

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
July 14, 2026
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - James LeVan, a rising 7th grader and Boy Scout working on his Community and Government badge

E. PUBLIC COMMENT

F. CONSENT CALENDAR

G. PUBLIC HEARING(S)

1. Z-26-0001/MP-26-0001/SUP-26-0002. 5299 & 5303 John Tyler Hwy The Promenade Self-Storage Facility
2. ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops
3. ORD-26-0004. Amendments to the Zoning Ordinance and Subdivision Ordinance Archaeological
4. ORD-26-0005. Amendments to the Zoning Ordinance and Subdivision Ordinance Natural Resources
5. SUP-26-0004. 8698 Pocahontas Trail Tourist Home Short Term Rental
6. SUP-26-0007 5205 Colonnade Parkway Detached Accessory Dwelling Unit
7. SUP-26-0001. 147 Whiting Avenue Short-Term Rental
8. Disposition of Property Located at 179 and 191 Clark Lane in The Moores
9. Z-23-0004/MP-23-0001. Westwood Park Rezoning

H. BOARD CONSIDERATION(S)

1. CIP Financing/Reimbursement Resolution

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

L. ADJOURNMENT

1. Adjourn until 1 pm on July 28, 2026 for the Business Meeting

**PROFFER AMENDMENT/MASTER PLAN AMENDMENT/SPECIAL USE PERMIT Z-26-0001/MP-26-0001/SUP-26-0002.
5299 and 5303 John Tyler Highway. The Promenade Proffer Amendment for Self-Storage
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Chase Grogg, Landtech Resources, Inc.
Landowner:	University Square Association c/o The Franciscus Company, Inc.
Proposal:	A Rezoning Proffer Amendment, a Master Plan Amendment, and a Special Use Permit (SUP) to permit the construction and operation of a self-storage facility.
Locations:	5299 John Tyler Highway 5303 John Tyler Highway
Tax Map/Parcel Nos.:	4812200025 4812200026
Property Acreage:	± 3 acres
Zoning:	MU, Mixed Use
Comprehensive Plan:	Mixed Use
Primary Service Area (PSA):	Inside
Staff Contact:	Allison Jackura, Planner III

PUBLIC HEARING DATES

Planning Commission:	June 3, 2026, 6:00 p.m.
Board of Supervisors:	July 14, 2026, 5:00 p.m.

FACTORS FAVORABLE

1. The application would complete the planned Mixed Use of The Promenade at John Tyler, providing a mix of uses with infill development within the PSA as contemplated within the 2045 Comprehensive Plan.
2. Impacts: See Impact Analysis on Pages 4-7.
3. See Comprehensive Plan Analysis on Pages 8-9.

FACTORS UNFAVORABLE

1. Staff does not identify any unfavorable factors.
2. Impacts: See Impact Analysis on Pages 4-7.

PLANNING COMMISSION RECOMMENDATION

At its June 3, 2026, Regular Meeting, the Planning Commission recommended approval of this application with the staff-proposed conditions and one applicant-requested amended condition by a vote of 5-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

During the meeting, the applicant requested that consideration be given to allow the business to maintain one moving truck for rental purposes at the self-storage facility. Staff had no objection other than to ensure that the condition required that only one rental vehicle be permitted, and that the rental truck be parked in the rear and screened from view. Further, during discussion about the stormwater management for the project, the applicant committed to utilizing one of the Special Stormwater Criteria (SSC) Nos. 11, 12, or 13 as part of

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their design plan to achieve compliance with the SSC requirements. Criterion No. 11 relates to designing for additional water quality treatment, Criterion No. 12 requires increasing attenuation of storms to 25% less than pre-development levels, and Criterion No. 13 uses an increased multiplier to account for an increase in projected rainfall. The Planning Commission recommended approval with these additions. Staff included the language regarding truck rentals in SUP Condition No. 2, and added the SSC language as new Condition No. 15 in Attachment No. 3.

Additionally, there was public input received after publishing the Planning Commission package materials. The input was provided to the Planning Commissioners prior to its meeting and has been included in this report as Attachment No. 9.

SUMMARY STAFF RECOMMENDATION

Per the Impact Analysis noted below, staff finds the proposed use will not negatively impact surrounding property nor is it expected to negatively impact roads or other public services. Per the Comprehensive Plan Analysis noted below, staff finds that the proposed use aligns with the Mixed Use recommendations within the Comprehensive Plan. Staff, therefore, recommends the Board of Supervisors (BOS) approve these applications with proposed proffers and conditions (Attachment Nos. 2 and 3).

PROJECT DESCRIPTION

Mr. Chase Grogg has applied for a Rezoning Proffer Amendment, a Master Plan Amendment, and an SUP to allow for the construction of a self-storage facility within The Promenade at John Tyler. The property is within the MU, Mixed Use Zoning District located at 5299 and 5303 John Tyler Highway (James City County Real Estate Tax

Map Parcel Nos. 4812200025 and 4812200026). The proposed self-storage facility would be constructed within the designated commercial area of The Promenade at John Tyler mixed-use development. The commercial area is the last remaining area of the planned mixed-use master plan which has not been developed.

The currently included use designations within the commercial section of the approved Master Plan include “E”, “G”, and “J” which are commercial, office, and areas of common space with recreation areas noted, respectively. The self-storage use requires the “F” designation or “wholesale and warehouse uses” and therefore is not consistent with the approved Master Plan. To proceed, the Master Plan must be amended to include the “F” designation to permit consideration of a self-storage facility, and the proffer binding the Master Plan must be amended as well. If the proffer and Master Plan are amended to add the “F” designation to the commercial area, the only potential new use within that area would be “Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property” which requires an SUP. The SUP allows for consideration of the appropriateness of any potential warehouse use recognizing the adjacency of the residential dwellings, and to impose conditions which minimize potential impacts.

The 51,000-square-foot, two-story self-storage facility would be climate-controlled and designed to resemble a multi-story office building. The front of the building would face internal to The Promenade, fronting towards the designated “Central Park” of the residential area, while the rear would face Route 199, Humelsine Parkway. The rear would be enclosed by a fence which would have controlled access. The narrative indicates there would also be on-site management.

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The proposal includes a total of 13 parking spaces, three of which would be outside of the fenced area near the entrance to the management office. Space for loading and unloading would occur in the rear fenced area, which is screened from Route 199 by a 50-foot-wide, landscaped berm in the required landscape buffer.

PLANNING AND ZONING HISTORY

In December of 2014, the BOS approved a rezoning to the Mixed Use Zoning District with an approved Master Plan which permitted up to 204 dwelling units split between 10-plex buildings, duplex buildings, and live-above units, with commercial space.

The approved Master Plan indicated 47,624 square feet of commercial in an area with a proposed public square and residential live-above units. The proffered design guidelines did not include specifics about the commercial design to allow future creativity in integrating the commercial aspect with the proposed residential condominiums.

In January of 2020, the developer received approval for a Proffer and Master Plan Amendment which permitted an additional 10-plex building within the area originally shown for commercial, in place of providing live-above units. There was no overall increase in density permitted. The remaining commercial area indicated in the Master Plan noted 47,918 square feet of commercial space as two stories.

The public square and the approved 10-plex residential building have been constructed. However, the remaining area indicated for commercial use has remained vacant.

SURROUNDING ZONING AND DEVELOPMENT

This property is located within The Promenade at John Tyler mixed-use development, between Kings Land Court and Route 199. To the

northwest is the Williamsburg Crossing Shopping Center, to the south and southwest are The Promenade condominiums, and further to the west is the Riverside medical building. Further south is the Winston Terrace single-family residential subdivision. To the northeast is the City of Williamsburg and a medical/office park.

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

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH (City of Williamsburg)	PUD, Planned Unit Development; LB-4, Limited Business	Offices; Medical Offices	Office
SOUTH	MU, Mixed Use; R-2, General Residential	Condominium; Single-Family Dwellings	Mixed Use
EAST (City of Williamsburg)	PUD, Planned Unit Development	Offices; Medical Offices	Office
WEST	B-1, General Business	Commercial Shopping Center; Medical Office	Mixed Use

IMPACT ANALYSIS

- *Traffic/Transportation:* The self-storage facility is not expected to generate a significant increase in vehicle trips to the site. The Williamsburg Crossing Shopping Center takes direct access from John Tyler Highway, and The Promenade at John Tyler can access

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John Tyler Highway via the shopping center, or via Queens Path. John Tyler Highway is a minor arterial roadway per the Virginia Department of Transportation's (VDOT) Roadway Classification Map. The section of John Tyler Highway from Route 199 to Stanley Drive currently operates at an acceptable Level of Service (LOS) (A-C) and is expected to remain operating at an acceptable LOS in 2045 for the PM peak hour.

According to the Institute of Transportation Engineers' Trip Generation Manual, 12th Edition, a self-storage facility would generate an average rate of 0.17 trips in the AM peak hour and 0.18 trips in the PM peak hour. For this application, the average number of trips in the AM peak hour would be 8.67 trips and 9.18 trips in the PM peak hour.

VDOT has reviewed this application and had no concerns.

- *Utilities:* While there is no existing connection to water and sewer provided on the parcels currently, the Master Plan was designed to accommodate that, and the James City Service Authority staff had no concerns with such a connection.
- *Stormwater/Environment:* While the original Master Plan did include the subject area as potential commercial or office space, during the site plan process, only the stormwater management system for the residential units was specifically designed. The now-built stormwater infrastructure conveys stormwater via pipes to the adjacent Riverside property at 120 Kings Way. Typically, for a legislative case, staff would recommend a stormwater condition that all stormwater quality requirements are met by the developer on their own site to ensure there are no negative stormwater impacts on other properties or on the County. During review of this proposal, the applicant indicated that

meeting stormwater quality requirements on the two parcels where the self-storage facility will be built would be a significant challenge. The proposal includes a large building with parking and impervious surface on all sides, and the property has a 50-foot Community Character Corridor (CCC) buffer that must remain in place and has already been credited for stormwater purposes to the residential portion of the development. These factors constrain the potential design of stormwater facilities on-site. In discussing this matter, staff and the applicant identified that treating the stormwater quality at the Riverside Best Management Practice (BMP) would be another potential method of achieving the ultimate goal of ensuring all impacts of this development are mitigated.

The applicant provided Proffer No. 3 to address this concern; however, in review of the proposed language, staff is also proposing Condition Nos. 11 and 12 to ensure that all treatment is achieved directly on the property, or downstream at the Riverside BMP, without the use of purchasing credits which do not address water quality concerns within the County. The applicant is aware that the specifics of design to achieve these conditions will be reviewed during the site plan phase, and the developer will be required to obtain all necessary private permissions and cause the off-site work to be satisfactorily completed, if opting to pursue treatment downstream.

- *Nearby Properties:* Staff is recommending conditions to ensure that the business does not cause adverse land use impacts on the neighbors, by limiting outdoor operation and signage.
- *Community Character:* The applicant has proffered the property be developed in accordance with the proposed elevations in Proffer No. 2. The design ensures that any portion of the building

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which may be visible from Route 199 through the required 50-foot vegetated buffer will align in character with the surrounding community. The design of the building utilizes various articulations and false windows with materials which align with the neighboring residences to appear as a high-quality office building. The existing 50-foot buffer is required to remain intact pursuant to existing approved Proffer No. 8.

See the following table for additional details on staff analysis of impacts on Page 6.

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposed application is not anticipated to generate significant traffic given the nature of self-storage operation. - The subject property is located on the private road Kings Land Court, which is accessed by John Tyler Highway, a publicly maintained road. John Tyler Highway is a minor arterial roadway and Route 199 which is classified by the

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<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to generate significant traffic given the nature of self-storage operation. - The subject property is located on the private road Kings Land Court, which is accessed by John Tyler Highway, a publicly maintained road. John Tyler Highway is a minor arterial roadway and Route 199, which is classified by the VDOT as “other freeway”. Staff finds that the roads are adequate for this use.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- The James City County Sidewalk Master Plan does not indicate a sidewalk is planned for Route 199. The Regional Bikeways Plan indicates that Route 199 is a shared roadway. Zoning Ordinance Section 24-35 would not require installation of any public sidewalk or bike amenity for this project. - The proposed development is within walking distance of a Williamsburg Area Transit Authority bus stop.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3 on John Tyler Highway serves this area of the County and is 0.6 miles from this proposed self-storage facility.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property is served by public water and sewer. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Mill Creek Watershed.	<u>Mitigated</u>	- Specific stormwater design will be completed during the site plan process. Condition Nos. 11 and 12 requires that water quality requirements must be met without the use of purchasing offsite nutrient credits. The condition further requires that the water quality be treated directly on-site, or downstream at the Riverside BMP where the stormwater is conveyed via pipes and easements.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The site is not located within an ultra or highly sensitive area and did not require a Phase 1A archaeological study for the submittal of this SUP. The existing approved Proffer No. 3 requires a Phase 1 archaeological study to be submitted prior to any land disturbing permit. A Phase 1 archaeological study was submitted prior to the land disturbance of the overall Promenade subdivision. The study has been accepted and no further work is required.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Condition No. 6 would ensure that there is no nuisance lighting created by the proposed use, and that the installed lighting aligns with the character of the existing community. - Condition Nos. 7, 8, and 9 would ensure that there is appropriate screening of the building and equipment from adjacent properties and Route 199. - Condition No. 2 would ensure there is no outside display of materials or vehicles which may cause a nuisance to the adjacent residences.
<u>Community Character</u>	<u>Mitigated</u>	- The proposal does not include any alteration to the existing landscaping buffering along Route 199. The existing 50-foot buffer is part of the CCC, and has a berm with vegetation as required by existing Proffer No. 8 on the property. - In addition to the required buffer, the design of the building is such that it appears as an office-type building. Condition No. 1 and proposed Proffer No. 2 would ensure this design is achieved.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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2045 COMPREHENSIVE PLAN ANALYSIS

The site is designated Mixed Use on the Comprehensive Plan Land Use Map. In particular, this area is designated as “Williamsburg Crossing”, a small town or suburban center type of mixed use area.

Per the adopted Comprehensive Plan, “[w]hile no specific mix of uses is prescribed for Level 1 mixed use areas except as noted in the Specific Mixed Use Area descriptions below, each development should be designed as a complete community to foster pedestrian access to a wide range of employment, residential, recreational, civic and service opportunities. In addition, compatibility with surrounding context is paramount and land use mix and density should be aligned with the surrounding context.” Within the “Williamsburg Crossing” Mixed Use area, appropriate primary uses include “...commercial, office, and moderate density residential. Continued access management is needed to maintain acceptable LOS on John Tyler Highway (Route 5). Additional access points beyond those that currently exist for the Route 199 corridor will be strongly discouraged by the County.”

Staff analysis: This proposal does not include any additional access points and would fill the vacant planned commercial portion of the mixed-use development of The Promenade at John Tyler. While the use of self-storage is considered as part of warehousing within the Zoning Ordinance, in operation, self-storage more closely aligns with a commercial operation. The building design does work to integrate into the surrounding context, and provides a complete community by providing a service not found within the area.

Several Mixed Use development standards, such as standards b, e, and f, support a diverse mix of uses allowing for compact development, pedestrian utilization, and reduction of vehicle trips.

Staff analysis: The self-storage facility would complement the existing nearby shopping center and residences, providing a service that is not currently available within the local context. Retail and food services are well-provided for within this Mixed Use area, and the area of the proposed self-storage facility would not be well-positioned to provide more of such active, high-impact type uses. Given the compactness of the adjacent residences, the self-storage facility may well provide a direct service for some of the owners.

Mixed Use development standard emphasizes that mixed use developments should focus on place-making. Developments should be designed to create a sense of place and have unified architectural design.

Staff analysis: The applicant has submitted a design which elevates the potential building, providing varied architectural details to minimize the visual bulk of the building. The conceptual elevations and proffered design guidelines illustrate a high-quality building which would complement the existing community.

There are number of Goals, Strategies, and Actions recommended within the Economic Development chapter and the Land Use chapter which emphasize the need for strategic infill development within the Primary Service Area. For instance, the Economic Development Goal 4, “Encourage infill development, the redevelopment of existing parcels, and the adaptive reuse of the existing buildings that efficiently uses infrastructure and natural resources, as well as establishes or enhances the area’s sense of place and community character.” Economic Development Strategy ED 4.2 encourages redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the PSA and infrastructure is supportive. Similarly, Land Use Strategy LU 4.3 promotes infill, redevelopment, revitalization, and rehabilitation within the PSA.

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Staff analysis: The property has remained vacant with the developer finding no viable commercial enterprise since initial construction of the residential portion of the mixed use. The community was planned with this portion of land designated as a commercial-type use which has remained absent. The proposed self-storage would fill that vacancy with a facility that would have minimal impact on the adjacent residences in comparison to other potential commercial uses.

STAFF RECOMMENDATION

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property nor is it expected to negatively impact LOS for roads or other public services. Per the Comprehensive Plan Analysis noted above, staff finds that the proposed use aligns with the Mixed Use recommendations within the Comprehensive Plan. Staff, therefore, recommends the BOS to approve these applications with proposed proffers and conditions (Attachment Nos. 2 and 3).

AJ/ap
RZ-MP26-1_SUP26-2JhnTylr-rev

Attachments:

1. Ordinance
2. Proposed Proffers
3. Resolution
4. Location Map
5. Proposed Master Plan
6. Conceptual Plan and Elevations
7. Applicant Narrative
8. Previously Approved Proffers and Master Plans
9. Public Input
10. Unapproved Minutes of the June 3, 2026, Planning Commission Regular Meeting

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 3 ACRES AT 5299 AND 5303 JOHN TYLER HIGHWAY (JAMES CITY COUNTY REAL ESTATE TAX MAP PARCEL NOS. 4812200025 AND 4812200026) FROM MU, MIXED USE WITH PROFFERS TO MU, MIXED USE, WITH PROFFERS AS DESCRIBED IN CASE NO. Z-26-0001 AND MP-26-0001.

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc. has applied to rezone approximately 3 acres from MU, Mixed Use, with Proffers to MU, Mixed Use, with Proffers; and

WHEREAS, the properties proposed to be rezoned are located at 5299 and 5303 John Tyler Highway and further identified as James City County Real Estate Tax Map Parcel Nos. 4812200025 and 4812200026, and are shown on the Master Plan titled “Master Plan Amendment for The Promenade at John Tyler”, dated January 19, 2026, and last updated March 27, 2026, (the “Amended Master Plan”); and

WHEREAS, the Planning Commission, following its public hearing on June 3, 2026, recommended approval with proffers of Case Nos. Z-26-0001 and MP-26-0001 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case Nos. Z-26-0001 and MP-26-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-26-0001 and MP-26-0001 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-26-0001 and MP-26-0001 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			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

RZ-MP26-1_SUP26-2JhnTylr-ord

Tax Parcel Numbers: 4812200025 and 4812200026

AMENDED & RESTATED PROFFERS

THESE AMENDED AND RESTATED PROFFERS (“Proffers”) are made this 16 day of June, 2026, by and between the UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with their successors in title to the Property, the “Owner”) (to be indexed as grantor); ICE CREAM PROPERTIES, LLC, a Virginia limited liability company (“Purchaser”) (to be indexed as grantor), and THE COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (“County”) (to be indexed as grantee), provides as follows:

RECITALS

- A. Owner is the owner of certain real property located in James City County, Virginia, being more particularly described on Exhibit A attached hereto and made a part hereof (the “Property”). Purchaser is the contract purchaser of the Property.
- B. The Property is currently zoned MU- Mixed Use and is subject to (i) Proffers dated October 15, 2014 and recorded in the James City County Circuit Court Clerk’s Office as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 and recorded as Instrument No. 170018981, Second Amendment to Proffers dated April 13, 2016 and recorded as Instrument No. 170007500, and Third Amendment to Proffers dated November 21, 2019 and recorded as Instrument No. 200001144 (the “Existing Proffers”) and (ii) a master plan entitled “Master Plan Amendment for The Promenade at John Tyler”, dated, 06/25/2019, prepared by AES Consulting Engineers (the “Existing Master Plan”).
- C. Purchaser desires to develop and operate a self-storage Warehouse facility on the Property.
- D. Owner and Purchaser (collectively, the “Applicant”) have applied to the County to amend the Existing Proffers and to amend the Existing Master Plan (collectively, the “Application”). In connection with the Application, the Applicant has submitted to the County an amended master plan entitled “Master Plan Amendment for The Promenade at John Tyler”, dated January 19, 2026, and last updated March 27, 2026, (the “Amended Master Plan”) for the Property in accordance with the County Zoning Ordinance.
- E. Applicant desires to amend, restate, and replace the Existing Proffers as to the Property as more particularly set forth herein.
- F. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Code of Virginia, as amended (the “Virginia Code”).
- G. The provisions of the Zoning Ordinance, Section 24-1, et seq., may be deemed inadequate

for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of the Application, desires to proffer certain conditions in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Sections 15.2-2303 and 15.2-2303.4(D)(1) of the Virginia Code, Ordinance Number 31A-346 adopted by the James City County Board of Supervisors on October 8, 2019 and Sec 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the Application, and pursuant to Sections 15.2-2303 and 15.2-2303.4(D)(1) of the Virginia Code, and Section 24-16 of the Zoning Ordinance, it is agreed that all of the following conditions shall be met and satisfied in connection with the use of the Property, which shall amend, restate, and replace the Existing Proffers as to the Property.

PROFFERS

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

2. **Design.** The Property shall be developed generally in accordance with the elevations entitled "PROMENADE AT JOHN TYLER SELF STORAGE", dated April 10, 2026, prepared by Hopke Harrison Inc., with only changes thereto that the County or its duly authorized designee determines do not alter the basic concept or character of the development in accordance with Section 24-23(a)(2)(f) of the Zoning Ordinance in effect on the date hereof; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development

3. **Stormwater Management.** All stormwater runoff from the additional impervious cover to be constructed on the Property pursuant to these Proffers shall, at the Applicant's election, be captured and conveyed either (A) to on-site stormwater management facilities which satisfy applicable regulatory requirements and outfall to the existing stormwater conveyance and management system serving the adjacent properties without any improvements to such existing stormwater conveyance and management system, or (B) directly to the existing stormwater conveyance and management system serving the adjacent properties provided, prior to issuance of a Certificate of Occupancy for any building(s) constructed on the Property, the Applicant shall complete or cause to be completed the following improvements (the "Improvements") to that certain stormwater detention basin known as "Pond MC038" located at 120 Kings Way, Williamsburg, VA 23185, Parcel ID 4812200022:

- i. Add wetland vegetation to improve pollutant removal;

- ii. Replace riser to modify outflow characteristics for channel protection control; and
- iii. Excavate for additional storage capacity.

The design of the Improvements shall be subject to review and approval by the County's Director of the Stormwater and Resource Protection Division prior to commencement of construction of the Improvements. The purchase of off-site nutrient mitigation credits to satisfy applicable stormwater management regulations for development of the Property shall not be permitted without the prior written approval of the County's Director of the Stormwater and Resource Protection Division.

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

5. **Delegation of Subsequent Approvals.** The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

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

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

8. **Void if Application Not Approved.** In the event that any component of the Application is not approved by the County as submitted or is overturned by subsequent judicial determination, these Proffers shall be null and void.

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

10. **Existing Proffers.** Except as modified herein, the Existing Proffers shall remain in full force and effect. In the event of any conflict between the provisions of these Proffers and the Existing Proffers, the provisions of these Proffers shall prevail.

[Signatures located on subsequent pages]

[Signature page to Amended Proffers]

Witness the following signatures.

