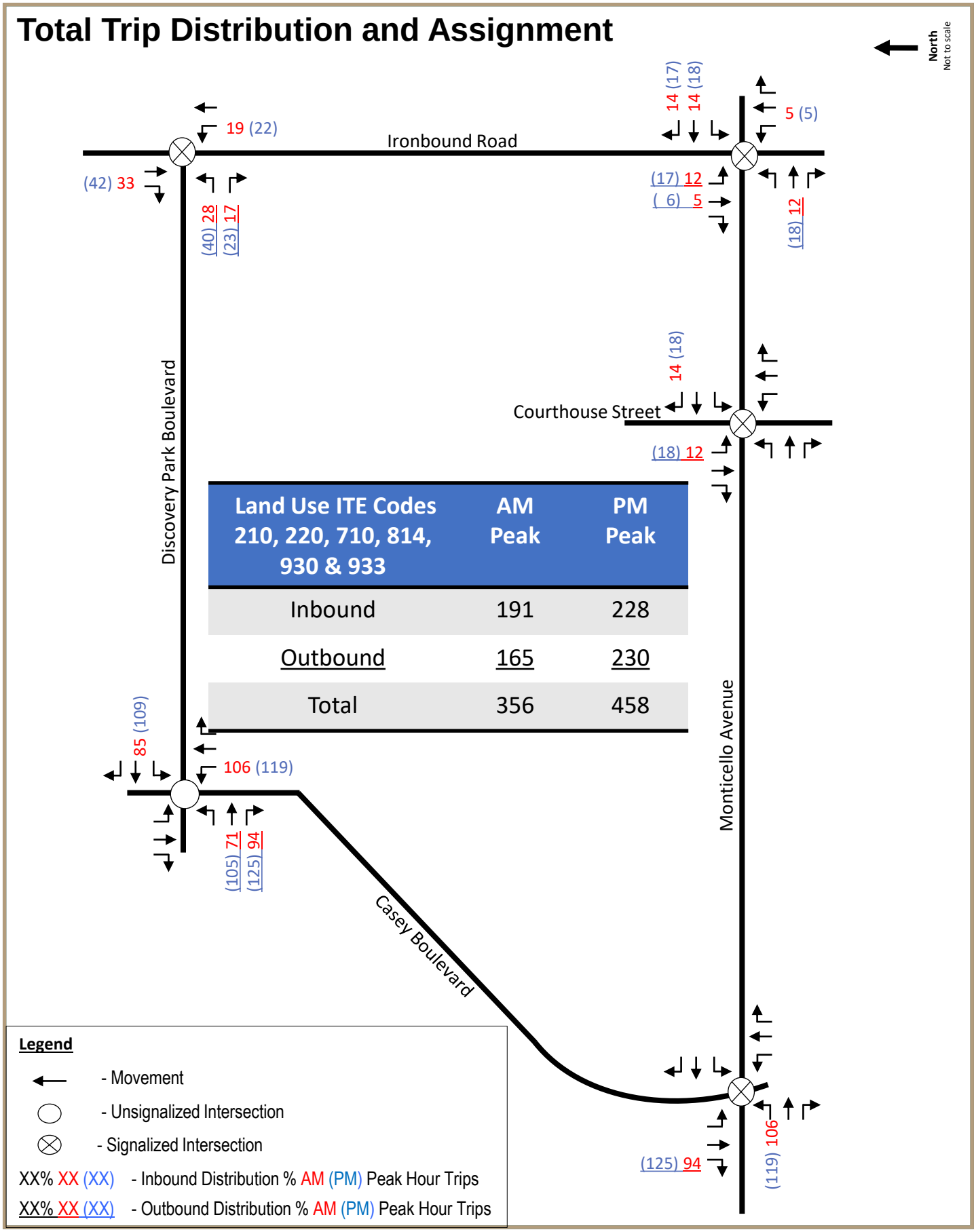
Origin/Destination	Residential	Office	Commercial
To/From North	15%	15%	20%
To/From South	5%	5%	0%
To/from East	10%	10%	20%
To/From West	70%	70%	40%
Internal Capture	0%	0%	20%

Detailed trip distribution for each land use type illustrating how trips are distributed beyond the study area to the regional network is included in the **Appendix**.

5.2 Trip Assignment

The trip distribution percentage outlined in **Table 3** for each land use was applied to the proposed trip generation outlined in **Table 2**. The detailed AM and PM peak hour trip assignments for each land use are provided in the **Appendix**. These trips were then combined to reflect the overall site generated traffic for the AM and PM peak periods for each of the study area intersections and are illustrated in **Figure 10**.

Total Trip Distribution and Assignment



Land Use ITE Codes 210, 220, 710, 814, 930 & 933	AM Peak	PM Peak
Inbound	191	228
Outbound	165	230
Total	356	458

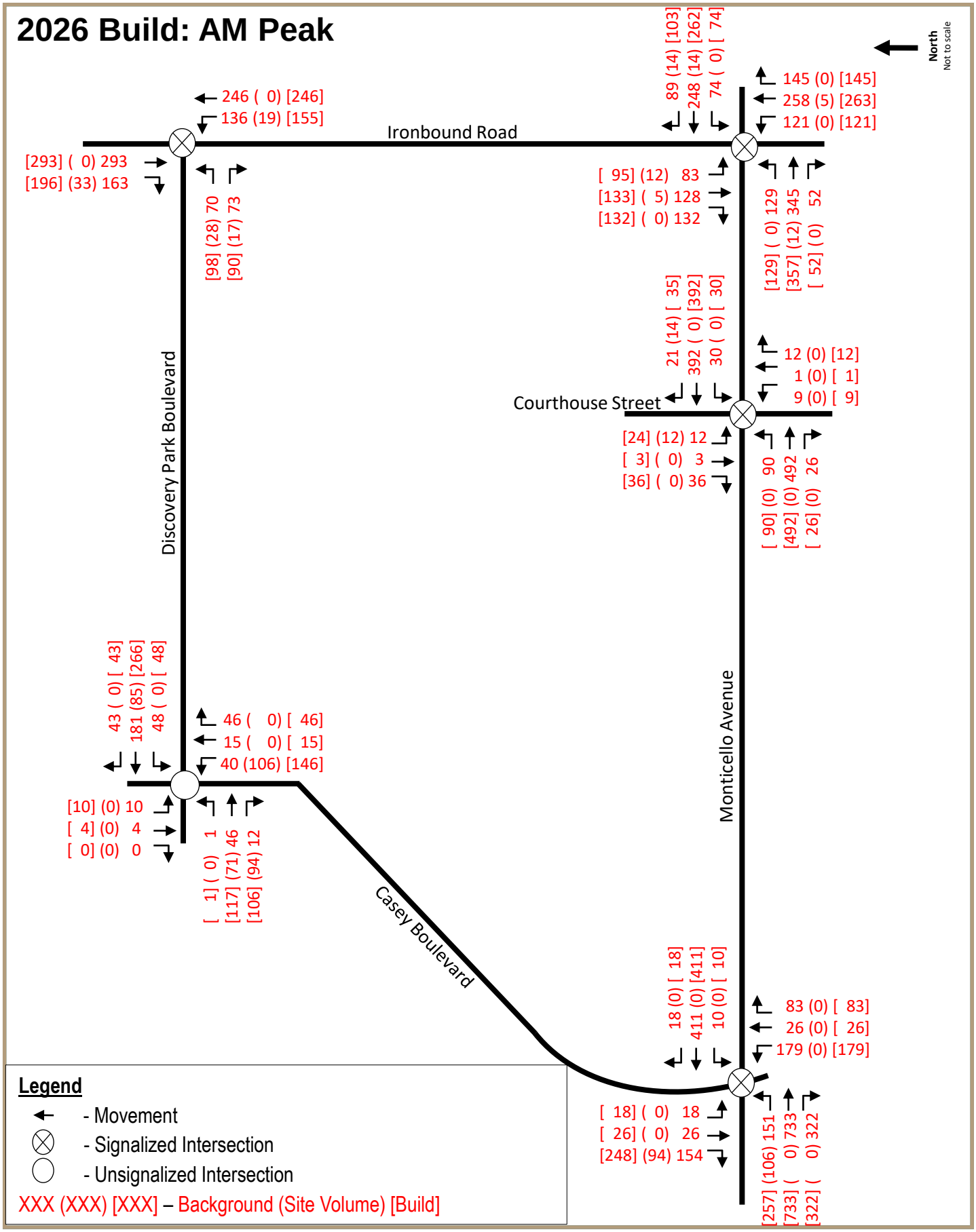
6

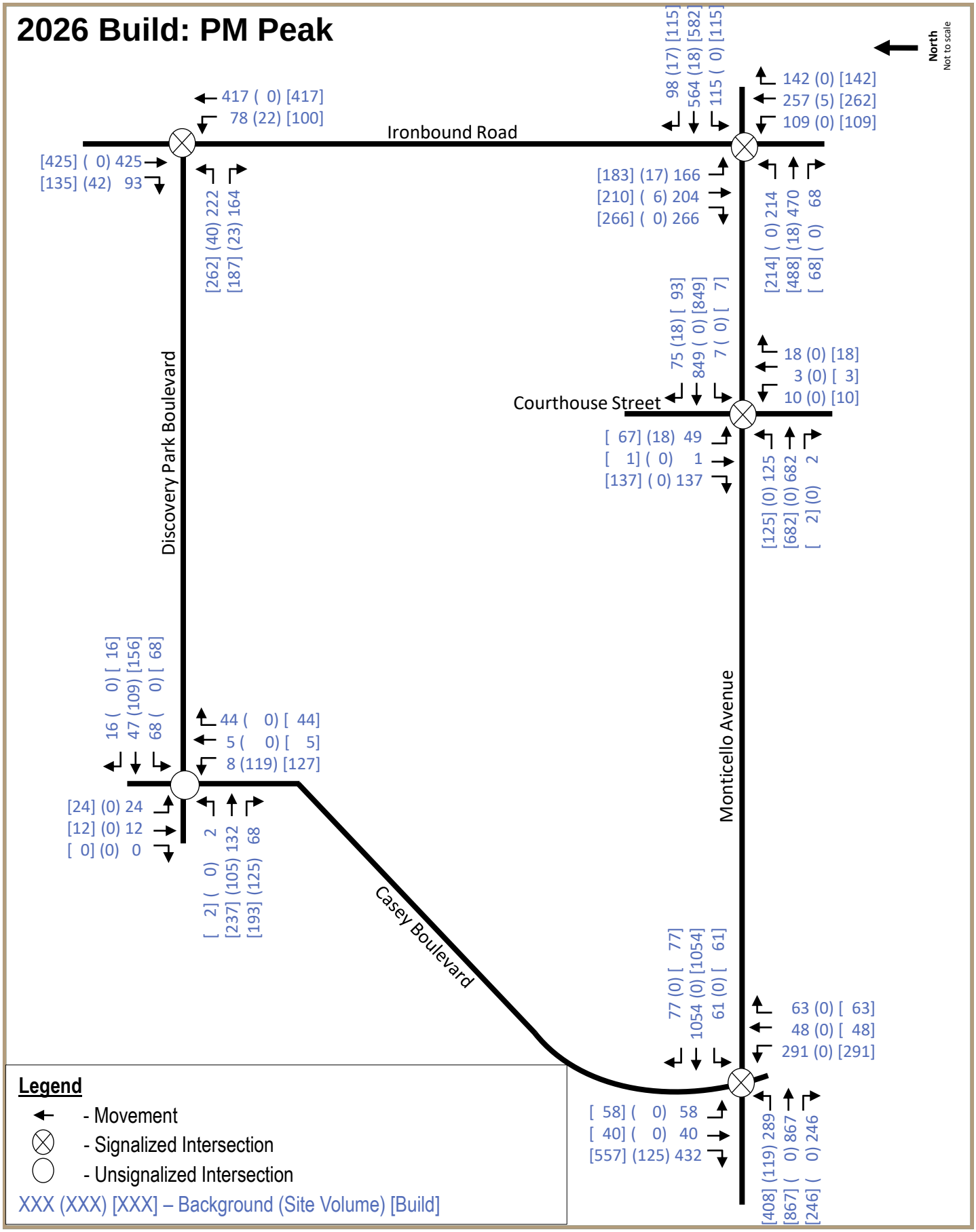
Future Conditions with Development

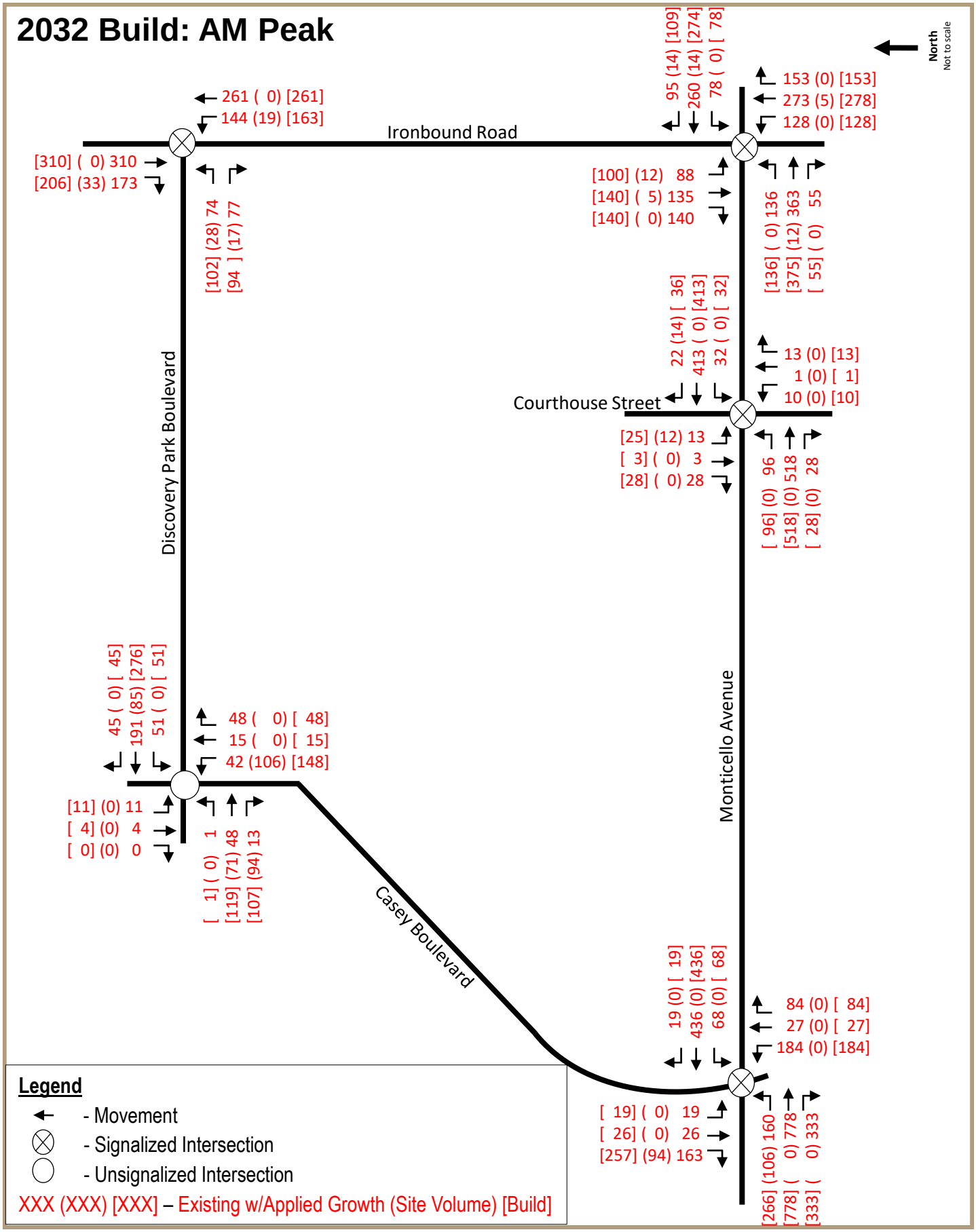
6.1 Future Traffic Volume

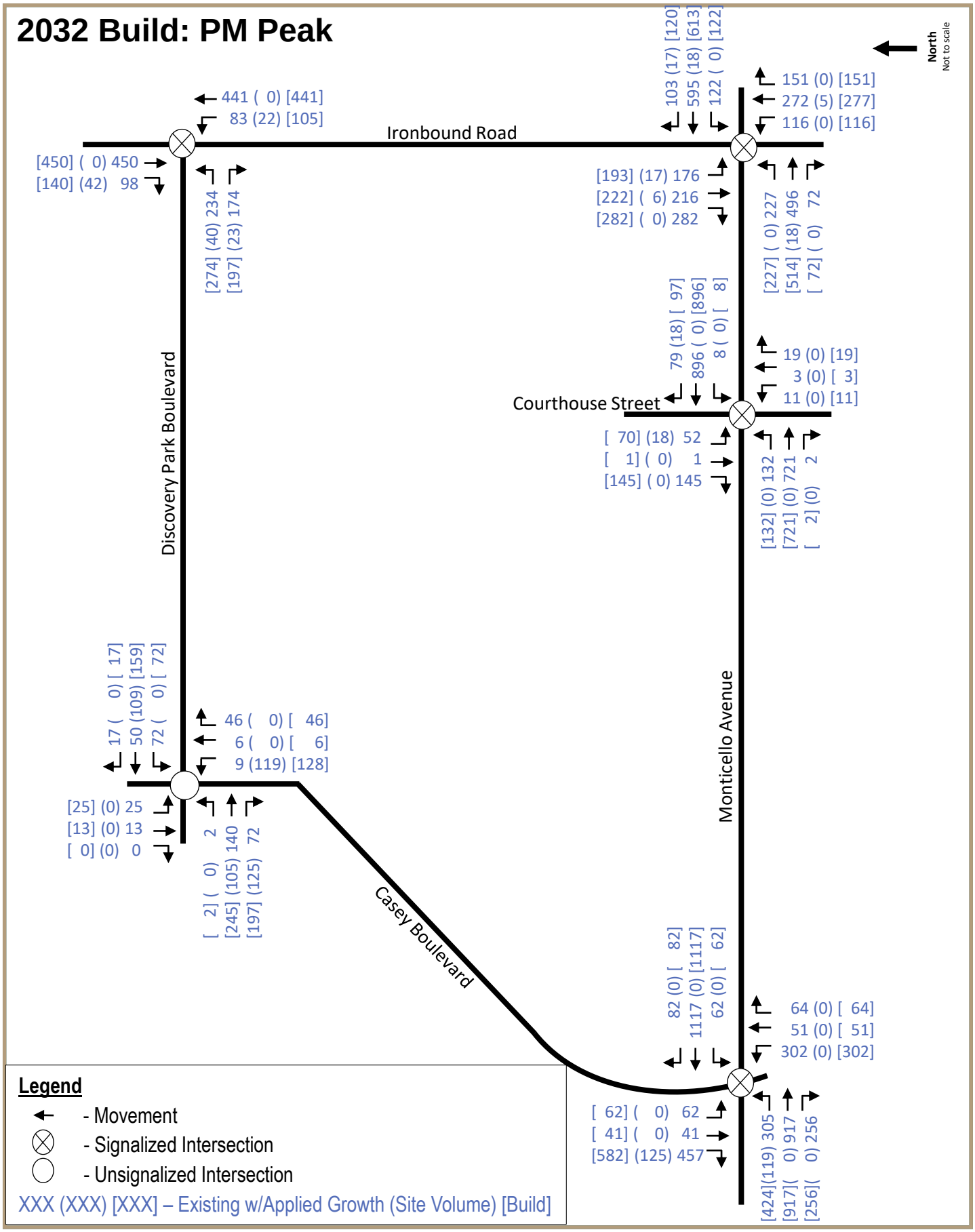
Total future traffic volumes represent the addition of traffic generated by the proposed Westwood Park Development in addition to the background traffic volumes. These resulting volumes are also referred to as "build" volumes. The future build conditions were generated by combining the 2026 and 2032 background conditions with the proposed volumes and are illustrated in the following figures:

- **Figure 11** – 2026 Build: AM Peak
- **Figure 12** – 2026 Build: PM Peak
- **Figure 13** – 2032 Build: AM Peak
- **Figure 14** – 2032 Build: PM Peak


2026 Build: AM Peak
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
246 (0) [246]
136 (19) [155]
[293] (0) 293
[196] (33) 163
[98] (28) 70
[90] (17) 73
89 (14) [103]
248 (14) [262]
74 (0) [74]
145 (0) [145]
258 (5) [263]
121 (0) [121]
[95] (12) 83
[133] (5) 128
[132] (0) 132
[129] (0) 129
[357] (12) 345
[52] (0) 52
21 (14) [35]
392 (0) [392]
30 (0) [30]
12 (0) [12]
1 (0) [1]
9 (0) [9]
[24] (12) 12
[3] (0) 3
[36] (0) 36
[90] (0) 90
[492] (0) 492
[26] (0) 26
43 (0) [43]
181 (85) [266]
48 (0) [48]
46 (0) [46]
15 (0) [15]
40 (106) [146]
[10] (0) 10
[4] (0) 4
[0] (0) 0
[1] (0) 1
[117] (71) 46
[106] (94) 12
18 (0) [18]
411 (0) [411]
10 (0) [10]
83 (0) [83]
26 (0) [26]
179 (0) [179]
[18] (0) 18
[26] (0) 26
[248] (94) 154
[257] (106) 151
[733] (0) 733
[322] (0) 322
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] – Background (Site Volume) [Build]


2026 Build: PM Peak
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
417 (0) [417]
78 (22) [100]
[425] (0) 425
[135] (42) 93
[262] (40) 222
[187] (23) 164
98 (17) [115]
564 (18) [582]
115 (0) [115]
142 (0) [142]
257 (5) [262]
109 (0) [109]
[183] (17) 166
[210] (6) 204
[266] (0) 266
[214] (0) 214
[488] (18) 470
[68] (0) 68
75 (18) [93]
849 (0) [849]
7 (0) [7]
18 (0) [18]
3 (0) [3]
10 (0) [10]
[67] (18) 49
[1] (0) 1
[137] (0) 137
[125] (0) 125
[682] (0) 682
[2] (0) 2
16 (0) [16]
47 (109) [156]
68 (0) [68]
44 (0) [44]
5 (0) [5]
8 (119) [127]
[24] (0) 24
[12] (0) 12
[0] (0) 0
[2] (0) 2
[237] (105) 132
[193] (125) 68
77 (0) [77]
1054 (0) [1054]
61 (0) [61]
63 (0) [63]
48 (0) [48]
291 (0) [291]
[58] (0) 58
[40] (0) 40
[557] (125) 432
[408] (119) 289
[867] (0) 867
[246] (0) 246
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] – Background (Site Volume) [Build]


2032 Build: AM Peak
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
261 (0) [261]
144 (19) [163]
[310] (0) 310
[206] (33) 173
[102] (28) 74
[94] (17) 77
95 (14) [109]
260 (14) [274]
78 (0) [78]
153 (0) [153]
273 (5) [278]
128 (0) [128]
[100] (12) 88
[140] (5) 135
[140] (0) 140
[136] (0) 136
[375] (12) 363
[55] (0) 55
22 (14) [36]
413 (0) [413]
32 (0) [32]
13 (0) [13]
1 (0) [1]
10 (0) [10]
[25] (12) 13
[3] (0) 3
[28] (0) 28
[96] (0) 96
[518] (0) 518
[28] (0) 28
45 (0) [45]
191 (85) [276]
51 (0) [51]
48 (0) [48]
15 (0) [15]
42 (106) [148]
[11] (0) 11
[4] (0) 4
[0] (0) 0
[1] (0) 1
[119] (71) 48
[107] (94) 13
19 (0) [19]
436 (0) [436]
68 (0) [68]
84 (0) [84]
27 (0) [27]
184 (0) [184]
[19] (0) 19
[26] (0) 26
[257] (94) 163
[266] (106) 160
[778] (0) 778
[333] (0) 333
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] – Existing w/Applied Growth (Site Volume) [Build]


2032 Build: PM Peak
North
Not to scale
Ironbound Road
Courthouse Street
Discovery Park Boulevard
Monticello Avenue
Casey Boulevard
441 (0) [441]
83 (22) [105]
[450] (0) 450
[140] (42) 98
[274] (40) 234
[197] (23) 174
103 (17) [120]
595 (18) [613]
122 (0) [122]
151 (0) [151]
272 (5) [277]
116 (0) [116]
[193] (17) 176
[222] (6) 216
[282] (0) 282
[227] (0) 227
[514] (18) 496
[72] (0) 72
79 (18) [97]
896 (0) [896]
8 (0) [8]
19 (0) [19]
3 (0) [3]
11 (0) [11]
[70] (18) 52
[1] (0) 1
[145] (0) 145
[132] (0) 132
[721] (0) 721
[2] (0) 2
17 (0) [17]
50 (109) [159]
72 (0) [72]
46 (0) [46]
6 (0) [6]
9 (119) [128]
[25] (0) 25
[13] (0) 13
[0] (0) 0
[2] (0) 2
[245] (105) 140
[197] (125) 72
82 (0) [82]
1117 (0) [1117]
62 (0) [62]
64 (0) [64]
51 (0) [51]
302 (0) [302]
[62] (0) 62
[41] (0) 41
[582] (125) 457
[424](119) 305
[917](0) 917
[256](0) 256
Legend
- Movement
- Signalized Intersection
- Unsignalized Intersection
XXX (XXX) [XXX] – Existing w/Applied Growth (Site Volume) [Build]

6.2 Capacity and Level of Service Analyses at Critical Points

Capacity analyses for the study area intersections during the AM and PM peak hours were performed for the 2026 and 2032 Background and Build conditions. Analyses were completed to determine the operating characteristics of the study area intersections and roadways using *Synchro Professional 11.1*, which uses methodologies contained in the *2000 Highway Capacity Manual (HCM)*.

To compare operations among various scenarios, detailed analyses are illustrated in **Tables 4 – 8** to provide a side-by-side comparison for the following five scenarios:

- Existing Conditions
- 2026 Background Conditions
  - annual growth for 4 years plus approved development site traffic
- 2026 Build Conditions
  - *2026 Background plus Westwood Park Development*
- 2032 Background Conditions
  - annual growth for 10 years plus approved development site traffic
- 2032 Build Conditions
  - *2032 Background plus Westwood Park Development*

6.2.1 Ironbound Road / Discovery Park Boulevard

At this intersection, Ironbound Road is oriented in a north/south direction, and Discovery Park Boulevard is oriented in an eastbound direction. Currently, this signalized intersection provides the following laneage:

- Ironbound Road (northbound) – one exclusive left-turn lane and two through lanes.
- Ironbound Road (southbound) – two through lanes and one exclusive right-turn lane.
- Discovery Park Boulevard (eastbound) – one exclusive left-turn lane and one exclusive right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 4**. Detailed analysis is provided in the **Appendix**.

Table 4 Ironbound Road / Discovery Park Boulevard Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)					
		Eastbound		Northbound		Southbound	
		LT	RT	LT	TH	TH	RT
AM Peak Hour							
Existing	18.2 (B)	39.3 (D)	36.0 (D)	38.8 (D)	5.8 (A)	11.3 (B)	11.2 (B)
		37.5 (D)		17.4 (B)		11.2 (B)	
2026 No Build	15.0 (B)	41.2 (D)	37.6 (D)	28.6 (C)	2.6 (A)	10.0 (A)	9.8 (A)
		39.4 (D)		11.9 (B)		9.9 (A)	
2026 Build	16.9 (B)	39.0 (D)	35.2 (D)	29.0 (C)	3.7 (A)	12.0 (B)	11.9 (B)
		37.2 (D)		13.5 (B)		12.0 (B)	
2032 No Build	15.0 (B)	41.2 (D)	37.4 (D)	27.7 (C)	2.6 (A)	10.4 (B)	10.2 (B)
		39.2 (D)		11.5 (B)		10.3 (B)	
2032 Build	17.1 (B)	39.1 (D)	35.1 (D)	29.0 (C)	3.7 (A)	12.5 (B)	12.3 (B)
		37.2 (D)		13.4 (B)		12.4 (B)	
PM Peak Hour							
Existing	26.9 (C)	62.1 (E)	40.7 (D)	38.7 (D)	14.5 (B)	13.3 (B)	12.0 (B)
		53.5 (D)		19.2 (B)		13.1 (B)	
2026 No Build	22.1 (C)	62.2 (E)	42.3 (D)	45.0 (D)	1.1 (A)	12.1 (B)	10.9 (B)
		53.8 (D)		8.1 (A)		11.9 (B)	
2027 Build	25.1 (C)	68.3 (E)	40.9 (D)	42.6 (D)	1.4 (A)	14.4 (B)	13.2 (B)
		56.9 (E)		9.4 (A)		14.1 (B)	
2032 No Build	22.6 (C)	63.7 (E)	41.9 (D)	40.1 (D)	1.2 (A)	13.9 (B)	12.3 (B)
		54.4 (D)		7.3 (A)		13.6 (B)	
2032 Build	25.6 (C)	70.6 (E)	40.6 (D)	43.5 (D)	1.4 (A)	14.8 (B)	13.4 (B)
		58.1 (E)		9.5 (A)		14.5 (B)	

This signalized intersection operates at an overall LOS C or better during all peak periods. The side street eastbound left-turn experiences the longest delay during the PM peak period, based on the existing green time and the actuated coordinated operations, which allocates unused green time to the mainline. The Build scenarios incorporate optimized timings, using the same cycle lengths but adjustments were made to splits and offsets to accommodate the changes in traffic demands. Optimized timings have been implemented to enhance progression along Ironbound Road. Additionally, the overall intersection LOS remained at a B and C in the AM and PM peaks respectively.