ICE CREAM PROPERTIES, LLC

By: Katherine Lockwood

Name: Katherine Lockwood

Title: Manager

COMMONWEALTH OF VIRGINIA

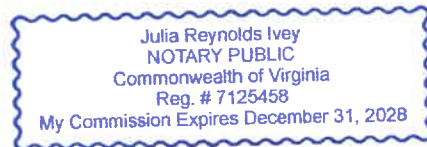
CITY/COUNTY OF Hampton, to wit:

The foregoing instrument was acknowledged before me this 16 day of June 2026, by Katherine Lockwood as Manager of Ice Cream Properties, LLC.

Julia Reynolds Ivey
Notary Public

My commission expires: Dec. 31, 2028

Registration No.: 7125458



[Signature page to Amended Proffers]

UNIVERSITY SQUARE ASSOCIATES

By: Jerry L. Bowman

Name: Jerry L. Bowman

Title: Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Norfolk, to wit:

The foregoing instrument was acknowledged before me this 17th day of June 2026, by Jerry L. Bowman as Manager of University Square Associates.

Amy Leigh Clark
Notary Public

My commission expires: 11/30/2028

Registration No.: 00283208



EXHIBIT A

PARCEL ID: 48112200025: All that certain lot, piece or parcel of land, situate, lying and being in the County of James City, Virginia, known and designated as New Parcel 25, as shown on that certain plat entitled, "Plat Resubdivision and Lot Line Extinguishment showing New Parcels 2, 24-29, Williamsburg Crossing, Jamestown District, James City County, Virginia," made by AES Consulting Engineers, and dated November 2, 1999, a copy of which said plat is duly recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia, in Plat Book 75, page 92, to which plat reference is here made for a more particular description of the property.

PARCEL ID: 4812200026: All that certain lot, piece or parcel of land, situate, lying and being in the County of James City, Virginia, known and designated as New Parcel 26, as shown on that certain plat entitled, "Plat Resubdivision and Lot Line Extinguishment showing New Parcels 2, 24-29, Williamsburg Crossing, Jamestown District, James City County, Virginia," made by AES Consulting Engineers, and dated November 2, 1999, a copy of which said plat is duly recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia, in Plat Book 75, page 92, to which plat reference is here made for a more particular description of the property.

RESOLUTION

CASE NO. SUP-26-0002. 5299 AND 5303 JOHN TYLER HIGHWAY

SELF-STORAGE FACILITY

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

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc. has applied for an SUP to allow for a self-storage facility with one moving truck rental as an accessory use located at 5299 and 5303 John Tyler Highway and further identified as James City County Real Estate Tax Map Parcel Nos. 4812200025 and 4812200026 (the “Properties”); and

WHEREAS, the Planning Commission, following its public hearing on June 3, 2026, recommended approval of Case No. SUP-26-0002 by a vote of 5-0; 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-26-0002 as described herein with the following conditions:

1. Master Plan. This SUP shall permit a self-storage facility at the property located at 5299 John Tyler Highway and 5303 John Tyler Highway and further identified as James City County Real Estate Tax Map Parcel Nos. 4812200025 and 4812200026 (collectively the “Property”). The use and layout on the Property shall be generally as shown on the document entitled “Conceptual Plan 5299 John Tyler Highway Self-Storage Facility” dated January 19, 2026, and revised March 27, 2026 (the “Master Plan”), and the conceptual elevations entitled “Promenade at John Tyler Self-Storage”, dated April 10, 2026 (the “Proposed Elevations”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Outside Storage of Materials and Vehicles. No outside display, sale, rental, or storage of materials, recreational vehicles, equipment, trailers, commercial vehicles, trucks, etc. shall be permitted on the Property, except that one moving truck or comparable vehicle less than 26,000 Gross Vehicle Weight Rating shall be permitted for rent at the Property. Such moving truck shall be kept parked, when not in use, in a designated parking space in the rear of the Property and screened from adjacent properties and right-of-way.
3. Fire Access. Methods for emergency access to the Property shall be reviewed and approved by the Fire Marshal prior to final Site Plan approval.
4. Boundary Line Extinguishment. Prior to final Site Plan approval, the internal lot line within the Property shall be vacated.

5. Signage. All freestanding signage shall be externally illuminated monument-style signs, not to exceed eight feet in height. The base of the signs shall be no less than 3 feet in height, constructed of brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning or designee prior to final Site Plan approval.
6. Lighting. All light poles shall not exceed 20 feet in height from the finished grade. The lighting provided at the Property shall complement in design the existing lighting used within The Promenade at John Tyler. A lighting plan consistent with the requirements of this condition shall be submitted to, and approved by, the Director of Planning or designee prior to final Site Plan approval.
7. Screening. All dumpsters, ground-mounted heating, ventilation, and air conditioning units (HVAC), or mechanical units shall be screened by an enclosure composed of masonry, closed-cell polyvinyl chloride (PVC), prefinished metal, or cementitious panels, or similar material approved by the Director of Planning or designee, and shall be in detail and colors matching what is shown in the Proposed Elevations.
8. Vegetated Areas. The existing 50-foot Community Character Corridor landscaped buffer along Route 199 shall remain intact and undisturbed. Any necessary replacement vegetation within that buffer shall be species native to eastern Virginia. Further, fifty percent of all vegetation provided around the building and within the parking lot area as required by Sections 24-97 and 24-99 shall be species native to eastern Virginia.
9. Fencing. Fencing on the Property shall be of a material and color complementary to the Proposed Elevations as determined by the Director of Planning. Fencing shall not exceed a height of eight feet above finished grade and shall not include barbed wire or chain-link. Prior to final approval of any Site Plan, the Director of Planning or designee shall review and approve the design of any proposed fencing on the Property for consistency with this condition.
10. Water Conservation. Water Conservation Standards shall be submitted to and approved by the James City Service Authority prior to final Site Plan approval. The standards shall include use of landscaping design and materials that promote water conservation and minimization of the use of public water resources.
11. Nutrient Credit Purchase. The Property shall not utilize the purchase of off-site nutrient credits to meet required water quality standards.
12. Existing BMP MC038. Use of the Best Management Practice (BMP) identified as MC038 located at 120 Kings Way (PIN #4812200022) ("BMP MC038") to satisfy the requirements of 9VAC25-875-580 for water quality and/or 9VAC25-875-600 for water quantity purposes shall require the design of BMP MC038 to be retrofitted to comply with current design specifications within the Virginia Stormwater Management Handbook, latest edition. This update and any additional retrofit details required for BMP MC038 to comply with Virginia State Code 9VAC25-875-600.B.3a must be reviewed and approved by the Director of Stormwater and Resource Protection or designee as part of the required Site Plan submitted for development of the self-storage facility.

13. Existing Storm System Within the Residential Portion of The Promenade at John Tyler. Documentation demonstrating the ability of the Property to utilize the trunk line system for conveyance of flows from the self-storage facility to BMP MC038 must be provided prior to final Site Plan approval.
14. Location of Stormwater Management Facilities. The location of structural stormwater management facilities will not be permitted within landscape or corridor buffers.
15. Special Stormwater Criteria. In achieving compliance with the required Special Stormwater Criteria for the Property, at least one of Criteria Nos. 11, 12, or 13 shall be utilized, regardless of whether the water quality and/or water quantity are managed on-site or at BMP MC038.
16. Commencement of Use. A final building inspection for the self-storage facility shall be obtained within forty-eight (48) months from the date of approval of this SUP, or this SUP shall automatically be void.
17. Severability. 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

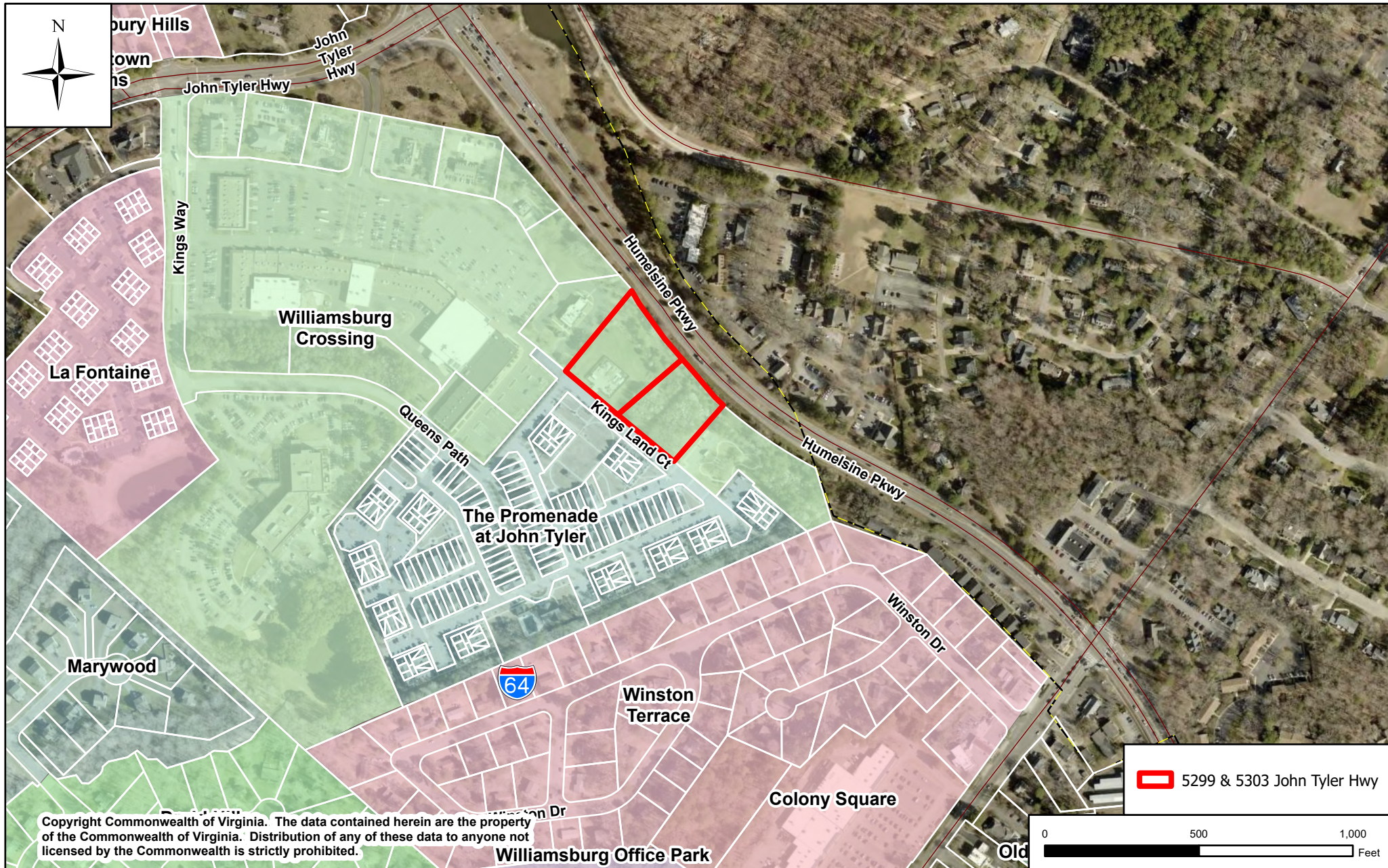
ATTEST:

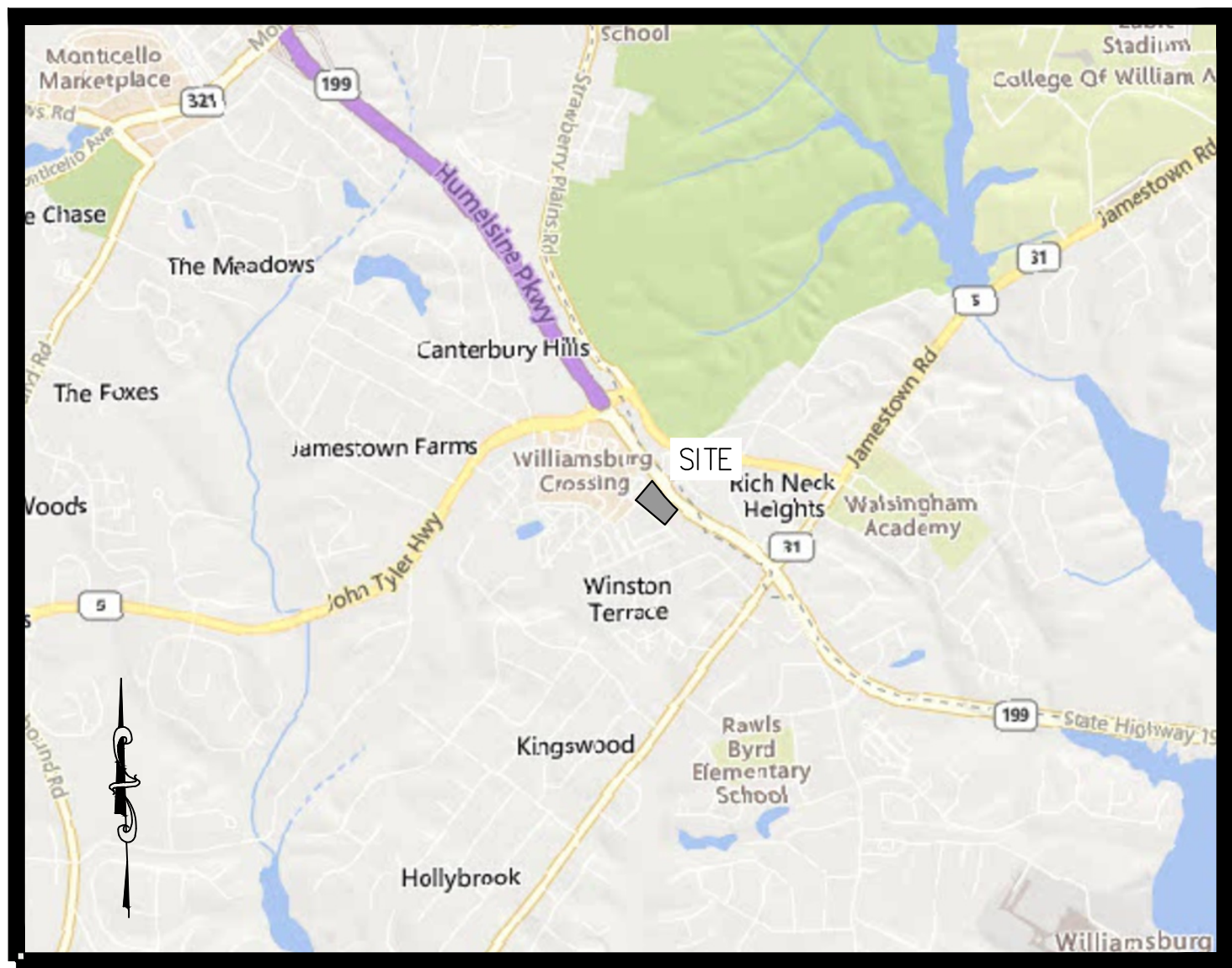
		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Teresa J. Saeed Deputy Clerk to the Board	WAINWRIGHT	_____	_____	_____	_____
	NULL	_____	_____	_____	_____
	ICENHOUR	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

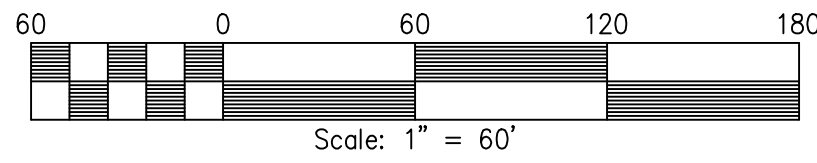
RZ-MP26-1_SUP26-2JhnTylr-rev-res

Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Self-Storage





VICINITY MAP SCALE: 1"=2000'



TYPE OF DEVELOPMENT	AREA DESIGNATION
SINGLE FAMILY	A
MULTI-FAMILY DWELLINGS CONTAINING UP TO AND INCLUDING FOUR DWELLING UNITS	B
MULTI-FAMILY DWELLINGS CONTAINING MORE THAN FOUR DWELLING UNITS	C
APARTMENTS	D
COMMERCIAL USES	E
WHOLESALE AND WAREHOUSE USES	F
OFFICE USES	G
LIGHT INDUSTRIAL USES	H
INSTITUTIONAL OR PUBLIC USES	I
AREAS OF COMMON SPACE, WITH RECREATION AREAS NOTED	J
STRUCTURES CONTAINING A MIXTURE OF USES	M*
OTHER STRUCTURES, FACILITY OR AMENITIES	X

SITE DATA:

SITE ADDRESS:

5304 JOHN TYLER HIGHWAY
WILLIAMSBURG, VIRGINIA 23188
LAT: 37°15'18" N, LONG: 76°44'13" W

PARCEL ID:

4812200020, 4812200029, 4812200025
4812200026, 4812200027, 4812200028

FLOOD HAZARD MAP:

THIS PROPERTY IS IN FLOOD ZONE X AS SHOWN ON MAP NUMBER 51095C01380, PANEL 0138, FOR COMMUNITY NUMBER 510201, DATED 12/16/2015 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA. ZONE X IS DEFINED AS AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

DENSITY REQUIRED:

8.3 UNITS PER ACRE (PER APPROVED MASTER PLAN)

DENSITY PROVIDED:

200 UNITS IN 24.95 AC = 8.02 UNITS/ACRE

WILLIAMSBURG CROSSING
PARCEL 25
P.B. 75, PG. 92
PARCEL I.D. #4812200024
ZONED: MU
EXISTING AREA
70,111 S.F. / 1.6095 AC.

WILLIAMSBURG CROSSING
PARCEL 25
P.B. 75, PG. 92
PARCEL I.D. #4812200025
ZONED: MU
EXISTING AREA
70,111 S.F. / 1.6095 AC.

WILLIAMSBURG CROSSING
PARCEL 26
P.B. 75, PG. 92
PARCEL I.D. #4812200026
ZONED: MU
EXISTING AREA
58,619 S.F. / 1.345 AC.

WILLIAMSBURG CROSSING
PARCEL 27
INSTR. #200006150
PARCEL I.D. #4812200027
ZONED: MU

N/F
UNIVERSITY SQUARE
ASSOCIATES
INSTR. #200006150
CITY OF WILLIAMSBURG
GPN: 2107.730.424

COMMON AREA
PEPPER TREE CONDOMINIUMS
P.B. 39, PG. 70
CITY OF WILLIAMSBURG
GPN: 2108.231.164

PARCEL 1
N/F
KANDAMADATH
INSTR. #202405192
P.B. 39, PG. 42
ZONED: R2

ZONING REQUIREMENTS:

CURRENT ZONING: MU - MIXED USE (WITH PROFFERS)

SITE TABULATION:

UNIT SUMMARY:

TOTAL ALLOWABLE UNITS	204
TOTAL AREA (AC)	24.44
UNITS PER ACRE	8.3
BUILDING HEIGHT	2 STORIES

AREA DESIGNATION C:

TEN-PLEX UNITS	120
AREA (AC)	9.06
BUILDING HEIGHT	2 STORIES

AREA DESIGNATION B:

DUPLEX UNITS	80
AREA (AC)	7.75
BUILDING HEIGHT	2 STORIES

AREA DESIGNATION J:

COMMON OPEN SPACE AREA (AC)	2.58
PERCENTAGE OF OPEN SPACE	10%

AREA DESIGNATION EGJ:

AREA (AC)	2.12
BUILDING HEIGHT	TBD

AREA DESIGNATION EGJF:

COMMERCIAL USES (SF)	51,000 FOOTPRINT (2-STORY)
AREA (AC)	2.95
BUILDING HEIGHT	TBD

AREA SUMMARY:

ITEM	AC.	%
TOTAL AREA	24.44	100
BUILDING COVERAGE		
TOTAL	4.50	18
SUB-TOTAL	4.50	18
PAVEMENT COVERAGE		
ROADWAY PAVEMENT	6.38	26
OTHER	2.66	11
SUB-TOTAL	9.04	37
TOTAL IMPERVIOUS AREA	13.54	55
OPEN SPACE	10.90	45

PARKING SUMMARY:

(EXCLUDING AREA EGJ)	SPACES
REQUIRED AT 2.5 PER UNIT	500
RESIDENTIAL TOTAL	568
NOTE: 3 SPACES PER DUPLEX UNIT (2 DRIVEWAY SPACES, 1 GARAGE SPACE)	
HANDICAP SPACES REQUIRED	9
HANDICAP SPACES PROVIDED	13

DIMENSIONAL REQUIREMENTS:

STRUCTURE SETBACKS	FT
DISTANCE FROM:	
PLANNED PUBLIC ROW (WIDTH >50FT)	50
CL PLANNED PUBLIC ROW (WIDTH <50FT)	75
PERIMETER OF EG DISTRICT	50
OTHER STRUCTURES	12
EDGE OF PAVEMENT	10

NOTE: PROJECT SITE IS LOCATED WITHIN SUBWATERSHED 203 OF THE MILL CREEK WATERSHED. REFERENCE FEMA FLOOD INSURANCE RATE MAP #51095C0140C.

AMENDMENT NOTE:

THE PURPOSE OF THIS MASTER PLAN AMENDMENT IS TO INCLUDE THE WAREHOUSE USE, DESIGNATION F, TO THE EXISTING EGJ DESIGNATION



MASTER PLAN AMENDMENT FOR THE PROMENADE AT JOHN TYLER

VIRGINIA

JAMES CITY COUNTY

BERKELEY DISTRICT

Scale: 1" = 60'

Date: 01/19/2026

Job Number: 25-373

Designed By: WSF

Sheet Title:

MASTER PLAN
AMENDMENT

Sheet Number:

1 OF 1

REF: 2-19-0014 / MP-19-0016

TRAFFIC IMPACT STATEMENT:

1. WEEKDAY TRIP GENERATION: 154 TRIPS
• AM PEAK HOUR 20 TRIPS
• PM PEAK HOUR 20 TRIPS
2. SATURDAY TRIP GENERATION: 199 TRIPS
• PEAK HOUR 32 TRIPS
3. SUNDAY TRIP GENERATION: 193 TRIPS
• PEAK HOUR 16 TRIPS

INFORMATION SHOWN IS BASED ON THE ITE CODE FOR MINI-STORAGE WAREHOUSE. ALL TRIPS SHOWN SPLIT EQUALLY BETWEEN VEHICLES ENTERING AND EXITING THE FACILITY.

GENERAL NOTES:

1. THE STREETS SERVING THIS DEVELOPMENT ARE PRIVATELY OWNED AND MAINTAINED.
2. THE SUBJECT PROPERTY DRAINS INTO THE STORM SEWER SYSTEM LOCATED ON THE ADJACENT PROMENADE DEVELOPMENT AND INTO THE EXISTING STORMWATER MANAGEMENT FACILITY KNOWN AS JCC BMP MC038. THE EXISTING DOWNSTREAM INFRASTRUCTURE WAS DESIGNED TO HANDLE THE STORMWATER RUNOFF THE SUBJECT PROPERTY FOR CONVEYANCE AND QUANTITY. CURRENT WATER QUALITY REGULATIONS SHOULD BE MEET ON-SITE PRIOR TO DISCHARGE INTO THE ADJACENT STORM SEWER SYSTEM AS DICTATED BY CURRENT REGULATIONS.
3. THE EXISTING PROPERTY IS SERVED BY PUBLIC WATER AND SEWER PROVIDED BY JAMES CITY SERVICE AUTHORITY. THE PROPOSED FACILITY WILL HAVE LIMITED TO NO AFFECT ON THE EXISTING PUBLIC WATER AND SEWER INFRASTRUCTURE.