6.2.2 Ironbound Road / Monticello Avenue

At this intersection, Ironbound Road is oriented in a north/south direction and Monticello Avenue is oriented in an east/west direction. Currently, this signalized intersection provides the following laneage:

- Ironbound Road (northbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.
- Ironbound Road (southbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.
- Monticello Avenue (eastbound) – two left-turn lanes, two through lanes, and one exclusive right-turn lane.
- Monticello Avenue (westbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in Table 5. A detailed analysis is shown in the Appendix.

Table 5 Ironbound Road / Monticello Avenue Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
Existing	46.0 (D)	60.7 (E)	50.5 (D)	18.6 (B)	48.4 (D)	29.0 (C)	19.6 (B)	56.1 (E)	41.0 (D)	26.9 (C)	32.4 (C)	29.2 (C)	120.0 (F)
		48.5 (D)			32.4 (C)			41.1 (D)			66.7 (E)		
2026 No Build	46.9 (D)	41.0 (D)	37.5 (D)	17.7 (B)	40.3 (D)	34.7 (C)	24.5 (C)	44.9 (D)	40.5 (D)	28.0 (C)	32.5 (C)	28.8 (C)	191.9 (F)
		36.4 (D)			33.5 (C)			38.0 (D)			92.4 (F)		
2026 Build	46.4 (D)	51.2 (D)	41.1 (D)	18.0 (B)	40.3 (D)	29.5 (C)	19.7 (B)	44.9 (D)	40.6 (D)	27.9 (C)	38.4 (D)	27.6 (C)	182.8 (F)
		41.3 (D)			29.0 (C)			38.1 (D)			87.2 (F)		
2032 No Build	46.3 (D)	50.3 (D)	40.5 (D)	18.0 (B)	40.5 (D)	29.5 (C)	19.8 (B)	46.5 (D)	40.8 (D)	27.7 (C)	35 (D)	28.3 (C)	175.8 (F)
		40.7 (D)			29.4 (C)			38.5 (D)			86.7 (F)		
2032 Build	44.5 (D)	49.2 (D)	40.0 (D)	18.2 (B)	40.5 (D)	30.0 (C)	19.9 (B)	46.5 (D)	41.2 (D)	27.7 (C)	39.3 (D)	27.2 (C)	155.7 (F)
		40.1 (D)			29.4 (C)			38.7 (D)			77.7 (E)		
PM Peak Hour													
Existing	48.9 (D)	59.7 (E)	38.8 (D)	17.5 (B)	57.9 (E)	32.4 (C)	18.7 (B)	68.6 (E)	64.3 (E)	37.9 (D)	111.1 (F)	51.3 (D)	45.7 (D)
		42.9 (D)			34.6 (C)			58.1 (E)			64.2 (E)		
2027 No Build	43.7 (D)	32.5 (C)	21.5 (C)	19.6 (B)	61.1 (E)	41.0 (D)	21.5 (C)	56.0 (E)	55.2 (E)	37.3 (D)	54.5 (D)	56.2 (E)	75.0 (E)
		24.5 (C)			41.6 (D)			50.4 (D)			63.6 (E)		
2027 Build	44.7 (D)	39.3 (D)	20.4 (C)	20.0 (C)	62.8 (E)	37.3 (D)	18.0 (B)	56.0 (E)	56.1 (E)	37.6 (D)	55.2 (E)	55.6 (E)	89.2 (F)
		25.8 (C)			38.2 (D)			51.0 (D)			69.1 (E)		
2032 No Build	44.9 (D)	39.8 (D)	20.6 (C)	19.9 (B)	63.9 (E)	37.5 (D)	18.2 (B)	56.4 (E)	55.7 (E)	37.0 (D)	55.1 (E)	57.2 (E)	88.6 (F)
		26.0 (C)			39.1 (D)			50.6 (D)			69.8 (E)		
2032 Build	45.0 (D)	40.1 (D)	21.6 (C)	20.5 (C)	64.5 (E)	39.1 (D)	18.2 (B)	56.4 (E)	57.0 (E)	37.2 (D)	55.7 (E)	55.8 (E)	83.2 (F)
		26.8 (C)			39.9 (D)			51.4 (D)			66.9 (E)		

This intersection operates at a LOS D during all peak periods. There is a slight decrease in delay between No Build and Build scenarios during the AM peak. This is the result of better utilization of the intersection as the amount of green time serving the southbound movement is consistent between both scenarios however, there is slight increase in vehicle demand in the Build scenario that results in a

smaller delay per vehicle for this approach. However, the overall delay is consistent between both scenarios (i.e. < 0.1 sec difference in delay)

The proposed development will add minimal traffic to these intersections. However, with minor adjustments to splits and offsets, the optimized signal timings reduce overall delay from the existing scenario to the 2032 Build scenario in both AM and PM peaks.

6.2.3 Monticello Avenue / Courthouse Street

At this intersection, Monticello Avenue is oriented in an east/west direction and Courthouse Street is oriented in a north/south direction. Currently, this signalized intersection with the following laneage:

- Courthouse Street (northbound) – one shared left-through lane and one exclusive right-turn lane.
- Courthouse Street (southbound) – one shared left-through lane and one exclusive right-turn lane.
- Monticello Avenue (eastbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.
- Monticello Avenue (westbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 6**. A detailed analysis is shown in the **Appendix**.

Table 6 Monticello Avenue / Courthouse Street Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)									
		Eastbound			Westbound			Northbound		Southbound	
		LT	TH	RT	LT	TH	RT	LT-TH	RT	LT-TH	RT
AM Peak Hour											
Existing	24.4 (C)	18.1 (B)	25.0 (C)	12.8 (B)	17.9 (B)	23.1 (C)	13.9 (B)	43.2 (D)	40.4 (D)	42.8 (D)	40.7 (D)
			23.1 (C)			22.1 (C)		42.1 (D)		41.7 (D)	
2027 No Build	22.2 (C)	14.9 (B)	23.2 (C)	11.4 (B)	15.4 (B)	20.8 (C)	12.4 (B)	44.3 (D)	42.3 (D)	42.4 (D)	41.1 (D)
			21.4 (C)			20.0 (B)		43.2 (D)		41.5 (D)	
2027 Build	23.7 (C)	19.2 (B)	26.1 (C)	12.3 (B)	16.3 (B)	20.3 (C)	13.6 (B)	44.3 (D)	42.3 (D)	41.1 (D)	39.5 (D)
			24.4 (C)			19.5 (B)		43.2 (D)		40.1 (D)	
2032 No Build	21.7 (C)	14.5 (B)	23.4 (C)	11.4 (B)	15.7 (B)	19.7 (B)	12.6 (B)	44.5 (D)	42.3 (D)	42.5 (D)	41.0 (D)
			21.5 (C)			19.1 (B)		43.3 (D)		41.6 (D)	
2032 Build	22.0 (C)	15.1 (B)	23.8 (C)	11.7 (B)	15.2 (B)	19.6 (B)	13.0 (B)	44.5 (D)	42.3 (D)	42.9 (D)	40.5 (D)
			21.9 (C)			18.8 (B)		43.3 (D)		41.7 (D)	
PM Peak Hour											
Existing	18.7 (B)	11.0 (B)	7.3 (A)	11.5 (B)	7.7 (A)	18.3 (B)	15.0 (B)	56.5 (E)	54.3 (D)	54.9 (D)	51.4 (D)
			7.9 (A)			17.8 (B)		55.3 (E)		52.3 (D)	
2027 No Build	14.7 (B)	4.8 (A)	8.1 (A)	9.8 (A)	8.5 (A)	11.6 (B)	13.4 (B)	57.9 (E)	55.9 (E)	55.0 (D)	52.1 (D)
			7.6 (A)			11.7 (B)		56.7 (E)		52.8 (D)	
2027 Build	17.5 (B)	7.8 (A)	14.2 (B)	10.3 (B)	7.9 (A)	12.2 (B)	14.0 (B)	57.9 (E)	55.9 (E)	54.8 (D)	50.9 (D)
			13.2 (B)			12.3 (B)		56.7 (E)		52.2 (D)	
2032 No Build	17.0 (B)	6.5 (A)	13.5 (B)	9.9 (A)	8.6 (A)	12.1 (B)	13.6 (B)	58.1 (E)	55.9 (E)	54.9 (D)	51.8 (D)
			12.4 (B)			12.2 (B)		56.8 (E)		52.6 (D)	
2032 Build	17.7 (B)	8.3 (A)	14.1 (B)	10.4 (B)	8.4 (A)	12.6 (B)	14.2 (B)	58.1 (E)	55.9 (E)	54.9 (D)	50.8 (D)
			13.2 (B)			12.8 (B)		56.8 (E)		52.2 (D)	

This intersection operates at a LOS C or better during all peak hours. The north and southbound side street approaches experience some delay. Minor adjustments to splits and offsets result in a reduced overall intersection delay between the existing scenario and the 2032 Build scenario for both the AM and PM peak periods.

6.2.4 Monticello Avenue / Casey Boulevard / Ironbound Road

At this intersection, Monticello Avenue is oriented in an east/west direction, Ironbound Road and Casey Boulevard are oriented in a north/south direction. Currently, this signalized intersection has the following laneage:

- Ironbound Road (northbound) – one exclusive left-turn lane and one shared left-through-right turn lane.
- Casey Boulevard (southbound) – one shared left-through lane and two exclusive right-turn lanes.
- Monticello Avenue (eastbound) – two left-turn lanes, two through lanes, and one exclusive right-turn lane.
- Monticello Avenue (westbound) – one exclusive left-turn lane, two through lanes, and one shared through-right turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 7**. A detailed analysis is shown in the **Appendix**.

There are planned improvements associated with the Ironbound Crossing Development. These improvements will provide additional capacity on the northbound leg of the intersection. The future laneage at this intersection include:

› Ironbound Road (northbound) – two exclusive left-turn lanes and one shared left-through-right turn lane.

2026 and 2032 Build scenarios were analyzed using planned improvements at this intersection.

Table 7 Monticello Avenue / Casey Boulevard / Ironbound Road Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)								
		Eastbound			Westbound		Northbound		Southbound	
		LT	TH	RT	LT	TH-RT	LT	TH-RT	LT-TH	RT
AM Peak Hour										
Existing	26.4 (C)	39.0 (D)	19.7 (B)	15.5 (B)	37.0 (D)	32.3 (C)	41.7 (D)	41.1 (D)	44.6 (D)	32.1 (C)
			21.1 (C)			32.5 (C)		41.4 (D)	35.3 (D)	
2027 No Build	27.6 (C)	39.0 (D)	23.1 (C)	19.0 (B)	32.0 (C)	26.8 (C)	38.9 (D)	37.0 (D)	44.2 (D)	32.2 (C)
			23.9 (C)			27.5 (C)		38.1 (D)	34.9 (C)	
2027 Build	27.5 (C)	41.5 (D)	19.7 (B)	16.6 (B)	43.7 (D)	29.6 (C)	38.9 (D)	37.0 (D)	44.2 (D)	31.3 (C)
			23.0 (C)			29.9 (C)		38.1 (D)	33.3 (C)	
2032 No Build	28.0 (C)	39.1 (D)	23.7 (C)	19.1 (B)	33.3 (C)	27.8 (C)	39.1 (D)	37.0 (D)	44.3 (D)	32.1 (C)
			24.3 (C)			28.6 (C)		38.3 (D)	34.8 (C)	
2032 Build	29.1 (C)	42 (D)	23.7 (C)	19.1 (B)	34.8 (C)	28.9 (C)	39.1 (D)	37.0 (D)	44.3 (D)	31.7 (C)
			25.9 (C)			29.7 (C)		38.3 (D)	33.6 (C)	
PM Peak Hour										
Existing	42.2 (D)	58.5 (E)	23.8 (C)	17.9 (B)	42.8 (D)	47.3 (D)	59.9 (E)	58.2 (E)	67.5 (E)	44.8 (D)
			31.4 (C)			47.3 (D)		59.1 (E)	49.0 (D)	
2027 No Build	36.6 (D)	52.8 (D)	27.3 (C)	20.8 (C)	17.3 (B)	33.7 (C)	53.6 (D)	48.0 (D)	63.1 (E)	43.0 (D)
			31.4 (C)			32.9 (C)		52.0 (D)	46.7 (D)	
2027 Build	36.3 (D)	56.9 (E)	27.3 (C)	20.8 (C)	18.5 (B)	28.0 (C)	53.6 (D)	48.0 (D)	63.1 (E)	45.7 (D)
			33.8 (C)			27.5 (C)		52.0 (D)	48.4 (D)	
2032 No Build	35.4 (D)	52.9 (D)	28.5 (C)	21.1 (C)	19.0 (B)	28.8 (C)	53.8 (D)	48.0 (D)	65.4 (E)	43.2 (D)
			32.3 (C)			28.3 (C)		52.2 (D)	47.3 (D)	
2032 Build	37.3 (D)	57.5 (E)	28.5 (C)	21.1 (C)	19.5 (B)	29.7 (C)	53.8 (D)	48.0 (D)	65.4 (E)	46.6 (D)
			34.7 (C)			29.2 (C)		52.2 (D)	49.5 (D)	

This intersection operates with a LOS D or better during all peak periods. The northbound and southbound approaches experience some delay during the PM peak period. With minor adjustments to splits and offsets, the optimized timings reduce overall intersection delays in the PM Build scenarios compared to existing conditions.

6.2.5 Discovery Park Boulevard / Casey Boulevard

At this intersection, Discovery Park Boulevard is oriented in an east/west direction and Casey Boulevard is oriented in a north/south direction. Currently, this unsignalized intersection provides the following laneage:

› Discovery Park Boulevard (eastbound) – one shared left-through-right-turn lane.

- Discovery Park Boulevard (westbound) – one shared left-through-right-turn lane.
- Casey Boulevard (northbound) – one shared left-through-right-turn lane.
- Casey Boulevard (southbound) – one shared left-through-right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 8**. A detailed analysis is shown in the **Appendix**.

Table 8 Discovery Park Boulevard / Casey Boulevard Unsignalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)			
		Eastbound	Westbound	Northbound	Southbound
		LT-TH-RT	LT-TH-RT	LT-TH-RT	LT-TH-RT
AM Peak Hour					
Existing	7.6 (A)	-	-	20.9 (C)	16.7 (C)
2027 No Build	3.8 (A)	-	-	11.3 (B)	12.4 (B)
2027 Build	6.2 (A)	-	-	21.2 (C)	15.8 (C)
2032 No Build	3.8 (A)	-	-	11.5 (B)	12.7 (B)
2032 Build	6.5 (A)	-	-	22.4 (C)	16.3 (C)
PM Peak Hour					
Existing	3.3 (A)	-	-	12.5 (B)	19.0 (C)
2027 No Build	3.8 (A)	-	-	10.2 (B)	13.0 (B)
2027 Build	6.3 (A)	-	-	24.6 (C)	19.1 (C)
2032 No Build	3.9 (A)	-	-	10.5 (B)	13.4 (B)
2032 Build	6.8 (A)	-	-	26.5 (D)	19.9 (C)
- Indicates Unimpeded Movement					

This unsignalized intersection operates at an overall LOS A during all peak period scenarios. The Westwood Park Development will increase the traffic volumes at this location. However, with multiple access points to the external roadway (i.e., Ironbound Road and Monticello Avenue) the traffic volumes are evenly dispersed and such that the intersection operates at a LOS A, during the AM and PM peak periods.

1.2.5.1 Right-Turn Lane Warrant

A right turn lane warrant was performed at this study area intersection and the detailed right turn lane warrant is located in the **Appendix.**

While the southbound volumes on Discovery Park Boulevard meet turn lane warrants from a volume threshold, a right-turn lane is not recommended. The intersection currently operates at a LOS A during all peak periods and the current infrastructure is sufficient to accommodate the site generated traffic. At this intersection, Discovery Park Boulevard is unimpeded, and the side street is stop controlled. The additional southbound right-turns will have the right of way and do not negatively impact the through

movements. Additionally, due to the nature of the internal roadway, the construction of a right turn lane would create unnecessary right of way impacts and connectively to existing bike lanes and pedestrian accommodations.

6.3 Queuing Analysis

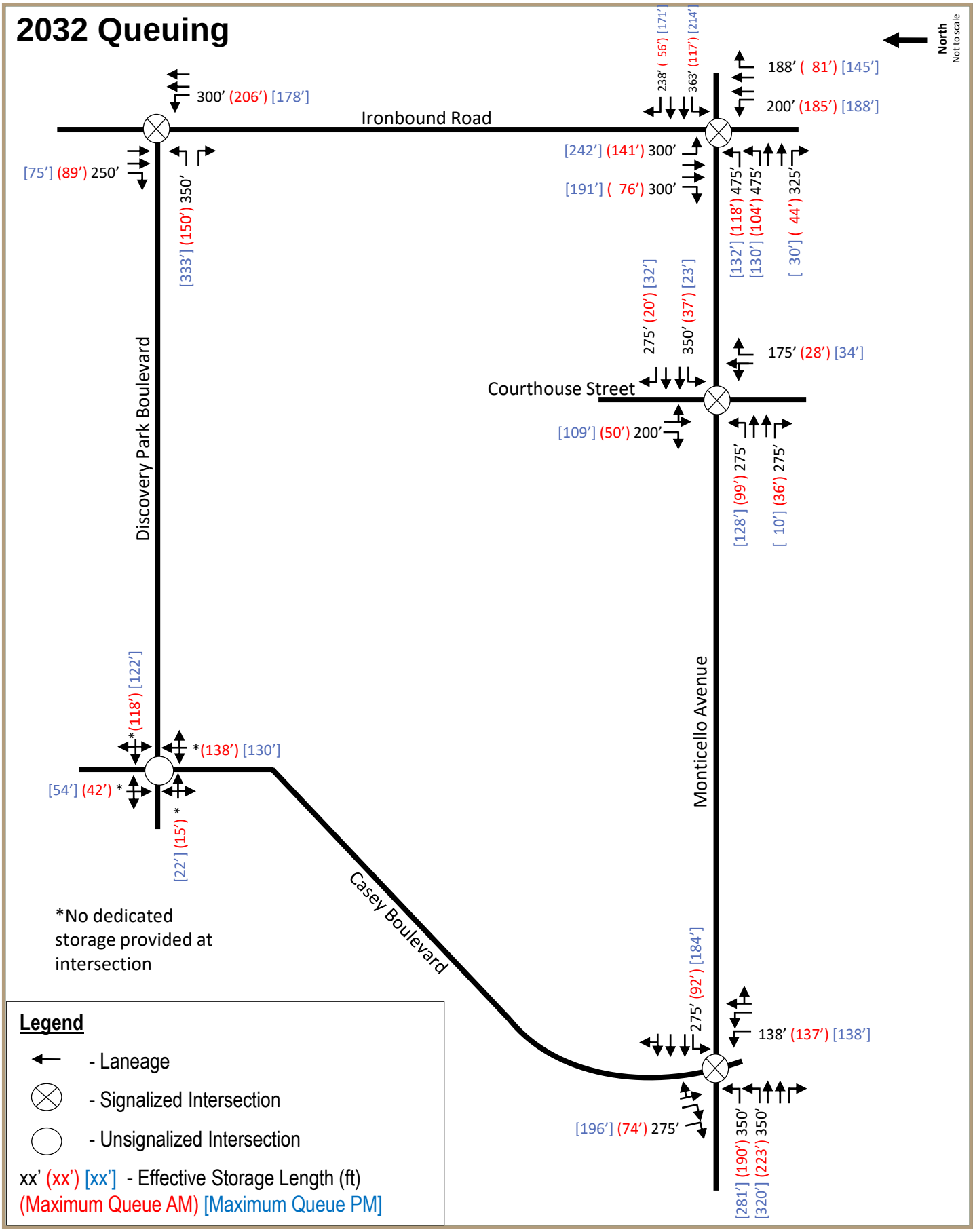
To further evaluate the potential impacts of the Westwood Park Development, queuing analysis was performed for all analysis scenarios using Sim Traffic Software.

The maximum queue lengths in feet (ft) are summarized for all analysis scenarios in the **Appendix.**

Overall, the intersection turn lanes are adequate to accommodate the anticipated queue and no additional turn lane improvements are warranted.

At the internal intersection of Discovery Parkway Boulevard and Casey Boulevard, the northbound and westbound approaches reflect the largest queue during the AM and PM peaks, which was approximately 126’ and 121’ respectively in the AM and approximately 136’and 138’ respectively in the PM with all other approaches under 100’ during both peak periods.

Figure 15 illustrates 2036 Build scenario queueing.


2032 Queuing
North
Not to scale
Ironbound Road
Discovery Park Boulevard
Courthouse Street
Monticello Avenue
Casey Boulevard
300' (206') [178']
[75'] (89') 250'
[333'] (150') 350'
238' (56') [171']
363' (117') [214']
188' (81') [145']
200' (185') [188']
[242'] (141') 300'
[191'] (76') 300'
[132'] (118') 475'
[130'] (104') 475'
[30'] (44') 325'
275' (20') [32']
350' (37') [23']
175' (28') [34']
[109'] (50') 200'
[128'] (99') 275'
[10'] (36') 275'
*(118') [122']
*(138') [130']
[54'] (42') *
[22'] (15') *
275' (92') [184']
138' (137') [138']
[196'] (74') 275'
[281'] (190') 350'
[320'] (223') 350'
*No dedicated storage provided at intersection
Legend
- Laneage
- Signalized Intersection
- Unsignalized Intersection
xx' (xx') [xx'] - Effective Storage Length (ft)
(Maximum Queue AM) [Maximum Queue PM]

7

Conclusions and Recommended Improvements

The proposed Westwood Park mixed-use development is located in James City County on the northern termini of Discovery Park Boulevard within the Westwood Park Development. This proposed Westwood Park Development study area includes roadways and intersections in the immediate vicinity of the proposed site location. As currently proposed, the development, along with the background traffic, will only slightly increase the volume of traffic on roadways and at intersections throughout the study area. The following recommendations will mitigate impacts associated with development and provide acceptable levels of service for the study area intersections

Ironbound Road / Discovery Park Boulevard

- Maintain existing laneage.
- Provide optimized signal timings.

Ironbound Road / Monticello Avenue

- Maintain existing laneage.
- Provide optimized signal timings.

Monticello Avenue / Courthouse Street

- Maintain existing laneage.
- Provide optimized signal timings.

Monticello Avenue / Casey Boulevard / Ironbound Road

- Maintain existing laneage.
- Provide optimized signal timings.

Discovery Park Boulevard / Casey Boulevard

- Maintain existing laneage.

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

January 22, 2026

Mr. Jason Grimes
AES Consulting Engineers
5248 Olde Towne Rd.
Suite 1
Williamsburg, VA 23188

Re: Z-23-0004/MP-23-0001, Westwood Park Rezoning

Mr. Grimes,

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 1/22/2026 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.* For your use in the Community Impact Statement, the current County methodology projects 43 students based on the number and types of residential units. The projected numbers

at the different school levels would be 19 elementary students, 10 middle school students, and 14 high school students. This information will be provided in the staff report, together with an assessment of the capacity of the 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
Senior Planner

Attachments
Attachment A
Attachment B
Attachment C

Attachment A

NET FISCAL IMPACT	Westwood Park - Default Values	%
PROJECTED REVENUES		
General Property Taxes	$16,753,752	85%
Other Local Taxes	$1,843,170	9%
Licenses, Permits & Fees	$186,897	1%
Fines & Forfeitures	$13,078	0%
Use of Money & Prop	$0	0%
Commonwealth	$0	0%
Federal Government	$0	0%
Charges for Services	$828,222	4%
Miscellaneous	$0	0%
Total General Fund Revenues	$19,625,120	100%
Schools Revenues (Non-County)	$5,974,314	
GRAND TOTAL REVENUES	**$25,599,435**	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Adminstration	$37,429	0%
Court Services	$48,641	0%
Public Safety	$2,993,002	16%
Financial Administration	$95,787	1%
Info Resources Management	$71,773	0%
Community Development	$23,523	0%
General Services	$425,099	2%
Parks & Recreation	$72,871	0%
Other Contributions And Transfers To Other Funds^	$1,340,152	7%
Total General Fund Expenditures	$5,108,276	27%
School Operating Expenditures	$13,709,221	73%
GRAND TOTAL OPERATING EXPENDITURES	**$18,817,497**	**100%**
Capital Expenditures		
Non-Schools Capital	$951,990	36%
Schools Capital	$1,683,232	64%
GRAND TOTAL OPERATING EXPENDITURES	**$2,635,223**	**100%**
GRAND TOTAL EXPENDITURES	**$21,452,720**	
CUMULATIVE NET FISCAL IMPACT	**$4,146,715**	
Average Annual Net Fiscal Impact	*$165,869*	

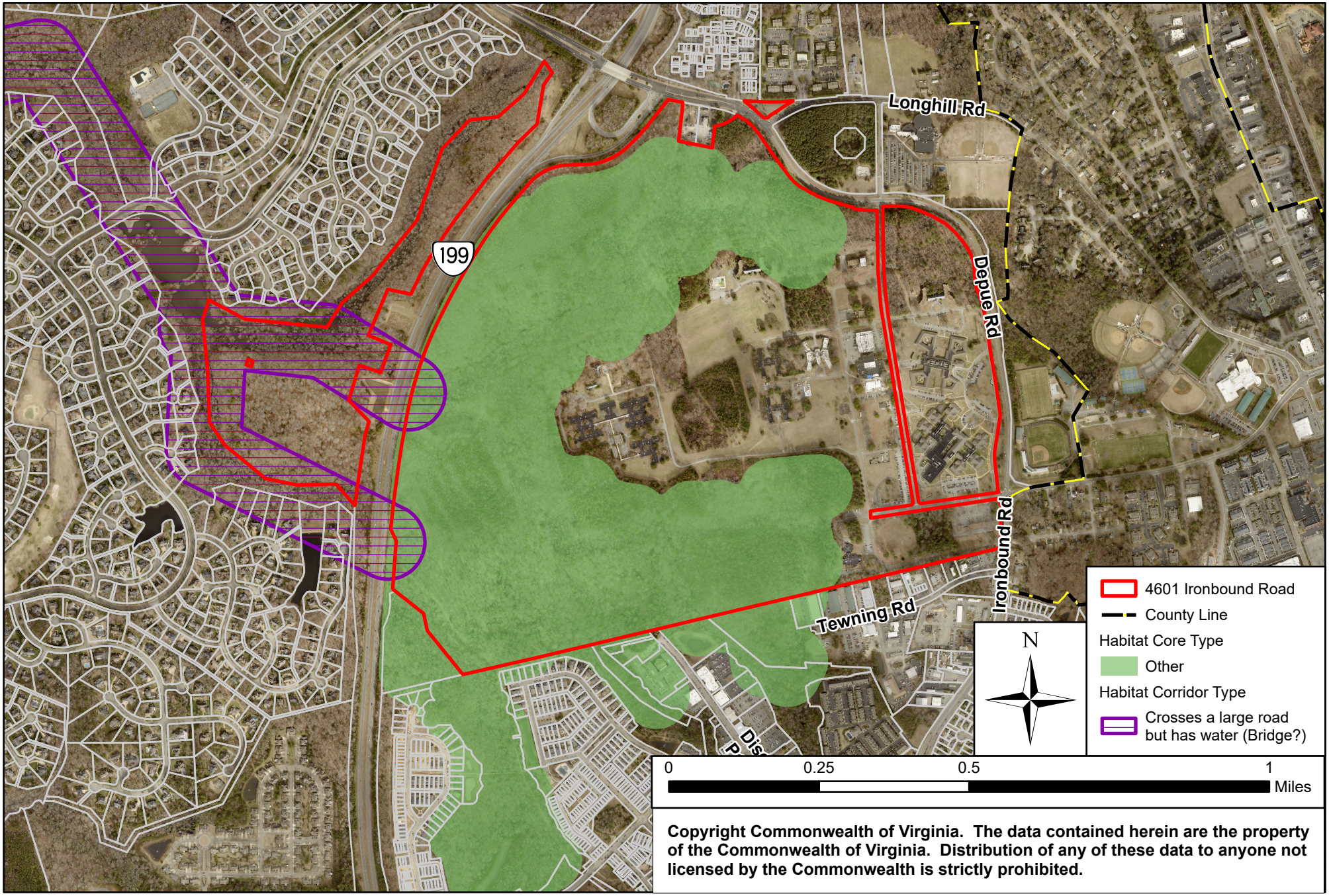
Attachment B

CAPITAL IMPACTS PER UNIT	Westwood Park - Default
Transportation	
Single Family Detached	$40.18
Single Family Attached	$30.68
Multifamily	$19.35
Parks and Recreation	
Single Family Detached	$3,580.93
Single Family Attached	$2,363.12
Multifamily	$2,479.11
Fire and Emergency Services	
Single Family Detached	$1,013.86
Single Family Attached	$669.06
Multifamily	$701.90
Police	
Single Family Detached	$7.76
Single Family Attached	$5.12
Multifamily	$5.37
Library	
Single Family Detached	$460.19
Single Family Attached	$303.69
Multifamily	$318.59
General Government	
Single Family Detached	$257.25
Single Family Attached	$169.76
Multifamily	$178.09
General Services	
Single Family Detached	$216.18
Single Family Attached	$142.66
Multifamily	$149.66
Courts	
Single Family Detached	$1,432.37
Single Family Attached	$945.25
Multifamily	$991.64
Schools	
Single Family Detached	$14,133.30
Single Family Attached	$7,425.42
Multifamily	$5,640.90
TOTAL	
Single Family Detached	**$21,142.01**
Single Family Attached	**$12,054.77**
Multifamily	**$10,484.61**

Attachment C

NET FISCAL IMPACT	Westwood Park - Developer Values without Affordable Units	%	Westwood Park - Developer Values with Affordable Units	%
PROJECTED REVENUES				
General Property Taxes	$23,858,832	88%	$21,968,928	88%
Other Local Taxes	$2,069,886	8%	$2,007,990	8%
Licenses, Permits & Fees	$275,909	1%	$252,696	1%
Fines & Forfeitures	$13,078	0%	$13,078	0%
Use of Money & Prop	$0	0%	$0	0%
Commonwealth	$0	0%	$0	0%
Federal Government	$0	0%	$0	0%
Charges for Services	$828,222	3%	$828,222	3%
Miscellaneous	$0	0%	$0	0%
Total General Fund Revenues	$27,045,928	100%	$25,070,915	100%
Schools Revenues (Non-County)	$5,974,314		$5,974,314	
GRAND TOTAL REVENUES	**$33,020,242**		**$31,045,229**	
PROJECTED EXPENDITURES				
Operating Expenditures				
General Adminstration	$37,429	0%	$37,429	0%
Court Services	$48,641	0%	$48,641	0%
Public Safety	$2,993,002	16%	$2,993,002	16%
Financial Administration	$95,787	1%	$95,787	1%
Info Resources Management	$71,773	0%	$71,773	0%
Community Development	$23,523	0%	$23,523	0%
General Services	$425,099	2%	$425,099	2%
Parks & Recreation	$72,871	0%	$72,871	0%
Other Contributions And Transfers To Other Funds^	$1,340,152	7%	$1,340,152	7%
Total General Fund Expenditures	$5,108,276	27%	$5,108,276	27%
School Operating Expenditures	$13,709,221	73%	$13,709,221	73%
GRAND TOTAL OPERATING EXPENDITURES	**$18,817,497**	**100%**	**$18,817,497**	**100%**
Capital Expenditures				
Non-Schools Capital	$951,990	36%	$951,990	36%
Schools Capital	$1,683,232	64%	$1,683,232	64%
GRAND TOTAL OPERATING EXPENDITURES	**$2,635,223**	**100%**	**$2,635,223**	**100%**
GRAND TOTAL EXPENDITURES	**$21,452,720**		**$21,452,720**	
CUMULATIVE NET FISCAL IMPACT	**$11,567,522**		**$9,592,509**	
Average Annual Net Fiscal Impact	*$462,701*		*$383,700*	

JCC Z-23-0004 / MP-23-0001, Westwood Park Rezoning
Habitat Core and Habitat Corridor Map



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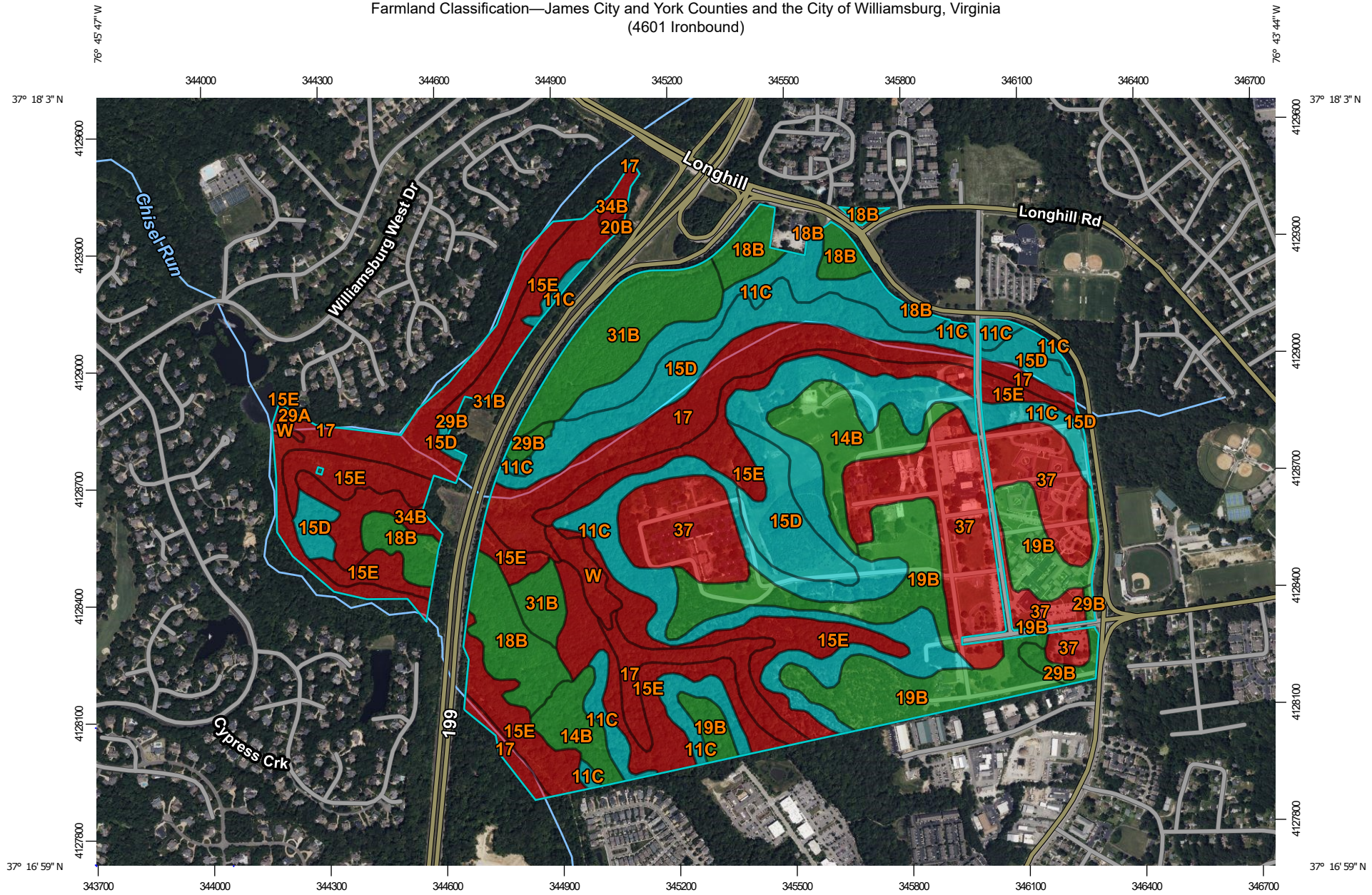
Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)



MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

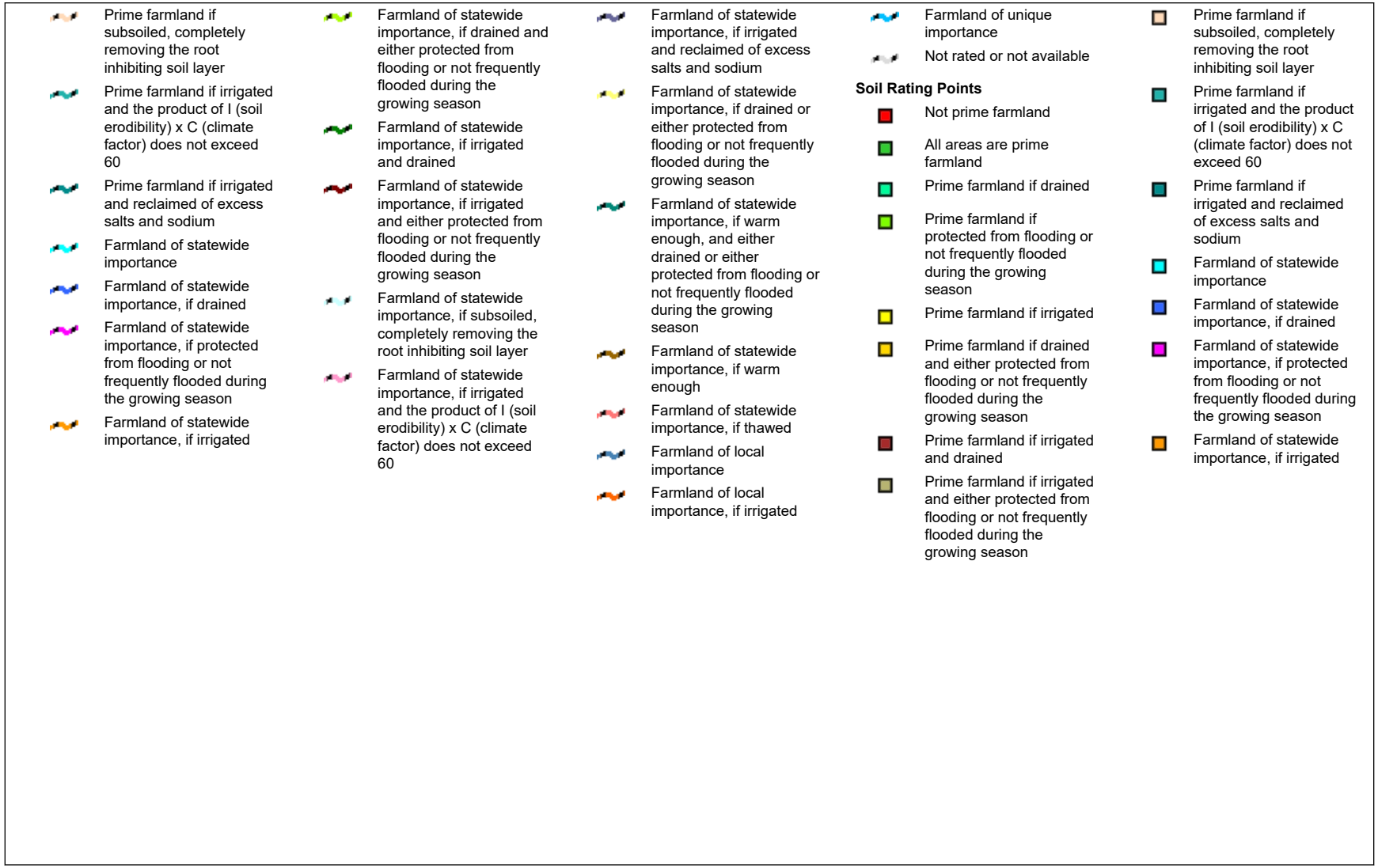
Soils

Soil Rating Polygons

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of statewide importance, if drained
- Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated and drained
- Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
- Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated
- Farmland of unique importance
- Not rated or not available

Soil Rating Lines

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season


Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated
Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated and drained
Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough
Farmland of statewide importance, if thawed
Farmland of local importance
Farmland of local importance, if irrigated
Farmland of unique importance
Not rated or not available
Soil Rating Points
Not prime farmland
All areas are prime farmland
Prime farmland if drained
Prime farmland if protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated
Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated and drained
Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated

- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated and drained
- Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
- Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated
- Farmland of unique importance
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: James City and York Counties and the City of Williamsburg, Virginia
Survey Area Data: Version 22, Aug 30, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 21, 2022—Jul 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
11C	Craven-Uchee complex, 6 to 10 percent slopes	Farmland of statewide importance	88.6	17.8%
14B	Emporia fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	22.8	4.6%
15D	Emporia complex, 10 to 15 percent slopes	Farmland of statewide importance	44.7	9.0%
15E	Emporia complex, 15 to 25 percent slopes	Not prime farmland	84.7	17.0%
17	Johnston complex	Not prime farmland	64.9	13.0%
18B	Kempsville fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	27.2	5.4%
19B	Kempsville-Emporia fine sandy loams, 2 to 6 percent slopes	All areas are prime farmland	54.1	10.8%
20B	Kenansville loamy fine sand, 2 to 6 percent slopes	Not prime farmland	0.3	0.1%
29A	Slagle fine sandy loam, 0 to 2 percent slopes	All areas are prime farmland	0.1	0.0%
29B	Slagle fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	5.0	1.0%
31B	Suffolk fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	25.9	5.2%
34B	Uchee loamy fine sand, 2 to 6 percent slopes	Not prime farmland	8.4	1.7%
37	Urban land	Not prime farmland	67.4	13.5%
W	Water	Not prime farmland	4.6	0.9%
Totals for Area of Interest			**498.7**	**100.0%**

Description

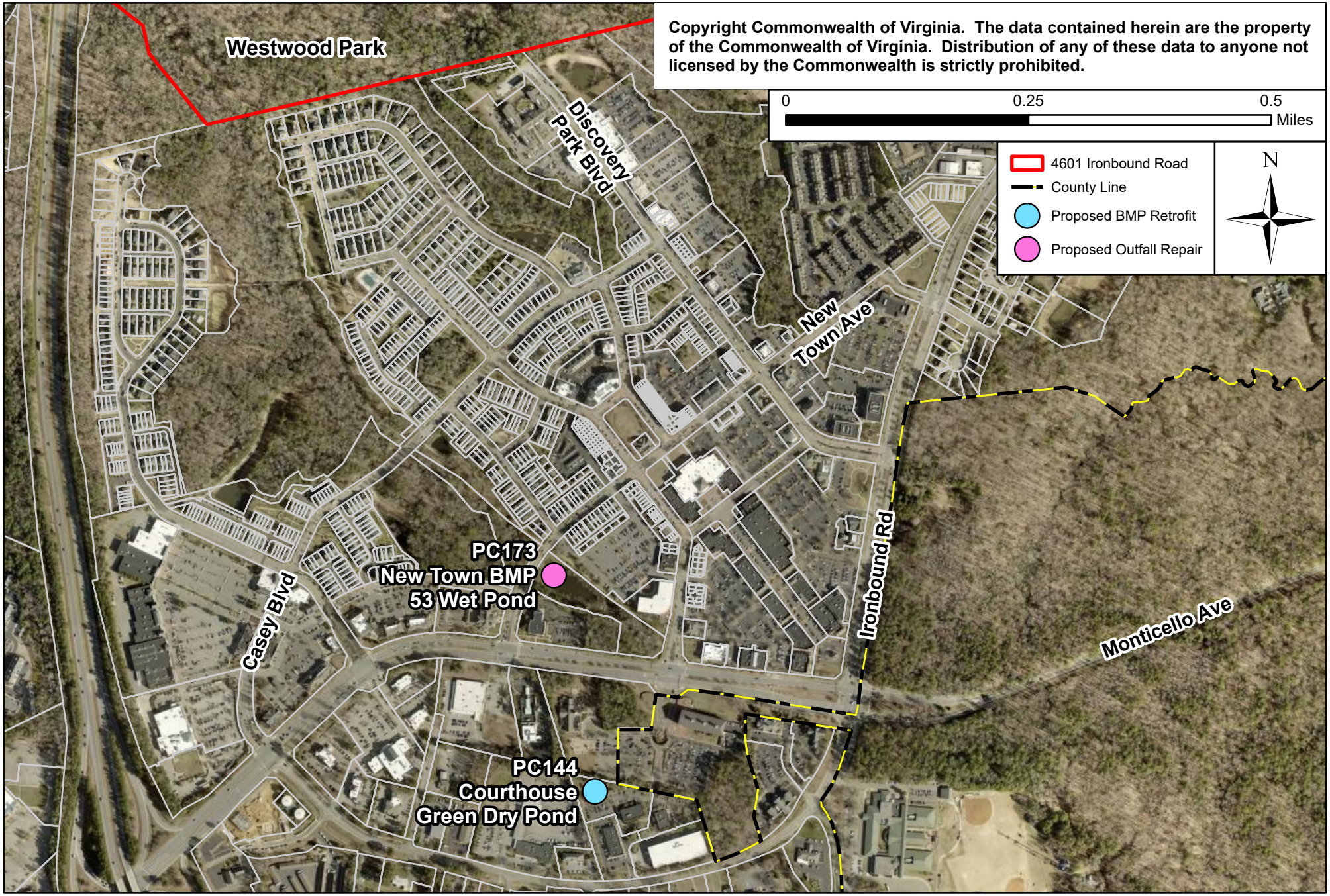
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

JCC Z-23-0004 / MP-23-0001, Westwood Park Rezoning
Proposed BMP Retrofit and Outfall Repair



AES
CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone (757) 253-0040
aesva.com

February 9, 2026

Transmitted Electronically

TO: James City County Board of Supervisors

FROM: Jason A. Grimes, P.E., AES Consulting Engineers, on behalf of ABVA Development

RE: Response to New Town Residential Association Correspondence Regarding Westwood Park (Z-23-0004 / MP-23-0001)

Dear Members of the Board,

AES Consulting Engineers, on behalf of ABVA, the developer of New Town Section 8 (Shirley Park) and the applicant for Westwood Park rezoning would like to formally respond to a letter we were furnished by Paul Holt as submitted by the New Town Residential Association (NTRA) dated February 2, 2026 on Friday. The developer and project team were surprised by the NTRA's letter, as we have worked transparently with the Association's leadership for several years to address any concerns with the Westwood proposal.

Status and Accountability in Shirley Park

It is the sincere desire of both the developer, ABVA, and the contractor, Henderson, Inc., to see Shirley Park completed correctly and as quickly as possible; however, Shirley Park remains an active construction site and is not yet ready for turnover. ABVA is not now asking that turnover take place. James City County regulations require the substantial completion of home construction before the County reviews final as-builts and begin the formal turnover of work. Following the successful process established at Charlotte Park, the developer intends to include the Association in all final inspections with the County at the appropriate time. The most effective time for the Association to engage a third-party engineer is during this joint inspection phase, as that is the milestone where the developer formally suggests to the County that the work is substantially complete.

The developer remains well-capitalized and has posted over $1.2 million in outstanding letters of credit with James City County to secure its obligations to complete the subdivision infrastructure in accordance with the approved plans and also holds financial

retainage from the contractor to ensure every standard is met before final release. To date, the developer has invested a substantial sum to redesign and install alternative stormwater measures specifically to protect homeowner-installed landscaping and hardscaping that were in direct conflict with the original approved plans. ABVA is committed to working with the Association on a smooth and amicable turnover when the appropriate time comes.

Furthermore, while not completely clear from the letter, references were made to three BMPs and a sewer bridge which are not part of Shirley Park. At this time, we are unaware of the exact facilities in question but would note that ABVA has no direct involvement with the historic maintenance or modifications of those specific items.

Integrity of the Westwood Park Proposal

It is vital to distinguish the pending Westwood Park application from the final stages of the Shirley Park neighborhood:

- Standalone Governance: As previously shared with the Association, at the request of the Association Westwood Park is a standalone development. It will have its own independent homeowners' association and will not be added to or affiliated with the NTRA.
- Drainage Flow and Downstream Protection: The concern that drainage from Westwood Park will negatively impact Charlotte Park is not supported by the project's topography and engineering. Contrary to the assertion that runoff would flow toward existing homes, Westwood Park and its proposed drainage improvements and outfalls will be entirely designed downstream of the improvements within Charlotte Park. The applicant is prepared to proffer that no post-development stormwater from Westwood Park will be discharged toward the Charlotte Park boundary.

Regarding the request for a defined stormwater plan for Westwood Park, we have proactively addressed this through the following commitments in our application:

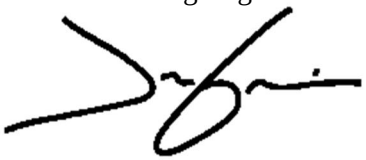
- Master Stormwater Management Plan: We have proffered the submission of a detailed Master Stormwater Management Plan at least three months prior to any development plan submittal which must be reviewed and approved by the Stormwater and Resource Protection Division, ensuring that all 100-year post-development storm protections are integrated.
- Regional Restoration: We have committed a $225,000 cash contribution for stream restoration within the Powhatan Creek Watershed to address regional, historic issues that have impacted Powhatan Creek effectively improving the overall health of the creek system for all downstream neighbors.

- Enhanced Standards: The has proffered to adhere to the most current Special Stormwater Criteria (SSC), representing the highest level of protection currently required by the County.
- Stormwater Upgrades: The developer is proffering enhancements to a County owned stormwater facility within Powhatan Creek Subwatershed 208 in accordance with the Powhatan Creek Watershed Study.

ABVA stands ready to fully complete the work associated with Shirley Park and to ensure the development of Westwood Park does not negatively impact the residents of New Town. We remain fully committed to the superior standards of engineering and community benefit proposed for Westwood Park.

Respectfully,

AES Consulting Engineers



Jason A. Grimes, P.E.
Vice President/Partner

New Town Residential Association
Chesapeake Bay Management Company
337 McLaws Circle, Suite 1
Williamsburg, VA 23185

RE: Z-23-0004/MP-23-0001, Westwood Park Rezoning

The New Town Residential Association (NTRA) Board of Directors representing 600+ homeowners asks that the Board of Supervisors significantly improve the planned stormwater prevention mechanisms related to any development of Eastern State Hospital surplus land. New Town lies immediately downstream of the proposed Westwood Park Development in Watershed 208, an already deteriorating area.

Prior to any approval of the Westwood Park Development, we have two specific requests:

1. That any approval of ABVA's proposed development of the Westwood Park community be contingent on ABVA's bringing NTRA's Shirley Park neighborhood, currently under construction, into full compliance with the plans submitted by the developer and approved by the county, and with good engineering practices.

Background: ABVA and affiliated entities have developed most of the residential neighborhoods in New Town, including the adjacent Charlotte Park neighborhood as well as the Abbey Commons, Chelsea Green and Shirley Park neighborhoods. In 2020 homeowner control of our Association Board began and since then, we have unraveled a continuing string of problems related to stormwater management. As developer property was turned over, BMPs failed inspection and needed major repair. NTRA owners have paid for those repairs since 2023 in conjunction with grant money from the County to fix three BMPs. So James City County taxpayers have been supporting us in correcting problems from this rezoning applicant.

NTRA's Shirley Park neighborhood is the 6th and final of New Town's residential neighborhoods. NTRA recently hired Giles Flythe Engineers to perform a transition study of the Shirley Park common areas in anticipation of the turnover of those areas by ABVA to our Association. This engineering study identified significant deficiencies in the Shirley Park common areas, especially in its stormwater management system. Thirteen of the 20 deficiencies (65%) were related to drainage, specifically improper grading of central open spaces, missing or incorrectly installed elements of multiple bioretention areas, buried or obscured inflow/outflow protections and vegetation overgrowth in the permanent stormwater pond, missing drainage ditches, and improper street construction. These items deviated from the submitted design plans. According to this study, the cost of repairs (where a cost can be assigned) is nearly $70,000.

Most concerning to the NTRA is a line item that simply says, "Evaluation and design of grading and stormwater management," cost TBD. It is recommended by our engineering firm that a more in-depth engineering study be conducted to address the many deficiencies in both design and execution of the stormwater management systems in all of Shirley Park. Deviations from design were noted on owner lots, as well as in these common areas. Specified drainage systems on owner lots are missing or nonfunctional. Stormwater management deficiencies on homeowner properties are inextricably linked with the stormwater management deficiencies in common areas; they cannot be considered separately, as each impacts the other. Any successful repair must include the entire neighborhood. The cost of the

type of study and repairs needed, based on early investigation, will be approximately $300,000. This is on top of the $70,000 in repairs already specified.

Our Board has a fiscal responsibility to owners. To require NTRA owners to shoulder the cost of the needed investigations and repairs in Shirley Park, or to fund legal action against ABVA to address the Shirley Park deficiencies, is an undue burden on those owners.

Stormwater management is important to NTRA and to James City County. We are asking you to please hold ABVA accountable for good stormwater practices in Shirley Park and make any approval of the development of the Westwood community by ABVA contingent on their correcting both common area and owner lot stormwater management deficiencies.

Our second request:

2. That any approval of development on the Eastern State property have a defined stormwater management plan in place that protects NTRA's neighborhoods downstream.

As part of the turnover of a large parcel of land from New Town Associates in 2025, NTRA received the trail system and bridge adjoining where Westwood Park is proposed for development. Due to unmanaged stormwater runoff from the Eastern State property, the bridge has become unsafe. To quote the bridge repair engineer: "The bridge columns cemented in place have become completely eroded away from the changing creek bed. The creek bed flow has completely undermined this bridge's support columns. You can actually see where the existing bridge support columns and the cement balls are literally suspended over the creek." The cost to NTRA owners for repair of 16 feet of this bridge is nearly $15,000, which we will pay for in 2026.

There is also evidence that owner property values are being negatively impacted by the unmanaged stormwater runoff from the Eastern State property. A recently sold home in our Charlotte Park neighborhood alongside the proposed Westwood Park development has been classified as being susceptible to flooding. This results in increased homeowner insurance rates and difficulty in selling the property.

The conceptual plans for Westwood Park show at least one planned retention pond situated directly behind our Charlotte Park homes, in an area that already remains wet much of the time. This retention pond sits at a higher elevation than Charlotte Park. When asked how this might impact our community and the homes there, ABVA's representatives answered that it probably won't make it worse. That is little reassurance to NTRA homeowners.

So we ask that any approval of development of the Eastern State property, including Westwood Park, feature, up front, a solid engineering plan for stormwater management that protects properties downstream and stronger oversight by James City County in its execution. "Probably not making things worse" isn't good enough.

Sommer Wrona
President

5 February 2026

When I was President of the New Town Residential Association (NTRA), I wrote a letter to Mike Youngblood who submitted it to the Board of Supervisors in December 2025 expressing NTRA's support of the Westwood Development. That letter was based on the information I had at the time of writing.

Since then, NTRA's leadership has changed, and new information has become available. Considering new information regarding wetlands, drainage and water runoff, I must rescind my statement that the reduction of density and removal of apartments will eliminate the vast majority of the remaining New Town opposition to the Westwood Development. This is no longer true.

The NTRA's Board of Directors supports the letter written by Sommer Wrona, President, as our current position.

Jack L Espinal
Past President
New Town Residential Association

Z-23-0004/MP-23-0001, Westwood Park Rezoning

5178 Rollison Drive
Williamsburg, VA 23188

February 4, 2026

Dear Board of Supervisors,

As New Town homeowners bordering this property, we are writing to express our concern with the planned rezoning of Parcel C of the Eastern State Hospital surplus land for the Westwood Park development **without significant State stormwater intervention and stronger County oversight**.

We have watched this project evolve since its earliest stages 6 years ago. We know that the applicant, ABVA, has made many concessions and design changes in response to concerns voiced by our community. We welcome these changes and believe that the development's current configuration is an improvement over its initial plan. At the same time, our homeowners Association is bearing the brunt of past ABVA construction errors and shortcomings, especially as it relates to BMPs and stormwater systems. So our experience shows what is on paper does not prove to be what this company executes.

Two philosophies should govern the Board of Supervisors consideration of the Westwood Park project: 1) do no harm, and 2) consider the big picture.

1) Do no harm

This property lies in a watershed area that the County has analyzed as "poor". The County's 2023 Powhatan Watershed Management Plan forecast that with the development of even 100 acres of Eastern State land, 39 percent of the area would be "nonsupporting" in other words severely degraded due to high levels of development. (Per the hydrology experts, nonsupporting streams "no longer support their designated uses in terms of hydrology, channel stability, habitat, water quality, or biological diversity" and "it may be difficult or impossible to fully recover predevelopment stream function and diversity.") The County's Plan states that this "significant increase in impervious surface areas" from the development of Eastern State would contribute to quicker and higher runoff downstream and "lead to potential deterioration of downstream aquatic ecosystems." This downstream area is New Town.

Remedying the conditions of the Powhatan watershed and minimizing future impacts was a major theme of the Planning Commission's recent recommendation not to approve the Westwood Park rezoning application. ABVA subsequently made changes to their application hoping to ameliorate several issues. How will the County ensure that ABVA commitments are appropriately implemented and do no further damage in New Town?

The reality is once development occurs, homes in New Town that are currently outside of FEMA flood maps are likely to be remapped as part of a Special Flood Hazard Area (or worse) due to the loss of pervious cover provided by Eastern State's woodlands. A neighbor recently sold their property for significantly less than our JCC real estate assessments in part due to findings that their location is susceptible to weather-related flooding events. Will more of New Town's downstream housing experience similar losses in value?

Westwood Park's potential damage to the Powhatan Watershed 208 should not be ignored in your decisionmaking. Each Eastern State Hospital rezoning applicant points to problems inherited from the Commonwealth's Department of Behavioral Health's lack of stormwater management. But it does not appear this State agency has been involved in fixing anything. We believe the Board of Supervisors should seek compensation or physical corrective actions from the Commonwealth of Virginia for the current condition of the Eastern State stormwater systems before any new construction begins in this already weakened area. Are we completely powerless to demand or expect landowner accountability?

2) Consider the big picture

Westwood Park is the first of two major mixed-use developments planned for Eastern State. The larger proposed Cardinal Ridge development on Parcels A&B will be located across from the new JCC Government complex. Two other parcels of land closeby along Ironbound Rd (the JCC General Services office complex at Tewning Rd and the JCC offices at Palmer Road complex) are becoming available potentially for new purposes.

JCC Planning Division staff must analyze each individual rezoning application against existing codes and requirements. Only the Board of Supervisors can ultimately determine if a rezoning project or a combination of rezoning projects fits the vision for James City County and improves our community.

Please carefully consider the potential cumulative effects of adding up to 1136 homes to the Ironbound Rd corridor, along with the JCC Administrative Offices, and whatever is developed on the two other Ironbound Road vicinity plots. What will all this growth do to traffic, stormwater management, and quality of life in this corner of James City County?

This is not an easy rezoning decision to make, and after 6 years of effort it is probably unfair for one applicant to bear the full burden of being first in line. We hope that you will thoughtfully deliberate over all rezoning options that might be possible for Eastern State Hospital's property, and if approved, include specific compliance conditions for this Westwood Park applicant.

Sincerely,

Mary Cheston Richard Cheston

Mary and Richard Cheston

December 9, 2025

To the Board of Supervisors:

I am writing in reference to the Westwood project proposal . As the Vice president of the New Town Commercial Association, I am in full support of this project as it will add to the wonderful community that was established more than 20 plus years ago in James City County.

The addition to mainly residents will help support the commercial association that is here as it is people that make the association grow and thrive. Also having a little additional commercial space in the proposed project area will not only enhance the experience of the people that live there but help support the main commercial area in the heart of new town.

On a personal note, I have owned Iron-Bound Gym since 2001 and had the opportunity to move and build in new town in 2006. I recently expanded the gym in May in a space right across the street from our current location. Since then, we have grown our business mainly due to serving people in the local area and others in the immediate surroundings.

A gym along with other business in the community do best where there are people nearby as it creates a sense of a larger community. The Westwood project would simply add to the New Town community and grow our presence not only as a gym but as part of the whole New Town area itself.

Thank you for your time and look forward to this project thriving in our newa future.