ENVIRONMENTAL INVENTORY IMPACTS

COMPONENT	EXISTENCE	IMPACT
TIDAL WETLANDS	NONE ON SITE	NONE
TIDAL SHORES	NONE ON SITE	NONE
NONTIDAL WETLANDS IN RPA	NONE ON SITE	NONE
100-FOOT RPA BUFFER	NONE ON SITE	NONE
NONTIDAL WETLANDS IN RMA	NONE ON SITE	NONE
100-YEAR FLOODPLAIN	NONE ON SITE	NONE
SLOPES >25%	NONE ON SITE	NONE
PERENNIAL STREAMS	NONE ON SITE	NONE
INTERMITTENT STREAMS	NONE ON SITE	NONE

SOILS LEGEND

SOILS BOUNDARY
33 SOILS TYPE

ZONING SUMMARY (MU)

CATEGORY C - MINI-STORAGE WAREHOUSING

1 SPACE PER 100 UNITS PLUS TWO SPACES PER ON-SITE CARETAKER RESIDENCE

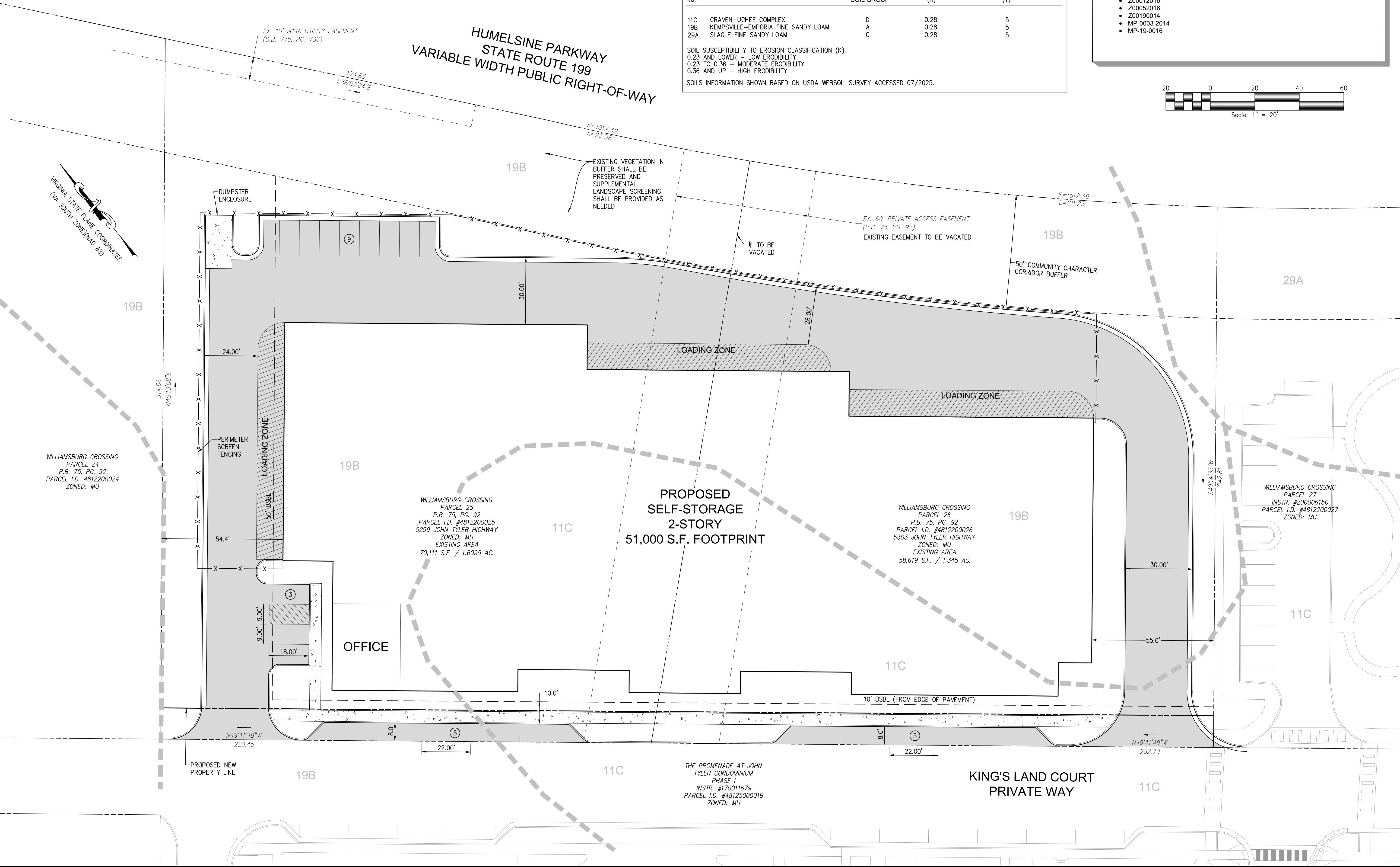
- 1000 UNITS / 100 = 10 SPACES REQUIRED
- NO CARETAKER RESIDENCE PROPOSED

TOTAL PARKING REQUIRED = 10 SPACES

- PARKING PROVIDED: 12 SPACES
- STREET PARKING PROVIDED OFF-SITE: 10 SPACES

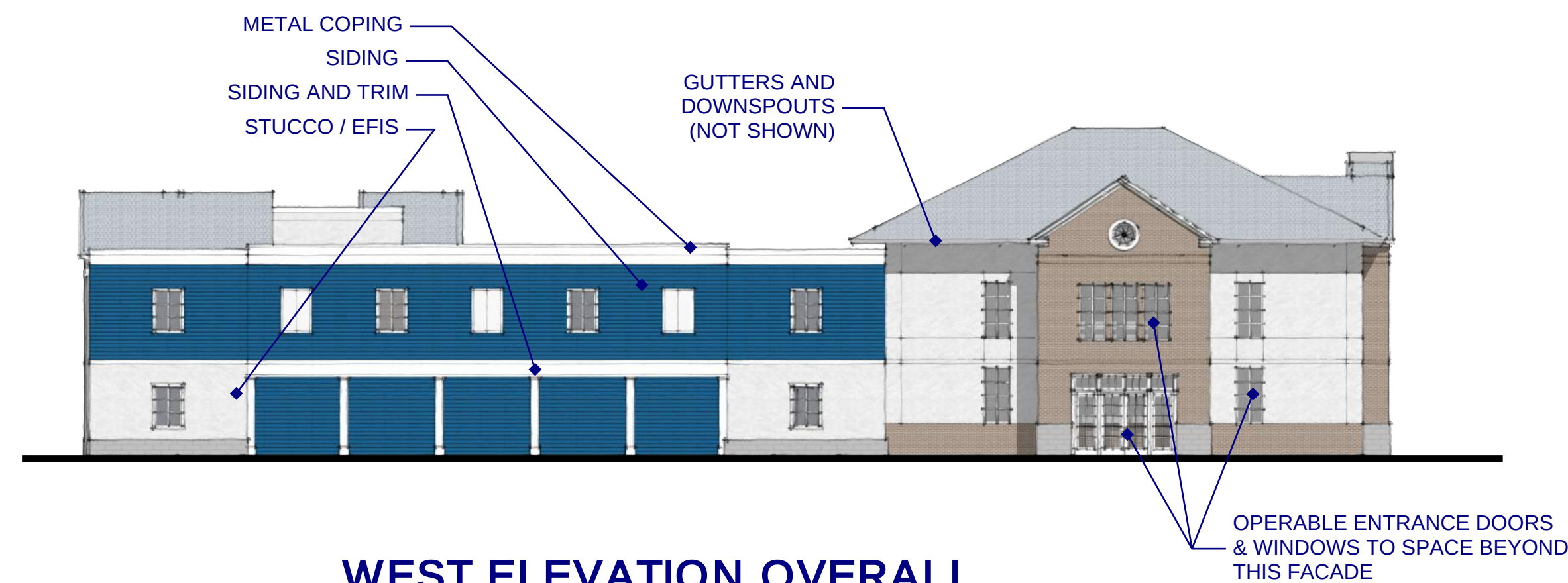
THIS PROJECT IS ASSOCIATED WITH THE FOLLOWING JCC ZONING CASES:

- Z00032014
- Z00012016
- Z00052016
- Z00190014
- MP-0003-2014
- MP-19-0016



CONCEPTUAL PLAN
5299 JOHN TYLER HIGHWAY
SELF-STORAGE FACILITY
PARCEL I.D. #4812200025/26
JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Scale: 1" = 20'
Date: 01/19/2026
Job Number: 25-373
Designed By: WSF
Sheet Title:
CONCEPTUAL PLAN
Sheet Number:
CS101



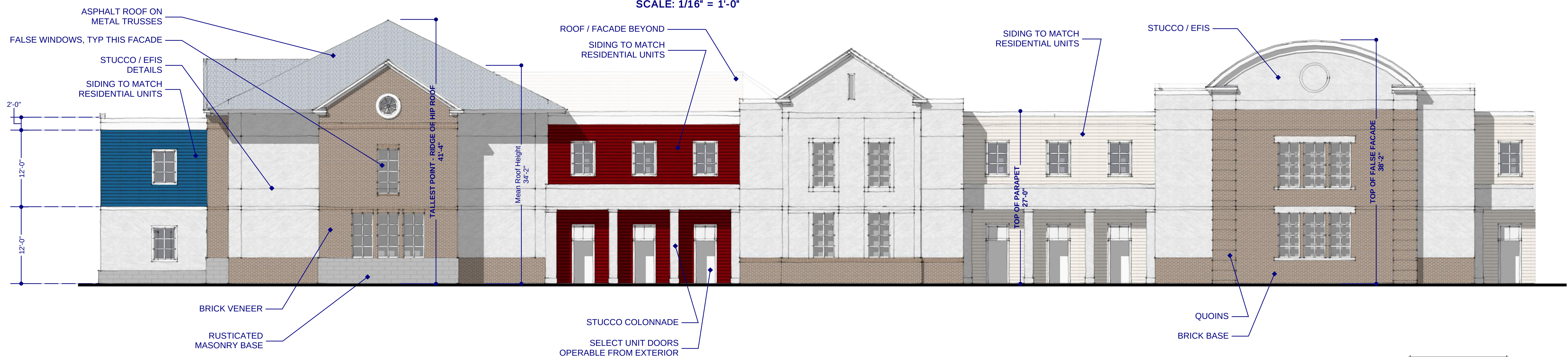
WEST ELEVATION OVERALL

SCALE: 1/16" = 1'-0"



SOUTH ELEVATION OVERALL

SCALE: 1/16" = 1'-0"



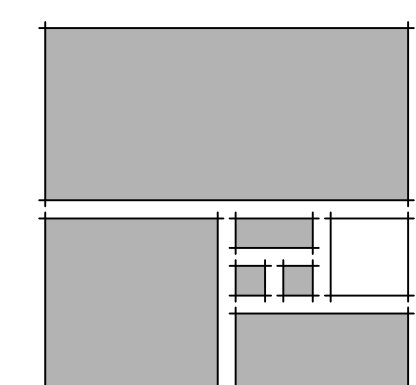
SOUTH ELEVATION DETAIL

SCALE: 1/8" = 1'-0"

PROMENADE AT JOHN TYLER SELF STORAGE

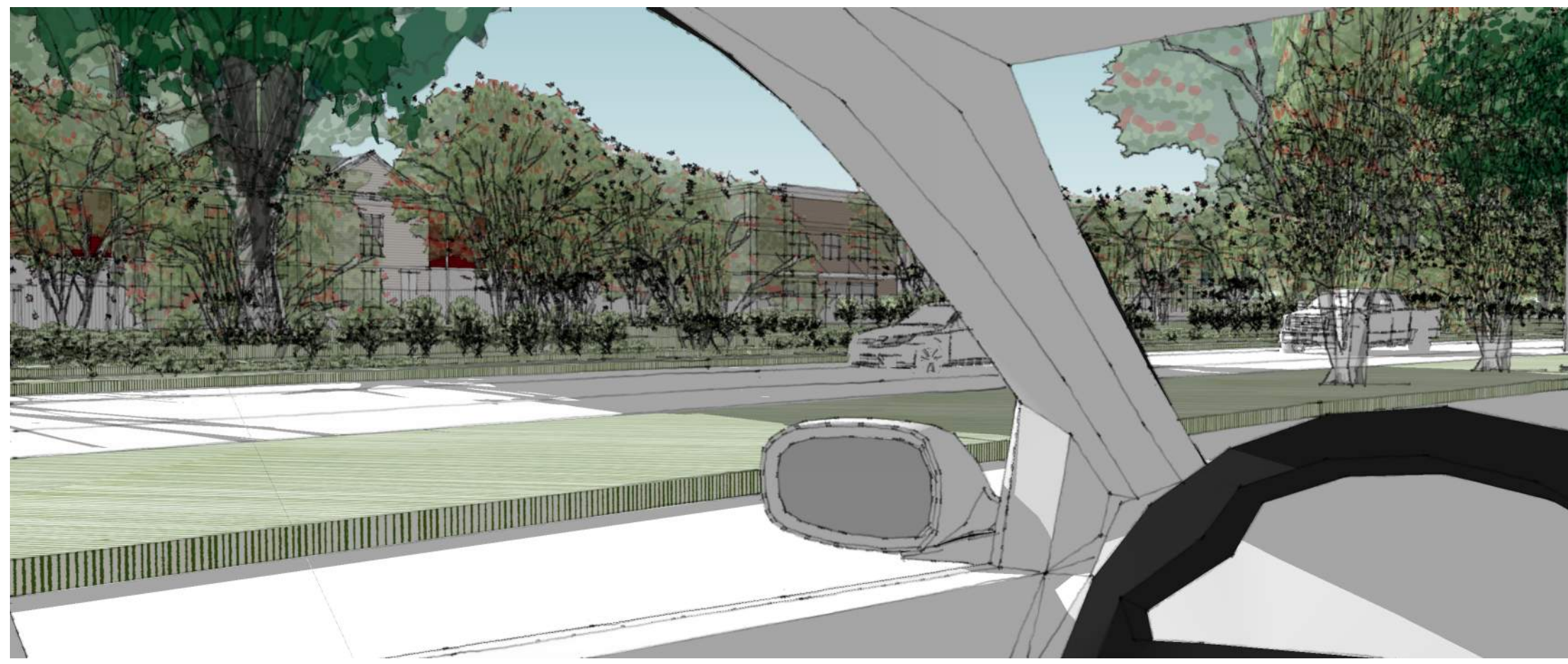
10 APR 2026

H/H 45076



HOPKE | HARRISON INC.
ARCHITECTURE ■ PLANNING ■ INTERIORS

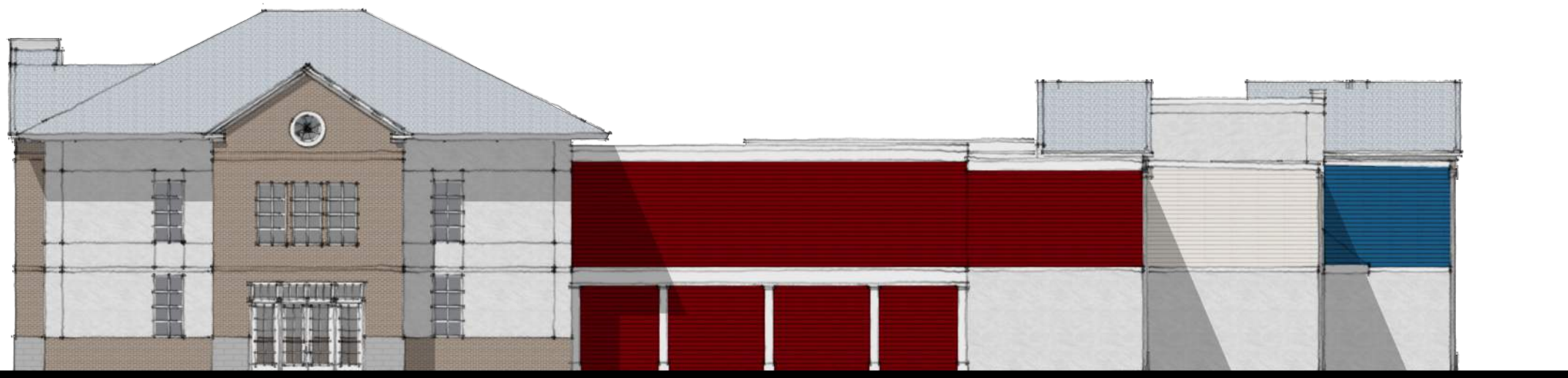
1156 Jamestown Road, Suite C
Williamsburg, VA 23185
757.229.1100 Telephone
757.229.0869 Facsimile
www.hopke.com



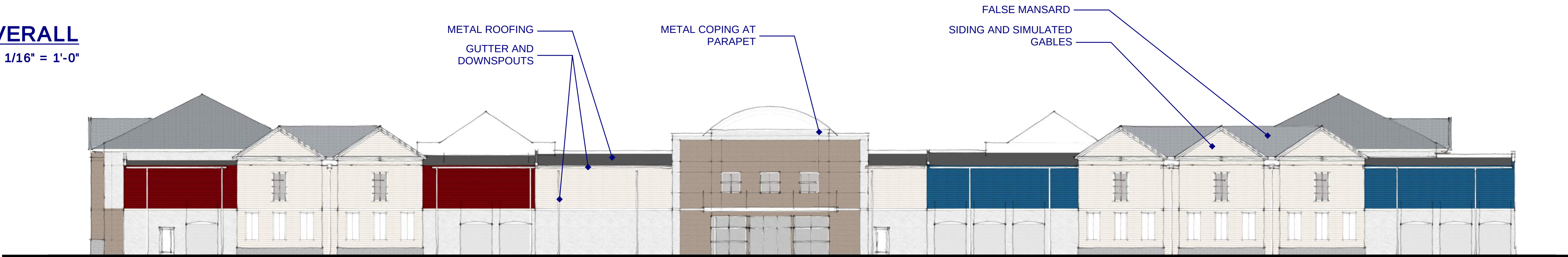
DRIVER'S PERSPECTIVE WESTBOUND 199



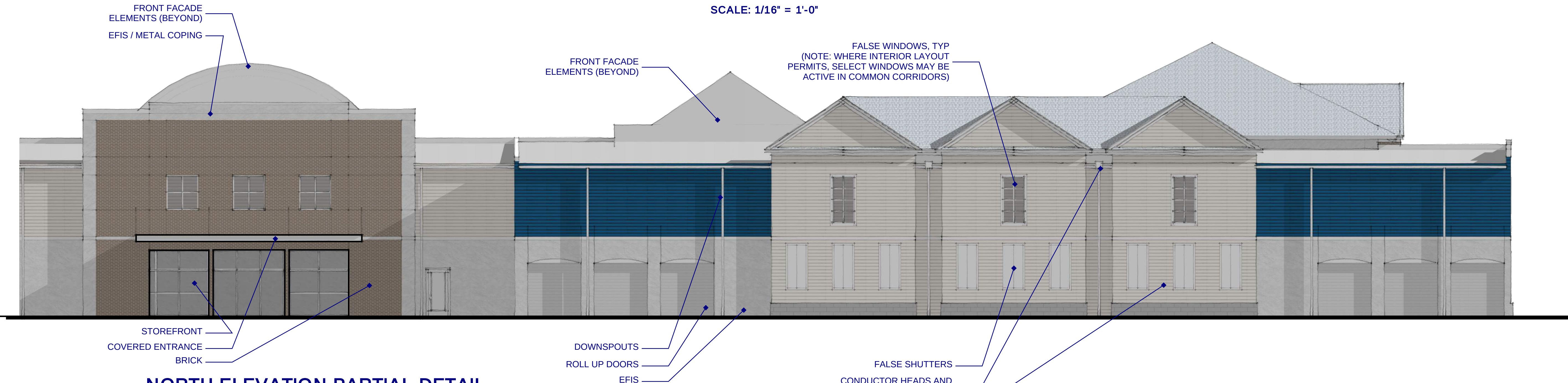
PERSPECTIVE FROM RT 199



EAST ELEVATION OVERALL
SCALE: 1/16" = 1'-0"



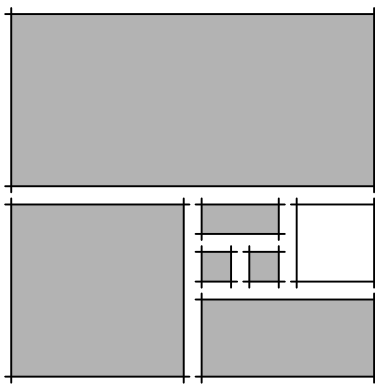
NORTH ELEVATION OVERALL
SCALE: 1/16" = 1'-0"



NORTH ELEVATION PARTIAL DETAIL
SCALE: 1/8" = 1'-0"

PROMENADE AT JOHN TYLER SELF STORAGE

10 APR 2026
H/H 45076





OVERHEAD PERSPECTIVE FROM SOUTHWEST
NO SCALE



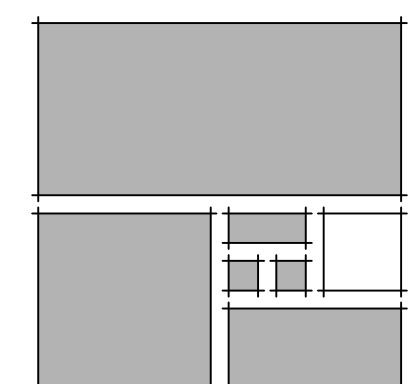
EXISTING OVERHEAD PERSPECTIVE FROM NORTHEAST
NO SCALE



EXISTING OVERHEAD PERSPECTIVE FROM SOUTHWEST
NO SCALE



OVERHEAD PERSPECTIVE FROM NORTHEAST
NO SCALE





GROUND LEVEL PERSPECTIVE
NO SCALE



GROUND LEVEL PERSPECTIVE FROM POCKET PARK
NO SCALE



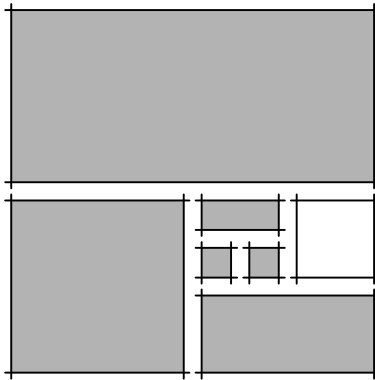
GROUND LEVEL PERSPECTIVE
NO SCALE



GROUND LEVEL PERSPECTIVE FROM REAR PARKING
NO SCALE

PROMENADE AT JOHN TYLER SELF STORAGE

10 APR 2026
H/H 45076



HOPKE | HARRISON INC.
ARCHITECTURE ■ PLANNING ■ INTERIORS

1156 Jamestown Road, Suite C
Williamsburg, VA 23185
757.229.1100 Telephone
757.229.0869 Facsimile
www.hopke.com

Community Impact Statement
Self-Storage Facility – 5299 & 5303 John Tyler Highway
Tax Parcels 48-1-22-0002-0025 & 0026

The Applicant proposes to amend the existing Proffers and Master Plan to allow development of a two-story, climate-controlled self-storage facility on approximately 1.61 acres within the Promenade at John Tyler Mixed Use development. The Property is currently zoned MU – Mixed Use with proffers and designated Mixed Use on the Comprehensive Plan Future Land Use Map.

The proposed facility is designed to resemble a high-quality multi-story office building and will be developed in substantial conformance with the Amended Master Plan dated January 19, 2026 and the proffered architectural elevations. The project includes interior climate-controlled storage units, controlled access, fencing, lighting, and on-site management.

Self-storage is a low-traffic, low-impact commercial service use that generates minimal peak-hour trips compared to retail or residential alternatives. It does not impact school enrollment and requires limited public services, while contributing additional tax revenue to the County.

Due to the site's limited visibility and remote access from John Tyler Highway, traditional retail or office uses have not proven viable. The proposed use represents a practical and appropriate commercial utilization of the Property that remains consistent with the Mixed Use designation and supports the overall development of the Promenade at John Tyler.