Sincerely,

Scott Grafton

New Town Residential Association
Chesapeake Bay Management Company
337 McLaws Circle Suite 1
Williamsburg, VA 23185

4 December 2025

Mike,

Thank you for sending me your updated plans for the Westwood development yesterday. I will use the information in my briefing to our residents at our annual meeting on 10 December 2025 at Legacy Hall. Our residents continue to be concerned about commercial development in the areas around New Town. Based upon current vacancy rates, additional commercial development is simply not needed. Further, commercial development produces significantly more hardscape because of the need for additional parking. This results in more water runoff and is not environmentally sound as residential development where much of the runoff percolates naturally into the water table. The additional vehicle traffic for commercial areas also has a negative impact on the New Town community.

Our Charlotte Park owners on Rollison near Olive Drive as well as many others in New Town will be pleased with the additional buffer created by the elimination of four of the originally planned single-family homes. This, and the overall reduction in density, and the removal of apartments will eliminate the vast majority of any remaining New Town opposition to the Westwood development.

I really appreciate the efforts that you have made in making Westwood acceptable to our residents.

Respectfully,

Jack Espinal
President
New Town Residential Association

Iron-Bound Gym
4325 New Town Avenue
Williamsburg, VA 23188

April 2, 2025

Dear Morgan Risinger:

I am writing in reference to the Westward Project proposal. As the Vice President of the New Town Commercial Association, I am in full support of this project as it will add to the wonderful New Town community that was established over the last 20+ years ago in James City County. The addition of mainly residents will help support the commercial association that is here as it is people that make the association grow and thrive. Also, having a little additional commercial space in the proposed project area will enhance the experience of those that live there while adding support to the main commercial area in the heart of New Town.

On a personal note, I have owned Iron-Bound Gym since 2001 and had the opportunity to move and build in New Town in 2006. Since then, we have grown our business, mainly due to serving people in the local area and others in the surrounding. A gym, along with other businesses in the community do best where there are people nearby as it creates a sense of a larger community.

The Westward Project would simply add to the New Town community and grow our presence not only as a gym but as part of the whole New Town area.

Thank you for the opportunity to write and look forward to seeing this project thriving in the future.

Sincerely,

Scott Grafton
NTCA Vice President
Iron-Bound Gym Owner

Morgan Risinger

Subject: RE: [External]Westward Park Rezoning April 2, 2025

From: Ann Hewitt <hewittann45@gmail.com>
Sent: Wednesday, April 2, 2025 11:57 AM
To: Planning <planning@jamescitycountyva.gov>
Subject: [External]Westward Park Rezoning April 2, 2025

Dear Commissioners,
I am writing to respectfully request the the Westward Park Rezoning Application be denied.
The submission is fraught with glaring omissions and vague misstatements . That the applicant has refused to honor requests from Stormwater and Resource Protection Division speaks volumes. "This plan is NOT compliant with the 2923 Powhatan Creek Watershed Plan."
There are too many other environmental issues to address here. It must go back to the drawing board and follow County and state guidelines. The applicant has simply written a narrative about what he might do, if he gets a Rezoning approval without submitting pre- developmental required environmental studies.

Sincerely,
Ann Hewitt
147 Raleigh Street
Wmsbg VA

Date: May 13, 2025

From: Linda Rice, President of Friends of Forge Road and Toano
2394 Forge Road
Toano, VA 23168
Lindarice678@cox.net

To: The Honorable Members of the Board of Supervisors

Re: Opposition to Rezoning Application Z-23-0004 and Master Plan-23-0001

Friends of Forge Road and Toano (F.O.R.T.) is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historical significance, and support agri-tourism. We currently have approximately 125 paid members. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

We are writing to express our alignment with and strong support of the Friends of Powhatan Creek and in opposition to the proposed Westwood Park project.

In an extensive, highly detailed presentation at the April 2, 2025 Planning Commission meeting, Ken Goldsmith of Friends of Powhatan Creek outlined the many deficiencies in this rezoning application. Stormwater runoff is a key factor in the currently threatened Powhatan Creek, an already environmentally sensitive

area. The applicants are applying for the rezoning application based on the assumption that the required Stormwater Management Plan will be submitted sometime **after** the rezoning is approved. With all respect, this is the proverbial pig in a poke.

In his presentation, Mr. Goldsmith affirmed the unique value of maintaining this property as currently zoned, noting:

> It is one of the last intact habitat cores in the most highly developed portion of the County. The high ecological value of the site is as a large, intact area of mature forest.

While some growth in James City County may be inevitable, destroying unique habitats such as this is not.

As to utilities, JCSA reviewed this proposal and found that "it is not guaranteed that required service levels are available from the existing systems to support the development" (Staff Report, p. 9). Once again, the applicants provide an undefined promise that **after** the rezoning is complete they will submit for approval a "detailed Utility Master Plan depicting the proposed public water and sewer systems." (Staff Report, p. 9) This is another pig in a poke.

Somewhat surprisingly, the proposed development passed the "Adequate Public Schools Facilities Test." According to the criteria utilized, the 86 single family homes and 100 multi-family units in the development are estimated to generate only 48 additional students in the public schools. Logic dictates actual numbers would likely be substantially higher.

This rezoning application (Z-23-0004) and its accompanying master plan application (Master Plan-23-0001) present a unique set of issues. It is currently owned by the State and is not the property of the applicant. Thus, the usual private land ownership considerations are not present. The property is currently zoned PL (Public Lands) and is listed as "Federal, State or County Lands" in the Comprehensive Plan. The applicant is asking the County to legislate on their behalf, rezoning the property PUD-R (Planned Unit Development Residential, with Proffers) so that they can purchase it from the State and add yet another development to the already congested New Town area.

The Planning Commission, in a 5 to 1 vote, appropriately decided not to recommend approval of this highly unusual and wildly speculative application. The commissioners expressed their legitimate concerns that they did not have adequate information to make an informed decision on a project of this magnitude. They repeatedly affirmed the objective to make a decision that would "do no harm."

F.O.R.T. strongly encourages the honorable members of the James City County Board of Supervisors to do the same.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 2, 2025
6:00 PM

A. CALL TO ORDER

Dr. Allman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:
Kira Allmann, Vice Chair
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Crystal Haskins

Planning Commissioners Absent;
Jack Haldeman, Chair

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Christy Parrish, Zoning Administrator
Tom Leininger, Principal Planner
Jose Ribeiro, Senior Planner/Landscape Planner
Terry Costello, Senior Planner
Roberta Sulouff, Senior Planner
Allison Jackura, Senior Planner
Morgan Risinger, Senior Planner
Will Albiston, Planner
Linda Titus, Community Development Assistant
Hannah Hunnicutt, Community Development Assistant

C. PUBLIC COMMENT

Dr. Allman opened Public Comment.

As no one wished to speak, Dr. Allman closed Public Comment.

D. REPORTS OF THE COMMISSION

Dr. Allman stated that the Policy Committee did not meet in March.

Mr. Rodgers stated that the Development Review Committee (DRC) met on March 26, 2024, to discuss two new items, SIGN-25-0032. Mason Park Subdivision Entrance Sign and C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request. The DRC voted to approve the location of SIGN-25-0032. Mason Park Subdivision Entrance Sign (3-0). The applicant for C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request had requested the case be deferred to the May 21, 2025, meeting. On a voice vote, the Committee voted to defer C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request to the May 21, 2025, meeting.

E. CONSENT AGENDA

1. SPLN-22-0012. Ford's Village Phases A and B

2. Minutes of the March 5, 2025, Regular Meeting

3. Minutes of the March 17, 2025, Regular Meeting

Mr. Polster asked to pull SPLN-22-0012. Ford's Village Phases A and B from the Consent Agenda.

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

Mr. Polster discussed the Stormwater Management Master Plan and how it relates to the proposed Westwood Park Rezoning case in the Public Hearing.

F. PUBLIC HEARING(S)

1. SUP-24-0034. 7649 Cypress Drive Rental of Rooms

Ms. Terry Costello, Senior Planner, addressed the Commission stating that Ms. Sharon Elliot had applied for a Special Use Permit (SUP) to allow the operation of the rental of rooms at 7649 Cypress Drive. Ms. Costello explained that the rental of rooms SUP would allow for the short-term rental of one bedroom within the existing three-bedroom residence. Ms. Costello noted that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan, and is located outside of the Primary Service Area (PSA).

Ms. Costello stated that staff considered the home's location, parking provisions, and that the owner would reside on-site during the time of the rentals, to be favorable factors in the evaluation of this application. Ms. Costello explained that the property has an existing driveway and parking area sufficient to accommodate guests. Ms. Costello stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Costello noted that such conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Costello explained that there was a previously approved SUP for a tourist home which expired due to a condition not being met within the required timeframe.

Ms. Costello stated that while staff believes that this location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the

Comprehensive Plan recommendations for short-term rentals and therefore staff cannot recommend approval. Ms. Costello explained that should the Planning Commission wish to recommend approval to the Board of Supervisors, staff has included proposed conditions for consideration.

Ms. Sharon Elliot, 7649 Cypress Drive, Lanexa, VA, addressed the Commission stating that her previous SUP had expired due to the need for an updated Certificate of Occupancy.

Mr. Everson stated that he would not support the case as it is not consistent with the Comprehensive Plan.

Mr. Maye made a statement regarding approving cases that were not consistent with the Comprehensive Plan.

Discussion ensued.

Mr. Rodgers made a motion to recommend approval of SUP-24-0034. 7649 Cypress Drive Rental of Rooms.

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

2. SUP-25-0001. Christ Fellowship Church of Williamsburg

Mr. Will Albiston, Planner, addressed the Commission stating that Mr. Terry Lackey had applied for a SUP on behalf of Christ Fellowship Church of Williamsburg to allow the operation of a place of public assembly and expand the existing development on the site by adding two storage sheds and a playground area at 3687 Ironbound Road and 3695 Ironbound Road. Mr. Albiston noted that the properties were approximately 4.77 acres in size, zoned R-8, Rural Residential, with Proffers and PUD-R, Planned Unit Development Residential, designated Low Density Residential on the Comprehensive Plan Land Use Map, and located inside the PSA.

Mr. Albiston explained that the Master Plan showed the existing site development with the proposed site improvements. Mr. Albiston stated that the existing site was developed with two main structures, a parking area, and a stormwater management facility. Mr. Albiston explained that the proposed site improvements solely consist of the addition of two 8-foot by 12-and-a-half-foot storage sheds and 50-foot by 50-foot playground area. Mr. Albiston noted that should this SUP be approved, any future development on the site that is not generally consistent with the Master Plan would require a Master Plan amendment to be approved by the Board of Supervisors.

Mr. Albiston stated that staff found this proposal to be compatible with surrounding development and generally consistent with the Comprehensive Plan and Zoning Ordinance. Mr. Albiston informed the Commission that staff recommended that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Dr. Allman opened the Public Hearing.

Mr. Scott Dobson, 209 Cliftons Bluff, Williamsburg, VA, addressed the Commission in support of the project.

Mr. Terry Lackey, 8323 Barons Court, Williamsburg, VA, addressed the Commission in support of the project.

Mr. S. Aden Digges, 3701 Ironbound Road, Williamsburg, VA, addressed the Commission in support of the project with the condition that a parking lot expansion would not be proposed in the future.

Dr. Allman closed the Public Hearing.

Mr. Polster inquired about the Master Plan and if the Christ Fellowship Church of Williamsburg were to try to expand the parking lot, would they need to reapply for an SUP.

Mr. Albiston explained the Zoning Ordinance gives the Planning Director he authority to make interpretations and judgements on whether proposed development is consistent with an approved Master Plan. If found inconsistent, a Master Plan amendment would need to be submitted to the Planning Commission and the Board of Supervisors.

Mr. Everson made a motion to approve SUP-25-0001. Christ Fellowship Church of Williamsburg with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval. (6-0)

3. Z-24-0012/SUP-24-0023. Chickahominy Haven Marina - Rezoning and Special Use Permit (R-2 to A-1)

Ms. Roberta Sulouff, Senior Planner, addressed the Commission stating that Mr. Jason Grimes of AES Consulting Engineers, had applied on behalf of Sincere Estates, LLC, to rezone the site of the Chickahominy Haven Marina from R-2, General Residential to A-1, General Agricultural, with proffers. Ms. Sulouff explained that along with the rezoning, the applicant is requesting an SUP to allow for the legal operation of the existing marina and existing and proposed accessory uses including a restaurant, boat storage, boat trailer parking, a general store, wet slips, docks and piers. Ms. Sulouff noted that the subject property is located outside the PSA, zoned R-2, General Residential, and is designated Rural Lands on the Comprehensive Plan.

Ms. Sulouff stated that this lot is shown on the 1965 Master Plan for the Chickahominy Haven subdivision as a commercial lot, but the plat predates the Zoning Ordinance. Ms. Sulouff explained that when the site received a zoning designation of R-2, it had been operating as a commercial Marina for several years. Ms. Sulouff noted that boating facilities associated with homeowners associations (HOA) were permitted uses in the R-2 zoning District; however, this marina is owned and operated privately and has operated as a legal nonconformity for much of its existence. Ms. Sulouff explained that many uses on the site, including the general store, restaurant, and wet slip rentals have lost their legally nonconforming status as they have ceased operation for a period of over two years.

Ms. Sulouff stated that the new owners of the marina wished to reestablish those uses, but reestablishing the uses is not permitted in the current zoning district. Ms. Sulouff explained that renovations of structures related to uses that have maintained their legally nonconforming status were limited by the Zoning Ordinance, to avoid the expansion of nonconforming uses.

Ms. Sulouff stated that the applicant requested a rezoning to the A-1 Zoning District, which permits marinas and their accessory uses by SUP. Ms. Sulouff explained that the applicant had proffered to exclude all other uses permitted in the A-1 District aside from the marina and its accessory uses. Ms. Sulouff noted that staff had also proposed SUP conditions which would mitigate impacts of the use, and provide an opportunity to address existing issues on the site, such as parking nonconformities and unaddressed stormwater runoff.

Ms. Sulouff stated that with the conditions and draft proffers, staff found that the proposal was compatible with surrounding zoning and development and consistent with the Comprehensive Plan.

Ms. Sulouff stated that staff recommended that the Planning Commission recommend approval of the proposed Rezoning and SUP applications to the Board of Supervisors, subject to the attached conditions and proffers.

Dr. Allman opened the Public Hearing.

Mr. James Cumming, 100 Lakeview Drive, Toano VA, addressed the Commission in support of the proposed project, stating that the goal of the proposed project was to bring the marina back to its previous operation.

Mr. Steven Barone, 7464 Little Creek Dam Road, Toano VA, addressed the Commission in support of the proposed project.

Mr. Logan Hall, 1102 Hitchens Lane, Williamsburg VA, addressed the Commission in support of the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster stated that Mr. Haldeman had visited the site of the marina and was in support of the proposed project.

Discussion ensued.

Mr. Rodgers raised concerns about potential noise from special events held at the marina.

Ms. Sulouff explained that any special events would have to be permitted and abide by the Noise Ordinance.

Mr. Polster made a motion to recommend approval of Z-24-0012/SUP-24-0023. Chickahominy Haven Marina - Rezoning and Special Use Permit (R-2 to A-1) with conditions.

On a roll call vote, the Commission voted to recommend approval. (6-0)

4. SUP-24-0032. 232 Lakeview Drive

Mr. Jose Ribiero, Senior Planner/Landscape Planner, addressed the Commission stating that SUP-24-0032. 232 Lakeview Drive had been deferred to this meeting on April 2, 2025, to allow time for the applicant to have the 100-foot Resource Protection Area (RPA) delineated. Mr. Ribiero noted that the applicant had contracted Stantec to delineate the RPA. Mr. Ribero explained that Stantec evaluated the results of the recent delineation of on-site features within 100 feet of the project area to determine the extent of the RPA buffer associated with the Little Creek Reservoir. Mr. Ribeiro confirmed that the storage area is located outside the 100-foot RPA. Mr. Ribeiro stated that there was no need to have this project evaluated by the Chesapeake Bay Board as the RPA was not impacted by this proposal.

Mr. Ribeiro stated that Mr. James Beavers of Williamsburg Contracting, LLC, had applied for an SUP to allow for a contractor's office and storage of vehicles and equipment on his property located at 232 Lakeview Drive. Mr. Ribeiro noted that the property is zoned A-1, General Agricultural, and designated as Rural Lands and Community Character Conservation, Open Space, or Recreation on the Comprehensive Plan. Mr. Ribeiro explained that a contractor's office and storage yard required an SUP on properties zoned A-1, General Agricultural.

Mr. Ribeiro stated that Mr. Beavers currently operates his business without the required SUP. Mr. Ribeiro explained that if the SUP application was approved, the land use would come into compliance with current zoning regulations. Mr. Ribeiro noted that all reviewing agencies had evaluated this application.

Mr. Ribeiro stated that the property is designated as Rural Lands and Community Character Conservation, Open Space, or Recreation on the Comprehensive Plan Land Use Map.

Mr. Ribeiro explained that appropriate primary uses in Rural Lands include traditional agricultural and farming activities, but home-based occupations, or certain uses that require low-intensity settings relative to the site in which it would be located may be considered in a case-by-case review. Mr. Ribeiro noted that staff found the proposed scale of the business to be low intensity, which would not negatively impact the natural and rural character of the area.

Mr. Ribeiro stated that per the Comprehensive Plan, land uses that were most appropriate for the Community Character Conservation, Open Space, or Recreation designation were those that currently contribute to the rural, historic, and scenic character of the County.

Mr. Ribeiro explained that the current use of this property is not consistent with the Community Character Conservation, Open Space, or Recreation designation of the Comprehensive Plan, but the use has already been established in this area as of 2019. Mr. Ribeiro stated that Condition No. 4 prohibits parking, storage of equipment and vehicles, and additional soil disturbance within 15 feet of the RPA buffer and Condition No. 11 that limits the number of vehicles that can be parked on-site to ensure that the area subject to this SUP would not expand further into the Conservation, Open

Space, or Recreation area. Mr. Ribeiro noted that the proposed new Condition No. 12 further prohibits development within this Comprehensive Plan designation.

Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster commended Mr. Ribeiro for including a map with the RPA buffer and noted that the applicant had been placing drip pans under the equipment to prevent spillage.

Discussion ensued.

Dr. Allman opened the Public Hearing.

Ms. Amanda Beavers and Mr. James Beavers, 232 Lakeview Drive, Toano, VA, addressed the Commission and explained that the site is only used for storage of equipment, and no work is done on the property.

Dr. Allman closed the Public Hearing.

Mr. Polster thanked the applicant for moving forward with the RPA delineation as instructed and stated that he intends to support the proposed project.

Mr. Rodgers made a motion to recommend approval of SUP-24-0032. 232 Lakeview Drive with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval. (6-0)

5. Z-24-0014 & MP-25-0001. Fort Magruder Mixed Use Rezoning

Ms. Allison Jackura, Senior Planner, addressed the Commission regarding the rezoning of the Fort Magruder Hotel and Conference Center property located at 6945, 6927, and 6951 Pocahontas Trail. Ms. Jackura stated that the proposed Rezoning and Master Plan is to convert the existing hotel and conference space into 126 apartments and 32,000 square feet of commercial space. Ms. Jackura explained that the applicant is proposing to rezone the property to MU, Mixed Use.

Ms. Jackura stated that 40% of the residential units would be designated as affordable and workforce housing, which is proffered by the applicant. Ms. Jackura explained that the existing landscape buffers that were required by the Ordinance to exist in Mixed Use districts were to be retained and enhanced. Ms. Jackura noted that existing vegetation that needs to be removed would be identified and enhanced landscaping would be planted.

Ms. Jackura explained that the parking lot would be brought into compliance with the current requirements, with landscape islands being installed and required access aisles added to ADA accessible parking spaces. Ms. Jackura noted that stormwater facilities would be brought into compliance with current requirements, and details would be addressed during the site plan process if the case is approved. Ms. Jackura stated that the total impervious surface of this property is approximately 75% and with the

proposed landscape islands in the parking lot, the impervious surface would be reduced to approximately 70%. Ms. Jackura noted that the existing indoor and outdoor pools were proffered to remain as recreational amenities, as well as the 1.1-acre Civil War era redoubt located on the property.

Ms. Jackura explained that the front landscaping is required to be an average of 30 feet in depth, and the applicants have stated that they would be expanding slightly to come into compliance with the requirement. Ms. Jackura noted that the fencing, stockade wall, and canons would be removed from the landscape buffer and the side and rear buffers would be retained as a provision granted by the Planning Director. She noted that the condition being that the same quantity of vegetation be planted in the buffers.

Ms. Jackura stated that the architecture of the building would remain, and the existing canopy affixed to the entrance and roundabout in the parking lot would be removed to create more space.

Ms. Jackura noted that the property is designated Mixed Use according to the Comprehensive Plan and the proposal does align with the Comprehensive Plan. Ms. Jackura stated that the proposed plan meets the updated Code and Ordinance requirements and passes most adopted policies. Ms. Jackura noted that the proposed plan does not meet the Parks & Recreation Facilities Guidelines, but staff did note that there were constraints in regard to how the guidelines were written and the nature of the property itself, specifically the Civil War Era redoubt, which prevents the ability to put a playground. Ms. Jackura noted that the development already exists, which limits the options of what they can do but they have proffered additional amenities.

Ms. Jackura stated that staff recommended the Planning Commission recommend approval of Z-24-0014 with proffered conditions and MP-25-0001 to the Board of Supervisors.

Mr. Vernon Geddy, 1177 Jamestown Road Williamsburg, VA, addressed the Commission stating that he was representing Conserve Holdings, LLC. Mr. Geddy stated that Conserve Holdings, LLC, is a real estate investment company that owns and operates several multifamily properties in the County. Mr. Geddy noted that the Fort Magruder Hotel and Conference Center property is under contract with Conserve Holdings, LLC.

Mr. Geddy explained that the proposed project is for the adoptive reuse of an underutilized property through a multi-million dollar renovation to provide quality affordable, workforce, and market-rate housing and commercial space. Mr. Geddy noted that the fact that it is an adoptive reuse of an existing property creates a few challenges under the Zoning Ordinance.

Mr. Geddy stated that 40% of the proposed residential units are proffered as workforce and affordable housing. Mr. Geddy noted that the plan passes the Adequate Public Schools Facilities Test and Adequate Transportation Facilities Test, and there is a proffer to create an updated traffic study if necessary.

Dr. Haskins asked Mr. Geddy to clarify the distinction between market rate and affordable workforce housing, and what the additional 60% of housing would be.

Mr. Geddy explained that 60% of housing would be at the market rate price, while the 40% of affordable and workforce housing would follow the policy of 60%, 80%, and 120% of the Area Median income (AMI). Mr. Geddy noted that the range of each would vary based on family size.

Discussion ensued.

Dr. Allman opened the Public Hearing.

Ms. Allison Woodard, 11 Heath Place, Newport News, VA, addressed the Commission as a representative of the Williamsburg Battlefield Association and advocated for the preservation of the Civil War redoubt on the property.

Ms. Bonnie Smith, 301 Lewis Burwell Place, Williamsburg, VA, addressed the Commission with concerns about the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster asked the applicants to confirm if the restaurant on the property would be retained.

Mr. Geddy confirmed that there would be a restaurant with a commercial kitchen.

Discussion ensued.

Mr. Polster made a motion to recommend approval of Z-24-0014 & MP-25-0001. Fort Magruder Mixed Use Rezoning.

On a roll call vote, the Commission voted to recommend approval. (6-0)

6. Z-23-0004/MP-23-0001. Westwood Park Rezoning

Ms. Morgan Risinger, Senior Planner, addressed the Commission stating that Mr. Jason Grimes of AES Consulting Engineers, and Mr. Vernon Geddy of Geddy, Harris, Franck, and Hickman, had applied on behalf of ABVA Development to rezone approximately 79.56 acres of property located at 4601 Ironbound Road. Ms. Risinger stated that the property is currently zoned PL, Public Land, is inside the PSA, and is designated Federal, State, or County Land on the Comprehensive Plan.

Ms. Risinger explained that the application requested to rezone the property from PL, Public Lands to PUD-R, Planned Unit Development Residential. Ms. Risinger stated that the proposed development includes a maximum of 186 residential dwellings, of which 86 would be single-family detached units and 100 would be single-family attached and multifamily units. Ms. Risinger noted that this corresponds to a proposed residential density of 3.44 units per developable acre. Ms. Risinger explained that 20% of the homes, or 38 homes, would be made affordable for those making up to 80% of the AMI and the proposal also includes a maximum of 40,000 square feet of commercial and office uses.

Ms. Risinger stated that the proposed landscape buffers for the site include a 50-foot-wide buffer from the properties adjacent to Discovery Park Boulevard and a 100-foot-

wide buffer from the properties along Rollison Drive in New Town. Ms. Risinger explained that a 150-foot-wide buffer would also be provided from Route 199. Ms. Risinger noted that the proposed recreational amenities include a swimming pool and bathhouse, at least six acres of passive parks including areas for picnics and grilling, two playgrounds, and at least 3,000 linear feet of soft-surface trails.

Ms. Risinger explained that the proposed residential density requires two density bonus points for the development and to meet the required density bonus points, the applicants have proposed to undertake a stormwater management facility retrofit at the Courthouse Green development which is in the same subwatershed. Ms. Risinger stated that staff found that this bonus point item was met and corresponds to 1.5 density bonus points. Ms. Risinger explained that the applicants have also proposed binding design guidelines and staff found that this bonus point item was met and corresponds to 0.5 density bonus points.

Ms. Risinger stated that the property is located in the Powhatan Creek watershed and was reviewed for consistency with the Watershed Master Plan. Ms. Risinger explained that in addition to the stormwater management facility retrofit proposed for bonus points, the application also proposes another stormwater management facility retrofit in New Town Block 8 as well as a stormwater management facility outfall repair near the SunTrust Building in New Town. Ms. Risinger noted that the application also ensured the submission of a Master Stormwater Plan where all stormwater management facility outfalls had outlet protection designed for 100-year storm events, and compliance with the most updated version of the County's Special Stormwater Criteria. Ms. Risinger stated that staff found that the application was consistent with the Powhatan Creek Watershed Master Plan.

Ms. Risinger explained that during the Comprehensive Plan update process, a Land Use (LU) application, LU-20-0002, was submitted requesting to change the LU designation for this portion of the property from Federal, State, or County Land to the Mixed Use - New Town designation. Ms. Risinger stated that at its June 24, 2021, meeting, the Planning Commission recommended approval of the Comprehensive Plan including the land use application. Ms. Risinger noted that following consideration by the Board of Supervisors, the LU application was deferred to be reviewed concurrently with the Rezoning application and guidance was received to change the proposed LU designation to Mixed Use - Eastern State. Ms. Risinger stated that staff found the application consistent with the proposed draft language for the Mixed Use - Eastern State designation.

Ms. Risinger stated that staff found several factors favorable for the application, including that the proposal is consistent with the Zoning Ordinance, Comprehensive Plan, and workforce and affordable housing recommendations. Ms. Risinger also noted that the proposal is expected to have a positive cumulative fiscal impact, passes the Adequate Public Schools Facilities Test, Adequate Transportation Facilities Test, and satisfied the requirement for two density bonus points. Ms. Risinger stated that Parks & Recreation Department staff found the proposed amenities consistent with the Parks & Recreation Master Plan.

Ms. Risinger stated that staff found the application included mitigation for potential impacts and had no unfavorable factors. Ms. Risinger noted that staff had received correspondence from citizens, which was provided to the Planning Commission.

Ms. Risinger stated that staff recommends that the Planning Commission recommend approval of the proposed rezoning application to the Board of Supervisors, subject to the proposed proffers.

Dr. Allman asked for clarification on the steps of this process, and what would occur prior to ground being broken on the site.

Ms. Risinger stated that there were two proffers proposed, one being that a Stormwater Management Master Plan be submitted three months prior to a development plan for the property. This Master Plan would be reviewed by the Stormwater and Resource Protection Division. Ms. Risinger noted that there would also be a Utility Master Plan required for the James City Service Authority staff to review the proposed utility infrastructure would be and if there were any off-site improvements required.

Dr. Allman asked if the development plan would come back to the Planning Commission.

Ms. Risinger explained that major subdivisions were subject to approval through the Planning Commission, but not as a public hearing.

Mr. Rodgers asked what would happen if the Stormwater Management Master Plan did not work.

Ms. Risinger explained that the Stormwater Management Master Plan must be approved before any final development plan is approved.

Dr. Allman opened the Public Hearing.

Mr. Vernon Geddy, 1177 Jamestown Road, Williamsburg, VA, addressed the Commission stating that he was representing ABVA Development. Mr. Geddy explained that the property is currently being sold by the Commonwealth of Virginia. Mr. Geddy noted that this project has been worked on for approximately five years and after receiving feedback from the Board of the New Town Residential Association, several changes had been made to the proposed development.

Dr. Allman asked Mr. Geddy if the capital contribution to the HOA would be a monthly payment.

Mr. Geddy explained that there is typically a one-time capital contribution when the property is purchased, and monthly payments would be billed based on the HOAs assessment of the funds it would need.

Dr. Allman asked if the HOA contribution is factored in the cost of the proposed affordable and workforce housing.

Mr. Mike Youngblood, 4808 Courthouse Street, Williamsburg, VA, explained that the cost of the HOA fee for market-rate housing would differ from the affordable and workforce housing.

Discussion ensued.

Dr. Allman opened the Public Hearing.

Mr. Jack Espinal, 4615 Town Creek Drive, Williamsburg, VA, addressed the Commission in support of the proposed project.

Ms. Ann Hewitt, 147 Raleigh Street, Williamsburg, VA, addressed the Commission with concerns about the proposed project.

Mr. Ken Goldsmith, 258 Sandy Bay Road, Williamsburg, VA, a representative of Friends of Powhatan Creek, addressed the Commission with concerns about the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster commended staff and the applicant for their work on the proposed project but brought up concerns regarding the Powhatan Creek watershed.