The requested amendments refine the development program while maintaining the character of the corridor and ensuring the Property is developed in a controlled, high-quality manner consistent with County standards and the approved master planning framework.

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

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

PROFFERS

THESE PROFFERS are made this 15th day of October, 2014 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership(together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of six parcels of land located in James City County, Virginia, being Tax Parcel No's.4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029, containing approximately 24.54 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. Franciscus Homes has contracted to purchase Tax Parcels 4812200020 and 4812200029 of the Property contingent upon approval of the requested rezoning. Upon taking title to that portion of the Property, Franciscus Homes shall be an "Owner" as defined herein.

C. The Property is designated Mixed Use on the County's Comprehensive Plan Land Use Map and is now zoned B-1 and is subject to the approved special use permit Master Plan for Williamsburg Crossing Shopping Center. Owner has applied to rezone the Property from B-1 to MU, Mixed Use, with proffers.

C. Owner has submitted to the County a master plan entitled "The Promenade at John Tyler" prepared by Clark Nexsen dated October 6, 2014 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU 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, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Cash Contributions. (a) A one-time contribution shall be made to the County of \$5,556.67 for each single family attached dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$61.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for library uses.

(c) A one-time contribution shall be made to the County of \$71.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for fire/EMS uses.

(d) A one-time contribution shall be made to the County of \$324.63 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for parks and recreational purposes.

(e) A one-time contribution shall be made to the James City Service Authority of \$1,030.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for water system uses.

(f) The cash contributions proffered in paragraphs (a) through (e) above shall be reduced in accordance with Section 3 of the County's Housing Opportunities Policy as shown in the table in Proffer 2 below.

(g) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(h) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (e) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2014 to the year a payment is made if payments are made after on or after January 1, 2015, subject to reduction as provided in paragraph (f). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices that are targeted at households earning 30% to 120% of the Area Median Income ("AMI") as provided below:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Units targeted to (percent of	Percent of dwelling units	Number of units	Percentage cash proffer	2014 Price ranges per
----------------------------------	------------------------------	-----------------	----------------------------	--------------------------

AMI)	required		reduction	Housing Opportunities Policy Guide*
30% to 60%	16%	30	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	120	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	40	30%	\$242,387 to \$380,407

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Units targeted to (percent of AMI)	Percent of dwelling units required	Number of units	Percentage cash proffer reduction	2014 Price ranges per Housing Opportunities Policy Guide*
30% to 60%	16%	2	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	9	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	3	30%	\$242,387 to \$380,407

* Per the Housing Opportunities Policy Guide price ranges are set annually by the County's Office of Housing and Community Development based on the definitions in the Policy.

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy. With respect to affordable and workforce rental units provided pursuant to this proffer, if any, Owner shall submit an annual report for each year of the required 30 year term to the County Director of Planning 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 affordable and workforce housing income range. With respect to affordable/workforce rental units, at the time such units are provided in accordance with this Proffer a notice in form approved by the County Attorney shall be recorded in the County land records providing notice that the units are subject to the County's Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning. If an affordable/workforce rental unit is subsequently sold in accordance with the sale requirements of this proffer, the notice will be released from the unit sold. With respect to for sale affordable and workforce units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the Housing Opportunities Policy or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the unit to assure the unit continues to meet the

requirements of the Housing Opportunities Policy and a copy of the settlement statement for the sale shall be provided to the Director of Planning. In addition, each deed to an affordable or workforce for sale unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the unit. All affordable or workforce units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income ranges used to determine the prices/rental rates under the Housing Opportunities Policy.

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

Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

4. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a Virginia Certified Nutrient Management Planner to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for the Property. The Plan shall be submitted to the County's Engineering and Resource Protection Director for his review and approval prior to the issuance of the 50th certificate of occupancy for buildings on the Property by the County. The property owners association for the Property shall be responsible for ensuring that any nutrients applied to common areas owned or controlled by the association within the Property are applied in accordance with the Plan.

5. Water Conservation. The Owner shall be responsible for developing water conservation standards for the Property to be submitted to and approved by the James City Service Authority ("JCSA"). 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 lots 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.

6. Road Repair and Dedication. Prior to issuance of the first certificate of occupancy for a dwelling unit on the Property, (i) either the deficiencies listed in the punch list dated September

15 made by the Virginia Department of Transportation (“VDOT”) for Kingsway and “Road A” shall have been corrected and inspected by VDOT such that the roads are eligible for acceptance into the Commonwealth’s secondary road system or the work necessary to correct such deficiencies shall have been bonded in form satisfactory to the County Attorney and (ii) the plat necessary to dedicate the right of way for such roads for public use shall have prepared and submitted to the County, with all required property owner signatures.

7. Architectural Guidelines. Prior to final approval of a site plan for development of the Property, Owner shall prepare and submit design guidelines to the Director of Planning for review and approval setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning and addressing items such as architectural features, color scheme, roof lines, building materials, streetscape improvements and landscaping (the “Guidelines”) and requiring architectural consistency between the residential and commercial buildings developed on the Property. Once approved, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be generally consistent with the Guidelines. Prior to the issuance of final site plan approval for each building on the Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

8. Community Character Corridor Buffer. The Community Character Corridor buffer along Route 199 shall have an average width of at least 50 feet. A landscaping plan for this buffer shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer submitted with the Application for Rezoning. The landscaping shown on the approved landscape plan(s) shall be installed or its installation during the next appropriate growing season bonded in form approved by the County Attorney prior to issuance of a certificate of occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

9. Condominium Owners Association. There shall be organized a condominium owner's association or associations (the "Association") as required by the Virginia Condominium Act (the "Act") in accordance with Virginia law in which all residential condominium unit owners in the Property, by virtue of their property ownership, shall be members.

10. Private Streets. Any and all streets on the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The condominium instruments shall require the Association to create, fund and maintain a reserve for capital components, including private roads, in amounts determined in accordance with the Act and conduct capital reserve studies and adjust such reserves in accordance with the Act.

11. Community Spaces. The clubhouse and pool, two welcome parks, pocket park and community park shown on the Master Plan shall be installed prior to the County being obligated

to issue certificates of occupancy for more than 48 residential units on the Property. The Public Square shown on the Master Plan shall be installed prior to the County being obligated to issue certificates of occupancy for the first building in the area designated on the Master Plan as M (EGC).

12. Bus Pull-Off/Shelter. Prior to final development plan approval for development of the Property, Owner shall have consulted with Williamsburg Area Transit Authority (“WATA”) regarding the need for a bus pull-off area and a bus shelter on the Property. If the Williamsburg Area Transit Authority determines there is a need for a bus pull-off area and a bus shelter on the Property, such bus pull-off area and bus stop shelter shall be shown on the development plans for the Property in a location approved by Owner and WATA. Such bus pull-off area and bus stop shelter shall be installed prior to the County being obligated to issue certificates of occupancy for more than 48 residential units on the Property.

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

14. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By: _____

Title: _____

Partner

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

The foregoing instrument was acknowledged before me this 15 day of October, 2014, by Frank R. Spadea as Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

NOTARY PUBLIC

HEIDI MARIE MACEMORE
NOTARY PUBLIC
REGISTRATION # 7562623
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
APRIL 30, 2017

My commission expires: April 30, 2017
Registration No.: 7562623

Schedule A

Property Description

Those certain parcels or lots of land located in James City County, Virginia shown and set out as (i) "New Parcel 25," "New Parcel 26," "New Parcel 27," "New Parcel 28," and "New Parcel 29" on the plat entitled "PLAT OF RESUBDIVISION AND LOT LINE EXTINGUISHMENT SHOWING NEW PARCELS 2, 24-29, WILLIAMSBURG CROSSING" made by AES Consulting Engineers dated November 2, 1999 which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 75 at page 92 and (ii) "Residual Parcel 20" on the plat entitled "RESUBDIVISION OF PARCEL 20, WILLIAMSBURG CROSSING" made by Langley and McDonald, P.C. and dated July 30, 1997, which plat is recorded in the aforesaid Clerk's Office in James City Plat Book 67 at page 37.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 6-2-2013
at 8:51 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.
STATE TAX LOCAL TAX ADDITIONAL TAX
\$ _____ \$ _____ \$ _____
TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy B. Woolridge Clerk

170007500

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 23185

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

SECOND AMENDMENT TO
PROFFERS

This Second Amendment to Proffers is made this 13th day of April, 2016 by
UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its
successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County,
Virginia shall be indexed as "Grantee."

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 8 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The third sentence of Condition 8 of the Existing Proffers is hereby amended to read as follows:

“The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer dated April 13, 2016 submitted to and on file with the County Planning Department.”

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

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WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

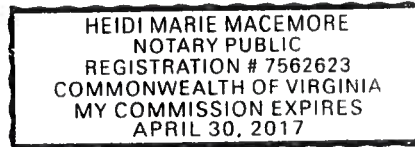
By: *Gary L. Werner*
Title: MANAGER

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

The foregoing instrument was acknowledged before me this 13 day of April,
2016, by Gary L. Werner as Manager of UNIVERSITY SQUARE
ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

Heidi Marie Macemore
NOTARY PUBLIC

My commission expires: April 30, 2017
Registration No.: 7562623



INSTRUMENT 170007500
RECORDED IN THE CLERK'S OFFICE OF
WILLIAMSBURG/JAMES CITY COUNTY ON
April 13, 2017 AT 10:47 AM
MONA A. FOLEY, CLERK
RECORDED BY: CAF

170018981

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

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

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

**FIRST AMENDMENT TO
PROFFERS**

This First Amendment to Proffers is made this 21th day of February, 2016 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend and restate Condition 2 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. Condition 2 of the Existing Proffers is hereby deleted and replaced in its entirety with the following;

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices determined in accordance with the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 as provided below for units offered for sale:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Tier	Percent of dwelling units required	Number of units
30% - 60%	16%	30
61% - 80%	64%	120
81% - 120%	20%	40

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Tier	Percent of dwelling units required	Number of units
30% - 60%	16%	2
61% - 80%	64%	9
81% - 120%	20%	3

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2035 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less

burdensome on the Owner, the Owner shall only be required to comply with the amended Policy.

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

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WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

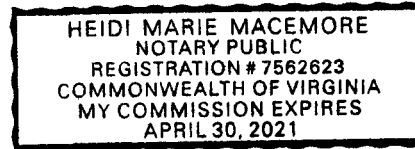
By: Gracy L. Werner
Title: Partner

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

The foregoing instrument was acknowledged before me this 24 day of February, 2016, by Gracy L. Werner as Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

Heidi Marie Macemore
NOTARY PUBLIC

My commission expires: April 30, 2021
Registration No.: 7562623



INSTRUMENT 170018981
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
September 29, 2017 AT 08:38 AM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

Tax Parcels: See attached Schedule A

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

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

INSTRUMENT 200001144
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
JANUARY 27, 2020 AT 10:44 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

THIRD AMENDMENT TO PROFFERS

This Third Amendment to Proffers is made this 21st day of November, 2019 by
UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership ("USA"), and
FRANCISCUS AT PROMENADE, LLC, a Virginia limited liability company ("Franciscus").
USA and Franciscus together with their respective successors in title and assigns, are hereinafter
sometimes called the "Owners" and are to be indexed as "Grantors." James City County,
Virginia shall be indexed as "Grantee."

RECITALS

A. USA was the owner of certain real property (the "Property") in James City County,
Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which
Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and
County of James City as Instrument No. 150010679, as amended by First Amendment to
Proffers dated February 12, 2016 and recorded as Instrument No. 170018981 and Second
Amendment to Proffers dated April 13, 2016 and recorded as Instrument No. 170007500 (the
"Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. USA has sold a portion of the Property to Franciscus by Deed dated May 20, 2016 and recorded in the aforesaid Clerk's Office as Instrument No. 160010182 and continues to own the balance of the Property.

C. The Owners have applied to amend the existing Master Plan for the Promenade at John Tyler and in connection therewith have submitted to the County an amended master plan entitled "Master Plan Amendment for The Promenade at John Tyler" made by AES Consulting Engineers and dated September 25, 2019 and on file with the County Planning Department (the "Amended Master Plan").

D. In connection with the requested master plan amendment, the Owners desire to amend Condition 11 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The second sentence of Condition 11 of the Existing Proffers is hereby amended to read as follows:

"The Public Square shown on the Amended Master Plan shall be either installed or designed and its construction bonded in form and amount approved by the County Attorney prior to the County being obligated to issue any certificate of occupancy for Building No. 12, 10-Plex, as identified on the Amended Master Plan. If the construction of the Public Square is bonded as permitted above, it shall be installed prior to the earlier of (i) issuance of a certificate of occupancy for the first building in the Area designated on the Amended Master Plan as EGJ or (ii) the date seven (7) years from the approval of the requested master plan amendment. The Public Square shall be near the area depicted on the Amended Master Plan but the location may be adjusted with the approval of the Planning Director."

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signatures.

UNIVERSITY SQUARE ASSOCIATES

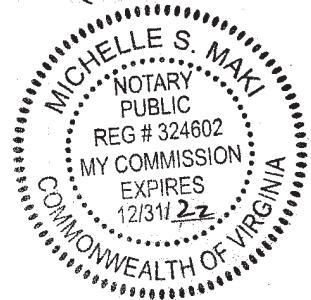
By: [Signature]

Title: Fracture

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

The foregoing instrument was acknowledged before me this 21st day of November 2019, by Jerry L. Bremen as General Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

[Signature]
NOTARY PUBLIC



My commission expires: _____
Registration No.: _____

FRANCISCUS AT PROMENADE, LLC

By: [Signature]

Title: Manager

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

The foregoing instrument was acknowledged before me this 21st day of November 2019, by Jerry L. Bowman as Manager of FRANCISCUS AT PROMENADE, LLC, a Virginia limited liability company, on behalf of the company.

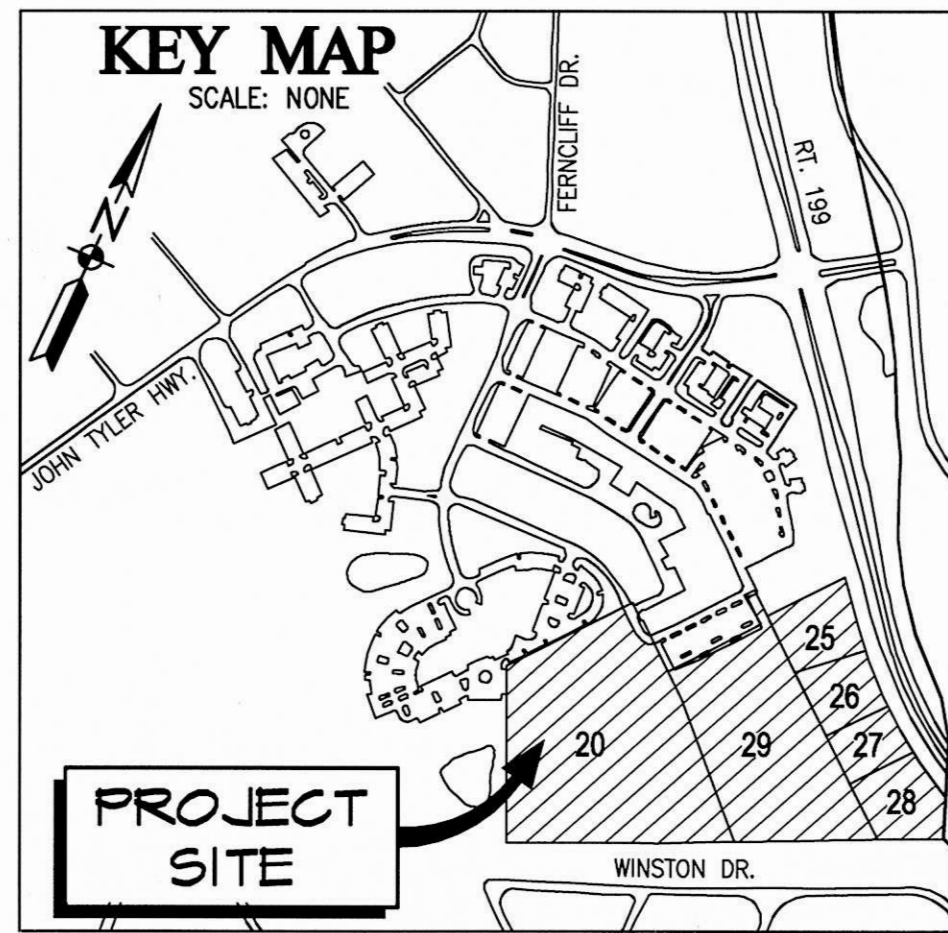
[Signature]
NOTARY PUBLIC



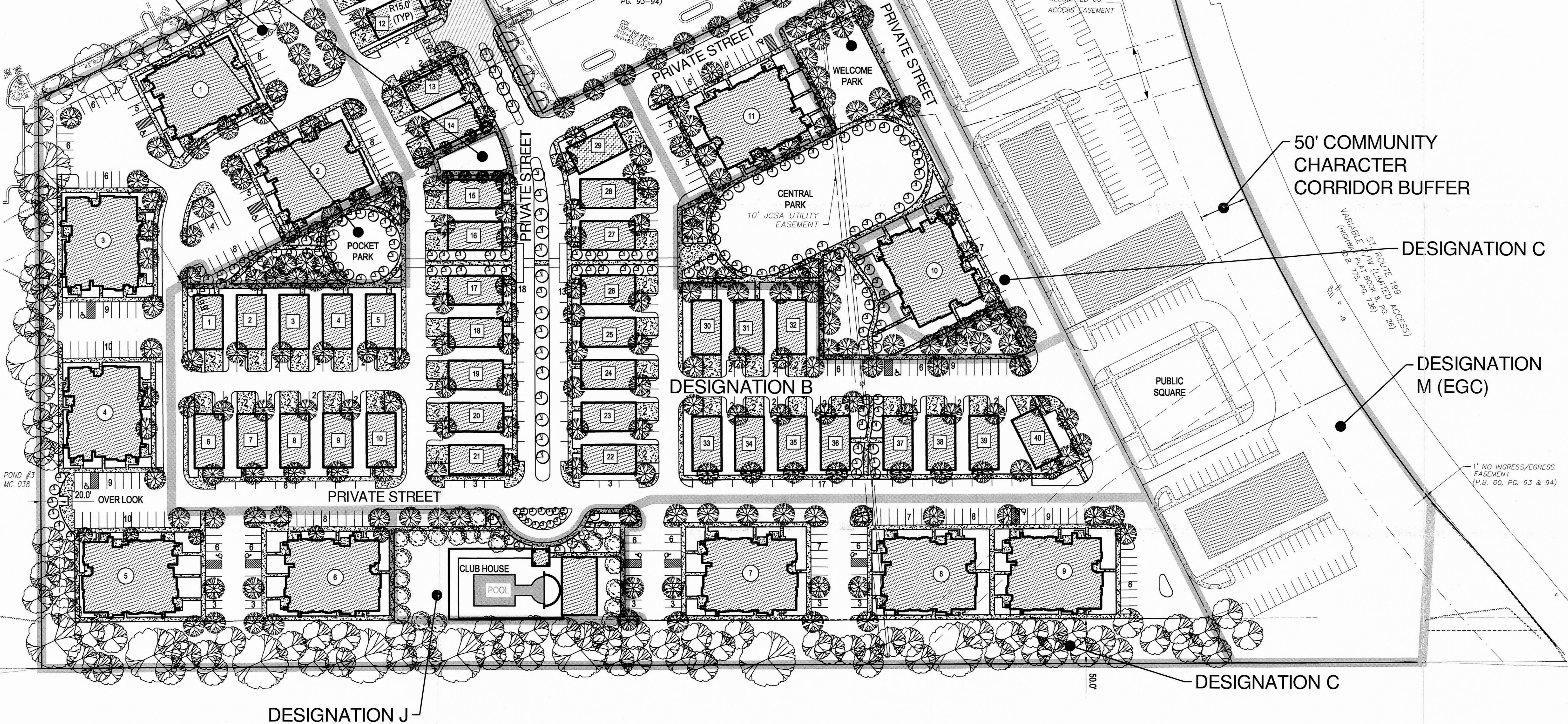
My commission expires: _____
Registration No.: _____

Schedule A - Tax Parcels

4812500001A	4812500709	4812501201
4812500001B	4812500710	4812501202
4812500401	4812500801	4812501301
4812500402	4812500802	4812501302
4812500403	4812500803	4812501401
4812500404	4812500804	4812501402
4812500405	4812500805	4812501501
4812500406	4812500806	4812501502
4812500407	4812500807	4812501601
4812500408	4812500808	4812501602
4812500409	4812500809	4812501701
4812500410	4812500810	4812501702
4812500501	4812500901	4812501801
4812500502	4812500902	4812501802
4812500503	4812500903	4812501901
4812500504	4812500904	4812501902
4812500505	4812500905	4812502001
4812500506	4812500906	4812502002
4812500507	4812500907	4812502101
4812500508	4812500908	4812502102
4812500509	4812500909	4812502201
4812500510	4812500910	4812502202
4812500601	4812501001	4812502301
4812500602	4812501002	4812502302
4812500603	4812501003	4812502401
4812500604	4812501004	4812502402
4812500605	4812501005	4812502501
4812500606	4812501006	4812502502
4812500607	4812501007	4812502601
4812500608	4812501008	4812502602
4812500609	4812501009	4812502701
4812500610	4812501010	4812502702
4812500701	4812501101	4812502801
4812500702	4812501102	4812502802
4812500703	4812501103	4812502901
4812500704	4812501104	4812502902
4812500705	4812501105	4812505200
4812500706	4812501106	4812505400
4812500707	4812501107	4812200025
4812500708	4812501108	4812200026
	4812501109	4812200027
	4812501110	4812200028



DESIGNATION B
DESIGNATION J
DESIGNATION C
DESIGNATION J



COMMERCIAL LAYOUT
FOR CONCEPTUAL
PURPOSES ONLY

Type of Development	Area Designation
Single family	A
Multi-family dwellings containing up to and including four dwelling units	B
Multi-family dwellings containing more than four dwelling units	C
Apartments	D
Commercial uses	E
Wholesale and warehouse uses	F
Office uses	G
Light industrial uses	H
Institutional or public uses	I
Areas of common open space, with recreation areas noted	J
Structures containing a mixture of uses	M*
Other structures, facilities or amenities	X

Sec. 24-23. Submittal requirements.

PLANNING DIVISION
OCT 22 2014
RECEIVED

ZONING REQUIREMENTS:

CURRENT ZONING	B-1
PROPOSED ZONING	MU WITH PROFFERS

SITE TABULATION:

UNIT SUMMARY	
TOTAL ALLOWABLE UNITS	204
TOTAL AREA (AC)	24.54
UNITS PER ACRE	8.3
BUILDING HEIGHT	2 STORIES
AREA DESIGNATION C	
TEN-PLEX UNITS	110
AREA (AC)	9.10
BUILDING HEIGHT	2 STORIES
AREA DESIGNATION B	
DUPLEX UNITS	80
AREA (AC)	7.40
BUILDING HEIGHT	2 STORIES
AREA DESIGNATION J	
COMMON OPEN SPACE AREA (AC)	2.50
PERCENTAGE OF OPEN SPACE	10%
AREA DESIGNATION M (EGC)	
COMMERCIAL USES (SF)	47,624
MULTI-FAMILY UNITS	14
AREA (AC)	5.54
BUILDING HEIGHT	TBD

AREA SUMMARY		
ITEM	AC.	%
TOTAL AREA	24.54	100

BUILDING COVERAGE		
ITEM	AC.	%
TOTAL	4.59	18
SUB-TOTAL	4.59	18

PAVEMENT COVERAGE		
ITEM	AC.	%
ROADWAY PAVEMENT	6.65	27
OTHER	2.72	11
SUB-TOTAL	9.37	38

TOTAL IMPERVIOUS AREA:		
ITEM	AC.	%
OPEN SPACE	13.96	56
	10.92	44

PARKING SUMMARY

(EXCLUDING AREA M)	
ITEM	SPACES
REQUIRED AT 2.5 PER UNIT	475
RESIDENTIAL TOTAL	495
HANDICAP SPACES REQUIRED	9
HANDICAP SPACES PROVIDED	12

DIMENSIONAL REQUIREMENTS:

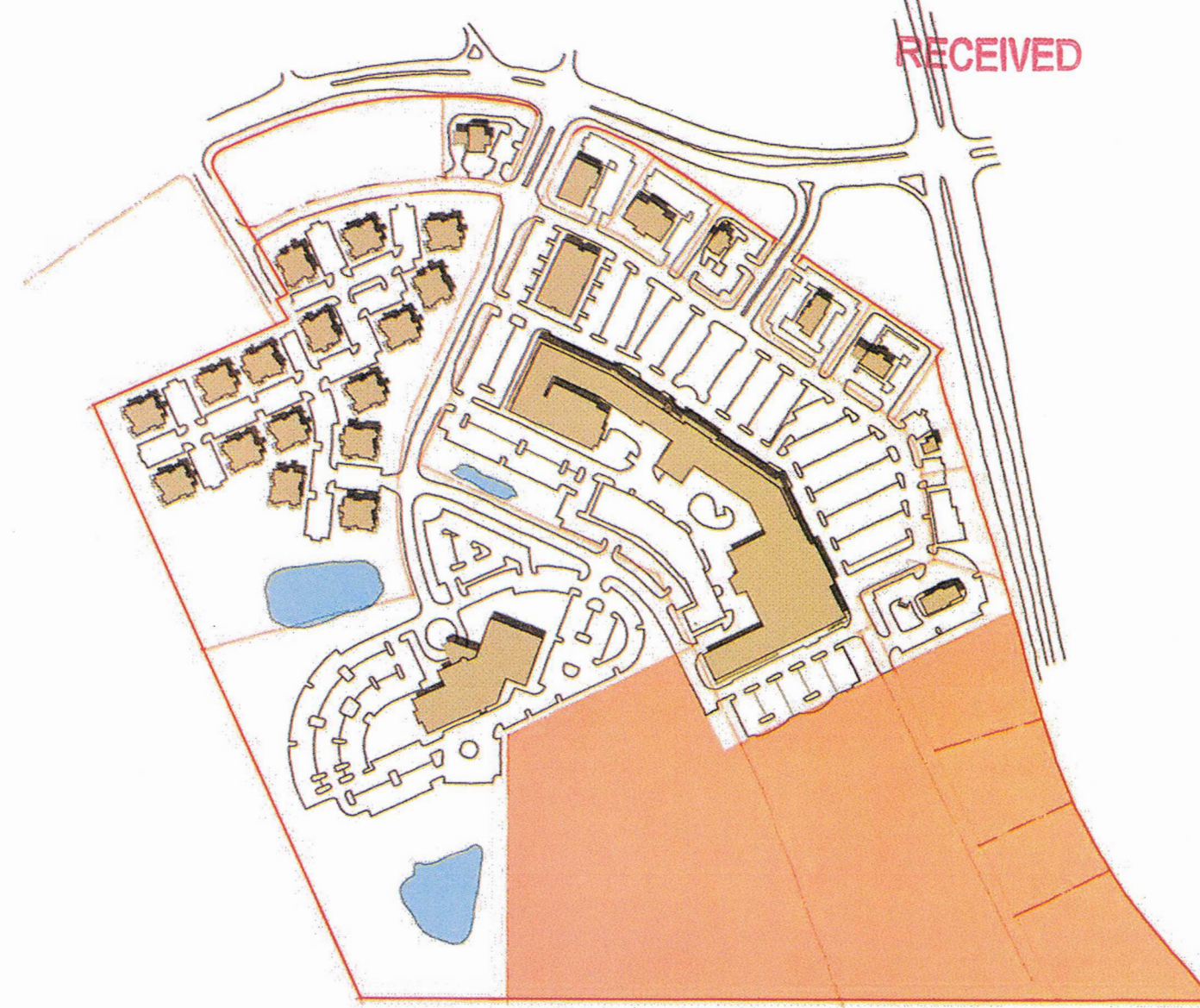
STRUCTURE SETBACKS	
DISTANCE FROM:	FT
PLANNED PUBLIC ROW (WIDTH >50 FT)	50
Q PLANNED PUBLIC ROW (WIDTH <50 FT)	75
PERIMETER OF MU DISTRICT	50
OTHER STRUCTURES	12
EDGE OF PAVEMENT	10

NOTE:
PROJECT SITE IS LOCATED WITHIN SUBWATERSHED 203 OF THE MILL CREEK WATERSHED. REFERENCE FEMA FLOOD INSURANCE RATE MAP #51095C0140C

THE PROMENADE AT JOHN TYLER
JAMES CITY COUNTY, VIRGINIA

MASTER PLAN
OCTOBER 6, 2014

PLANNING DIVISION
OCT 22 2014
RECEIVED



SITE CONTEXT
MAP

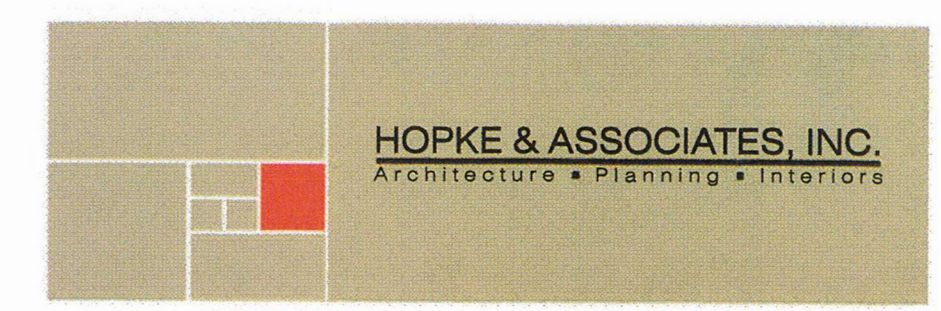


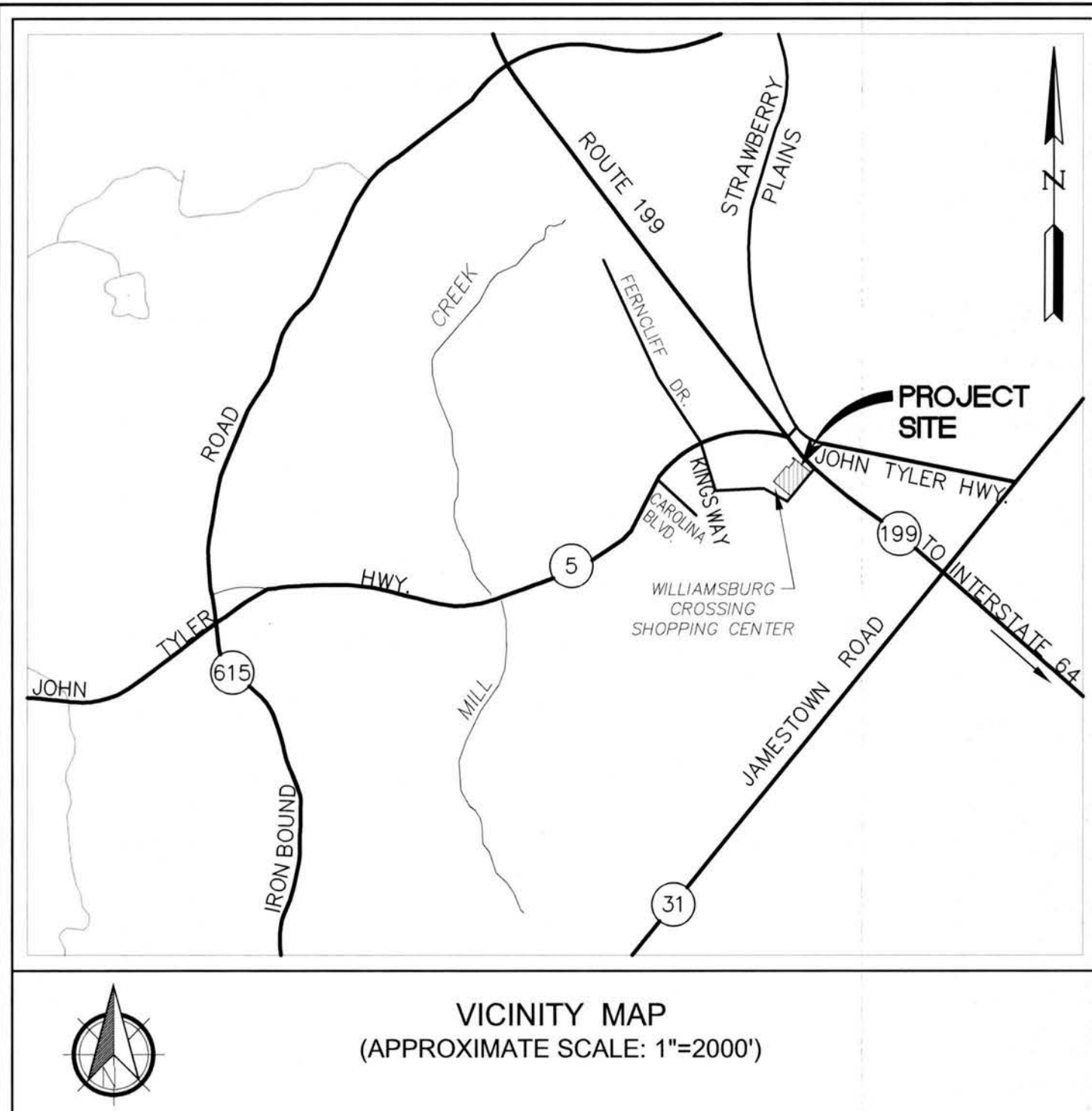
CONCEPTUAL SITE PLAN for
THE PROMENADE AT JOHN TYLER
JAMES CITY COUNTY VA

H & A # 33035

0 50 100 200

14 MAY 2014





SITE DATA: JCC PROJECT NO. Z-19-0014/MP-19-0016

SITE ADDRESS: 5304 JOHN TYLER HIGHWAY
WILLIAMSBURG, VA 23188
Latitude: 37° 15' 18" N, Longitude: 76° 44' 13" W

PARCEL ID: 4812200020, 4812200029, 4812200025
4812200026, 4812200027, & 4812200028

FLOOD HAZARD MAP: THIS PROPERTY IS IN FLOOD ZONE X AS SHOWN ON MAP NUMBER 51095C0138D, PANEL 0138, FOR COMMUNITY NUMBER 510201, DATED 12/16/2015 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VA. ZONE X IS DEFINED AS AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

DENSITY REQUIRED: 8.3 UNITS PER ACRE (PER APPROVED MASTER PLAN)

DENSITY PROVIDED: 200 UNITS IN 25.09 AC = 7.97 UNITS/ACRE

TYPE OF DEVELOPMENT	AREA DESIGNATION
SINGLE FAMILY	A
MULTI-FAMILY DWELLINGS CONTAINING UP TO AND INCLUDING FOUR DWELLING UNITS	B
MULTI-FAMILY DWELLINGS CONTAINING MORE THAN FOUR DWELLING UNITS	C
APARTMENTS	D
COMMERCIAL USES	E
WHOLESALE AND WAREHOUSE USES	F
OFFICE USES	G
LIGHT INDUSTRIAL USES	H
INSTITUTIONAL OR PUBLIC USES	I
AREAS OF COMMON SPACE, WITH RECREATION AREAS NOTED	J
STRUCTURES CONTAINING A MIXTURE OF USES	M*
OTHER STRUCTURES, FACILITIES OR AMENITIES	X

UNIT TABULATION		
APPROVED AMENDMENT #2		
UNIT	NO. UNITS	NO. BLDG
10 PLEX	10	11
DUPLEX	2	40
TOTAL	190	51
PROPOSED		
UNIT	NO. UNITS	NO. BLDG
10 PLEX	10	12
DUPLEX	2	40
TOTAL	200	52

ZONING REQUIREMENTS:

CURRENT ZONING: MU - MIXED USE (WITH PROFFERS)

SITE TABULATION:

UNIT SUMMARY:	
TOTAL ALLOWABLE UNITS	204
TOTAL AREA (AC)	24.54
UNITS PER ACRE	8.3
BUILDING HEIGHT	2 STORIES
AREA DESIGNATION C:	
TEN-PLEX UNITS	120
AREA (AC)	9.03
BUILDING HEIGHT	2 STORIES
AREA DESIGNATION B:	
DUPLEX UNITS	80
AREA (AC)	7.75
BUILDING HEIGHT	2 STORIES
AREA DESIGNATION J:	
COMMON OPEN SPACE AREA (AC)	2.58
PERCENTAGE OF OPEN SPACE	10%

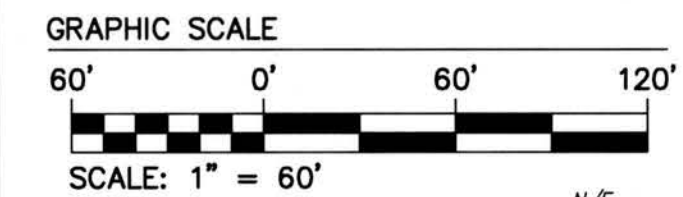
AREA DESIGNATION (EG.):	
COMMERCIAL USES (SF)	47,918 (2-STORY)
AREA (AC)	5.09
BUILDING HEIGHT	TBD

AREA SUMMARY:		
ITEM	AC	%
TOTAL AREA	24.54	100
BUILDING COVERAGE		
TOTAL	4.43	18
SUB-TOTAL	4.43	18
PAVEMENT COVERAGE		
ROADWAY PAVEMENT	6.44	26
OTHER	2.75	11
SUB-TOTAL	9.19	37
TOTAL IMPERVIOUS AREA		
OPEN SPACE	13.62	56
	10.92	44

PARKING SUMMARY:	
(EXCLUDING AREA EG)	SPACES
REQUIRED AT 2.5 PER UNIT	500
RESIDENTIAL TOTAL	568
NOTE: 3 SPACES PER DUPLEX UNIT (2 DRIVEWAY SPACES, 1 GARAGE SPACE)	
HANDICAP SPACES REQUIRED	9
HANDICAP SPACES PROVIDED	13

DIMENSIONAL REQUIREMENTS:	
STRUCTURE SETBACKS:	FT
DISTANCE FROM:	
PLANNED PUBLIC ROW (WIDTH >50 FT)	50
CL PLANNED PUBLIC ROW (WIDTH <50 FT)	75
PERIMETER OF EG DISTRICT	50
OTHER STRUCTURES	12
EDGE OF PAVEMENT	10

NOTE: PROJECT SITE IS LOCATED WITHIN SUBWATERSHED 203 OF THE MILL CREEK WATERSHED. REFERENCE FEMA FLOOD INSURANCE RATE MAP #51095C0140C



DESIGNATION J
DESIGNATION C
25' BSL

N/F
WILLIAMSBURG RIVERSIDE MEDICAL
PARCEL 22
120 KINGS WAY
PIN 4812200022
DOC #070031326
P.B. 67, PG. 37
ZONED B1 GENERAL BUSINESS

POND #3
MC 038
N/F
WILLIAMSBURG RIVERSIDE MEDICAL
PARCEL 22
120 KINGS WAY
PIN 4812200022
DOC #070031326
P.B. 67, PG. 37
ZONED B1 GENERAL BUSINESS

DESIGNATION C
25' BSL

N/F
ROESCH, CLORIA S.
145 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
MARK, LAURA J.
143 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
GILL, RALPH E. III &
141 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
KENNEY, LIVONA J. &
139 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
PORTER, RUSSELL L.
137 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
SHULTZ, PHILIP MERLE
135 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
FARNWORTH, GLENN R.
133 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
FARNWORTH, VIONA J.
131 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
SANTAMARIA, GEORGE T. &
WENDY K.
129 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
PARKER, JOSEPH W.
127 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
SMITH, WILLIAM O. II &
LUCINDA E.
125 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
FRANKS, FRANCIS P.
123 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
MILLER, SAMUEL A. &
CHELSEA A.
121 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
WAYERLY INVESTMENTS LLC
119 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
DRAKE, JEFFERY E.
117 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

N/F
DRAKE, JEFFERY E.
115 WINSTON DRIVE
ZONED: R2 GENERAL
RESIDENTIAL

ADDITIONAL LANDSCAPING SHALL BE PROVIDED WITHIN 50-FOOT BUFFER TO SCREEN BUILDING 12 FROM ADJACENT RESIDENTIAL PROPERTIES.

REV	DATE	DESCRIPTION	BY
2	11/04/19	REVISED PER 2ND SUBMITTAL REVIEW COMMENTS	GVC
1	9/25/19	REVISED PER PRELIMINARY REVIEW COMMENTS	GVC

PLANNING DIVISION

NOV 05 2019

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Williamsburg, Virginia 23188
Phone: (757) 225-8040
Fax: (757) 225-8994
www.ades.com

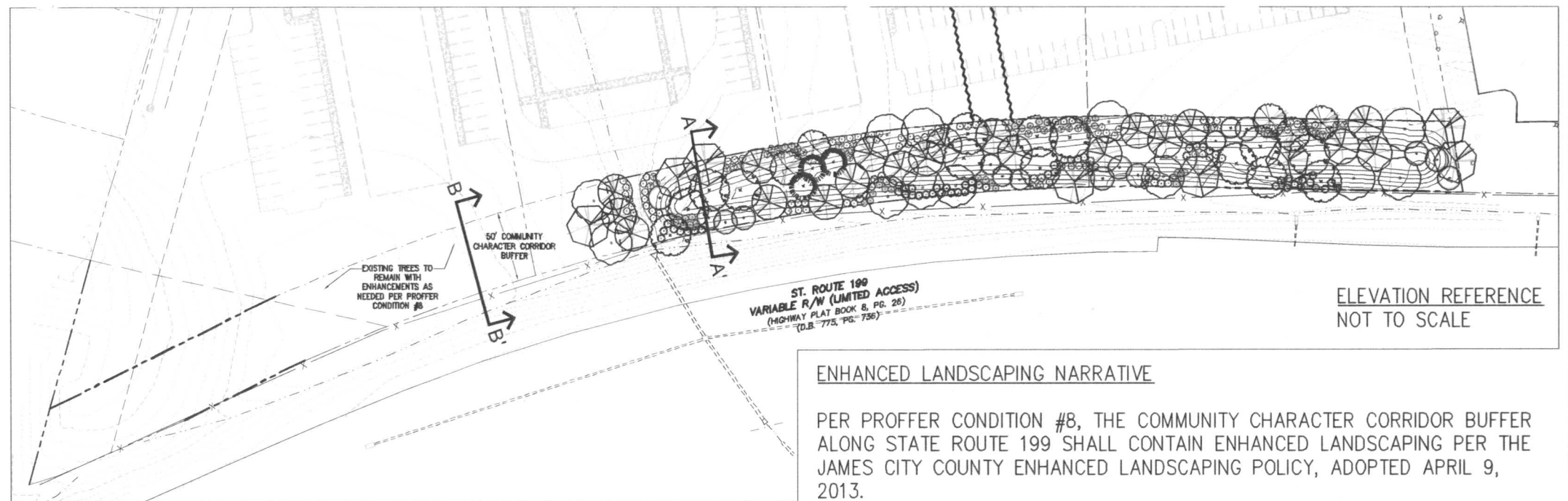
ADES
CONSULTING ENGINEERS
Hampden Roads | Central Virginia | Middle Peninsula

MASTER PLAN AMENDMENT FOR
**THE PROMENADE
AT JOHN TYLER**

BERKELEY DISTRICT
JAMES CITY COUNTY
VIRGINIA

Project Contacts: GVC
Project Number: 8642-19
Scale: 1"=60'
Date: 09/25/2019

Sheet Title:
**MASTER PLAN
AMENDMENT**

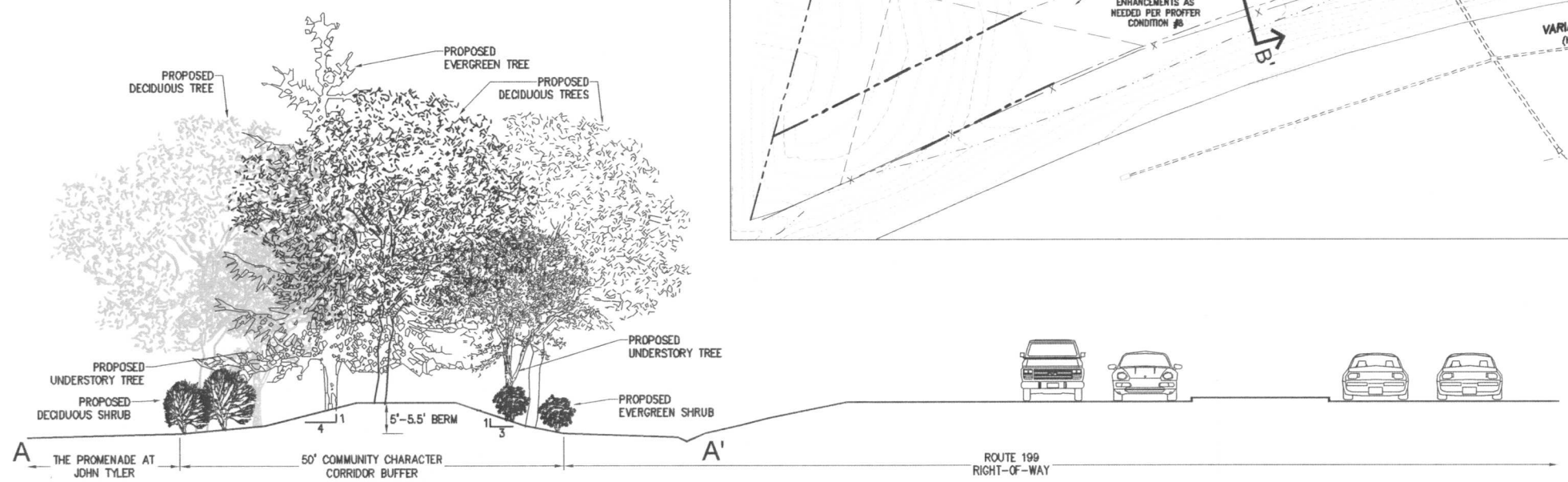


ELEVATION REFERENCE
NOT TO SCALE

ENHANCED LANDSCAPING NARRATIVE

PER PROFFER CONDITION #8, THE COMMUNITY CHARACTER CORRIDOR BUFFER ALONG STATE ROUTE 199 SHALL CONTAIN ENHANCED LANDSCAPING PER THE JAMES CITY COUNTY ENHANCED LANDSCAPING POLICY, ADOPTED APRIL 9, 2013.