Mr. Everson asked Mr. Polster what he would like the applicants to do regarding the concerns about the health of the Powhatan Creek watershed.

Discussion ensued.

Mr. Geddy stated that current problems with the Powhatan Creek watershed stem from Tewning Road and Eastern State, where water is flowing with no stormwater management. Mr. Geddy explained that the applicants had initially offered to design a stream restoration plan, but the County did not have a Capital Improvement Plan in place to accept money for restoration. Mr. Geddy noted that with the uninhibited water coming from upstream, it was likely that any stream restoration would eventually be destroyed.

Discussion continued.

Mr. Everson asked Ms. Risinger if the issue with the stream would be addressed in a Stormwater Management Master Plan.

Ms. Risinger stated that she did not believe it would include a requirement to restore the stream, but it would look at the quality and quantity of the stormwater on-site.

Mr. Everson asked if the purpose of the Stormwater Management Master Plan was to not make the current situation worse.

Ms. Risinger stated that the Master Plan was to handle the stormwater from the proposed development.

Discussion continued.

Mr. Polster asked staff if the Board of Supervisors would have to approve any proposed development on the property.

Ms. Risinger stated that the project would not be possible without approval of the Rezoning application.

Discussion continued.

Mr. Polster made a motion to recommend denial of Z-23-0004/MP-23-0001. Westwood Park Rezoning to the Board of Supervisors.

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

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2025

   Ms. Istenes reminded the Commissioners about the Board of Supervisors coverage chart attached to the Planning Director's Report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Polster discussed how the Stormwater Management Master Plan is not required and stated that he would like to see it become a requirement.

Mr. Everson disagreed, stating it was too large of an expense to expect from applicants before the proposed plans were approved.

Discussion ensued.

J. ADJOURNMENT

Dr. Allman asked for a motion to adjourn.

Mr. Rodgers made a motion to adjourn.

The meeting was adjourned at approximately 6:39 p.m.

_____ _____

Susan Istenes, Secretary Kira Allman, Vice Chair

M E M O R A N D U M

DATE: May 12, 2026

TO: The Board of Supervisors

FROM: Terry Costello, Senior Open Space Planner II

SUBJECT: Case No. LU-20-0003. Eastern State (Parcels A, B, and D) - Land Use Designation Change

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At the Board of Supervisors meetings on July 13, 2021, September 28, 2021, and October 26, 2021, the Board considered the 2045 Comprehensive Plan and adopted the Plan on October 26, 2021. As part of its consideration of the Plan, the Board voted to postpone the Eastern State land use designation change applications for six months or until such time as rezoning applications for the properties involved had been submitted. No applications were submitted during that time, and on April 12, 2022, the Board voted to postpone these applications for 12 months or until such time as rezoning applications for the properties involved had been submitted. As no formal applications were submitted by its April 11, 2023, meeting, the Board further postponed Case No. LU-20-0003 until such time that a rezoning application was submitted and considered by the Board.

A Rezoning application, Case No. Z-23-0008, was submitted to the County on November 27, 2023, and considered by the Planning Commission at its December 3, 2025, meeting. Accordingly, staff has provided the Eastern State Mixed Use Area description which is applicable to the portion of the Eastern State property encompassing LU-20-0003 below.

"Mixed Use Area No. 15 Eastern State. UDA: Medium Town or Suburban Center"

"The eastern portion of this site is to be developed as a master planned community that harmoniously blends the Eastern State Hospital campus with the adjacent New Town community, though this development is expected to have its own mixture of uses and design expectation. This community should employ careful site orientation, landscaping, and buffering and transportation network connectivity to connect these areas, while also allowing for proper land use separation where appropriate.

The two guiding principles for mitigating impacts regarding the redevelopment of this site are: a) the preservation and protection of environmentally sensitive features and b) the protection and expected enhancement of the immediate transportation network. Natural ravines, topography, Resource Protection Area (RPA) features and wooded areas are to provide buffering of the site and be protected from disturbance, and stormwater facilities are to be integrated seamlessly as low impact, "green infrastructure" within the site. Controlled ingress/egress points will direct traffic solely to intersections with suitable capacity and traffic calming infrastructure.

The master planned community is to be centered on passive and active open spaces and associated amenities. These open spaces are to be interconnected via pedestrian, bicycling, and vehicular travel networks and are to serve as the central and perimeter congregational and buffer areas for the development. This development is to be clustered and strategically situated adjacent to natural conservation areas and topographic features.

This community is to be integrated into the existing transportation networks. Sidewalks, bike paths, and vehicular connections are to be designed to facilitate community residents' enjoyment of parks and amenities internal to the development, but to permit residents to walk, bike, or drive to nearby schools, recreational areas, restaurants, and shops.

In combination with the Eastern State Hospital complex and employment center, this community is to provide a mixed use area consisting of residential, institutional, medical, commercial/office, and civic uses. Each of these uses are to be appropriately interconnected to blend and support one another. The residential development will provide housing opportunities for the adjacent employment centers and will be located in close proximity to the civic uses, allowing convenient pedestrian mobility.

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, RPA 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.

The portion of the Eastern State parcel located west of Route 199 should be conserved as open space, meaning no development is recommended for this portion. Furthermore, no vehicular access is recommended for this portion.

Staff Recommendation

As a rezoning application has been submitted and is on the Board's Agenda, tentatively for the June 9, 2026, meeting, staff recommends the Board of Supervisors approve the attached resolution to approve the land use designation change to Mixed Use - Eastern State. No changes have been made to this language following the Board's April 11, 2023, meeting.

TC/ap
LU20-3EstStParLUChg-mem

Attachments:
1. Resolution
2. Location Map
3. Eastern State Parcel Map
4. LU-20-0003 Eastern State - New Town Addition, Staff Report (April 27, 2021)

R E S O L U T I O N

CASE NO. LU-20-0003. EASTERN STATE (PARCELS A, B, AND D) -

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, and April 11, 2023, meetings, the Board of Supervisors postponed a component of the Comprehensive Plan, a land use designation change request submitted as Case No. LU-20-0003. Eastern State, located at a portion of 4601 Ironbound Road and 1001 Galt Lane, further identified as James City County Real Estate Tax Map Parcel Nos. 3910100152 and 3910100161; and

WHEREAS, the request was to change a portion of the property at 4601 Ironbound Road, and the entire property located at 1001 Galt Lane, 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-20-0003. Eastern State; 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-20-0003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. LU-20-0003. Eastern State and directs that the James City County Comprehensive Plan Future Land Use Map be updated accordingly.

_____
John J. McGlennon
Chair, Board of Supervisors

ATTEST:

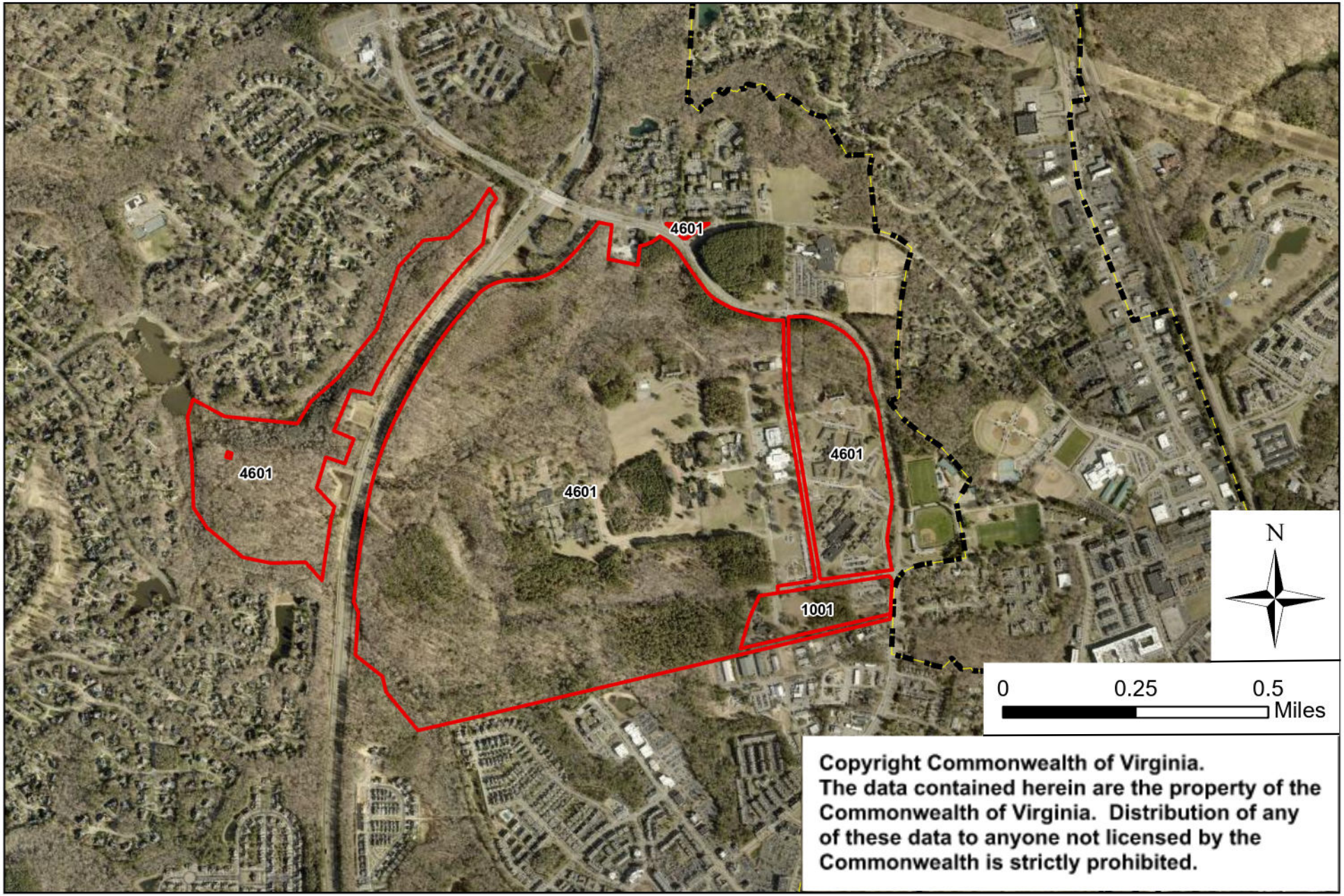
_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2026.

LU20-3EstStParLUChg-res

JCC LU-20-0003. Eastern State - Parcels A. B, and D
Land Use Designation Change
4601 Ironbound Road and 1001 Galt Lane (formerly Eastern State)



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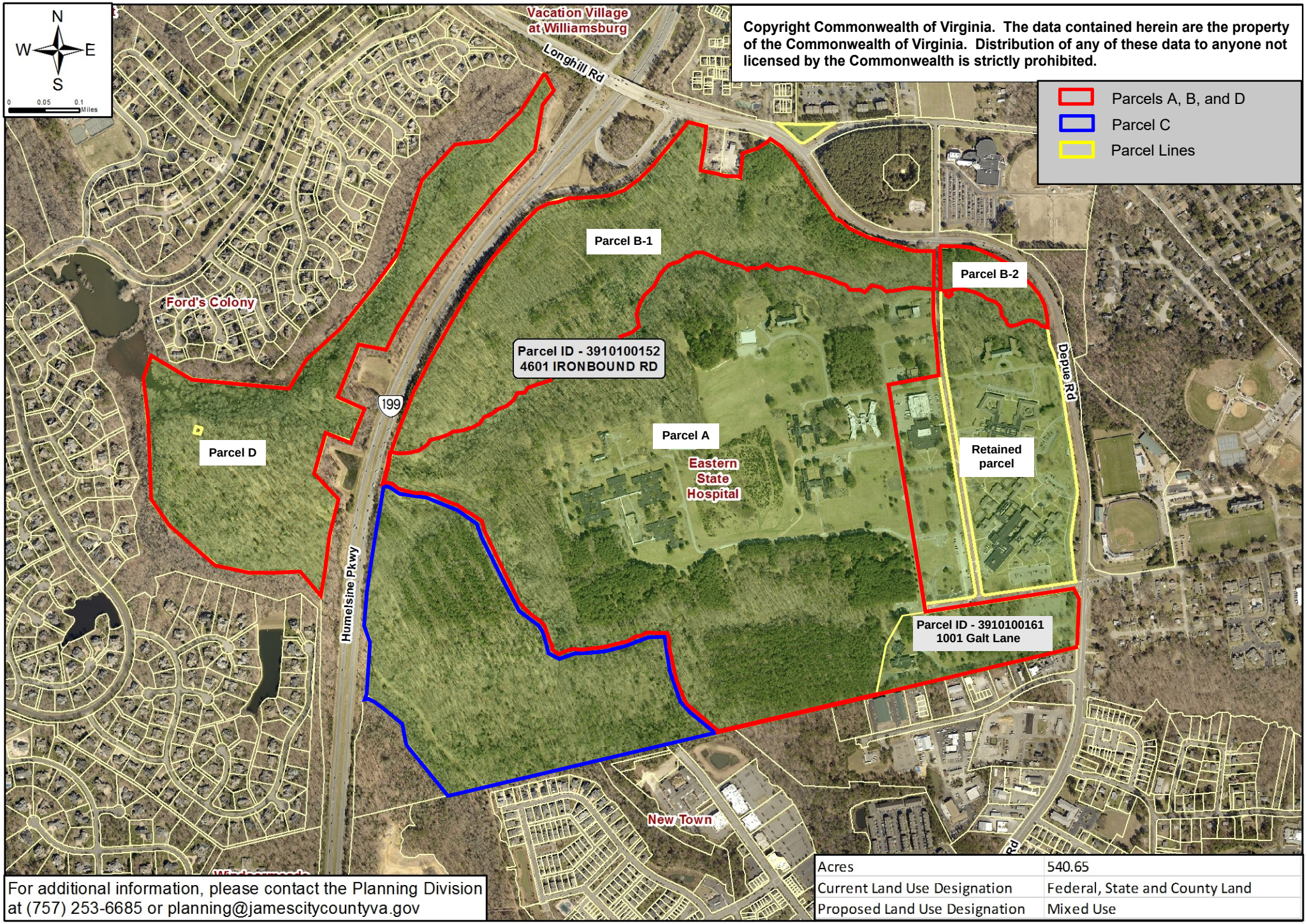
JCC LU-20-0003. Eastern State - Parcels A, B and D Land Use Designation Change



Acres	540.65
Current Land Use Designation	Federal, State and County Land
Proposed Land Use Designation	Mixed Use

For additional information, please contact the Planning Division at (757) 253-6685 or planning@jamescitycountyva.gov

SUMMARY FACTS

Case Number:	LU-20-0003
Case Description:	Eastern State-New Town Addition
Source:	Property owner-initiated
Property Address:	4601 Ironbound Rd
Tax Map/Parcel No.:	3910100152
Acreage:	± 540.65
Property Owner:	Commonwealth of Virginia Eastern State Hospital
Zoning:	PL Public Lands
Primary Service Area: (PSA)	Inside
Current Land Use Designation:	Federal, State, and County Land
Proposed Land Use Designation:	Mixed Use-Eastern State (new)
PSA Change:	No

Proposal Rationale

See applicant narrative on PermitLink: https://comdev.jamescitycountyva.gov/EnerGov_Prod/SelfService/#/plan/380a9a62-4555-4798-a087-85253a9ad25c

Parcel Background

This parcel is located between Route 199 and Depue Rd and is located north of the New Town development. The Commonwealth of Virginia has utilized this property as a psychiatric hospital and intends to continue this use in the portion of the parcel not subject to this proposal.

Agency Comments

VDOT noted that a mixed use development on this property will have significant impact on Depue Drive and Ironbound Rd and surrounding intersection. VDOT recommended a traffic study be conducted for this proposal prior to development.

JCSA noted that if the developer intends to use the private water or sewer mains outside of the site, the private infrastructure will have to be transferred to JCSA after completion of a capacity analysis and required upgrades. JCSA raised no issues with portions of the site connecting to water mains to serve the site, on the condition that capacity analyses be submitted and required upgrades be provided by the developer.

SRP noted the location of these properties within the Powhatan Creek watershed and the requirement for this proposal to adhere to the Special Stormwater Criteria (where appropriate), the approved Powhatan Creek watershed management plan, and

other administrative requirements.

Fire, OED, Parks and Rec, & Neighborhood Development raised no comments regarding this proposal.

Key Land Use Policy Ideas Analysis

Key Land Use Policy Idea #3: Encouraging the majority of new growth as Complete Communities by redesignating land as Mixed Residential/Commercial (e.g. some existing Low Density Residential areas) or Mixed Commercial/Industrial (e.g. the existing Economic Opportunity areas)

Key Land Use Policy Idea #4 : Directing some new growth as feasible into redevelopment and infill development rather than into vacant rural areas.

Key Land Use Policy Idea #6: Directing new commercial growth into Mixed Use areas, as part of Complete Communities by redesignating existing commercial
areas and/or revising zoning to encourage mixed use in these areas.

Transportation Considerations

This parcel is surrounded by Community Character Corridors to the west (Route 199) north (Longhill Road) and east (Depue Rd, and Ironbound Road.) For Longhill Road, Phase 1 of the widening is under way to include bicycle and pedestrian facilities. The conceptual master plan for this proposal shows the site layout utilizing Ashbury Lane and Galt Lane to reach these corridors. Per VDOT's recommendation, a traffic study prior to development would be helpful in assessing the required improvements for these roads and the potential impact on other roadways.

Transportation Road Networks

Per the traffic congestion mapping provided by EPR, the immediate surrounding transportation network (Longhill Road, Depue Drive and Ironbound Road) is currently experiencing low levels of congestion, with some congestion already at the Longhill Road & Depue Drive intersection.

In the Virtual Future Scenario A map, some congestion is expected to continue at the Longhill Road & Depue Drive intersection.

In the Alternative Future Scenario B map, there is less congestion at some of the Route 199 & Monticello Avenue ramps. The immediate surrounding roads continue to operate with low levels of congestion.

Land Use Designation Description Language

Proposed Draft Language: The portion of this site designated for this use is to be developed as a master planned community that harmoniously blends the Eastern State Hospital campus with the adjacent New Town community. This community should employ careful site orientation, landscaping and buffering and transportation network connectivity to connect these areas, while also allowing for proper land use separation where appropriate. Natural ravines, topography, RPA features and

wooded areas are to provide enveloped buffering of the site and be protected from disturbance. Controlled ingress/egress points will direct traffic to intersections with suitable capacity and traffic calming infrastructure.

The master planned community is to be centered on passive and active open spaces and associated amenities. These open spaces are to be interconnected via pedestrian, bicycling and vehicular travel networks and are to serve as the central and perimeter congregational and buffer areas for the development. This development is to be clustered and strategically situated adjacent to natural conservation areas and topographic features.

This community is to be integrated into the existing transportation networks. Sidewalks, bike paths and vehicular connections are to be designed to facilitate community residents' enjoyment of parks and amenities internal to the development, but to permit residents to walk, bike or drive to nearby schools, recreational areas, restaurants and shops.

In combination with the Eastern State Hospital complex and employment center, this community is to provide a mixed-use area consisting of residential, institutional, medical, office and civic uses. Each of these uses are to be appropriately interconnected to blend and support one another. The residential development will provide housing opportunities for the adjacent employment centers and will be located in close proximity to the civic uses, allowing convenient pedestrian mobility.

Staff Recommendation

Approval

Recommendation Rationale

This application aligns with the key land use policy ideas recommended as a result of the public input provided during the Engage 2045 process. Specifically, this proposal supports the redevelopment/infill development of an existing site within the Primary Service Area (PSA) by the redesignation of land to Mixed Use, which also supports future growth being in the form of the Complete Communities concept. The projected traffic congestion for this area is not expected to be severe, nor are the transportation linkages required for the development expected to hinder the County's Corridor vision for Longhill Road and Route 199. Finally, the proposed Land Use designation description language contains development standards and clear expectations regarding design that will guide any future legislative applications to ensure the preservation of the established community character of the area.

PCWG Recommendation

The PCWG recommended approval of this proposal by a vote of 5-2 at its March 22, 2021 meeting.

Attachments

1. Location Map

ORDINANCE

AN ORDINANCE TO AMEND JAMES CITY COUNTY CODE CHAPTER 20, TAXATION, ARTICLE VIII, RESERVED, TO ENACT AND LEVY A TAX ON ADMISSIONS CHARGED FOR ATTENDANCE AT ANY EVENT IN THE COUNTY.

Article VIII.- ~~Reserved~~Admissions tax.

Sec. 20-49. – Beginning on July 1, 2026, an admissions tax is hereby levied on the price of admissions for any public amusement, entertainment, performance, exhibition, sport or athletic event occurring in James City County in accordance with the classification below, which tax shall be added to and collected by the seller along with the price of admission or other charge, as follows:

1. Admissions charged for attendance at any event, the gross receipts of which go wholly to charitable purpose or purposes, at a rate of ten percent.
2. Admissions charged for attendance at public and private elementary, secondary, and college school-sponsored events, including events sponsored by school-recognized student organizations, at a rate of ten percent.
3. Admissions charged for entry into museums, botanical or similar gardens, and zoos, at a rate of ten percent.
4. Admissions charged to participants in order to participate in sporting events, at a rate of ten percent.
5. Admissions at amusement or theme parks, at a rate of ten percent.

Sec. 20-50. – Collection

Each person, operator or business liable for the payment of the admissions tax imposed hereunder shall collect said tax on behalf of the County from the person paying for admission as provided in this Article, and shall pay the same to the Treasurer of James City

County, on or before the last day of each month covering the amount of tax collected during the preceding month, for any events held during that month.

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 154 apartments, and no less than 46 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. (Postponed) February 10, 2026, 5:00 p.m. (Postponed) May 12, 2026, 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 6).
6. The application is not expected to result in an increase in vehicle trips compared to the 2022 Master Plan and proffers (see Page 7).
7. The application is generally consistent with the Parks & Recreation Development Guidelines (see Pages 7-8).
8. Impacts: See Impact Analysis on Pages 10-11.

FACTORS UNFAVORABLE

1. This proposal is not consistent with the recommendations on workforce and affordable housing as stated in the Comprehensive Plan (see Page 8).

2. Impacts: See Impact Analysis on Pages 10-11.

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 FEBRUARY 10, 2026, BOARD OF SUPERVISORS MEETING

At its February 10, 2026, meeting, the Board of Supervisors discussed the application and posed questions related to the amount of assisted living, memory care, and skilled nursing units, whether the secondary road entrance would be a full public access entrance, and the number of building permits that could be issued prior to constructing commencing for the assisted living facility. Subsequently, the Board postponed consideration of the application. In response to these questions, the applicants have made several changes to the application.

First, the applicants have revised the proposed Master Plan and Proffer No. 3(a) to increase the number of assisted living, memory care, and skilled nursing units from 40 to 46. Therefore, the maximum number of independent living apartments will decrease from 160 to 154. For the Board's reference, staff has provided a comparison of the residential density calculations for the current and previous iteration of the proposed application as well as the 2022 Master Plan (see Attachment No. 11).

Second, the applicant completed a traffic analysis for the secondary road entrance to determine whether the secondary road entrance met Virginia Department of Transportation (VDOT) requirements for a full public entrance as opposed to emergency access only (see Attachment No. 7). The analysis found that the proposed secondary entrance would exceed the minimum sight distance requirements for a full public entrance, and would exceed the minimum separation distance from other entrances and intersections, and would not warrant the installation of turn lanes for use as a full public entrance. VDOT has reviewed the analysis and concurred with its findings. Accordingly, the applicants have revised Proffer No. 6(d) to remove the language which limited the secondary entrance to emergency access until a study is completed to confirm that the entrance may be used for full access. The full engineering details of the secondary entrance will be reviewed by the County and VDOT upon the submission of a subdivision or site plan application which includes the secondary entrance.

Lastly, the applicants have revised Proffer No. 17 to decrease the number of building permits that may be issued within CCRC-A, CCRC-B, and CCRC-C before construction has commenced in CCRC-D from 100 to 50. With this change, Proffer No. 17 would remain the same as was previously approved in 2022.

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 units, 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 154 and equivalently adjust the minimum number of assisted living, memory care, and skilled nursing units to 46. Overall, CCRC-D will continue to have no more than 200 apartments and units.

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	154 (maximum)	+79
Assisted Living/Memory Care/Skilled Nursing	125	46 (minimum)	-79
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 4.52 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 46 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 46. 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.

The proposed proffer revises subsection (a) by 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 units. Instead, the proffer would require that, out of the maximum of 200 units in CCRC-D, a minimum of 46 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. 6 Entrances; Traffic Improvements: (d) The second entrance to the Property shall be located in the general location shown on the Master Plan.

  The proposed proffer has been revised so that the second entrance to the property is not limited to gated emergency access before an updated traffic study is submitted.

- 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 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 a Certificate of Occupancy for all or any portion of the Facility.

  The proposed proffer has been revised so that no more than 50 buildings permits may be issued within CCRC-A, CCRC-B, and CCRC-C before construction has commenced in CCRC-D and is the same as the language approved in 2022.

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 154 independent living units and minimum of 46 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 424 Dwelling Units) = $541,706.64
Fire, Police, Emergency Services, Library, Public Facilities:	$319.40 per Room/Skilled Nursing Unit* (x 125 Units) = $39,925	$319.40 per Room/Skilled Nursing Unit* (x 46 Units) = $14,692.40
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 424 Dwelling Units) = $471,284.48
Water Infrastructure Development:	$555.76 per Room/Skilled Nursing Unit x (125 Units) = $69,470	$555.76 per Room/Skilled Nursing Unit x (46 Units) = $25,564.96
Road Improvements:	$958.20 per Independent Dwelling Unit (x 345 Dwelling Units) = $330,579	$958.20 per Independent Dwelling Unit (x 424 Dwelling Units) = $406,276.80
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 424 Dwelling Units) = $1,419,267.92
Total Cash Contribution Per Room/Bed:	$875.16 per Room/Skilled Nursing Unit (x 125 Units) = $109,395	$875.16 per Room/Skilled Nursing Unit (x 46 Units) = $40,257.36
Total Development Cash Contribution: **	Up to $1,263,786.27***	Up to $1,459,525.28***

**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

The applicants have provided a memorandum from DRW Consultants, LLC (see Attachment No. 6) 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.

Following the discussion at the February 10, 2026, Board of Supervisors meeting, the applicants have completed a traffic study for the proposed secondary road entrance to the property shown on the Master Plan (see Attachment No. 7). The purpose of the traffic study was to determine whether the secondary entrance could be used as a full public access entrance to the property and not be limited to emergency access. The traffic study concluded that the entrance would exceed the minimum sight distance requirement, exceed the minimum separation distance from other intersections or road entrances, and would not warrant the installation of turn lanes. VDOT concurred with the findings of the traffic study. Accordingly, the applicants have revised Proffer No. 6(d) to remove the language stating that the secondary entrance must remain as emergency access only until a traffic study is completed. The full engineering details of the secondary entrance will be reviewed by the County and VDOT upon submission of a subdivision or site plan application which includes the secondary entrance.

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 (1.41 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 amendment 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 following tables 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 7). - A traffic study for the proposed secondary entrance to the property found that the secondary entrance may be used for full public access. (see Page 7) - 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 6 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 7.

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 (424 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 2.39 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 from 2025 to 2050 that is positive $49,830,147 (see the "Default Values" scenario within Attachment No. 8 for additional details). This corresponds to a positive annual impact of $1,993,206. 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 from 2025 to 2050.

Table 1 - Per Unit Residential Fiscal Impacts Information

Category	Residential Impact	Mitigation Through Current Application
Roadways	ARSF $19.21 ARMF $9.99	IL $958.20 AL $0
Parks & Recreation	ARSF $2,200.65 ARMF $2,200.65	
Fire and Emergency Services	ARSF $652.67 ARMF $652.67	
Police	ARSF $4.75 ARMF $4.75	
Library	ARSF $318.56 ARMF $318.56	
General Government	ARSF $90.86 ARMF $90.86	
General Services	ARSF $199.04 ARMF $199.04	
Courts	ARSF $551.89 ARMF $551.89	
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 $4,037.62 ARMF $4,028.40	IL $3,347.33 AL $875.61

ARSF - Age-Restricted Single-Family
ARMF - Age-Restricted Multifamily
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/ap
RZ25-6MP25-4FrdVil

Attachments:
1. Proposed Ordinance
2. Proposed Signed Proffers
3. Location Map
4. Proposed Master Plan
5. Community Impact Statement
6. Traffic Memorandum
7. Traffic Study for the Proposed Secondary Entrance
8. Fiscal Impact Analysis
9. Existing Proffers
10. Existing Master Plan
11. Comparison of Residential Density Calculations
12. Approved Minutes of the November 5, 2025, Planning Commission Meeting
13. Citizen Correspondence

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 Continuing 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.

_____
John J. McGlennon
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May, 2026.

RZ25-6MP25-4FrdVil-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 6th day of April, 2026 by **FRYE DEVELOPMENT, 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 46 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 46. 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, 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.

(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 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 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/ DEVELOPER:

FRYE DEVELOPMENT, 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 3rd day of April, ~~2025~~ 2026 by Jeffrey Wermers, Authorized Signatory of FRYE DEVELOPMENT, LLC, a Virginia limited liability company, on behalf of the company.