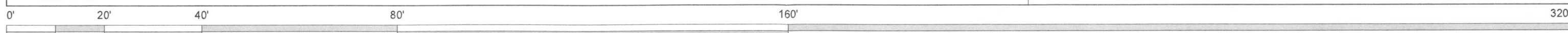
- IN THE FIRST APPROXIMATELY 620 FEET ALONG STATE ROUTE 199, AT THE NORTHERN END OF THE SITE, EXISTING VEGETATION IS SCARCE AND VISIBILITY INTO THE SITE IS SUBSTANTIALLY INCREASED. A MIX OF EVERGREEN AND DECIDUOUS TREES AND UNDERSTORY PLANTING WILL BE INSTALLED AT INCREASED INSTALL SIZE EXCEEDING COUNTY REQUIREMENTS. THE PROPOSED PLANTINGS WILL BLEND WITH EXISTING MATURE BUFFER ELEMENTS TO THE SOUTH, AND WILL ENHANCE THE BUFFER AND INCREASE ITS EFFECTIVENESS AS A SCREEN BETWEEN ROUTE 199 AND THE PROPOSED DEVELOPMENT.
- THE REMAINING 435 FEET OF THE BUFFER EXTENDING TO THE SOUTH PROPERTY LINE CONTAINS A THICK MATURE CANOPY OF DECIDUOUS AND EVERGREEN TREES EXCEEDING JAMES CITY COUNTY BUFFER REQUIREMENTS. AT THE SOUTHERN END OF THE BUFFER, 156' PORTION IS WITHIN THE CITY OF WILLIAMSBURG. WITHIN THIS PORTION AND THE REMAINING 279' OF BUFFER WITHIN JAMES CITY COUNTY, THE PROMENADE PROPOSES SELECT CLEARING THAT WILL RETAIN VIABLE, HEALTHY TREES AND SHRUBS. THE TREES WILL RECEIVE SELECTIVE PRUNING AND LIMBING ALONG WITH REMOVAL OF ANY DISEASED OR DEAD TREES. INVASIVE PLANTINGS AND VINES WILL BE REMOVED. THE PURPOSE OF THIS CLEANUP WILL BE TO ENSURE THE EFFECTIVENESS OF THE BUFFER AND TO PROMOTE THE HEALTH OF THE REMAINING TREES AND SHRUBS. NEW PLANTING WILL BE INSTALLED TO SUPPLEMENT ANY OPEN AREAS CONSISTENT WITH THE CROSS SECTION PROVIDED IN SECTION 12 OF THE NARRATIVES CONTAINED IN THE APPLICATION FOR REZONING MASTER PLAN AND GUIDELINES PREPARED BY CLARK NEXSEN. THE JAMES CITY COUNTY PLANNING DIRECTOR OR HIS REPRESENTATIVE SHALL INSPECT THIS PORTION OF THE BUFFER WITH THE LANDSCAPE ARCHITECT TO ENSURE THAT THE COMPLETED BUFFER COMPLIES WITH PROFFER CONDITION #8.



PROPOSED NORTH PORTION OF ROUTE 199 COMMUNITY CHARACTER CORRIDOR BUFFER LANDSCAPING
SCALE: 1"=20'



EXISTING SOUTH PORTION OF ROUTE 199 COMMUNITY CHARACTER CORRIDOR BUFFER LANDSCAPING
SCALE: 1"=20'



ROUTE 199 BUFFER LANDSCAPE ELEVATION

THE PROMENADE AT JOHN TYLER

JAMES CITY COUNTY, VIRGINIA

(AES PROJECT # 8642-19, AES PROJECT CONTACT GRAHAM CORSON, P.E.)



DATE: 4/13/16
SCALE: 1"=20'
SHEET 1 of 1



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

S:\JOBS\864219-The Promenade at John Tyler\Engineering\Design\Lighting\W08642-19_CCC Buffer Exhibit.dwg, 4/25/2016 3:57:36 PM, Jordan.Bristow

These documents were printed from the Official JCC Records Management Imaging Site

Allison Jackura

From: Tom Leininger
Sent: Friday, May 29, 2026 9:45 AM
To: Allison Jackura
Cc: Community Development
Subject: FW: [External]self storaged proposal

From: Woodbury <wmilo@aol.com>
Sent: Thursday, May 28, 2026 7:32 PM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External]self storaged proposal

Dear sir or Madam,

My husband and I have recently moved into the Promenade and are vigorously opposed to the proposed self - storage units. First of all, the removal of any trees is environmentally unacceptable, especially for something as unnecessary as another self -storage facility. In these times of climate change we need to be very clear about our priorities. Trees and other plant life help to keep our air clean and the temperatures down. We must protect them! Aside from the ecological impact there is the aesthetic one. We enjoy the small neighborhood feel of the Promenade. It is a lovely, quiet area. The last thing we want to hear is the sound of urban businesses. My husband and I chose this particular condominium association precisely to get away from the noise of the city that was pervasive in our last neighborhood. If this project goes forward not only will there be the building of the property to contend with, but the noise after its finished as well. We'll have to deal with the coming and goings at all hours of the day and night of people loading and unloading their extraneous possessions. Not to mention the wear and tear on the roads within the Promenade.

I hope fervently that you will consider the feelings of the people who call the Promenade home and decide that there is a more suitable place for this business to be housed. Somewhere in a business district where it belongs.

Thank you for your time,

Catherine Woodbury
2101 Promenade Ln.

Allison Jackura

From: Frank Polster <polsterf@gmail.com>
Sent: Saturday, May 30, 2026 11:06 AM
To: Allison Jackura
Subject: [External]Fwd: Self Storage at The Promenade

Allison, FYI

----- Forwarded message -----

From: Frank Polster <polsterf@gmail.com>
Date: Sat, May 30, 2026 at 11:00 AM
Subject: Fwd: Self Storage at The Promenade
To: Kira Allmann <kcallmann@gmail.com>, Jack Haldeman <jhhaldeman@gmail.com>, Jay Everson <jayeverson@hotmail.com>, Crystal Haskins <crystalhaskins@rocketmail.com>, Steve Rogers <srodgersva@gmail.com>, Tom Leininger <tom.leininger@jamescitycountyva.gov>, Susan Murray <Susan.Murray@jamescitycountyva.gov>, Vincent Passero <vincentpasseroiii@gmail.com>, <allison.jakura@jamescitycounty.gov>

Colleagues,

The attached endorsement for the Promenade storage item on our Wednesday agenda is from a Promenade resident and a former Planning Commissioner whom Jack and I served with. Julia and I sat next to each other for several years, and I always valued her perspective on agenda items. We often met together with my supervisor before a Planning Commission meeting to share points of view pro and con. It was a learning and educational process that served me well.

Thanks Frank

----- Forwarded message -----

From: J B L <leverenzj@gmail.com>
Date: Sat, May 30, 2026 at 10:40 AM
Subject: Self Storage at The Promenade
To: <john.haldeman@jamescitycountyva.gov>, Frank Polster <polsterf@gmail.com>

Hi Jack and Frank,

I know my neighbors in The Promenade are circulating a petition against the proposed self-storage building on the remaining mixed-use property. I wasn't able to attend the community meeting earlier this week, but I have studied the submittals, and they seem reasonable to me.

Traffic will be minimal, compared to residential or most commercial uses. The elevations are attractive and blend well with the multicolor Promenade units. Noise will be negligible, and the building could be a bit of a sound wall for Rt.199. There won't be any additional demand on schools.

I therefore concur with the staff report in support of this application.

Would you kindly share this with your fellow commissioners and the planning staff?

With thanks for your dedication and continued service to our beloved community.

Julie

Julia Leverenz
3601 Queens Path
Williamsburg, VA 23185
757.870.9038

--

Frank Polster
polsterf@gmail.com

--

Frank Polster
polsterf@gmail.com

James City County Planning Commission
101 Mounts Bay Road, Building A
Williamsburg, VA 23185

Re: Opposition to Proposed Self-Storage Facility adjacent to the Promenade neighborhood

Dear Members of the Planning Commission,

We are writing as 30 year James City County residents and new purchaser in The Promenade to respectfully oppose the proposed self-storage facility planned for the parcel adjacent to the Promenade neighborhood and Williamsburg Crossing shopping center. As currently described, the project would be visible from the primary corridor through town and could route vehicular access through the neighborhood. I believe this use is incompatible with the surrounding residential character and the city's goals for a cohesive, attractive commercial gateway.

Key concerns:

- Neighborhood traffic and safety: Allowing primary or overflow access through the Promenade would introduce frequent, non-local trips, including after-hours traffic associated with storage facilities. This raises safety concerns for pedestrians, cyclists, and school bus routes on streets not designed for commercial volumes or turning movements by larger vehicles (box trucks, trailers).
- Incompatible land use and character: Self-storage is a low-activity, warehouse-style use that does not contribute to a vibrant mixed-use center or neighborhood-serving retail node. Placing such a use at the edge of a shopping center, directly abutting homes, undermines the walkable fabric residents rely on and diminishes the quality and comfort of nearby public spaces.
- Visual impacts along the town's primary corridor: The facility would be plainly visible from Route 199 and the historic John Tyler Highway, which functions as a gateway to Williamsburg. Large, blank façades, roll-up doors, extensive fencing, and security lighting are at odds with the architectural standards and streetscape quality expected along this corridor. Even with buffering, the scale and form of a storage facility are difficult to mitigate.
- Precedent and property values: Approving this use here could set a precedent for additional industrial-style infill near neighborhoods and key corridors. While studies vary, many residents reasonably fear that the perception of a storage facility next to homes or within everyday sightlines can deter buyers and dampen values relative to neighborhood-serving retail or open space.

- Limited economic contribution: Compared with active retail, office, or mixed-use development, self-storage typically generates fewer jobs, less foot traffic for adjacent stores, and minimal sales tax revenue. This is a missed opportunity to strengthen the center and support existing small businesses.

If the Commission elects to consider the application further, I ask that you require, at minimum:

1. No vehicular access through The Promenade or any residential street; access limited to internal shopping center drives from John Tyler Highway, with truck circulation contained on-site.
2. A use- and design-appropriate location: either relocate the proposal away from residential edges and the primary corridor or replace it with a use that activates the street and complements neighborhood needs.
3. Strong design and buffering standards: two-sided architecture with high-quality materials facing the corridor; stepped massing; prohibition of visible roll-up doors facing public rights-of-way; a deep, layered landscape buffer with evergreen screening; and full cutoff, downward-directed lighting with limited hours.
4. Operational limits: restricted access hours to reduce nighttime activity; prohibition on outdoor storage and vehicle staging; and an enforceable management plan addressing security, noise, and litter.

Ultimately, I urge you to deny this application as inconsistent with good planning principles for corridor appearance, neighborhood compatibility, and economic vitality. Williamsburg deserves development that enhances safety, supports local businesses, and reinforces the character that residents and visitors value.

Thank you for your consideration and for your service to our community.

Sincerely,
Stephen and Elizabeth Foxx
Williamsburg, Virginia

Allison Jackura

From: Tom Leininger
Sent: Tuesday, June 2, 2026 8:18 AM
To: Allison Jackura
Cc: Community Development
Subject: FW: [External]5299 John Tyler Hwy. The Promenade Proffer Amendment for Self Storage

From: Arielle <ariellenicolecarpenter@gmail.com>
Sent: Tuesday, June 2, 2026 6:58 AM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External]5299 John Tyler Hwy. The Promenade Proffer Amendment for Self Storage

To whom it may concern,

I am a new condo owner within the Promenade neighborhood and deeply concerned by the recent news that self storage units will be built within the neighborhood. As I am unable to attend the meeting regarding this proposal tomorrow, I wish to relay my concerns via email. The community is adjacent to a variety of shops and professional medical facilities, similar to New Town. A storage unit facility does not fit in with the character and appeal of the community. I would not have been interested in purchasing my condo just over a year ago now if it had been next to storage units/had a view of storage facilities. I am considerably worried this will devalue my property. Furthermore, I am concerned by the impact multiple moving trucks will have on the safety of the neighborhood and roads maintained by the residential community. I hope you will reconsider the proposal for storage units in this space.

Sincerely,
Arielle Carpenter, MEd CCC-SLP

1104 Monarch Court
Williamsburg, VA 23185

June 2, 2026

Planning Commission of James City County

Dear Planning-Commission Members,

**5299 John Tyler Hwy. The Promenade Proffer Amendment for
Self-Storage**

We are writing as both residents and property owners to express our strong objection to the above development and associated rezoning that will be discussed by the Planning Commission on June 6, 2026. Our objections are many, including:

- *Traffic* The Special-Use Permit Narrative, uploaded to your site on February 18, notes “The property has very remote access from the public right of way.” - something that was known at the time of the original development. A consequence is that all traffic to the facility must either pass through residential streets, or through retail space assuming they are allowed access. The primary residential access would be along Monarch Court, which is a narrow street with end-on parking. Many of the residents of the community are elderly, others are families with children. The situation is no better through Williamsburg Crossing, where the main store is the busy *Food Lion*, but where there is also *Bruster’s Real Ice Cream* that serves as a meeting place for many children and young adults. The applicants argue that this would be a low-impact traffic development. However, their own traffic-impact study is that there would be 20 trips per hour at the peak on weekdays, 32 trips in the peak hour on Saturday, and 16 on Sunday. Moreover, the nature of the traffic is far different to that of a residential, retail, or office development, which the comprises primarily private vehicles. In the case of a storage facility, a significant proportion of that traffic will be U-Hauls and moving trucks that are completely unsuitable for the access roads.

- *Community Impact and Design Guidelines.* The *Design Guidelines for The Promenade at John Tyler* from 2016 envisage something completely different for the commercial area from what is proposed here. Whilst it does not lay out a specific plan, it provides very clearly the guiding principles of the project, for example under *Architectural Expression*

“This project is intended to draw from Colonial and Georgian traditions, but used in a contemporary way to evoke a small-town feeling with the benefits of contemporary living. Future buildings in the commercial district are key to creating that feeling. Thus, lively facades at the street level that convey the notion of “neighborhood shops and establishments” are strongly encouraged.”

The proposed building will cover nearly all of the two lots allocated to commercial development, and provide a solid wall completely out of keeping with the original design guidelines of Promenade, articulated in the above quote, and completely out of character with the residential development. No mere choice of siding or building material can remedy that fact. Moreover, in order to satisfy the *Community Character Corridor* of a fifty-foot buffer along 199, the developers are proposing essentially no screening to the residential area.

- *Impact on Property Values* Whilst we have not proceeded to a formal valuation, it is clear that this development would have substantial impact on property values, notably for those residences closest to the development.

There are several other issues that we could mention, notably the destruction of wooded areas, and issues with drainage.

In summary, we object strongly to the proposed storage facility which would completely destroy the nature of *The Promenade*, and of the community

development that it was intended to foster.

Sincerely,

Denise and David Richards

Allison Jackura

From: Tom Leininger
Sent: Wednesday, June 3, 2026 7:57 AM
To: Allison Jackura
Subject: FW: [External]Request to Speak

From: Nancy Townsend <nltownsend@verizon.net>
Sent: Tuesday, June 2, 2026 8:03 PM
To: Planning <planning@jamescitycountyva.gov>
Subject: [External]Request to Speak

I am requesting to speak at the Planning Commission hearing on June 3, 2026.

The Agenda item I wish to speak on is item #7 on the docket-The Promenade Proffer Amendment for Self Storage.

I will be speaking in opposition to this amendment and plan.

Please acknowledge receipt of this request and anything else I need to do.

Thanks,

Stephen Townsend
303 Promenade Ln
Williamsburg, VA. 23185

Allison Jackura

From: Tom Leininger
Sent: Wednesday, June 3, 2026 7:58 AM
To: Allison Jackura
Cc: Community Development
Subject: FW: [External]Re: John Tyler Hwy self storage amendment Promenade @5

From: Kimberly Mills <Kimberly@townmanagement.net>
Sent: Tuesday, June 2, 2026 3:52 PM
To: Wendy Bernard <wbernard2011@gmail.com>; Community Development <community.development@jamescitycountyva.gov>
Subject: [External]Re: John Tyler Hwy self storage amendment Promenade @5

Received thanks.

Kimberly D. Mills, CMCA, AMS, PCAM

Community Manager

Town Management, LLC

CVC-CAI Board Member

PO Box 5010

Williamsburg, Virginia 23188

Phone (757) 565-6200

kimberly@townmanagement.net

M-F 9-4/by appt. M-TH





From: Wendy Bernard <wbernard2011@gmail.com>
Sent: Tuesday, June 2, 2026 3:02 PM
To: community.development@jamescitycountyva.gov <community.development@jamescitycountyva.gov>
Cc: Kimberly Mills <Kimberly@townmanagement.net>
Subject: Fwd: John Tyler Hwy self storage amendment Promenade @5

----- Forwarded message -----

From: **Wendy Bernard** <wbernard2011@gmail.com>
Date: Tue, Jun 2, 2026 at 2:51 PM
Subject: John Tyler Hwy self storage amendment Promenade @5
To: <community.development@jamescityva.gov>
CC: Kimberly Mills <kimberly@townmanagement.net>

Hello,

We would like to submit our disapproval of the proposed self storage units at the above location.

Re:-26-0001/MP/-26-0001/SUP/26-0002.5299 John Tyler Highway specifically.

We are owners in Promenade at John Tyler, previously Promenade @ 5 and feel the proposed storage units would be a detriment to our roads, curbs and overall peace to our walkable community.

The entrance to the storage may be confusing and may lead box trucks and extra traffic accidentally into our community. The roads are extremely narrow and many delivery trucks already get stuck on our curbs. We also have on street parking which is another concern with increased traffic.

The extra traffic would also pose a risk to the many pedestrians that are always present. We in fact often walk to Foodlion and take daily walks with our dog. The idea of extra traffic who don't know/ don't follow our speed limits or are familiar with the area adds risks to the residents.

There are many other uses for this parcel of land that would be more inline with our community uses, we just don't feel this particular proposal is one of them.

Thank you

Wendy and Peter Bernard

508 Promenade Ln, Williamsburg, VA 23185

Good evening, Madame Chair and members of the Planning Commission.

My name is Stephen Townsend. I am a resident of the Promenade at John Tyler Condominium Community, and also serve as President of the Board of Directors.

I am here tonight to strongly oppose the proposed self storage facility to be located at 5299 and 5303 John Tyler Hwy.

Our Community is in a Residential area. We take pride in the quiet, family-oriented character of our neighborhood. A large 51,000 sq. ft. two story warehouse does not belong here. The parcels of land (mixed use) proposed for this warehouse are not designated for that purpose (Designation F-Warehouse use) and is therefore not consistent with the approved Master Plan. My understanding is if the proffer and Master Plan were to be amended to add the "F" (warehouse) designation to the commercial area, the only potential new use within that area would be "Warehouse", storage and distribution centers.

The Promenade community would be losing open land to a monstrous warehouse. Our neighborhood is more than just houses and people. We are a close knit community with shared values and this plan would not align with our community's character. Promenade residents may not always agree on everything, but one thing this plan has done is to unite us in opposition to this proposal.

This facility will have a significant negative impact on property value, traffic and safety, environmental degradation, as well as significantly increase maintenance costs on our private roads and ultimately for Promenade owners. In addition, this plan will provide virtually few job opportunities.

Now, I want to mention a few sections from the James City County 2045 Comprehensive Plan for your consideration and whether this industrial use is genuinely aligned with our County's long term vision:

My understanding is that the area proposed for this facility was designated "Mixed Use"-Level 1, which is noted as "Small Town or Suburban". When I read through the following, it appears quite clear this plan is inconsistent with these sections:

- 1. Recommended Use and Land Allocations**
- 2. Recommended Density and Intensity**
- 3. General Language**

These sections can be found on pages 332 and 333 of the Comprehensive Plan.

Also, as noted in the "Specific Mixed Use Area" description on Pg. 332, each development should be designed as a "complete community" to foster pedestrian access to a wide range of employment, residential, recreational, civic and service opportunities. In addition, compatibility with surrounding context is paramount and land use should be aligned accordingly. This plan does not fit that model.

Next, I want to highlight two of the 2045 Comprehensive Plan Character Goals:

- 1. CC Goal 3-Preserve and enhance neighborhood and community appearance.**
- 2. CC Goal 5-Preserve existing vegetation as possible and appropriate during development.**

This plan does not achieve these goals.

I want to reference an online petition that was signed by over 150 families and business owners in the area who are firmly opposed to this plan. This can be viewed online as indicated on my handout.

Petition Link

<https://c.org/PQKJwwkNy8>

Finally, I urge the Commission to prioritize the needs, safety and vision of the residents who reside here. Please deny this application and protect the future of our neighborhood and lifestyle.

STEPHEN TOWNSEND
302 PROMENADE LN
WILLIAMSBURG, VA. 23185

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 3, 2026
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman

Frank Polster

Steve Rodgers, Vice Chair

Jay Everson

Vincent Passero

Staff Present:

Susan Istenes, Director of Planning

Liz Parman, Deputy County Attorney

Christy Parrish, Zoning Administrator

Allison Jackura, Senior Planner

Ryan Bromwell, Planner

Linda Titus, Administrative Coordinator

Hannah Hunnicutt, Administrative Coordinator

Planning Commissioners Absent:

Kira Allman, Chair

Crystal Haskins

C. PUBLIC COMMENT

Mr. Rodgers opened Public Comment.

As no one wished to speak, Mr. Rodgers closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that there was a Policy Committee meeting on May 14, 2026.

Mr. Everson stated that due to the Policy Committee minutes being within the published Agenda for the Planning Commission meeting, he did not find it necessary to make a presentation.

E. CONSENT AGENDA

1. Minutes of the May 6, 2026, Regular Meeting

On a voice vote, the Commission voted to approve the Consent Agenda.

F. PUBLIC HEARING(S)

...

7. Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage

Ms. Jackura presented to the Commission stating that three cases were before them, a proffer amendment, master plan amendment, and an SUP. Ms. Jackura noted that together, if approved, the three applications would enable a self-storage facility within The Promenade at John Tyler. Ms. Jackura noted that the two properties were located within The Promenade, along Route 199 and adjacent to the Williamsburg Crossing Shopping Center. Ms. Jackura stated that the property was zoned Mixed Use and designated as Mixed Use on the Comprehensive Plan Land Use Map.

Ms. Jackura explained that the property was originally approved as a Mixed Use development in addition to the residences in December 2014, with that approval enabling up to 204 dwelling units and 47,624 square feet of commercial space. Ms. Jackura noted that the proffers included design guidelines and a 50-foot landscape buffer along Route 199. Ms. Jackura stated that one of the amendments required that the buffered area be a berm, which was elevated and vegetated.

Ms. Jackura explained that this amendment would allow for a proposed 51,000 square foot self-storage facility. Ms. Jackura noted that the design was intended to look like an office building and would have controlled access and a fenced area for loading and unloading.

Ms. Jackura stated that the Master Plan amendment would change the use designation to only allow wholesale and warehouse uses, which would require an SUP.

Ms. Jackura stated that when reviewing the application, staff noted that The Promenade was designed and approved as mixed use, and this proposal would provide a use for an existing vacant, planned commercial space within the PSA. Ms. Jackura noted that the proposed conditions mitigate potential impacts, including no outside storage, the signing, lighting, fencing, and building architecture would align with the existing site.

Ms. Jackura explained that the stormwater would typically be required to be treated on-site, but the applicant had concerns about the ability to do so. Ms. Jackura stated that conditions under the SUP would require that the stormwater be treated on-site or at the Riverside Best Management Practice (BMP). Ms. Jackura noted that the condition did prohibit off-site nutrient credits.

Ms. Jackura explained that staff found the proposed project to align with the future land use designation and found no negative impacts. Ms. Jackura stated that staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Haldeman asked Ms. Jackura to explain what aligning with the existing site meant in regard to the proposed conditions.

Ms. Jackura stated that the design was intended to align with the architecture of The Promenade at John Tyler as a whole.

Mr. Haldeman asked if there would be lighting or signage on the front of the building.

Ms. Jackura stated that the lighting condition would require the lighting poles to match the existing poles in The Promenade. Ms. Jackura explained that the signage would be freestanding and illuminated.

Mr. Rodgers asked if there was any other commercial use in the neighborhood.

Ms. Jackura stated that there was no other commercial use.

Mr. Polster asked if the berm between the proposed project location and Route 199 currently existed.

Ms. Jackura stated that it did already exist and would be required to remain intact.

Mr. Passero asked if there would be security lighting on the back of the building.

Ms. Jackura stated that the specifics of the lighting would be determined during the Site Plan stage if the project were approved. Ms. Jackura noted that the Ordinance did not allow light trespass across property lines, and in addition the light poles would have to be 20 feet or less in height to align with the street lighting within The Promenade.