Julie S. Woodruff
NOTARY PUBLIC

My commission expires: 11/30/29
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

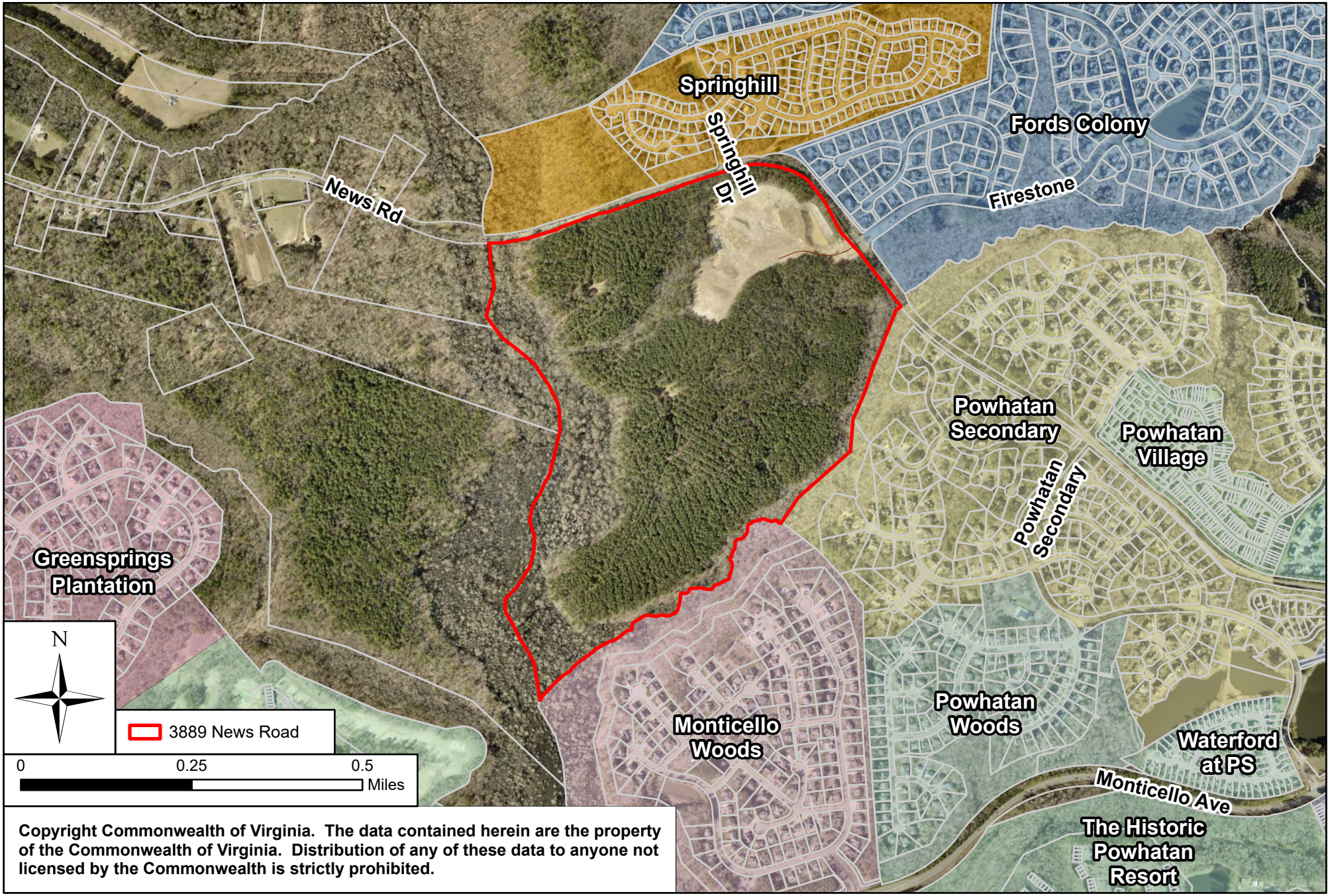
All of that certain piece or parcel of land situate in Jamestown District, James City County, Virginia, containing fifty-five and two fifths (55-2/5) acres, more or less, and known as Cypress Swamp, and adjoining the lands of William Martin' s estate on the East, Greenspring on the South and Thomas N. 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
RESUBMITTED: APRIL 7, 2026

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

CONSULTING ENGINEERS

WILLIAMSBURG • RICHMOND • GLOUCESTER

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

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.

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

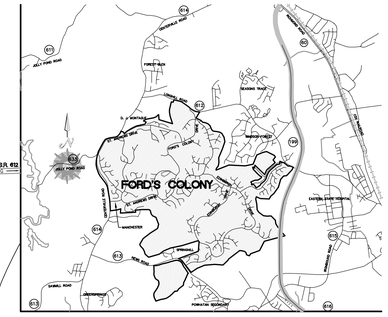
1	100 HOTEL CONDOMINIUMS, EXECUTIVE MEETING FACILITIES AND GOLF ACADEMY	4.71 AC.
2	GOLF CLUB AND PRO SHOP	5.05 AC.
3	INFORMATION AND SALES CENTER	1.81 AC.
4	ADMINISTRATIVE BUILDING	3.50 AC.
5	PUBLIC SERVICE AREA *	28.05 AC.
6	GOLF MAINTENANCE	3.90 AC.
7	COMMUNITY CLUB	7.72 AC.
8	PROJECT MAINTENANCE	10.59 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	154 UNITS	75 UNITS	558 UNITS
MINIMUM NUMBER OF ROOMS	46 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)	3.52 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)	4.53 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	3,674 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	REVISED BY
3	4/7/26	REVISED TO ADDRESS COUNTY COMMENTS	DVC
2	10/13/25	REVISED TO ADDRESS COUNTY COMMENTS	DVC

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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'	4/7/26

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 – 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

GOOD 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
2	4/7/26	REVISED PER JAMES CITY COUNTY COMMENTS	GVC
1	10/13/25	REVISED PER JAMES CITY COUNTY COMMENTS	GVC

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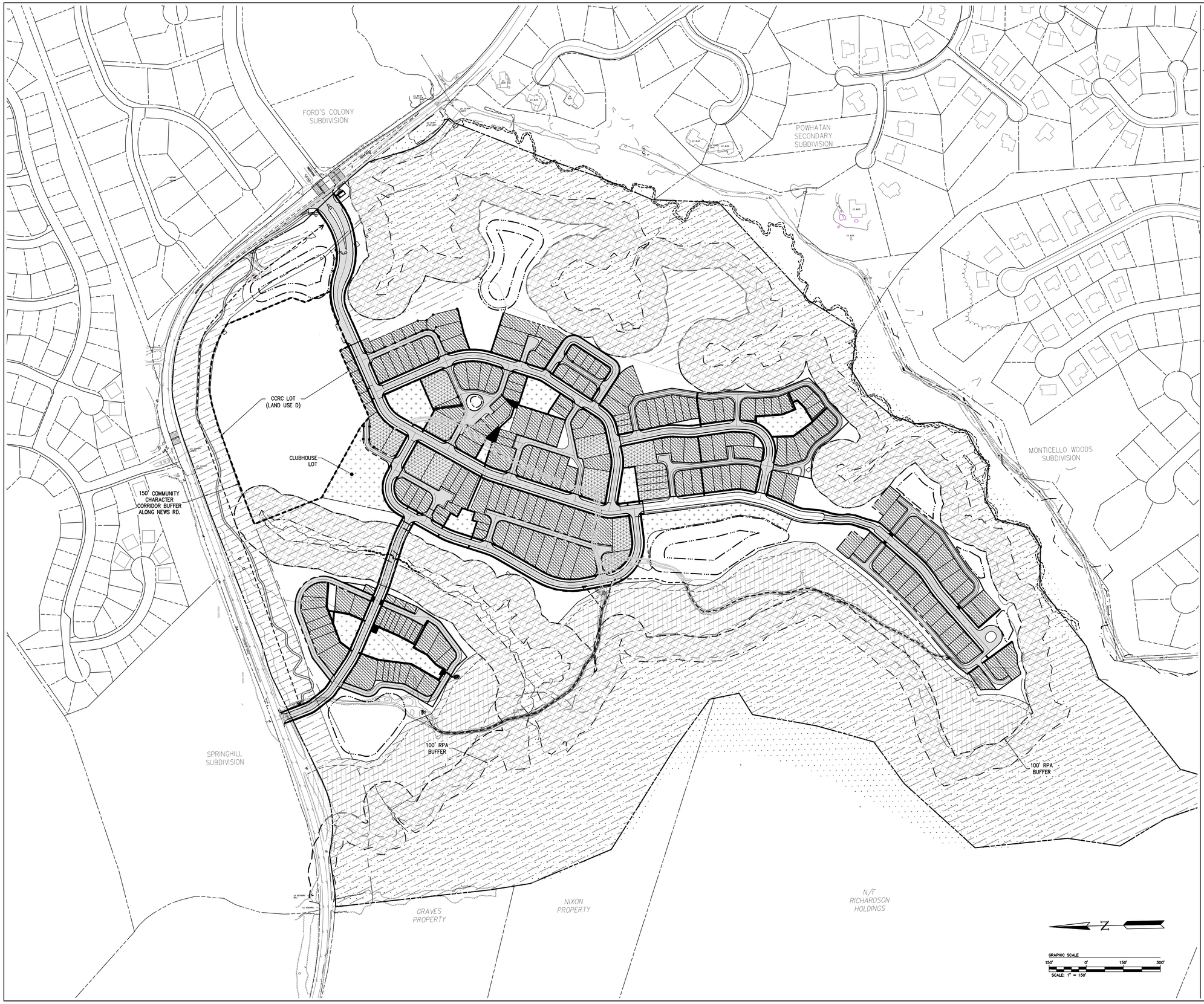
ENVIRONMENTAL INVENTORY AT
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 4/7/2026
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	154 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	46 ROOMS[5]		
MAXIMUMS:	424 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.

Rev.	Date	Description	Revised By
2	4/7/26	REVISED PER JAMES CITY COUNTY COMMENTS	GVC
1	10/13/25	REVISED PER JAMES CITY COUNTY COMMENTS	GVC

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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"=150'	Date: 4/7/2026
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

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'
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'
EXISTING PROPERTY LINE, TYP.
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'
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#1-38 TOP=45.50 INV IN=40.51 (MH#1-39) INV OUT=40.41 (MH#1-37) D=5.09'
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'
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#1-29A 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#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#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#2-17 TOP=70.92 INV IN=67.02 (MH#2-18) INV OUT=66.92 (MH#2-10) D=4.00'
SAN MH#2-20 (SHALLOW) TOP=74.35 INV OUT=70.65 (MH#2-19) D=3.71'
SAN MH#1-43A (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#1-15B (60") TOP=89.95 INV OUT=70.63 (MH#1-15) D=19.32'
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#1-16 TOP=79.56 INV OUT=72.53 (MH#1-15) D=7.03'
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#1-39A TOP=56.74 INV 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#1-12 (60"-DROP) TOP=66.19 INV IN=61.96 (MH#1-13) INV OUT=55.94 (MH#1-11 (60"-DROP)) D=10.25'
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#1-17 (60") TOP=58.08 INV IN=43.18 (MH#1-18) INV OUT=43.08 (MH#1-11 (60"-DROP)) D=15.00'
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#1-19 (60") TOP=58.74 INV IN=43.85 (MH#1-20) INV OUT=43.75 (MH#1-18) D=14.99'
SAN MH#1-20 (60") TOP=59.08 INV IN=44.19 (MH#1-21) INV OUT=44.09 (MH#1-19) D=15.00'
SAN MH#1-21 TOP=51.47 INV IN=44.98 (MH#1-23 (SHALLOW)) INV OUT=44.88 (MH#1-20) D=6.59'
SAN MH#1-24 TOP=56.03 INV IN=46.64 (MH#1-24A) INV OUT=46.54 (MH#1-23 (SHALLOW)) D=9.46'
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#1-24B TOP=58.16 INV OUT=47.96 (MH#1-24A) D=10.20'
SAN MH#1-25 TOP=52.42 INV IN=47.67 (MH#1-26) 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 SAN MH#1-26A TOP=52.64 INV IN=48.85 (SAN MH#1-26B) INV OUT=48.75 (MH#1-26) D=3.89'
SAN MH#1-26 TOP=56.94 INV IN=48.38 (SAN MH#1-26A) INV IN=48.38 (MH#1-27) INV OUT=48.28 (MH#1-25) D=8.66'
SAN MH#1-27 TOP=60.19 INV OUT=48.65 (MH#1-26) D=11.54'
NEWS ROAD
EXISTING FIRE HYDRANT
CONNECTION TO EXISTING WATER LINE
FIRE HYDRANT

Rev.	Date	Description	Revised By
2	4/7/26	REVISED PER JAMES CITY COUNTY COMMENTS	GVC
1	10/13/25	REVISED PER JAMES CITY COUNTY COMMENTS	GVC

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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: 4/7/2026
Sheet Number	5

S:\JOBS\W10514-01 - 3800 New Road\01 - Ware Road CCRC\Planning\Master Planning\W10514-01.mxd - Utility Master Plan.dwg, 4/7/2026 8:17:07 AM

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
ISIAH LANE
BRYAN LANE
CLAIBORNE STREET
CONRAD LANE
ALLEY #1
ISABELLA LANE
ALLEY #8
ALLEY #7
MARGARET STREET
BIO SSC 0.71 AC. CN=86
BIORETENTION FACILITY (SSC PRACTICE)
FILTERRA MTD (SSC PRACTICE)
CCRC SITE
ALLEY #6
HOBSON STREET
ALLEY #5
ALLEY #4
ALLEY #3
ROYCE LANE
RYLAND CLOSE
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
BIORETENTION FACILITY
FORD'S VILLAGE FUTURE PHASE C
FORD'S VILLAGE PHASE D
WP#1 20.52 AC CN=90
BIO UP* 0.78 AC CN=85
WP#4 8.33 AC. CN=85
BIORETENTION FACILITY (UPLAND SWM*)
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'

Rev.	Date	Description	Revised By
2	4/7/26	REVISED PER JAMES CITY COUNTY COMMENTS	GVC
1	10/13/25	REVISED PER JAMES CITY COUNTY COMMENTS	GVC

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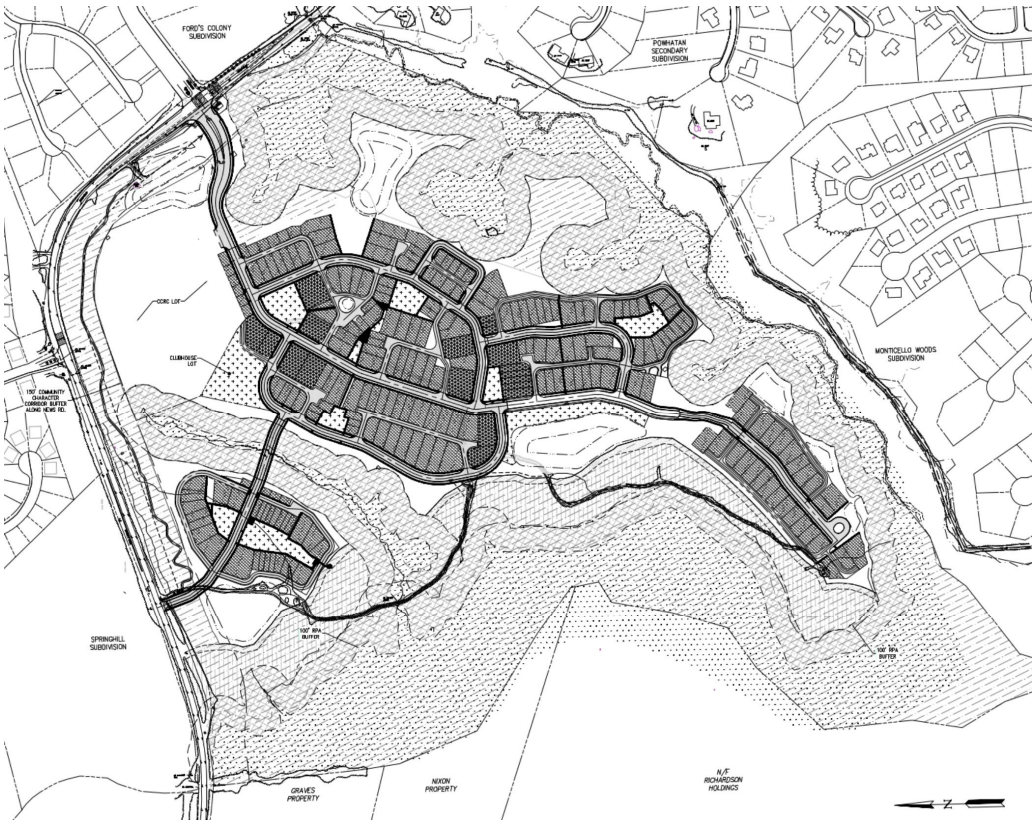
AMENDED STORMWATER MASTER PLAN
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=150'	Date: 4/7/2026
Sheet Number	6

Community Impact Statement

For

Ford's Village



Prepared For

Frye Development, LLC
Norfolk, VA 23510

Revised April 7, 2026
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:

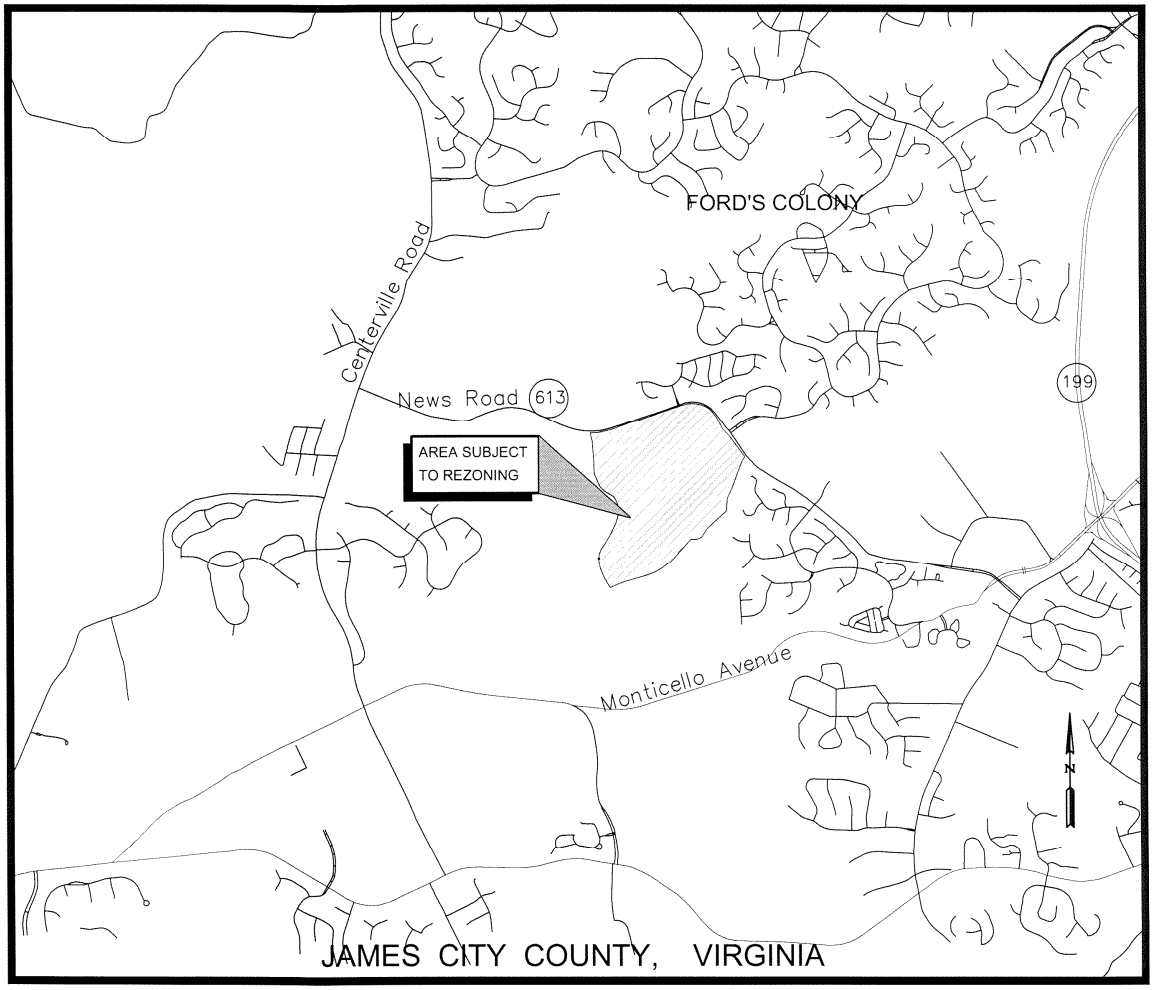

Figure 1

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 4.5 units/acre) and raises the density from the 2021 Master Plan (from 2.8 units/acre to 4.5 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 43% 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	154	225	34,650	24	24.06	60.15
Subtotal	424		118,350		82.19	205.48
NON-RESIDENTIAL						
Nursing/Skilled	46 Beds	160	7,360	24	5.11	12.78
Subtotal			7,360		5.11	12.78
Total (Amendment)			**125,710**		**87.30**	**218.25**
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 will meet the latest Special Stormwater Criteria requirement implemented by James City County dated April 8th, 2025. Future development phases of the project will address 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 submittal.

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 $2,581,595 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

DRW Consultants, LLC
Traffic Impact Studies
Development Access
Condemnation Damages

TO: Robert Butler, P. E., VDOT Williamsburg Land Use Engineer
FROM: Dexter R. Williams, P. E.
SUBJECT: Ford's Village Second Access: VDOT Access Criteria Verification
DATE: March 5, 2026

BACKGROUND

Ford's Village is a planned continuing care retirement community (CCRC) fronting on News Road in James City County. Enclosed Exhibit 1 shows the Ford's Village master plan by AES. Ford's Village consists of an independent living and assisted living complex and 270 senior housing units.

To date, Ford's Village has been planned with a single access shown as the Primary Access on enclosed Exhibit 1. This primary access aligns with Firestone in Ford's Colony (Note: this road is sometimes referred to as Firestone Drive, but JCC records show it recorded as Firestone without a street type) . The News Road/Firestone/Primary Access intersection was previously evaluated as pursuant to prior zoning proffer requirements. Enclosed PDF "Fords Village Signal Warrant Analysis DRW 08-08-24" was reviewed and approved by VDOT in 2024 and explains planned improvements at the Primary Access intersection.

To date, the Secondary Access on enclosed Exhibit 1 has been planned as a gated emergency access closed to the general public. The gated access plan was in response to James City County staff comments from years ago.

Ford's Village is now under review by James City County for amendments to proffers to change the mix of independent/assisted living components. During this review, a member of the Board of Supervisors expressed a concern about a single public access (the Primary Access) to serve this property.

This memo and enclosed exhibits present sight distance, access management spacing and turn lane warrant analysis for the Secondary Access. I am requesting your review of these materials and your verification that the Secondary Access as depicted on enclosed materials meets these basic VDOT requirements for access approval. Of course, prior to VDOT Access Permit approval, full construction plans for the Secondary Access must be submitted for review and approval along with the project site plan.

SIGHT DISTANCE

Enclosed Exhibit 2 prepared by AES shows minimum sight distance for the Secondary Access on News Road. News Road is a two-lane road and has a posted speed limit of 45 miles per hour.

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500-foot minimum sight distance is shown left and right of the Secondary Entrance per Road Design Manual, Appendix F, Table 2-5. Minimum sight distance lines are within the News Road right of way and are contained within the Ford's Village property frontage.

To address any possible concerns about only meeting minimum sight distance, enclosed Exhibit 3 was prepared to show a reasonable maximum sight distance for the Secondary Entrance. To the left (west), the 693-foot maximum sight distance line is limited by a curve with potential vegetation on the inside of the curve. The sight distance line is limited to the edge of News Road pavement to preclude potential vegetation restriction of sight distance. To the right (east), the 739-foot maximum sight distance line is limited by a bluff outside of the pavement on the Ford's Village side of News Road at approximately Station 12+00. Maximum sight distance lines are also within the News Road right of way and are contained within the Ford's Village property frontage.

ACCESS MANAGEMENT REGULATION SPACING

News Road is functionally classified as a major collector. Road Design Manual, Appendix F, Table 2-2 requires a minimum spacing of 335 feet for full access on a 45-mph collector such as News Road. From the Secondary Access, the Ford's Village property frontage on News Road extends approximately 775 feet to the west and extends well over 2,000 feet east back to the Primary Entrance. There are no other accesses planned for Ford's Village, and consequently no possibility of another access to conflict with the minimum spacing of 335 feet. The Ford's Village Secondary Access far exceeds the minimum spacing standards for this commercial entrance access to Ford's Village.

TRAFFIC FORECAST FOR SECONDARY ACCESS – FORD'S VILLAGE TRIP GENERATION, TRIP DISTRIBUTION AND TRIP ACCESS SPLITS

The addition of the Secondary Access requires a determination of the split in traffic between the Primary Access and the Secondary Access. Exhibit 4 shows the Primary and Secondary Access directional split node map for Ford's Village. Table One on Exhibit 4 lists the street intersections for the 7 nodes (internal street names have been assigned to relevant nodes). Table Two on Exhibit 4 shows the link distances between nodes.

The links distances on Exhibit 4 and link speeds are used to calculate equivalent travel times and midpoints for alternative routes using News Road (45 mph) versus internal streets only (25 mph). Table One on Exhibit 5 shows the calculation for the equal travel time split from the west on News Road between the News Road route (green line) and the interior street route (blue line) beginning at the Secondary Access (Node 1). Travel times are calculated by speed times distance for each link. For the interior street route, delay times for left turn/stops are included at Node 2 and Node 3. A midpoint (Node 8) was calculated for equal route travel times (55.5 and 55.6 seconds).

Exhibit 6 shows the News Road route (green line) and the interior street route (blue line) from the west with midpoint Node 8 located between Nodes 5 and 6. All single family lots have quicker

access from the west via the interior street route (blue). The Independent/Assisted Living complex with access at Node 6 has quicker access via the News Road route (green).

Table Two on Exhibit 5 shows the calculation for the equal travel time split from the east on News Road between the News Road route and the interior street route beginning at the Primary Access (Node 7). Travel times are calculated by speed times distance for each link. A midpoint (Node 9) was calculated for equal route travel times (52.5 and 52.6 seconds).

Exhibit 7 shows the News Road route and the interior street route from the east with midpoint Node 9 located in the residential cluster on the Secondary Access near News Road. Lots 246 through 263 (18 lots) have quicker access from the east via the News Road route (green). The rest of the subdivision lots and Independent/Assisted Living complex have quicker access from the east via the interior street route (blue).

Exhibit 8 shows trip generation for Ford's Village for various combinations of independent and assisted living units. Table 1 shows the 2022 zoning approval: 75 congregate care (independent living), and 125 assisted living beds. Table 2 shows the most recent 2025 proposal: 160 congregate care (independent living) and 40 assisted living beds. Table 3 shows the difference between the 2022 approval and the 2025 proposal.

Because the mix of independent living units and assisted living beds may change, maximum trip generation is used in this report for turn lane warrants. Table 4 on Exhibit 8 shows the maximum trip generation for the 200 unit/bed complex total: 200 assisted living beds.

Table 5 on Exhibit 8 shows the east/west trip distribution on News Road for the Table 4 Ford's Village maximum trip generation. The 25% west/75% east trip distribution was established in "Fords Village Signal Warrant Analysis DRW 08-08-24", pages 9 and 10, based on previous counts at the four entrances to Ford's Colony.

Table 6 on Exhibit 8 shows Ford's Village trips from the west using the News Road route to the Primary Access (assisted living 200 beds). A calculation of these trips as percentage of total trips is also included.

Table 7 on Exhibit 8 shows Ford's Village trips from the east using the News Road route to the Secondary Access (18 Sr. Adult Single Family). A calculation of these trips as percentage of total trips is also included.

2030 TRAFFIC FORECAST

"Fords Village Signal Warrant Analysis DRW 08-08-24" included VDOT AADT counts on News Road and a trend forecast based on the counts at that time (2015 to 2021). Exhibit 9 shows an update of the count data and trend forecast with the addition of counts for 2022, 2023 and 2024.

As shown on the "ALL COUNTS" TABLE in the upper right of Exhibit 9, the 2020 and 2021 COVID year counts are visibly less than counts before or after and thus are not included in the trend analysis.

The trend analysis includes 2015 to 2019 and 2022 to 2024 VDOT daily counts, shown in the "SELECTED COUNTS" table on the left side of Exhibit 9. The linear regression trend growth factor from 2023 counts to a 2030 buildout year is 1.05.

Exhibits 10 and 11 respectively show the 2030 AM and PM peak hour forecast for Ford's Village Primary and Secondary Access on News Road as follows:

- Top Row: 2023 Counts. 2023 counts at Firestone/Primary Access. Through traffic on News Road at the Primary Access is balanced/extended to Ford's Village Secondary Access. This is likely to produce a high-side forecast at the Secondary Access because:
    - Springhill access on Springhill Drive is between the Primary and Secondary Accesses.
    - The 25% west/75% east trip distribution from Ford's Colony means Springhill traffic is likely heavier to the east, so that traffic on News Road likely will be reduced at the Secondary Access from that at the Primary Access.
- Secondary Row: 2030 Background Traffic. 1.05 growth factor applied to 2023 counts.
- Third Row: Site Traffic.
- Bottom Row: 2030 Total Traffic.

RIGHT TURN AND LEFT TURN LANE WARRANTS AT FORD'S VILLAGE SECONDARY ACCESS

Exhibit 12 shows the right turn lane warrants for the Ford's Village Secondary entrance for 2030 AM and PM peak hour traffic. Only a radius is required.

Exhibit 13 shows the left turn lane warrants for the Ford's Village Secondary entrance for 2030 AM and PM peak hour traffic. A left turn lane is not warranted.

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Secondary Access Left Turn Lane Warrants	13

FIRESTONE

NEWS ROAD

PRIMARY ACCESS

INDEPENDENT/ASSISTED LIVING

CCRC LOT (LAND USE D)

CLUBHOUSE LOT

SPRINGHILL DRIVE

150' COMMUNITY CHARACTER CORRIDOR BUFFER ALONG NEWS RD.

NEWS ROAD

SECONDARY ACCESS

100' RPA BUFFER

SECONDARY SUBDIVISION

LAND USE HATCH LEGEND

SINGLE FAMILY

MULTI-FAMILY

GRAPHIC SCALE

100' 0' 100' 200'

SCALE: 1" = 100'

DRW EXHIBIT I
PROPOSED MASTER PLAN

Rev.	Date	Description	By
			DVC
			Revised by

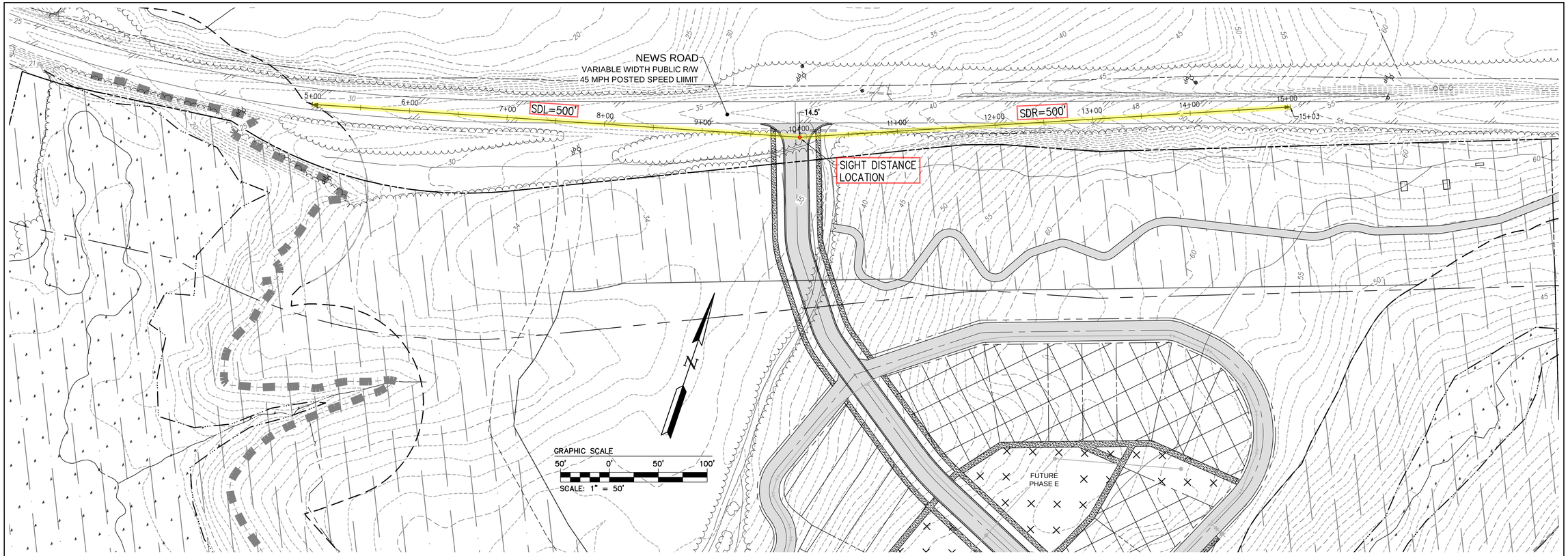
AES CONSULTING ENGINEERS

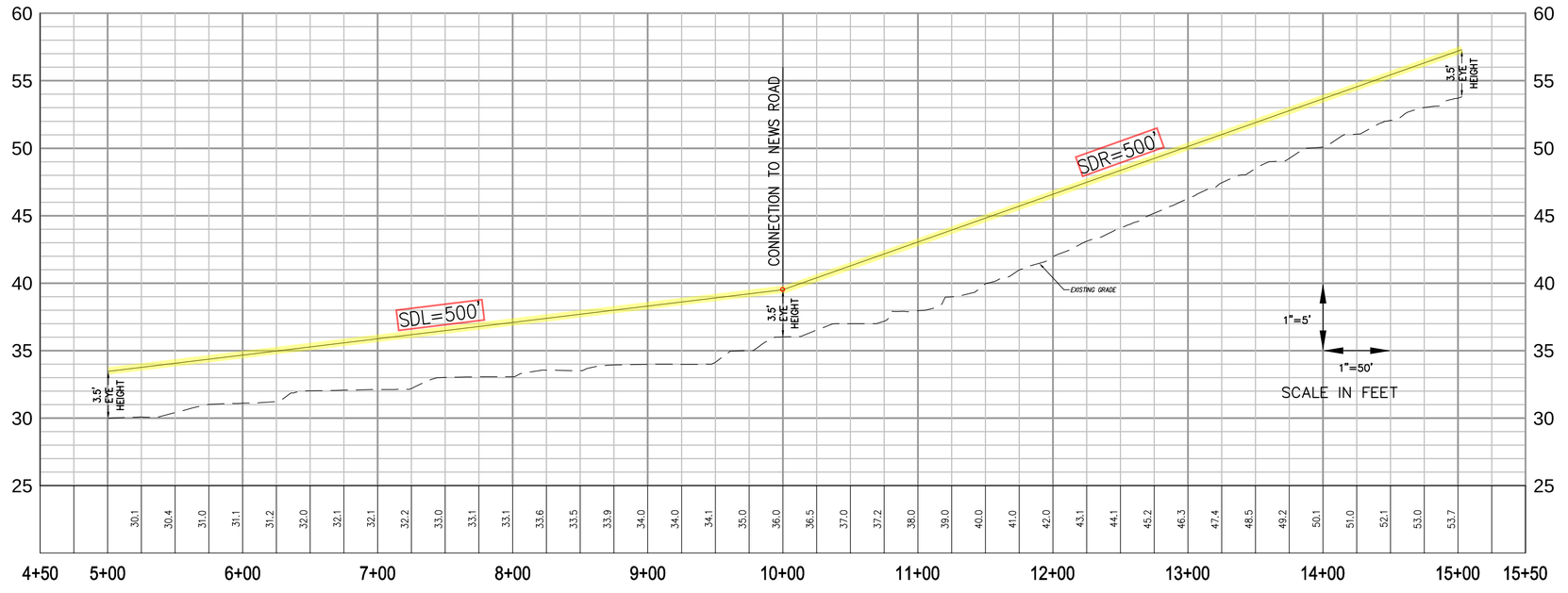
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula

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:	DVC
Project Number:	970618-01
Scale: 1"=100'	Date: 02/27/2020
Sheet Number:	1 OF 1





SIGHT DISTANCE PROFILE

DRW EXHIBIT 2
MINIMUM SIGHT DISTANCE

	Rev.	Date	Description	Revised By
7	06/05/2025		REVISED PER JCC SRP COMMENTS	GVC
6	03/13/2025		REVISED PER JCC COMMENTS	GVC
5	12/18/2024		REVISED PER JCC COMMENTS	GVC
4	09/20/2024		REVISED PER JCC COMMENTS	GVC
3	07/09/2024		REVISED PER JCC COMMENTS	GVC
2	03/14/2024		REVISED PER JCC & OWNERSHIP COMMENTS	GVC
1	10/13/2023		REVISED PER JCC & OWNERSHIP COMMENTS	GVC

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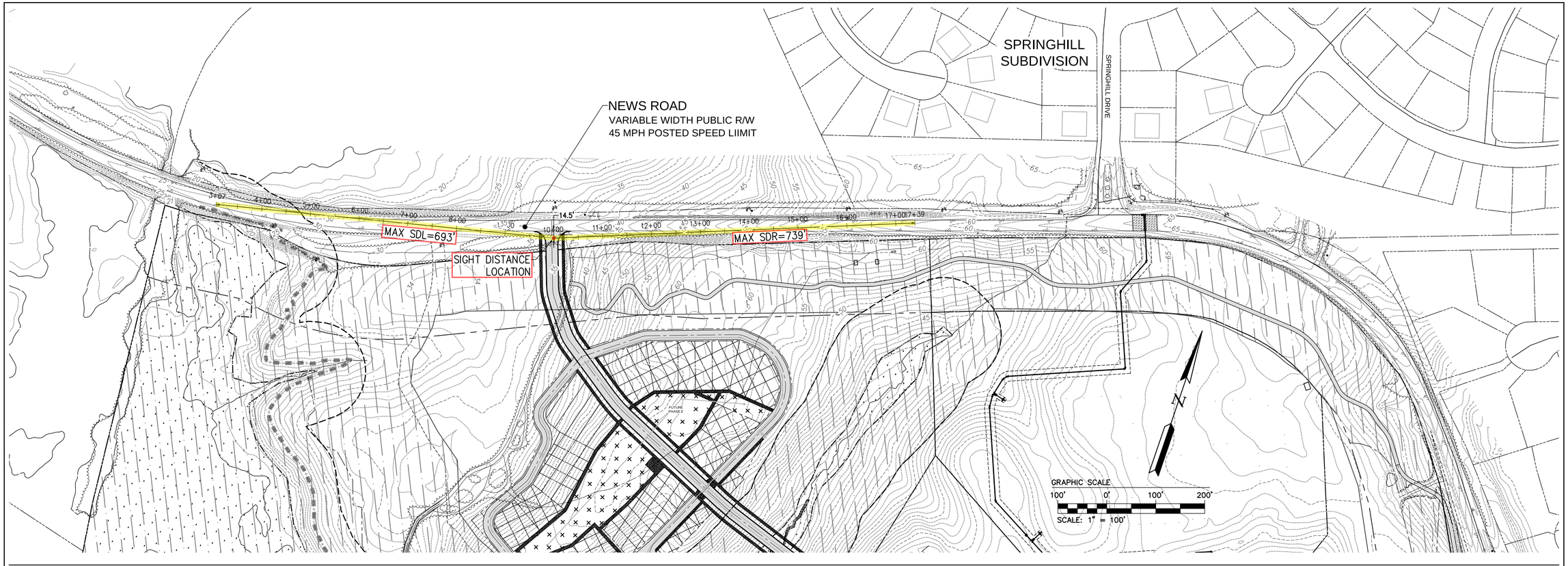
Middle Peninsula | Central Virginia | Hampton Roads

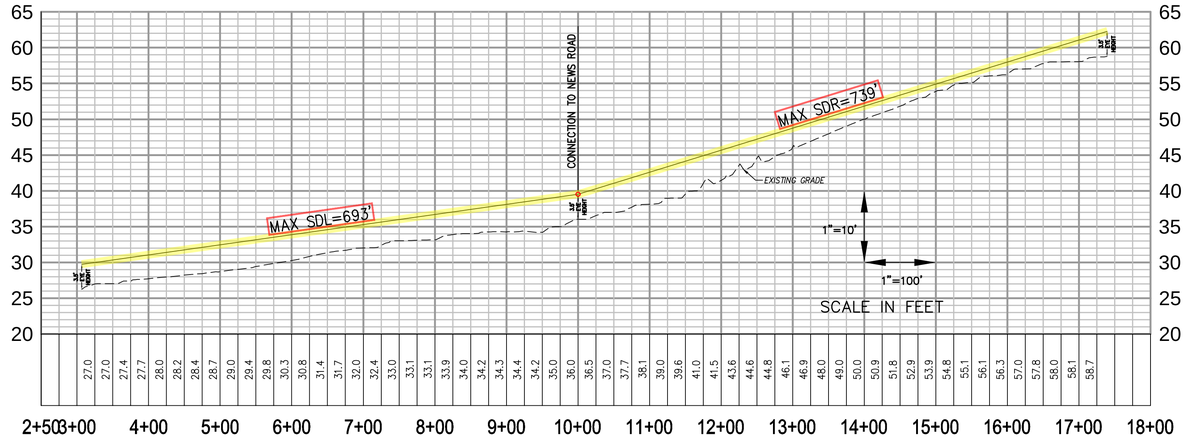
PLAN OF DEVELOPMENT
FOR
FORD'S VILLAGE
PHASES A & B
JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=50'	Date: 02/12/2026

Sheet Title:
VDOT SIGHT DISTANCE EXHIBIT

Sheet Number
1 OF 2





MAX SIGHT DISTANCE PROFILE

DRW EXHIBIT 3
MAXIMUM SIGHT DISTANCE

Rev.	Date	Description	Revised By
7	06/05/2025	REVISED PER JCC SRP COMMENTS	GVC
6	03/13/2025	REVISED PER JCC COMMENTS	GVC
5	12/18/2024	REVISED PER JCC COMMENTS	GVC
4	09/20/2024	REVISED PER JCC COMMENTS	GVC
3	07/09/2024	REVISED PER JCC COMMENTS	GVC
2	03/14/2024	REVISED PER JCC & OWNERSHIP COMMENTS	GVC
1	10/13/2023	REVISED PER JCC & OWNERSHIP COMMENTS	GVC

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Williamsburg, Virginia 23188
Phone: (757) 253-0040
www.aesva.com
Middle Peninsula | Central Virginia | Hampton Roads

PLAN OF DEVELOPMENT
FOR
FORD'S VILLAGE
PHASES A & B
JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 02/12/2026

Sheet Title:
VDOT SIGHT DISTANCE EXHIBIT

Sheet Number
2 OF 2

TABLE ONE: STREET NODE/INDEX		
NODE	STREETS	
1	NEWS ROAD	SECONDARY ACCESS
2	SECONDARY ACCESS	STREET A
3	STREET A	PRIMARY ACCESS
4	PRIMARY ACCESS	STREET A
5	PRIMARY ACCESS	STREET B
6	PRIMARY ACCESS	IL/AL ENTRANCE
7	PRIMARY ACCESS	NEWS ROAD

TABLE TWO: LINK DISTANCES		
NODE	NODE	FEET
1	2	1025
2	3	375
3	4	225
4	5	140
5	6	140
6	7	575
7	1	2475
	TOTAL	4955

LAND USE HATCH LEGEND
- SINGLE FAMILY
- MULTI-FAMILY

FIRESTONE
NEWS ROAD
PRIMARY ACCESS
INDEPENDENT/ASSISTED LIVING
STREET C
STREET B
CCRC LOT (LAND USE D)
CLUBHOUSE LOT
PRIMARY ACCESS
SPRINGHILL DRIVE
150' COMMUNITY CHARACTER CORRIDOR BUFFER ALONG NEWS RD.
NEWS ROAD
STREET A
SECONDARY ACCESS
100' RPA BUFFER
100' RPA BUFFER
1
2
3
4
5
6
7
GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

DRW EXHIBIT 4
PRIMARY AND SECONDARY ACCESS DIRECTIONAL SPLIT NODE MAP

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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 Contact: GVC
Project Number: 910514-01
Scale: 1"=100' Date: 02/27/2020
Sheet Number: 1 OF 1

TABLE ONE: SPLIT FROM WEST NEWS ROAD

	speed mph	speed feet/sec.	distance (ft.)	time (seconds)
INTERIOR STREET ROUTE				
1 TO 2	25	36.66667	1025	27.9545455
TURN				3
2 TO 3	25	36.66667	375	10.2272727
TURN				3
3 TO 4	25	36.66667	225	6.13636364
4 TO 5	25	36.66667	140	3.81818182
5 TO 8	25	36.66667	50	1.36363636
	ROUTE TOTAL		1815	55.5
NEWS ROAD ROUTE				
1 TO 7	45	66	2475	37.5
7 TO 6	25	36.66667	575	15.6818182
6 TO 8	25	36.66667	90	2.45454545
	ROUTE TOTAL		3140	55.6363636
	COMBINED ROUTES DISTANCE		4955	

TABLE TWO: SPLIT FROM EAST NEWS ROAD

	speed mph	speed feet/sec.	distance (ft.)	time (seconds)
INTERIOR STREET ROUTE				
7 TO 6	25	36.66667	575	15.6818182
6 TO 5	25	36.66667	140	3.81818182
5 TO 4	25	36.66667	140	3.81818182
4 TO 3	25	36.66667	225	6.13636364
3 TO 2	25	36.66667	375	10.2272727
2 TO 9	25	36.66667	475	12.9545455
	ROUTE TOTAL		1930	52.6363636
NEWS ROAD ROUTE				
7 TO 1	45	66	2475	37.5
1 TO 9	25	36.66667	550	15
	ROUTE TOTAL		3025	52.5
	COMBINED ROUTES DISTANCE		4955	

FORD'S VILLAGE NEWS ROAD AND INTERIOR STREET ROUTES
FROM WEST AND EAST NEWS ROAD
CALCULATION OF TRAVEL TIMES AND MIDPOINTS

DRW Consultants, LLC
804-794-7312

Exhibit 5

TABLE ONE: STREET NODE/INDEX		
NODE	STREETS	
1	NEWS ROAD	SECONDARY ACCESS
2	SECONDARY ACCESS	STREET A
3	STREET A	PRIMARY ACCESS
4	PRIMARY ACCESS	STREET A
5	PRIMARY ACCESS	STREET B
6	PRIMARY ACCESS	IL/AL ENTRANCE
7	PRIMARY ACCESS	NEWS ROAD

TABLE TWO: LINK DISTANCES		
NODE	NODE	FEET
1	2	1025
2	3	375
3	4	225
4	5	140
5	6	140
6	7	575
7	1	2475
	TOTAL	4955

LAND USE HATCH LEGEND
- SINGLE FAMILY
- MULTI-FAMILY

FIRESTONE
NEWS ROAD
PRIMARY ACCESS
INDEPENDENT/ASSISTED LIVING
CCRC LOT (LAND USE D)
STREET C
STREET B
CLUBHOUSE LOT
PRIMARY ACCESS
STREET A
SPRINGHILL DRIVE
150' COMMUNITY CHARACTER CORRIDOR BUFFER ALONG NEWS RD.
NEWS ROAD
SECONDARY ACCESS
100' RPA BUFFER
100' RPA BUFFER
7
6
8
5
4
3
2
1
9

INTERIOR STREET ROUTE
NEWS ROAD ROUTE

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

DRW EXHIBIT 6
PRIMARY AND SECONDARY ACCESS ROUTES FROM WEST

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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 Contact: GMC
Project Number: 910614-01
Scale: 1"= 100'
Date: 02/27/2020
Sheet Number: 1 OF 1

TABLE ONE: STREET NODE/INDEX		
NODE	STREETS	
1	NEWS ROAD	SECONDARY ACCESS
2	SECONDARY ACCESS	STREET A
3	STREET A	PRIMARY ACCESS
4	PRIMARY ACCESS	STREET A
5	PRIMARY ACCESS	STREET B
6	PRIMARY ACCESS	IL/AL ENTRANCE
7	PRIMARY ACCESS	NEWS ROAD

TABLE TWO: LINK DISTANCES		
NODE	NODE	FEET
1	2	1025
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	TOTAL	4955

LAND USE HATCH LEGEND
- SINGLE FAMILY
- MULTI-FAMILY

FIRESTONE
NEWS ROAD
PRIMARY ACCESS
INDEPENDENT/ASSISTED LIVING
CCRC LOT (LAND USE D)
CLUBHOUSE LOT
STREET C
STREET B
PRIMARY ACCESS
STREET A
SECONDARY ACCESS
SPRINGHILL DRIVE
150' COMMUNITY CHARACTER CORRIDOR BUFFER ALONG NEWS RD.
100' RPA BUFFER
100' RPA BUFFER
1
2
3
4
5
6
7
9

INTERIOR STREET ROUTE
NEWS ROAD ROUTE

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

DRW EXHIBIT 7
NEWS ROAD AND INTERIOR STREET ACCESS ROUTES FROM EAST

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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 Contact: GVC
Project Number: W1061A-01
Scale: 1"= 100'
Date: 02/27/2020
Sheet Number: 1 OF 1

		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 VILLAGE TRIP GENERATION 2022 ZONING APPROVED UNITS TGM 11										
2021 Master Plan And Proffer Amendment Application Z-21-0012, MP-21-0003										
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
		Total Units:	470 bed/unit	44	68	112	78	62	140	1655
TABLE 2: 2025 FORD'S VILLAGE TRIP GENERATION 2025 PROPOSED UNITS TGM11										
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	160 units	8	5	13	14	15	29	354
rate-adj. st.	Assisted Living	254	40 beds	4	3	7	4	6	10	104
		Total Units:	470 bed/unit	39	64	103	77	58	135	1622
TABLE 3: CHANGE FROM 2022 APPROVED TO 2025 PROPOSED										
TRIPS				-5	-4	-9	-1	-4	-5	-33
PERCENT				-11%	-6%	-8%	-1%	-6%	-4%	-2%

TGM11: Trip Generation Manual, 11 th Edition, published by the Institute Of Transportation Engineers

TABLE 4: 2025 FORD'S VILLAGE TRIP GENERATION 2025 MAXIMUM TRIP GENERATION TGM11										
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	0 units	0	0	0	0	0	0	0
rate-adj. st.	Assisted Living	254	200 beds	22	14	36	19	29	48	520
		Total Units:	470 bed/unit	49	70	119	78	66	144	1684

TABLE 5 - MAXIMUM TRIP GENERATION: DISTRIBUTION EAST/WEST

					49	70	119	78	66	144	1684
	AM Peak Hour						PM Peak Hour			
	Entering Traffic		Exiting Traffic				Entering Traffic		Exiting Traffic	
Direction	% Dist.	Trips	% Dist.	Trips			% Dist.	Trips	% Dist.	Trips
West	25%	12	25%	18			25%	20	25%	17
East	75%	37	75%	52			75%	58	75%	49
	100%	49	100%	70			100%	78	100%	66

TABLE 6 - NEWS ROAD ROUTE FROM WEST TO PRIMARY ACCESS TRIP SPLIT

rate-adj. st.	Assisted Living	254	200 beds	22	14	36	19	29	48	520
			% TOTAL TRAFFIC	45%	20%	30%	24%	44%	33%	31%

TABLE 7 - NEWS ROAD ROUTE FROM EAST TO SECONDARY ACCESS TRIP SPLIT										
	Sr. Adult Single Fam	251	18 units	2	4	6	4	2	6	78
			% TOTAL TRAFFIC	4%	6%	5%	5%	3%	4%	5%

FORD'S VILLAGE TRIP GENERATION
2022 APPROVED, 2025 PROPOSED AND 2025 MAXIMUM
TRIP GENERATION, TGM 11

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Exhibit 8

Street: Rt. 613 News Road

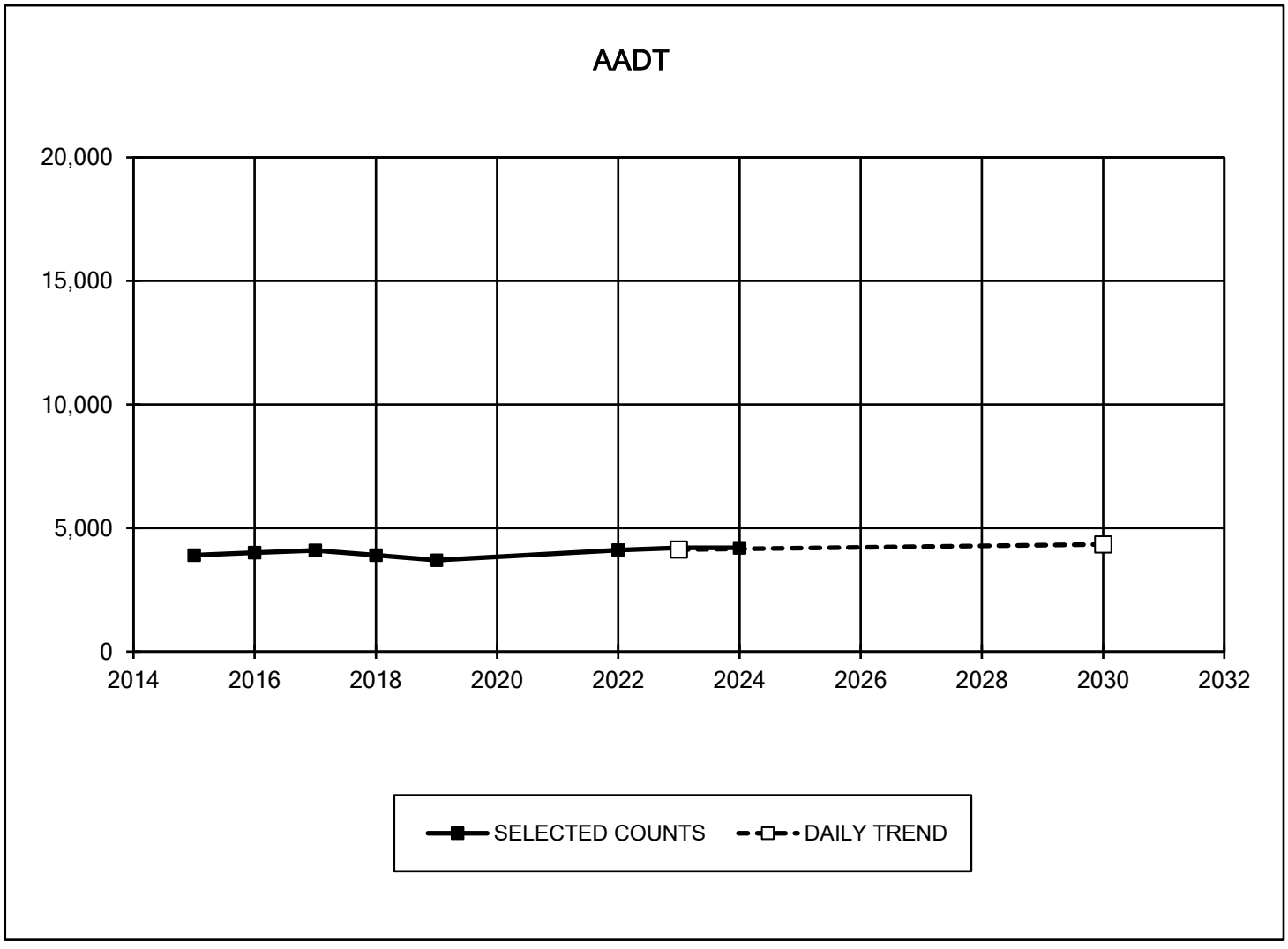
From: Rt 614 Centerville Road

To: Rt. 1480 Powhatan Secondary

Year	SELECTED COUNTS	
2015	3,900	
2016	4,000	
2017	4,100	
2018	3,900	
2019	3,700	
2022	4,109	
2023	4,200	
2024	4,200	
Year	DAILY TREND	
2023	4,127	Δ23
2030	4,338	1.05

ALL COUNTS

Year	DAILY COUNTS
2015	3,900
2016	4,000
2017	4,100
2018	3,900
2019	3,700
2020	3,200
2021	3,500
2022	4,109
2023	4,200
2024	4,200



VDOT Average Annual Daily Traffic (AADT) Volume Estimates

RT. 613 NEWS ROAD
DAILY TRAFFIC COUNTS AND 2015-2024 TREND
(COVID YEARS 2020 AND 2021 EXCLUDED)

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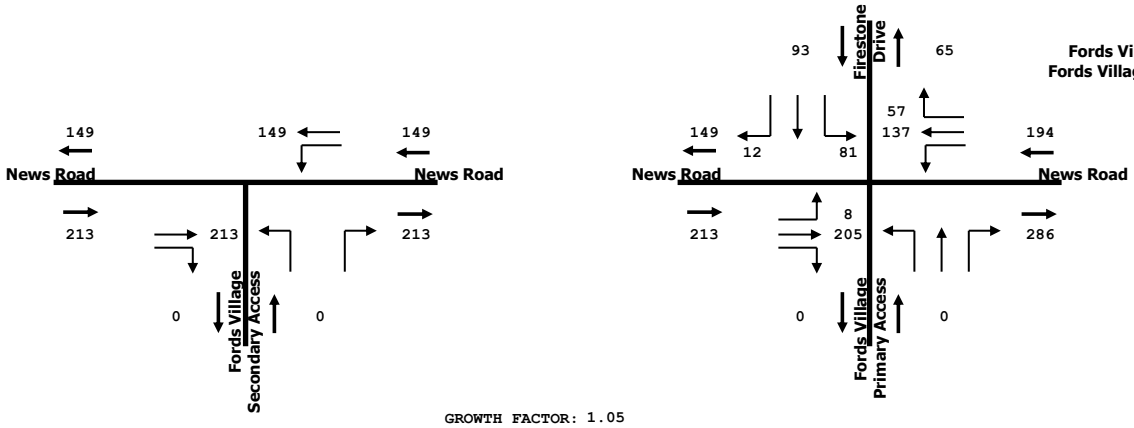
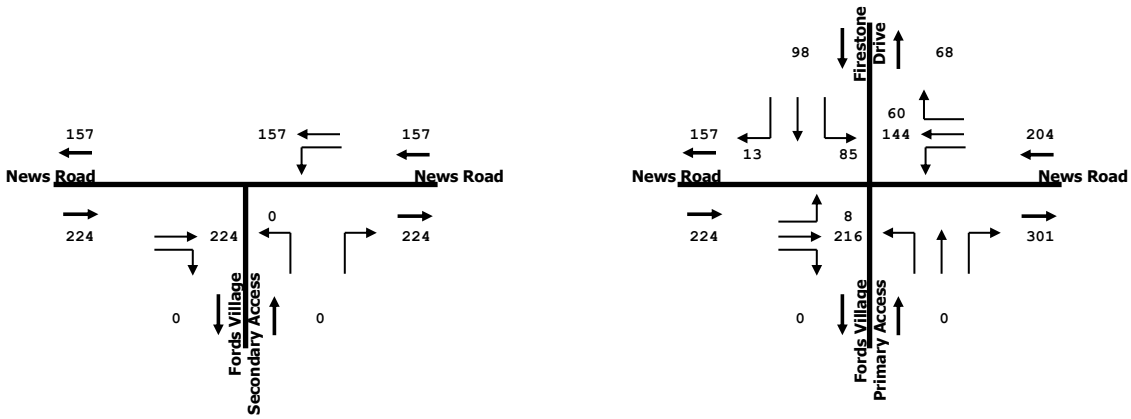
Exhibit 9