Discussion ensued.

Mr. Rodgers asked for Commissioner disclosures.

Mr. Polster disclosed that he had discussions with the applicant and the engineer, Mr. Chase Grogg.

Mr. Everson disclosed that he had discussions with Mr. Tim Trant of Kaufman & Canoles.

Mr. Haldeman disclosed that he also had discussions with Mr. Trant.

Mr. Rodgers opened the Public Hearing.

Mr. Trant, 4801 Courthouse Street, Williamsburg, VA, presented to the Commission requesting a recommendation of approval for the proposed application.

Mr. Polster asked what the proposed language would be for Condition No. 12 based on the decision to have the stormwater treated on-site or at the Riverside BMP.

Mr. Trant stated that the project would either treat stormwater on-site or be directed to the Riverside BMP. Mr. Trant explained that the Riverside BMP required upgrades,

and if this project were to utilize the BMP, there were proffers that required the applicant to upgrade the BMP.

Discussion ensued.

Mr. Polster asked if the BMP would be built to the current standards.

Mr. Trant stated that the BMP was already built, if used, the applicant would retrofit the BMP to the current standards.

Mr. Polster asked if the applicant would be retrofitting the Riverside BMP or constructing the new stormwater facility on the property to the current standards.

Mr. Trant explained that while the proposed condition required the upgrades to satisfy current regulations, the applicant had agreed to comply with one of the Special Stormwater Criteria (SSC).

Mr. Polster stated he would like that commitment added to the conditions.

Mr. Trant agreed to make it a condition.

Discussion ensued.

Mr. Rodgers asked how the proposed building would be situated on both parcels and why there was no setback in the center of the lots.

Mr. Trant explained that the internal lot line would be vacated if the project was approved.

Discussion continued.

Mr. Jerry Bowman, United Square Associates, 130 W Plume Street, Norfolk, VA, presented to the Commission requesting that the Planning Commission give a recommendation of approval.

Mr. Joe Krause, 1302 Farringdon Way, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. Stephen Townsend, 303 Promenade Lane, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. David Richards, 1104 Monarch Court, presented to the Commission requesting a recommendation of denial for the proposed project.

Ms. Sharon Baker, presented to the Commission requesting a recommendation of denial.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman discussed how there had been plans to develop the commercial space in The Promenade from the beginning, and that he intended to support the project.

Mr. Rodgers stated he agreed with Mr. Haldeman and stated that the location was intended to be commercial, with some uses being by-right. Mr. Rodgers expressed concerns about the potential damage to the private streets but ultimately stated that the use fit the location and he intended to support the application.

Mr. Polster requested that the parking area for the truck be screened and landscaped, so it was not visible from Route 199.

Ms. Jackura stated that staff was willing to change the condition to require screening.

Discussion continued.

Mr. Trant stated that the applicant would be willing to amend the condition to include screening the truck from Route 199 with landscaping.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage with conditions to the Board of Supervisors.

Mr. Trant clarified that the applicant would be required by the base regulations to achieve three points of SSC. Mr. Trant stated that the applicant intended to include the decision to abide by point No. 11, 12, or 13 within the three required SSC.

Discussion ensued.

On a roll call vote, the Commission voted to recommend approval to the Board of Supervisors. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Everson asked if there would be a Policy Committee meeting on June 11, 2026.

Ms. Istenes stated there would be a meeting regarding the Landscaping Ordinance.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2026

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Rodgers stated that Mr. Haldeman would be representing the Planning Commission at the Board of Supervisors meeting on June 9, 2026, and that he would be at the July 14, 2026, Board of Supervisors meeting.

J. ADJOURNMENT

Mr. Rodgers asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

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

Susan Istenes, Secretary

Steve Rodgers, Vice Chair

MEMORANDUM

DATE: July 14, 2026

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

At its meeting on April 28, 2026, the Board of Supervisors adopted an Initiating Resolution to consider amendments to the James City County Zoning Ordinance (the “Ordinance”) regarding regulating the location of retail sales of tobacco products or hemp products intended for smoking (Attachment No. 1).

In 2023, the Ordinance was amended to define “vape/smoke shop” and “vape/smoke lounge,” remove “tobacco and pipe” from the Retail and Service Stores use category, and establish these uses as specially permitted uses within the R-4 (Residential Planned Community), LB (Limited Business), B-1 (General Business), M-1 (Limited Business/Industrial), PUD (Planned Unit Development), MU (Mixed Use), and EO (Economic Opportunity) Zoning Districts.

On April 5, 2024, the Code of Virginia was amended to authorize localities, by ordinance, to regulate the location of retail establishments selling tobacco or hemp products intended for smoking. Under this amendment, localities may require such establishments to locate at least 1,000 linear feet from child day care centers and public, private, or parochial schools (Attachment No. 2).

In accordance with the Initiating Resolution, staff recommends the following changes to the Ordinance be considered:

1. Add Section 24-41 to Article II - Special Regulations, Division I, In General to prohibit vape/smoke shops and vape/smoke lounges located within 1,000 linear feet of a child day center as defined in § 22.1-289.02 of the Code of Virginia or a public, private, or parochial school.
2. Update the Use lists within the R-4 (Residential Planned Community), LB (Limited Business), B-1 (General Business), M-1 (Limited Business/Industrial), PUD (Planned Unit Development), MU (Mixed Use), and EO (Economic Opportunity) Zoning Districts to read:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i><u>in accordance with 24-41.</u></i>		SUP

The Policy Committee voted not to recommend the proposed changes to the Planning Commission by a vote of 3-1. In general, concerns expressed at the meeting were:

- The state legislation does not specifically address the issue of minors purchasing these products through regulations based on a retailer’s proximity to schools.
- State-level regulation should promote consistency on how other products that may be detrimental to the health of minors are regulated and accessed.
- A particular retail business should not be singled out solely because it sells a specific product.

Staff presented the proposed Ordinance at the June 3, 2026 meeting of the Planning Commission. The Planning Commission recommended denial of the Ordinance to the Board of Supervisors by a vote of 3-2 (Dr. Allmann and Dr. Haskins were absent).

Recommendation

Staff recommends that the Board of Supervisors approve the attached Ordinance in accordance with the Initiating Resolution.

CHP/ap

ORD26-1AmdVapeSmkShp-mem

Attachments:

1. Ordinance, Strikethrough Version
2. Ordinance, Clean Version
3. Initiating Resolution
4. Virginia Code § 15.2-9124
5. Unapproved Minutes from the June 3, 2026, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY RENAMING AND AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-41, RESERVED TO SPECIAL REQUIRMENTS FOR VAPE/SMOKE SHOPS AND VAPE/SMOKE LOUNGES AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by renaming and amending Article II, Special Regulations, Division I, In General, Section 24-41, Reserved to Special requirements for vape/smoke shops and vape/smoke lounges and amend to require vape/smoke shops and vape/smoke lounges and by amending Article V, Districts, by amending Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-518, Use list; and Division 17, Economic Opportunity, EO, Section 24-536.4, Use list.

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-41. Special requirements for vape/smoke shops and vape/smoke lounges.

Vape/smoke shops and vape/smoke lounges as specially permitted under the terms of this chapter shall not be located within 1,000 linear feet of a child day care center as defined in § 22.1-289.02 of the Code of Virginia or a public, private, or parochial school.

ARTICLE V. DISTRICTS

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i>in accordance with section 24-41.</i>		SUP

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i>in accordance with section 24-41.</i>		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i>in accordance with section 24-41.</i>		SUP

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i>in accordance with section 24-41.</i>		SUP

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i>in accordance with section 24-41.</i>		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <i>in accordance with section 24-41.</i>		SUP

Division 17. Economic Opportunity, EO

Sec. 24-536.4 Use list.

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge <u>in accordance with section 24-41.</u>		SUP

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

ORD26-1AmdVapeSmkShp-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY RENAMING AND AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-41, RESERVED TO SPECIAL REQUIRMENTS FOR VAPE/SMOKE SHOPS AND VAPE/SMOKE LOUNGES AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST.

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ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-41. Special requirements for vape/smoke shops and vape/smoke lounges.

Vape/smoke shops and vape/smoke lounges as specially permitted under the terms of this chapter shall not be located within 1,000 linear feet of a child day care center as defined in § 22.1-289.02 of the Code of Virginia or a public, private, or parochial school.

ARTICLE V. DISTRICTS

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

Division 17. Economic Opportunity, EO

Sec. 24-536.4 Use list.

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Vape/smoke shop and vape/smoke lounge in accordance with section 24-41.		SUP

ORD26-1AmdVapeSmkShp-ord-final

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

TO REGULATE THE RETAIL SALE LOCATIONS OF RETAIL TOBACCO PRODUCTS

OR HEMP PRODUCTS INTENDED FOR SMOKING

WHEREAS, the Code of Virginia § 15.2-2286 and County Code Section 24-13 permit the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning, to consider possible amendments to regulate the retail sale locations of retail tobacco products or hemp products intended for smoking. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.


John J. McGlennon
Chair, Board of Supervisors

ATTEST:


Teresa J. Saeco
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	☒	☐	☐	☐
NULL	☒	☐	☐	☐
ICENHOUR	☒	☐	☐	☐
LARSON	☒	☐	☐	☐
MCGLENNON	☒	☐	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April, 2026.

InitConsTabLocReg-res

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Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 9. General Powers of Local Governments

§ 15.2-912.4. Regulation of tobacco and hemp product retail sale locations.

Any locality may by ordinance regulate the retail sale locations of retail tobacco products, as such term is defined in § [18.2-371.2](#), or hemp products intended for smoking, as such term is defined in § [3.2-41](#) for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center as defined in § [22.1-289.02](#) or a public, private, or parochial school. An ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under [4.1-206.3](#) or (ii) any retail sale location of retail tobacco products or hemp products intended for smoking operating before July 1, 2024.

2024, c. [536](#); 2025, cc. [595](#), [596](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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Code of Virginia

Title 18.2. Crimes and Offenses Generally

Chapter 8. Crimes Involving Morals and Decency

§ 18.2-371.2. Prohibiting purchase or possession of retail tobacco products and hemp products intended for smoking by a person under 21 years of age or sale of retail tobacco products and hemp products intended for smoking to persons under 21 years of age; civil penalties.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person younger than 21 years of age, knowing or having reason to believe that such person is younger than 21 years of age, any retail tobacco product or hemp product intended for smoking.

No person shall sell retail tobacco products or hemp products intended for smoking from a vending machine.

B. No person shall sell a retail tobacco product or hemp product intended for smoking to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 21 years of age.

Before a retail dealer may sell retail tobacco products, other than cigar and pipe tobacco products as defined in § 58.1-1021.01, to any consumer, the person selling, offering for sale, giving, or furnishing retail tobacco products shall verify that the consumer is of legal age by examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes that the person is of legal age or, if required pursuant to subdivision C 4 b of § 58.1-1021.04:1 or subdivision B 2 b of § 59.1-293.12, verifying the identification presented using identification fraud detection software, technology, or a scanner that confirms the authenticity of such identification.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the retail tobacco product or hemp product intended for smoking for sale through mail order or the Internet (i) prior to the sale of the retail tobacco product or hemp product intended for smoking verifies that the purchaser is at least 21 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the retail tobacco product or hemp product intended for smoking will be released to the purchaser.

C. A violation of subsection A or B by an individual or by a separate retail establishment is punishable a civil penalty in the amount of \$500 for a first violation and a civil penalty in the amount of \$2,500 for second or subsequent violation within a three-year period. If applicable, upon a second or subsequent violation within a three-year period, the Department of Taxation may suspend or revoke any approved license, permit, or registration issued pursuant to subsection C of § [58.1-1021.04:1](#).

For any violation of this section by an employee of a retail establishment, (i) such penalty shall be assessed against the establishment and (ii) an additional penalty of \$100 shall be assessed against the employee.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A or B.

D. 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any retail tobacco product or hemp product intended for smoking shall post in a conspicuous manner and place a sign or signs indicating that the sale of retail tobacco products or hemp products intended for smoking to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$500. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$500. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

E. Nothing in this section shall be construed to create a private cause of action.

F. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § [4.1-105](#) may issue a summons for any violation of this section. Additionally, any retailer selling retail tobacco products shall be subject to the enforcement and compliance provisions of Chapter 23.2 (§ [59.1-293.1](#) et seq.) of Title 59.1.

G. As used in this section:

"Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. "Electronic smoking

device" does not include any (i) battery or battery charger when sold separately or (ii) device used for heated tobacco products. "Electronic smoking device" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

"Hemp product" and "hemp product intended for smoking" mean the same as those terms are defined in § 3.2-4112.

"Retail tobacco product" means (i) any product containing, made of, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoke heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heat tobacco product, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (ii) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; and (iii) any component, part, or accessory of a product described in clause (i) or (ii), whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling papers, blunt or hemp wraps, and pipes. "Retail tobacco product" includes any nicotine vapor product as that term is defined in § 58.1-1021.01. "Retail tobacco product" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

"Wrappings" includes materials made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

1986, c. 406; 1991, c. 558; 1993, c. 631; 1994, c. 305; 1995, c. 675; 1996, cc. 509, 517; 1997, cc. 812, 882; 1998, c. 363; 1999, c. 1020; 2000, c. 883; 2003, cc. 114, 615; 2014, cc. 357, 394; 2015, cc. 38, 730, 739, 75; 2019, cc. 90, 102; 2020, cc. 406, 524; 2023, cc. 744, 794; 2024, cc. 796, 821.

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Code of Virginia

Title 3.2. Agriculture, Animal Care, and Food

Chapter 41.1. Industrial Hemp

§ 3.2-4112. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Cannabis sativa product" means a product made from any part of the plant Cannabis sativa with a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

"Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined in § 3.2-5145.1, and that is intended to be consumed orally.

"Federally licensed hemp producer" means a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

"Grow" means to plant, cultivate, or harvest a plant or crop.

"Grower" means any person registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp

"Handle" means to temporarily possess industrial hemp grown in compliance with state or federal law that (i) has not been processed and (ii) was not grown by and will not be processed by the person temporarily possessing it.

"Handler" means any person who is registered pursuant to subsection A of § 3.2-4115 to handle industrial hemp. "Handler" does not include a retail establishment that sells or offers for sale a hemp product.

"Handler's storage site" means the location at which a handler stores or intends to store the industrial hemp he handles.

"Hemp product" means a product, including any raw materials from industrial hemp that are used for or added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contains either no more than two milligrams of total tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the amount of total tetrahydrocannabinol per package.

"Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation

"Industrial hemp" means any part of the plant Cannabis sativa, including seeds thereof, whether growing or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law. "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing needed to convert the extract into a hemp product.

"Process" means to convert industrial hemp into a hemp product.

"Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.

"Process site" means the location at which a processor processes or intends to process industrial hemp.

"Production field" means the land or area on which a grower or a federally licensed hemp producer is growing or intends to grow industrial hemp.

"Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

"Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and geometric isomers.

"Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be consumed orally or by inhalation.

"Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic acid.

2015, cc. 158, 180; 2018, cc. 689, 690; 2019, cc. 653, 654; 2021, Sp. Sess. I, c. 110; 2023, cc. 744, 794.

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Code of Virginia

Title 22.1. Education

Chapter 14.1. Early Childhood Care and Education

§ 22.1-289.02. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Early childhood care and education entity" means a child day center, family day home, or family day system serving children under the age of five.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Head Start provider" means a public or private, nonprofit or for-profit organization or agency, including any community-based organization, as such term is defined in 20 U.S.C. § 7801, to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

"Out-of-school time program" means a program that (i) serves only school-age children; (ii) operates primarily before or after regular school hours, during the summer, or at times when school is not normally in session; and (iii) is offered for the purpose of promoting expanded childhood learning and enrichment, child and youth development, or educational, recreational, or character-building activities.

"Publicly funded provider" means any (i) educational program provided by a school division or local government to children between birth and age five or (ii) child day program that receives state or federal funds in support of its operations that serves three or more unrelated children. "Publicly funded provider" does not include any program for which the sole source of public funding is (a) the federal Child and Adult Care Food Program (CACFP) administered by the U.S. Department of Agriculture Food and Nutrition Service or (b) financial assistance for military child care pursuant to 10 U.S.C. § 1798 and that is accredited by a U.S. Department of Defense-approved national accrediting body. Any program described in clause (b) shall subsequently be considered a publicly funded provider if each child for whom such program receives such financial assistance for military child care either disenrolls from or ages out of such program.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Superintendent.

2020, cc. [860](#), [861](#); 2025, cc. [187](#), [328](#).

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Code of Virginia

Title 4.1. Alcoholic Beverage and Cannabis Control

Chapter 2. Administration of Licenses

§ 4.1-206.3. Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 10 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverage in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages

consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino license. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special event which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage sports facility licenses to persons operating a sports facility or food concessions at a sports facility, which shall authorize the licensee to sell mixed beverages during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically

authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourse walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to persons operating a performing arts facility or food concession at a performing arts facility.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas"

includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § [4.1-201](#).

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

12. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § [4.1-201](#). The granting of license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises

consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

13. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises

consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any performing arts facility.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of

wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternate location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in a calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the

licensee shall be required to pay the local fee required for such additional license pursuant to § [4.1-233.1](#).

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § [4.1-201.1](#).

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other

considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduce allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than one banquet per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitation imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or

two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § [4.1-209.1](#).
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § [4.1-209.1](#) and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for on-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of wine or beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.
4. Fulfillment warehouse licenses, which shall authorize associations as defined in § [13.1-313](#) with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold a financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.
5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ [13.1-312](#) et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.1

2020, cc. [15](#), [16](#), [32](#), [34](#), [400](#), [1009](#), [1113](#), [1114](#), [1179](#); 2020, Sp. Sess. I, c. [34](#); 2021, Sp. Sess. I, cc. [182](#), [281](#), [282](#), [390](#), [391](#); 2022, cc. [78](#), [79](#), [589](#), [590](#); 2023, cc. [408](#), [409](#); 2024, cc. [105](#), [111](#), [159](#), [255](#), [619](#), [622](#), [627](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

4/30/20

Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in EPub eBook format. 

Helpful Resources

[Virginia Code Commission](#)
[Virginia Register of Regulations](#)
[U.S. Constitution](#)

For Developers

The Virginia Law website data is available via a web service. 



**UNAPPROVED MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 3, 2026
6:00 PM**

ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

Ms. Christy Parrish, Zoning Administrator, presented to the Commission and explained the proposed Ordinance Amendment to regulate the location of retail stores that sell tobacco or hemp products intended for smoking.

Mr. Passero asked what the state regulations were regarding the distance a liquor store could be from a school.

Ms. Parrish stated she did not know and offered to find the answer.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman stated that he intended to support the amendment.

Mr. Everson stated that he did not intend to support the amendment as it was product specific. Mr. Everson noted that he did not believe a vape/smoke shop existing within 1,000 feet of a school had a relation to children smoking, but rather that friends and family had the biggest impact on the decision to do so.

Mr. Passero reiterated his concerns about the clientele that a smoke/vape shop could bring closer to a school.

Mr. Polster stated that the data presented from the Virginia Department of Health showed that there was a correlation between the proximity of a vape/smoke shop to a school and the increased number of kids who vape or smoke.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission failed to vote for approval of ORD-26-0001. (3-2)

Mr. Polster made a motion to recommend denial of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend denial of ORD-26-0001. (3-2)

MEMORANDUM

DATE: July 14, 2026

TO: The Board of Supervisors

FROM: Susan M. Istenes, Director of Planning

SUBJECT: ORD-26-0004. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Archaeological Studies

At its meeting on March 14, 2026, the Board of Supervisors adopted an Initiating Resolution to consider amendments to the James City County Zoning Ordinance (the “Ordinance”) regarding submittal requirements for Archaeological studies.

In 1998, the Board of Supervisors adopted an archaeological policy intended to identify and protect areas with significant archaeological potential. In 2018, following changes in State Code related to legislative cases, the Board incorporated the archaeological policy into the Zoning Ordinance and Subdivision Ordinance. The adopted text included several areas where waivers, exceptions, or modifications could be granted. The James City County 2045 Comprehensive Plan, adopted October 26, 2021, contains a map which indicates the location of archaeological sensitive areas divided into Ultra-Sensitive Areas, High Sensitivity Areas, and Moderate Sensitivity Areas. Staff notes that this map was not modified as a result of the 2021 Comprehensive Plan update.

Upon the request of the Board of Supervisors, staff prepared an Initiating Resolution to consider possible amendments that would add an additional waiver and exception provision to the current requirements.

In accordance with the Initiating Resolution, staff recommends that the following changes to the Zoning Ordinance and the Subdivision Ordinance be considered:

1. Modify the Zoning Ordinance, specifically Section 24-145 *Site plan submittal requirements*, subsection (23) by adding new text which allows an exception to the requirement to submit a phase I archaeological study where the project area is located outside areas designated as ultra- or highly-sensitive on the James City County archaeological assessment and where a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low (sometimes recognized as a phase 1a assessment).

(23)(h) *The project area is located outside areas designated as ultra- or highly-sensitive on the James City County Archaeological assessment and a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low.*
2. Modify the Subdivision Ordinance, specifically Section 19-27. *Preliminary plan-submittal requirements*, by adding new text to provide that where the project area is located outside areas designated as ultra- or highly-sensitive on the James City County archaeological assessment and where a preliminary assessment has been conducted to determine if the project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low (sometimes recognized as a phase 1a assessment).

(r)(7) *The project area is located outside areas designated as ultra- or highly-sensitive on the James City County archaeological assessment and a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low.*

ORD-26-0004. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Archaeological Studies

July 14, 2026

Page 2

The Policy Committee at its May 14, 2026, Regular Meeting, voted to recommend the proposed changes to the Planning Commission by a vote of 4-0.

Staff presented the proposed Ordinance at the June 3, 2026, meeting of the Planning Commission. The Planning Commission recommended approval of the Ordinance to the Board of Supervisors by a vote of 5-0 (Dr. Allmann and Dr. Haskins were absent).

Recommendation

Staff recommends that the Board of Supervisors approve the attached Ordinance in accordance with the Initiating Resolution.

SMI/ap

ORD26-4AmdArchStud-mem

Attachments:

1. Zoning Ordinance, Strikethrough Version
2. Zoning Ordinance, Clean Version
3. Subdivision Ordinance, Strikethrough Version
4. Subdivision Ordinance, Clean Version
5. Initiating Resolution
6. Archaeological Sensitive Areas Map
7. Adopted Archaeological Policy
8. Unapproved Minutes from the June 3, 2026, Regular Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

Article III.SITE PLAN

Sec. 24-145. Site plan submittal requirements.

(a) Site plans shall, at a minimum, identify or contain:

- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
- (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
- (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
- (4) Boundary survey of site;
- (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
- (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
- (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
- (8) Spot elevations shown at topographic low and high points;
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
- (10) A tree preservation plan and a phased clearing plan in accordance with [sections 24-87](#) and [24-90](#);
- (11) An outdoor lighting plan in accordance with [section 24-130](#);

- (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) Number of floors, floor area, height and location of each building;
- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
 - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
 - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
 - c. Full environmental inventory consistent with subsection [23-10](#) (2) of the county's Chesapeake Bay Preservation Ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - d. Demonstration that the project complies with subsection [23-9](#) (b)(1), (2), and (3) of the county's Chesapeake Bay Preservation Ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);
 - e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - f. Description of better site design or low impact development techniques if being used.

- (23) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with [section 24-50](#) of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
- a. Land disturbance on the project area is less than 2,500 square feet.
 - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
 - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet or, no changes to the building footprints are proposed.
 - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.
 - e. An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
 - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
 - g. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
 - h. *The project area is located outside areas designated as ultra- or highly-sensitive on the James City County Archaeological assessment and a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low.*

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2026.