2023 Counts

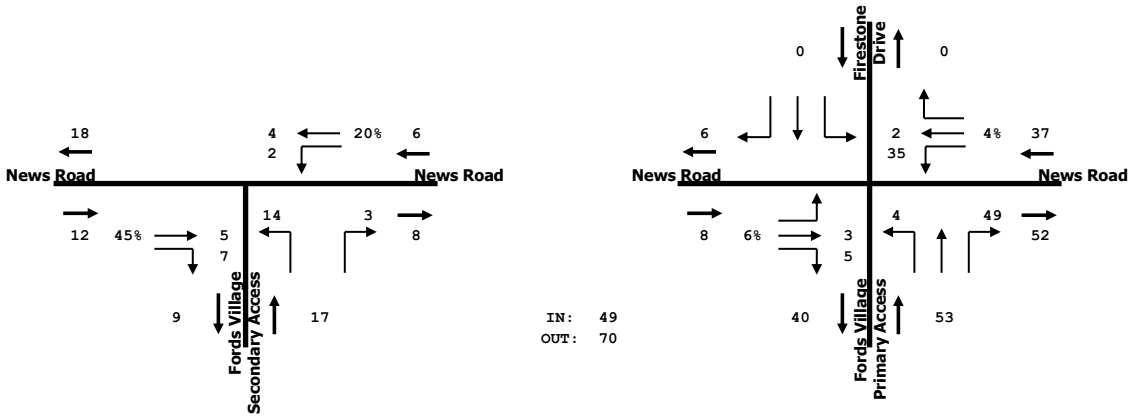


GROWTH FACTOR: 1.05

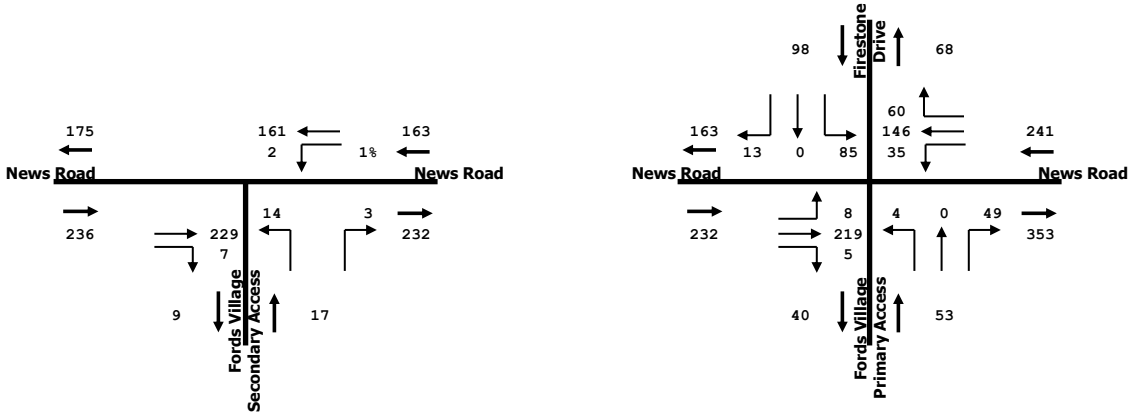
2030 Background



Site Traffic



2030 Total Traffic



N

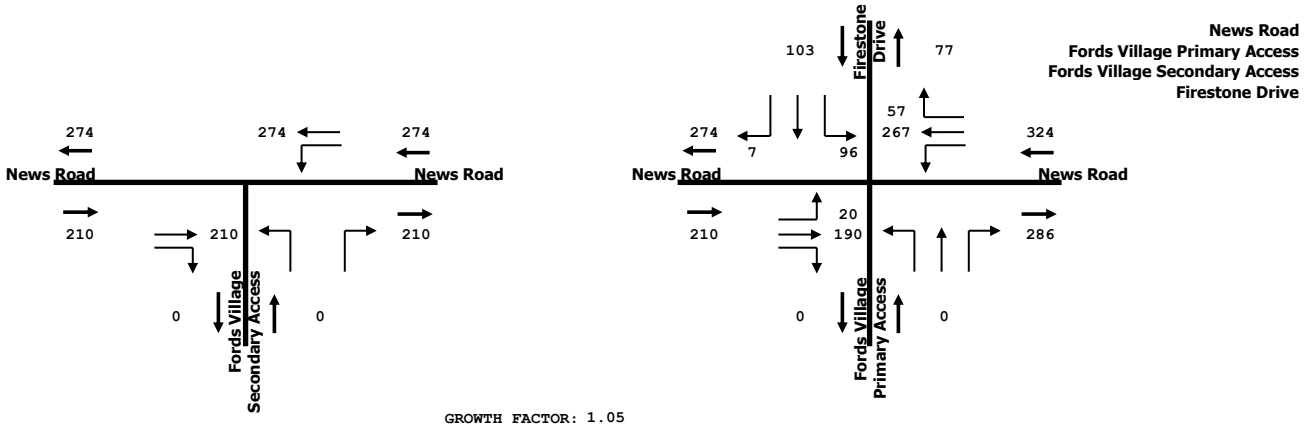
Exhibit Reference

FORD'S VILLAGE PRIMARY AND SECONDARY ACCESS ON NEWS ROAD
2030 AM PEAK HOUR TURNING MOVEMENT FORECAST

DRW Consultants, LLC
804-794-7312

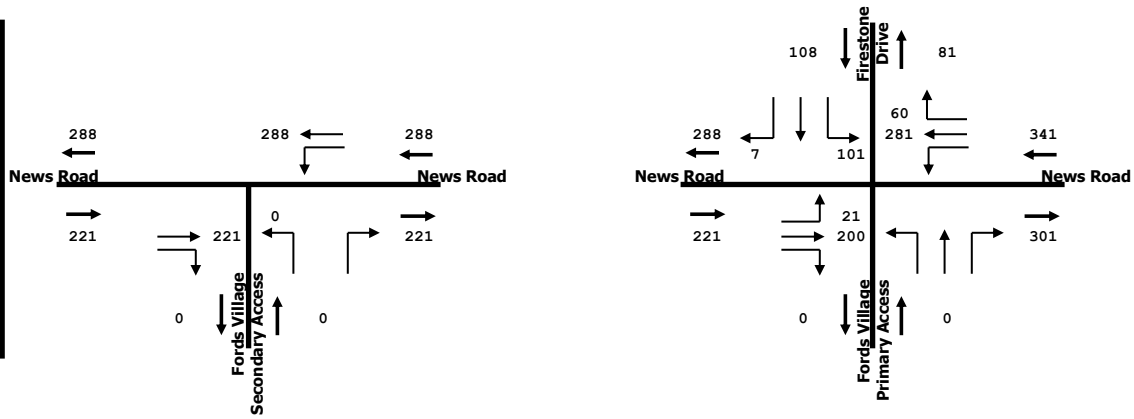
Exhibit 10

2023 Counts

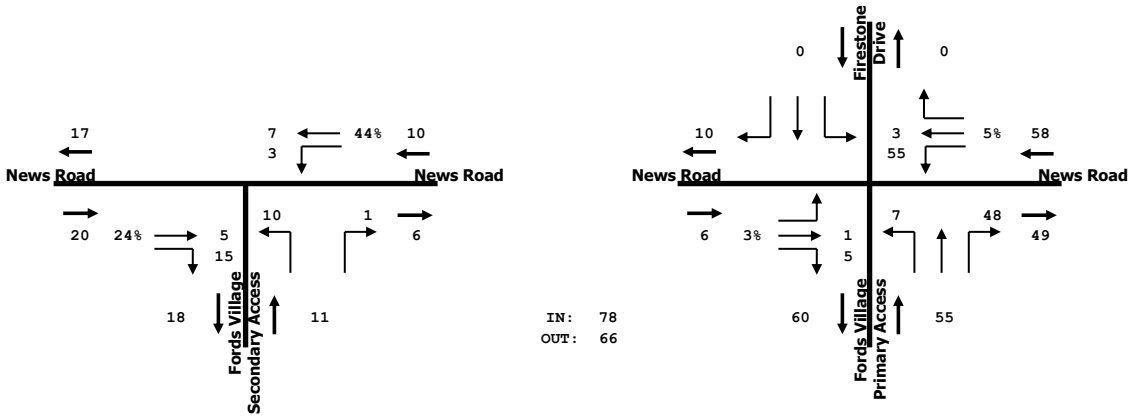


GROWTH FACTOR: 1.05

2030 Background Forecast



Site Traffic



2030 Total Traffic

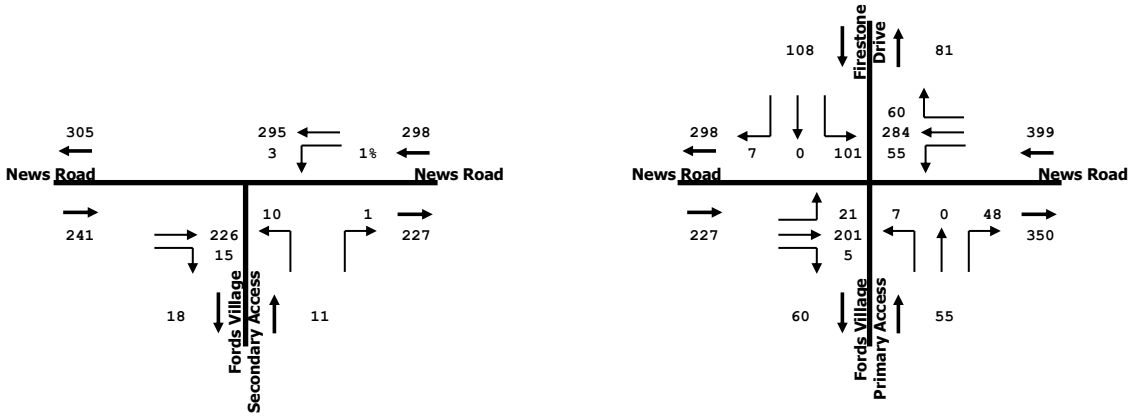


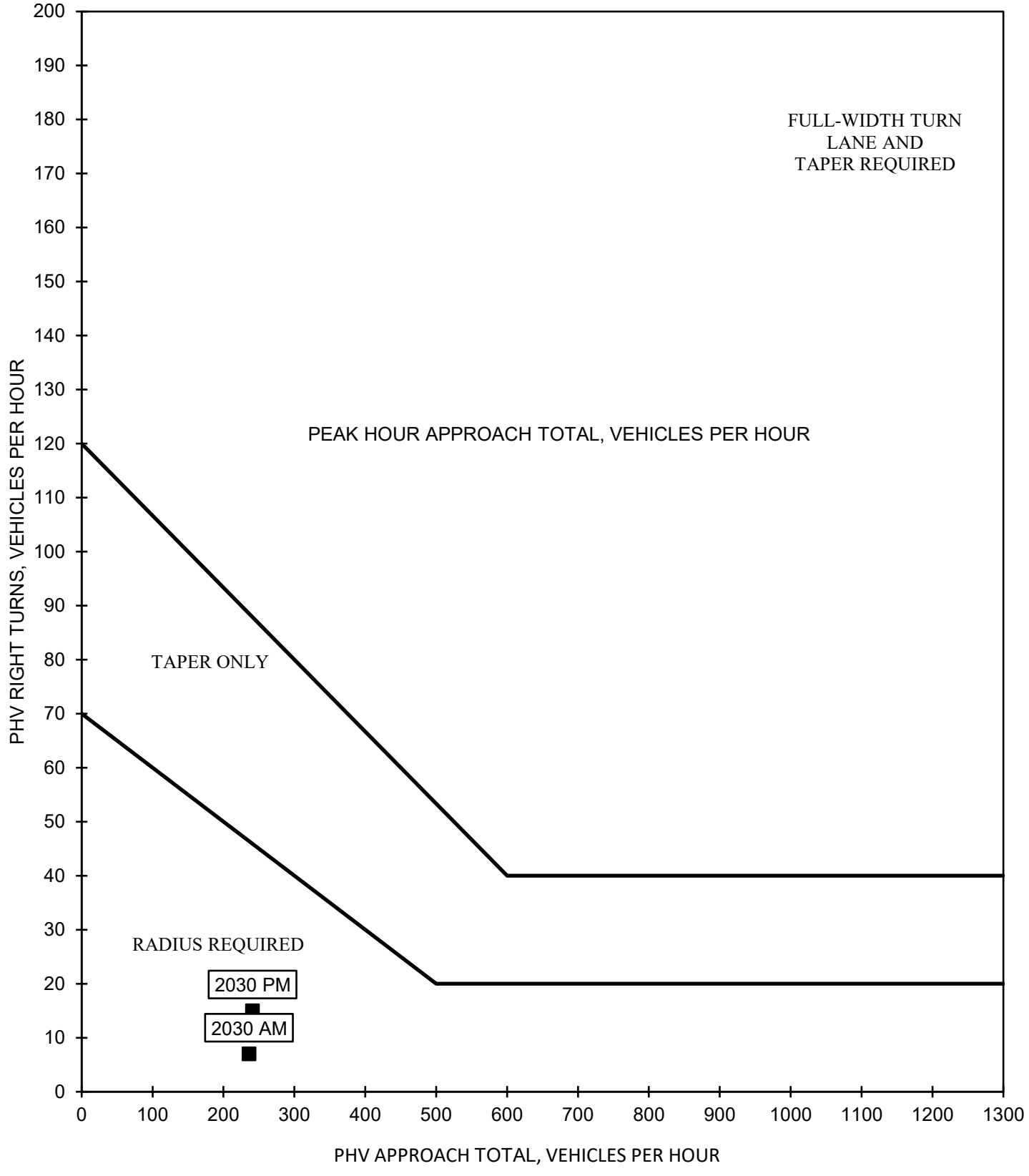
Exhibit Reference

FORD'S VILLAGE PRIMARY AND SECONDARY ACCESS ON NEWS ROAD
2030 PM PEAK HOUR TURNING MOVEMENT FORECAST

DRW Consultants, LLC
804-794-7312

Exhibit 11

Guidelines for Right Turn Treatments 2 - Lane Highway



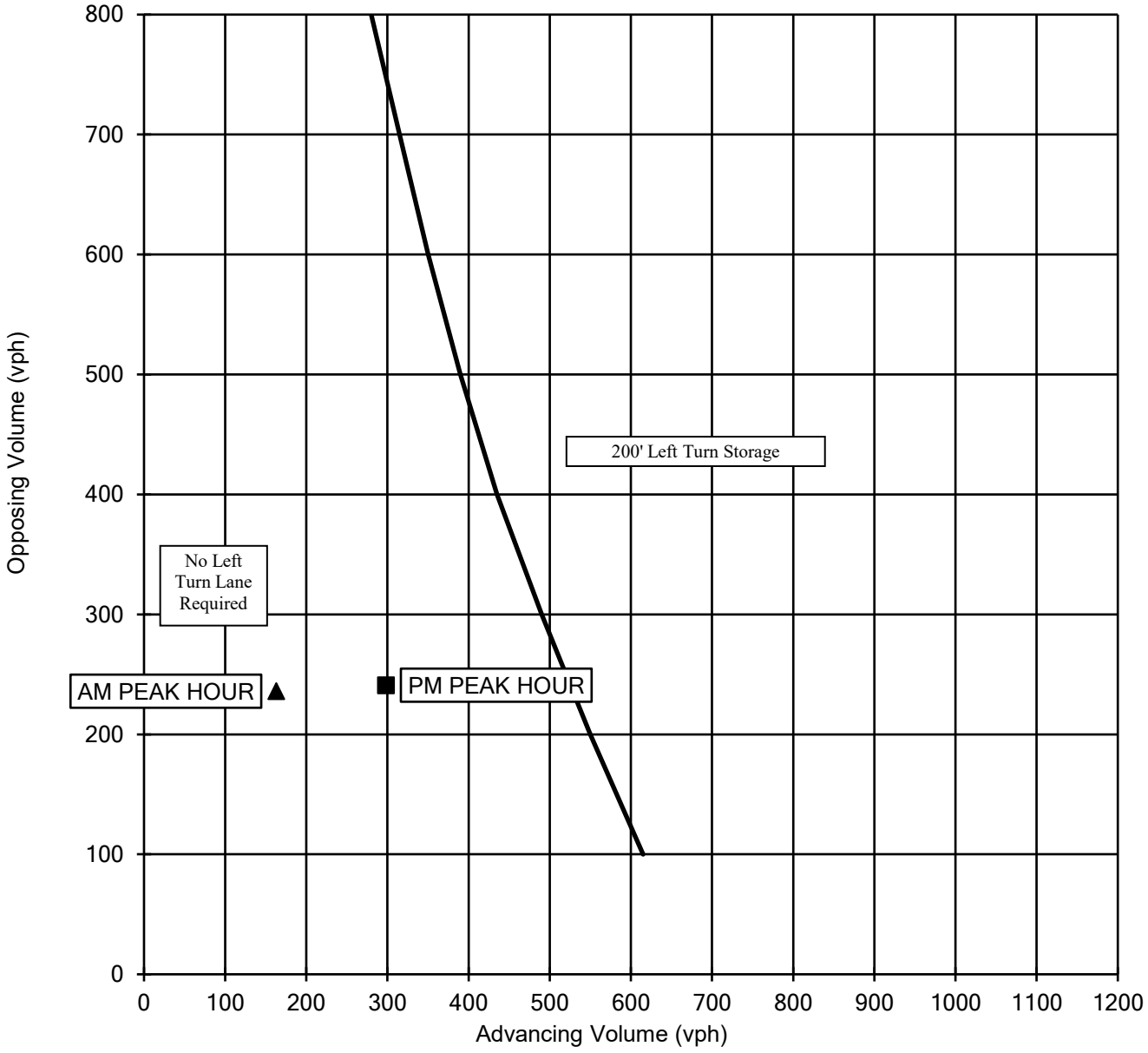
Source: VDOT Road Design Manual, Appendix F

VDOT RIGHT TURN LANE WARRANT
EASTBOUND NEWS ROAD AT
FORDS VILLAGE SECONDARY ENTRANCE

DRW Consultants, LLC
804-794-7312

Exhibit 12

LEFT TURN LANE WARRANT
50 mph Design Speed
% Left Turns = 5%



Source: Interpolated from VDOT Road Design Manual, Appendix F

VDOT LEFT TURN LANE WARRANTS
WESTBOUND NEWS ROAD AT
FORDS VILLAGE SECONDARY ACCESS

DRW Consultants, LLC
804-794-7312

Exhibit 13

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

April 16, 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
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	$54,342,760	90%
Other Local Taxes	$3,690,084	6%
Licenses, Permits & Fees	$630,551	1%
Fines & Forfeitures	$29,542	0%
Use of Money & Prop	$0	0%
Commonwealth	$0	0%
Federal Government	$0	0%
Charges for Services	$1,672,917	3%
Miscellaneous	$0	0%
Total General Fund Revenues	$60,365,854	100%
Schools Revenues (Non-County)	$0	
GRAND TOTAL REVENUES	**$60,365,854**	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Adminstration	$76,064	1%
Court Services	$109,871	1%
Public Safety	$4,367,900	50%
Financial Administration	$188,448	2%
Info Resources Management	$74,894	1%
Community Development	$46,274	1%
General Services	$807,903	9%
Parks & Recreation	$164,603	2%
Other Contributions And Transfers To Other Funds^	$2,964,223	34%
Total General Fund Expenditures	$8,800,181	100%
School Operating Expenditures	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$8,800,181**	**100%**
Capital Expenditures		
Non-Schools Capital	$1,735,526	100%
Schools Capital	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$1,735,526**	**100%**
GRAND TOTAL EXPENDITURES	**$10,535,707**	
CUMULATIVE NET FISCAL IMPACT	**$49,830,147**	
Average Annual Net Fiscal Impact	*$1,993,206*	

Attachment B

CAPITAL IMPACTS PER UNIT	Ford's Village 2025 Master
Transportation	
Age-Restricted Single Family	$19.21
Age-Restricted MultiFamily	$9.99
Parks and Recreation	
Age-Restricted Single Family	$2,200.65
Age-Restricted MultiFamily	$2,200.65
Fire and Emergency Services	
Age-Restricted Single Family	$652.67
Age-Restricted MultiFamily	$652.67
Police	
Age-Restricted Single Family	$4.75
Age-Restricted MultiFamily	$4.75
Library	
Age-Restricted Single Family	$318.56
Age-Restricted MultiFamily	$318.56
General Government	
Age-Restricted Single Family	$90.86
Age-Restricted MultiFamily	$90.86
General Services	
Age-Restricted Single Family	$199.04
Age-Restricted MultiFamily	$199.04
Courts	
Age-Restricted Single Family	$551.89
Age-Restricted MultiFamily	$551.89
Schools	
Age-Restricted Single Family	$0.00
Age-Restricted MultiFamily	$0.00
TOTAL	
Age-Restricted Single Family	**$4,037.62**
Age-Restricted MultiFamily	**$4,028.40**

Attachment C

NET FISCAL IMPACT	Ford's Village 2025 Master Plan -	%
PROJECTED REVENUES		
General Property Taxes	$68,409,413	91%
Other Local Taxes	$4,156,537	6%
Licenses, Permits & Fees	$807,169	1%
Fines & Forfeitures	$29,542	0%
Use of Money & Prop	$0	0%
Commonwealth	$0	0%
Federal Government	$0	0%
Charges for Services	$1,672,917	2%
Miscellaneous	$0	0%
Total General Fund Revenues	$75,075,578	100%
Schools Revenues (Non-County)	$0	
GRAND TOTAL REVENUES	**$75,075,578**	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Adminstration	$76,064	1%
Court Services	$109,871	1%
Public Safety	$4,367,900	50%
Financial Administration	$188,448	2%
Info Resources Management	$74,894	1%
Community Development	$46,274	1%
General Services	$807,903	9%
Parks & Recreation	$164,603	2%
Other Contributions And Transfers To Other Funds^	$2,964,223	34%
Total General Fund Expenditures	$8,800,181	100%
School Operating Expenditures	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$8,800,181**	**100%**
Capital Expenditures		
Non-Schools Capital	$1,735,526	100%
Schools Capital	$0	0%
GRAND TOTAL OPERATING EXPENDITURES	**$1,735,526**	**100%**
GRAND TOTAL EXPENDITURES	**$10,535,707**	
CUMULATIVE NET FISCAL IMPACT	**$64,539,871**	
Average Annual Net Fiscal Impact	*$2,581,595*	

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

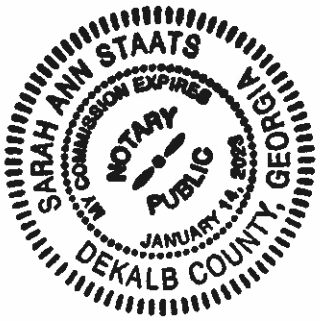
By: Margaret P. Staats
Title: President

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.

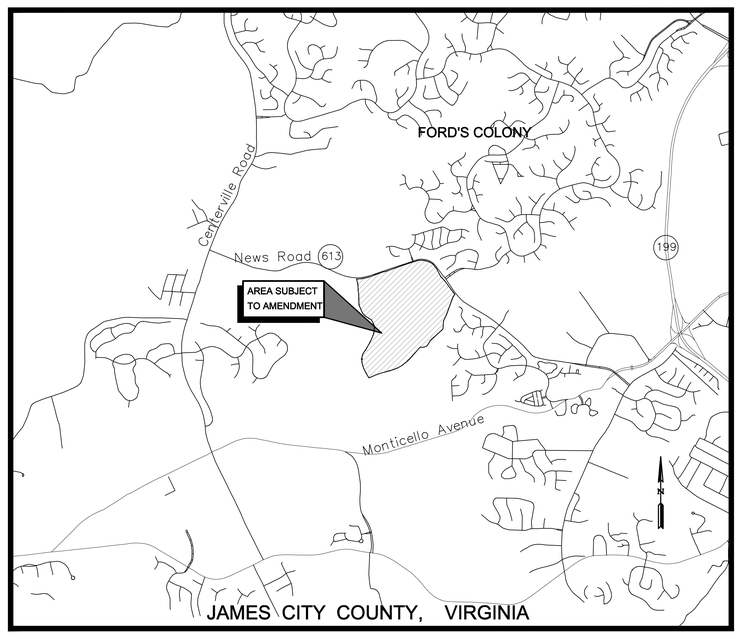
TRAFFIC: DRW & ASSOCIATES

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.

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FORD'S COLONY
WILLIAMSBURG

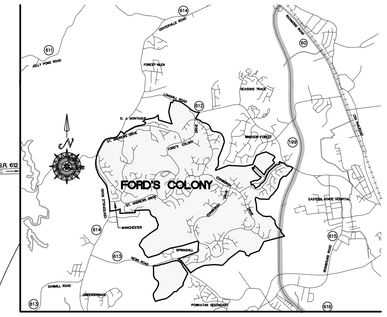
NON RESIDENTIAL AMENITY AND SERVICE SITES

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		

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

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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Hampton Roads | Central Virginia | Middle Peninsula

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 Feed CAD\Planning\Master Planning\W10514Dsp08 - Stormwater.dwg, 7/23/2021 7:14:58 AM, dave.gilman

Comparison of Residential Density Calculations for the Ford's Village Property

Note: 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 and are therefore excluded from the following tables.

Current Application Details for the May 12, 2026, Board of Supervisors Meeting:

	Maximum Units for Density Calculation	Gross Acreage	Gross Density	Developable Acreage	Net Developable Density
Ford's Village	424 units	177.51 acres	2.39 units per acre	93.70 acres	4.52 units per acre
Ford's Village - CCRC-D Only	154 units	9.38 acres	16.4 units per acre	8.9 acres	17.30 units per acre
Ford's Colony Overall	3,674 units	2,962.24 acres	1.24 units per acre	2,238.24 acres	1.64 units per acre

Previous Application Details from the February 10, 2026, Board of Supervisors Meeting:

	Maximum Units for Density Calculation	Gross Acreage	Gross Density	Developable Acreage	Net Developable Density
Ford's Village	430 units	177.51 acres	2.42 units per acre	93.70 acres	4.59 units per acre
Ford's Village - CCRC-D Only	160 units	9.38 acres	17.1 units per acre	8.9 acres	17.98 units per acre

Ford's Colony Overall	3,680 units	2,962.24 acres	1.24 units per acre	2,238.24 acres	1.64 units per acre

Application Details from the Approved 2022 Application:

	Maximum Units for Density Calculation	Gross Acreage	Gross Density	Developable Acreage	Net Developable Density
Ford's Village	345 units	177.51 acres	1.94 units per acre	93.70 acres	3.68 units per acre
Ford's Village - CCRC-D Only	75 units	9.38 acres	8.00 units per acre	8.9 acres	8.43 units per acre
Ford's Colony Overall	3,595 units	2,962.24 acres	1.21 units per acre	2,238.24 acres	1.61 units per acre

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 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 3 p.m. October 13, 2025.

E. CONSENT AGENDA

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

Mr. Rodgers made a motion to approve the 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 wished to postpone consideration of the application again. Mr. Haldeman noted that the Public Hearing remained open from the October meeting.

   Mr. Kyle Sirico, Planner, stated that the applicant had 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. 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 R-4, 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 CCRC-D 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 No.13 so that beauty and barber salons and libraries were optional amenities in CCRC-D, so that courtyards were not required in CCRC-D, and so that physician's offices, home health, and pharmacy uses were not listed as optional amenities.

Ms. Risinger stated that the application proposed amending Proffer No. 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 were 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/skilled nursing 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/skilled nursing rooms were 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 was anticipated to have a positive fiscal impact, that the development was not anticipated to generate student enrollment or impacts on schools, that the application was not expected to result in an increased number of trips, and that appropriate amenities were provided for the development. Ms. Risinger noted, however, that the application did not propose 20% of units affordable to the 0%-80% Area Median Income 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 (SSC) 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.

Mr. Gary Carlile, 3724 Mesa River, addressed the Commission with concerns about the proposed Proffer and Master Plan amendment.

Mr. 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 why the number of proposed assisting living, memory care, and skilled nursing units decreased from 125 to 40.

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 Master Plan 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 Amendment
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 the case had been deferred at the October 1, 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 (BLA) plat 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 natural open space area that is a part of the Master Plan for Liberty Crossing.

Mr. Ribeiro noted that the BLA plat that was 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 natural 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 square feet 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, General Agricultural, 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 No. 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 No. 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 Mixed Use 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 Mixed Use 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 Mixed Use 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 approval to the Board of Supervisors 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 - November 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 held on November 12, 2025, and Mr. Haldeman would be representing the Planning Commission.

Mr. Haldeman stated that the Development Review Committee meeting was scheduled for November 19, 2025, at 4 p.m. and a Policy Committee meeting scheduled for November 13, 2025, at 3 p.m.

Mr. Everson asked if there was an update regarding the Ivy Hill Road 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

Board of Supervisors
James City County
PO Box 8784
Williamsburg, VA 23187

August 29, 2025

Re: Z-25-0006 and MP-25-0004
Continuing Care Retirement Community at Ford's Village

Dear Honorable Members of the Board of Supervisors:

The Board of Directors of the Ford's Colony at Williamsburg Homeowners Association (FCHOA) supports the proposed proffer amendment and master plan amendment for Ford's Village. We commend the applicant, Frye Development, LLC for their continued communication with Board of Directors and the Members of the FCHOA regarding the status of the development and the proposed proffer and master plan amendment.

Representatives of Frye Development presented a copy of the master plan amendment and discussed the proposal at the FCHOA Board of Directors meeting on August 28, 2025. The topic was on the agenda, previously published to the FCHOA membership.

We believe this modification represents a thoughtful and practical response to evolving market conditions, while maintaining the overall vision for a balanced, attractive, and lifestyle-focused community. Importantly, the revised plan still supports the long-term demand for senior housing in our area as contemplated in the County Comprehensive plan, while positioning the project for success and ongoing contributions to the County's economy and quality of life.

For these reasons, the Ford's Colony HOA Board of Directors offers its support for the approval of the Ford's Village proffer and master plan amendment.
Thank you for your consideration and for your continued service to James City County.

Sincerely,

JoAnn Gora
President

Ford's Colony at Williamsburg Homeowners Association
100 Manchester Drive, Williamsburg, VA 23188
757-258-4230 ~ 757-258-4065 (fax) ~ communityservices@fchoa.net