ORD26-4AmdArchStud-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

ARTICLE III. SITE PLAN

Sec. 24-145. Site plan submittal requirements.

- (a) Site plans shall, at a minimum, identify or contain:
- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
 - (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
 - (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
 - (4) Boundary survey of site;
 - (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
 - (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
 - (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
 - (8) Spot elevations shown at topographic low and high points;
 - (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
 - (10) A tree preservation plan and a phased clearing plan in accordance with [sections 24-87](#) and [24-90](#);
 - (11) An outdoor lighting plan in accordance with [section 24-130](#);

- (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) Number of floors, floor area, height and location of each building;
- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
 - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
 - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
 - c. Full environmental inventory consistent with subsection [23-10](#) (2) of the county's Chesapeake Bay Preservation Ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - d. Demonstration that the project complies with subsection [23-9](#) (b)(1), (2), and (3) of the county's Chesapeake Bay Preservation Ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);
 - e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - f. Description of better site design or low impact development techniques if being used.

- (23) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with [section 24-50](#) of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
- a. Land disturbance on the project area is less than 2,500 square feet.
 - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
 - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet or, no changes to the building footprints are proposed.
 - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.
 - e. An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
 - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
 - g. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
 - h. The project area is located outside areas designated as ultra- or highly-sensitive on the James City County Archaeological assessment and a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-27, PRELIMINARY PLAN-SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-27, Preliminary plan-submittal requirements.

Chapter 19 - SUBDIVISIONS

ARTICLE II. PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-27. Preliminary plan-submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with [section 19-18](#), the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with [section 19-14](#).
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater

management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with [chapters 8](#), 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.

- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with [section 24-89](#) of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with [section 24-130](#) of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with [section 23-10](#)(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with [section 23-9](#) (b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in [section 19-21](#).
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per [section 19-73.1](#), and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with [section 24-50](#) of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in [section 19-24](#).
 - (2) The preliminary plan is for a family subdivision as defined in [section 19-17](#).
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.

- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (7) The project area is located outside areas designated as ultra- or highly-sensitive on the James City County Archaeological assessment and a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with [section 24-51](#) of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in [section 19-24](#).
 - (2) The preliminary plan is for a family subdivision as defined in [section 19-17](#).
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
 - (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
 - (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.
- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2026.

ORD26-4AmdSubd-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-27, PRELIMINARY PLAN-SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-27, Preliminary plan-submittal requirements.

Chapter 19 - SUBDIVISIONS

ARTICLE II. PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-27. Preliminary plan-submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with [section 19-18](#), the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with [section 19-14](#).
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater

management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with [chapters 8, 18A and 23](#) of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.

- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with [section 24-89](#) of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with [section 24-130](#) of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with [section 23-10](#)(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with [section 23-9](#) (b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in [section 19-21](#).
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per [section 19-73.1](#), and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with [section 24-50](#) of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in [section 19-24](#).
 - (2) The preliminary plan is for a family subdivision as defined in [section 19-17](#).
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.

- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
 - (7) The project area is located outside areas designated as ultra- or highly-sensitive on the James City County Archaeological assessment and a preliminary assessment has been conducted to determine if a project area has the potential to contain archaeological resources and the outcome indicates the likelihood of resources is very low.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with [section 24-51](#) of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
- (1) The preliminary plan is for a minor subdivision as defined in [section 19-24](#).
 - (2) The preliminary plan is for a family subdivision as defined in [section 19-17](#).
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
 - (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
 - (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.
- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE REGARDING REQUIREMENTS FOR THE SUBMITTAL OF AN ARCHAEOLOGICAL STUDY AS PART OF A SITE PLAN OR SUBDIVISION APPLICATION

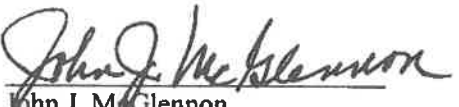
WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board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

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider adding additional waiver and exception provisions to the current requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider adding additional waiver and exception provisions to the current requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.


John J. McGlennon

Chair, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

WAINWRIGHT
NULL
ICENHOUR
LARSON
MCGLENNON

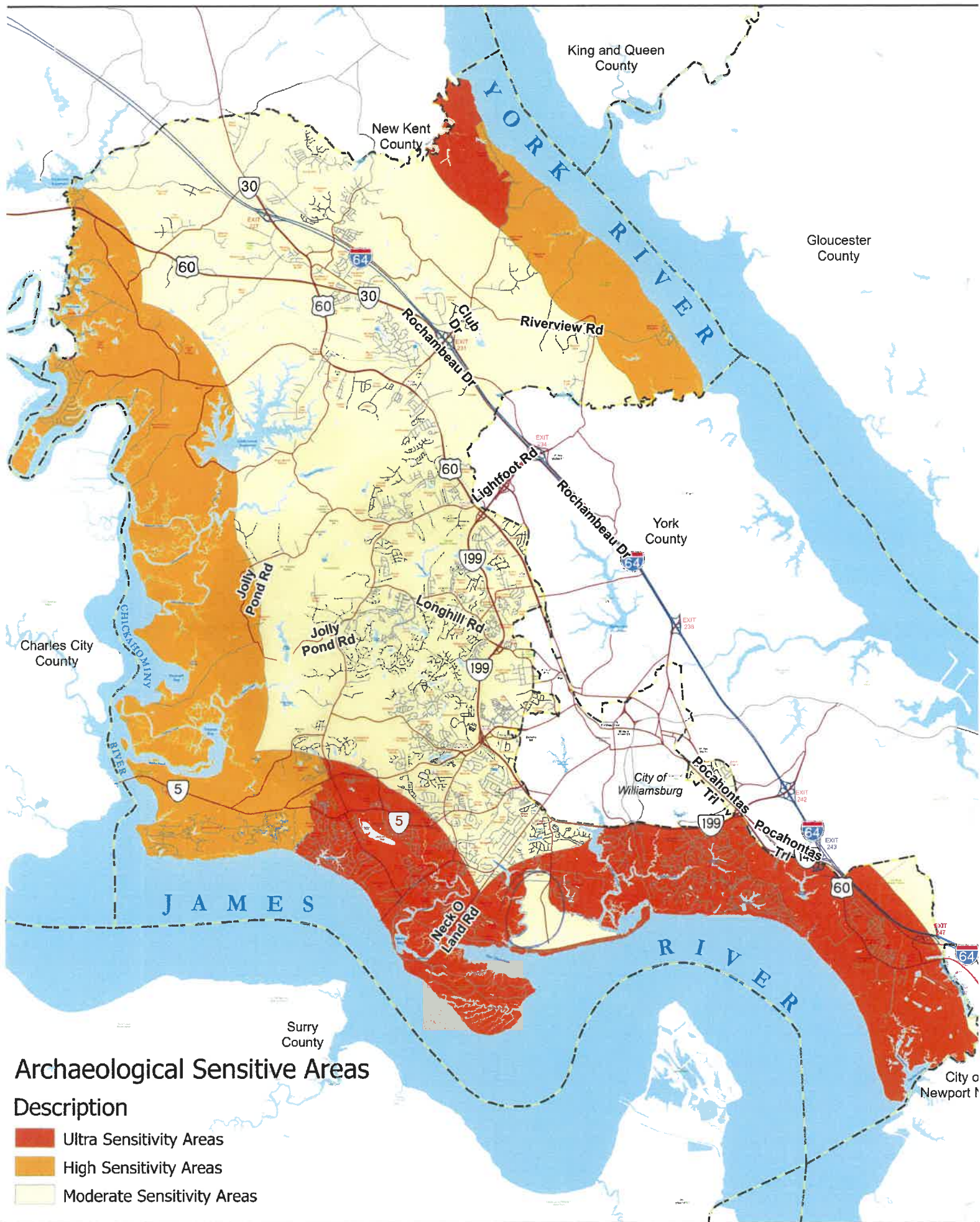
VOTES

AYE NAY ABSTAIN ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of March, 2026.

InitConsArchStdy-res



RESOLUTION

ARCHAEOLOGICAL POLICY

- WHEREAS, the task of revising the archaeological policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, the committee, in drafting the proposed policy, used the 1997 Comprehensive Plan and "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County" for guidance; and
- WHEREAS, after meeting several weeks to discuss this topic, the Zoning Ordinance update committee responsible for developing this item recommends the following policy; and
- WHEREAS, on June 25, 1998, the site committee of the James City County Historical Commission endorsed the following policy; and
- WHEREAS, on August 3, 1998, the Planning Commission endorsed the policy by a vote of 4-0, with three absences.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend the following condition be added to all special use permit and rezoning cases. In making a final determination of when studies may be required, staff will consult existing archaeological studies and will seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.

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

Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

I. In interpreting this condition, the following procedures and guidelines will be followed

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualification set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*
3. *If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for*

inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. The study will be reviewed as outlined in Guideline No. 1.

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
5. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. The study will be reviewed as outlined in Guideline No. 1.
6. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

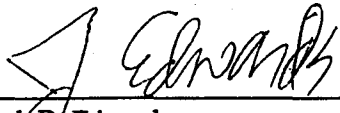
1. The policy and archaeological assessment shall be updated and revised as appropriate in advance of the Comprehensive Plan update to keep the documents current with new findings, professional archaeological standards and practices, and Virginia Department of historical Resources (VDHR) policy.
2. The following note shall be included on all future revisions of the Comprehensive Plan Land Use Map:

"Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area. Please refer to the text of the Comprehensive Plan for further information."

3. Maps indicating the general extent of high- and moderate-sensitivity areas shall be included within the text of the Comprehensive Plan with appropriate cross-

references to documents such as the James City County Archaeological Assessment.

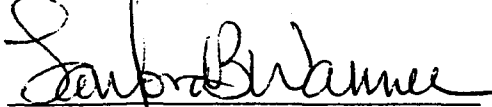
4. Upon nomination of a developer engaging in successful archaeological preservation, the Board of Supervisors shall consider the issuance of a resolution of appreciation.
5. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional archaeologist and the Director of Planning.
6. A developer may advertise on-site preservation efforts through promotional videos to be shown on the County's cable channel.
7. To the greatest extent possible, the County shall make display areas available in public areas of all County-owned and operated buildings.
8. Any developer who completes a Phase II study shall make available a portion of the artifacts for display in public buildings.



Jack D. Edwards
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

archeolog.res

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 3, 2026
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman

Frank Polster

Steve Rodgers, Vice Chair

Jay Everson

Vincent Passero

Staff Present:

Susan Istenes, Director of Planning

Liz Parman, Deputy County Attorney

Christy Parrish, Zoning Administrator

Allison Jackura, Senior Planner

Ryan Bromwell, Planner

Linda Titus, Administrative Coordinator

Hannah Hunnicutt, Administrative Coordinator

Planning Commissioners Absent:

Kira Allman, Chair

Crystal Haskins

C. PUBLIC COMMENT

Mr. Rodgers opened Public Comment.

As no one wished to speak, Mr. Rodgers closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that there was a Policy Committee meeting on May 14, 2026.

Mr. Everson stated that due to the Policy Committee minutes being within the published Agenda for the Planning Commission meeting, he did not find it necessary to make a presentation.

E. CONSENT AGENDA

1. Minutes of the May 6, 2026, Regular Meeting

On a voice vote, the Commission voted to approve the Consent Agenda.

F. PUBLIC HEARING(S)

1. SUP-26-0004. 8698 Pocahontas Trail Short Term Rental

Mr. Ryan Bromwell, Planner, stated that Ms. Casey Snyder and Mr. Ryan Snyder had applied for a Special Use Permit (SUP) for a short-term rental at 8698 Pocahontas Trail. Mr. Bromwell stated that the property was currently an undeveloped wooded lot, approximately 0.37 acres in size, and was located along Route 60. Mr. Bromwell noted that the property was zoned R-2, General Residential, and was designated Low Density Residential on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal included the construction of a new 1,520-square-foot, three-bedroom single-family residence with a covered front porch and a ramp for ADA-accessible entry.

Mr. Bromwell noted that the site design included parking for a minimum of three vehicles and met the minimum front setback. Mr. Bromwell stated that the applicants would live at the adjacent property, 98 Grove Heights Avenue, during the time of the rentals.

Mr. Bromwell stated that because the property was designated as Low Density Residential, staff could not recommend approval of the proposed project.

Mr. Rodgers opened the Public Hearing.

Ms. Casey Snyder, 98 Grove Heights Avenue, presented to the Commission in favor of the proposed project.

Mr. Polster asked Ms. Snyder to clarify if the proposed tourist home had been built.

Ms. Snyder stated that it had not been built.

Mr. Polster asked if the application was not approved, would the applicants still move forward with building the home.

Ms. Snyder stated not necessarily.

Mr. Rodgers asked the applicant to provide an explanation of the parking plan.

Ms. Snyder stated that there was plenty of room for parking on the property.

Mr. Polster asked Mr. Bromwell if the parking requirement had been met.

Mr. Bromwell stated that it had.

Mr. Rodgers closed the Public Hearing.

The Commissioners individually expressed their approval for the application.

Mr. Polster made a motion to recommend approval of SUP-26-0004. 8698 Pocahontas Trail Short-Term Rental with conditions to the Board of Supervisors (BOS).

On a roll call vote, the Commission voted to recommend approval. (5-0)

2. SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit

Mr. Bromwell stated that Mr. Herb Paynter, of Colony Construction & Home Improvements Inc., applied for an SUP on behalf of the property owners of 5205 Colonnade Parkway.

Mr. Bromwell explained that the property was approximately 3.03 acres and located within the Liberty Ridge Subdivision. Mr. Bromwell noted that the property was zoned A-1, General Agricultural, and was designated Rural Lands on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal featured a new 25-foot by 32-foot detached accessory structure that would primarily serve as a guest suite. Mr. Bromwell noted that the ground floor would house a two-car garage, while the second floor would include a 400 square-foot apartment and exterior deck. Mr. Bromwell stated that the unit complied with all applicable setbacks and that the owners reside in the primary residence on the property.

Mr. Bromwell stated that staff found the design consistent with the Zoning Ordinance, the Comprehensive Plan, and the surrounding neighborhood and therefore staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Rodgers opened the Public Hearing.

Mr. Herb Paynter of Colony Construction & Home Improvements Inc., 11715 Jefferson Avenue, Newport News, VA, presented to the Commission in favor of the proposed project.

Mr. Polster asked where the balcony on the second story was oriented.

Mr. Paynter stated it was facing the rear of the property.

Mr. Polster asked if any trees would be removed.

Mr. Paynter stated that no trees would be removed for the construction of the structure.

Ms. Cynthia Sherman, 5205 Colonnade Parkway, presented to the Commission requesting the application be approved.

Mr. Rodgers asked about similar structures within the neighborhood.

Ms. Sherman stated that there were other structures in the neighborhood similar to the proposal, and that Liberty Ridge Homeowners Association had already approved the building plan.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman made a motion to recommend approval of SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

3. SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop

Ms. Allison Jackura, Senior Planner, gave a presentation to the Commission stating that an SUP application for a smoke and vape shop to be located in Unit 24 at 5251 John Tyler Highway had been submitted by the applicant, Ms. Kelley Parks. Ms. Jackura noted that the property was zoned B-1, General Business, and designated Mixed Use by the Comprehensive Plan Land Use Map.

Ms. Jackura noted that in 2023, the Zoning Ordinance had been amended to require an SUP for a smoke/vape shop and that any new businesses would be required to have an SUP to operate. Ms. Jackura explained that in 2024, State law changed to allow localities to adopt Ordinances prohibiting vape/smoke shops within 1,000 feet of schools or daycares. Ms. Jackura stated that on April 28, 2026, the Board had adopted a resolution to consider an amendment to prohibit a vape/smoke shop from being within 1,000 feet of schools or daycares.

Ms. Jackura explained that the proposed amendment appeared on the agenda for the Planning Commission meeting, and if the amendment were adopted, the proposed business would not be permitted. Ms. Jackura stated that as the policy had not yet been adopted, staff evaluated the application based on the current Ordinance requirements.

Ms. Jackura stated that staff found the proposed project provided use for existing improvements within the Primary Service Area (PSA) and provided a retail use with a mixed-use designated area. Ms. Jackura explained that conditions had been proposed to limit potential nuisance to surrounding properties.

Ms. Jackura stated that staff recommended that the Planning Commission recommend approval of the application with the proposed conditions to the Board of Supervisors.

Ms. Jackura stated that the neighboring school, Greenwood Christian Academy, sent a letter with its concerns to the applicant, to which the applicant responded with a list of proposed conditions. Ms. Jackura explained that staff reviewed the proposed conditions and had no objections.

Mr. Polster asked how the loitering condition applied to the children on the playground behind the proposed shop.

Ms. Jackura noted that the playground was enclosed by a fence.

Mr. Haldeman asked if comments had been received from other businesses located within Williamsburg Crossing.

Ms. Jackura stated that a letter with signatures from the other businesses had been provided.

Discussion ensued.

Ms. Kelley Parks of Parks Planning and Consulting, LLC, 15532 Smith Beach Road, Cape Charles, VA, addressed the Commission requesting the Commission recommend approval of the application to the Board of Supervisors.

Mr. Haldeman asked about the three conditions proposed by the applicant and if the applicant had any objection to including them as official conditions.

Ms. Parks stated there was no objection.

Mr. Rodgers asked about the lighting and signage on the property.

Ms. Parks stated there were no plans to have distracting lighting or signage.

Mr. Polster stated that there were conditions proposed that limited the lighting and signage.

Discussion ensued.

Mr. Rodgers closed the Public Hearing.

Mr. Passero stated that the Planning Commission should withhold voting on the application until the Ordinance Amendment prohibiting vape/smoke shops from existing within 1,000 feet of a school was decided on.

Mr. Polster asked if the applicant would agree to defer the application until after the Ordinance Amendment was decided on.

Ms. Parks stated that this application had been submitted prior to the resolution to change the Ordinance and had already been delayed a meeting due to an administrative error.

Mr. Rodgers commended the applicant for their timing and stated that he would like the Commission to vote on the proposed application.

Mr. Haldeman stated that he would prefer to vote on the application tonight. Mr. Haldeman then noted that the Commission was only able to make a recommendation, and the Board of Supervisors would take its recommendation into consideration.

Mr. Polster stated that he had no objection to the applicant's desire to proceed without a deferral.

The Commissioners discussed the proposed Ordinance Amendment and how they viewed the data from the various studies about the proximity of vape/smoke shops to schools.

Mr. Passero shared his concerns about the clientele that the proposed shop could attract and stated that he did not believe it should be located near the school.

Mr. Haldeman reminded the Commission that the applicant had submitted the application prior to the Board of Supervisors adopting the resolution to amend the Ordinance and noted that the applicant based their proposal on the current Ordinance requirements. Mr. Haldeman stated that he would be voting in favor of the proposed project.

Mr. Rodgers asked about the distance between the front door of the school and the proposed shop location.

Mr. Polster stated that the entrances to the middle school and grade school were both within 1,000 feet of the proposed shop location.

Mr. Rodgers stated that he found it difficult to differentiate between this proposed shop and the previous tobacco shop expansion that was approved within the same shopping center.

Mr. Polster stated that if the Board decided to pass the proposed Ordinance Amendment, then the tobacco shop would become legally nonconforming.

Discussion ensued.

Mr. Haldeman made a motion that the Planning Commission recommend approval of SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop with conditions to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (3-2)

4. ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

Ms. Christy Parrish, Zoning Administrator, presented to the Commission and explained the proposed Ordinance Amendment to regulate the location of retail stores that sell tobacco or hemp products intended for smoking.

Mr. Passero asked what the state regulations were regarding the distance a liquor store could be from a school.

Ms. Parrish stated she did not know and offered to find the answer.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman stated that he intended to support the amendment.

Mr. Everson stated that he did not intend to support the amendment as it was product specific. Mr. Everson noted that he did not believe a vape/smoke shop existing within 1,000 feet of a school had a relation to children smoking, but rather that friends and family had the biggest impact on the decision to do so.

Mr. Passero reiterated his concerns about the clientele that a smoke/vape shop could bring closer to a school.

Mr. Polster stated that the data presented from the Virginia Department of Health showed that there was a correlation between the proximity of a vape/smoke shop to a school and the increased number of kids who vape or smoke.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission failed to vote for approval of ORD-26-0001. (3-2)

Mr. Polster made a motion to recommend denial of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend denial of ORD-26-0001. (3-2)

5. ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory

Ms. Susan Istenes, Director of Planning, presented to the Commission about the proposed Ordinance Amendment regarding submittal requirements for Natural Resources Inventory. Ms. Istenes stated that new text would be added to Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a natural resources inventory where the habitat areas were known to exist or had the potential to exist and the applicant voluntarily protected the habitat in perpetuity.

Mr. Rodgers opened the Public Hearing.

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

Mr. Polster stated that the proposed amendments would allow the Planning Director to grant a waiver and streamline the application process. Mr. Polster stated that he intended to support the amendment.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

6. ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies

Ms. Istenes gave a presentation to the Commission about the proposed Ordinance Amendment regarding submittal requirements for archaeological studies. Ms. Istenes explained that the amendment would modify the text in Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a Phase I Archaeological Study where the project area was located outside areas that were designated as ultra- or highly sensitive on the County archaeological assessment.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman made a motion to recommend approval of ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

7. Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage

Ms. Jackura presented to the Commission stating that three cases were before them, a proffer amendment, master plan amendment, and an SUP. Ms. Jackura noted that together, if approved, the three applications would enable a self-storage facility within The Promenade at John Tyler. Ms. Jackura noted that the two properties were located within The Promenade, along Route 199 and adjacent to the Williamsburg Crossing Shopping Center. Ms. Jackura stated that the property was zoned Mixed Use and designated as Mixed Use on the Comprehensive Plan Land Use Map.

Ms. Jackura explained that the property was originally approved as a Mixed Use development in addition to the residences in December 2014, with that approval enabling up to 204 dwelling units and 47,624 square feet of commercial space. Ms. Jackura noted that the proffers included design guidelines and a 50-foot landscape buffer along Route 199. Ms. Jackura stated that one of the amendments required that the buffered area be a berm, which was elevated and vegetated.

Ms. Jackura explained that this amendment would allow for a proposed 51,000 square foot self-storage facility. Ms. Jackura noted that the design was intended to look like an office building and would have controlled access and a fenced area for loading and unloading.

Ms. Jackura stated that the Master Plan amendment would change the use designation to only allow wholesale and warehouse uses, which would require an SUP.

Ms. Jackura stated that when reviewing the application, staff noted that The Promenade was designed and approved as mixed use, and this proposal would provide a use for an

existing vacant, planned commercial space within the PSA. Ms. Jackura noted that the proposed conditions mitigate potential impacts, including no outside storage, the signing, lighting, fencing, and building architecture would align with the existing site.

Ms. Jackura explained that the stormwater would typically be required to be treated on-site, but the applicant had concerns about the ability to do so. Ms. Jackura stated that conditions under the SUP would require that the stormwater be treated on-site or at the Riverside Best Management Practice (BMP). Ms. Jackura noted that the condition did prohibit off-site nutrient credits.

Ms. Jackura explained that staff found the proposed project to align with the future land use designation and found no negative impacts. Ms. Jackura stated that staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Haldeman asked Ms. Jackura to explain what aligning with the existing site meant in regard to the proposed conditions.

Ms. Jackura stated that the design was intended to align with the architecture of The Promenade at John Tyler as a whole.

Mr. Haldeman asked if there would be lighting or signage on the front of the building.

Ms. Jackura stated that the lighting condition would require the lighting poles to match the existing poles in The Promenade. Ms. Jackura explained that the signage would be freestanding and illuminated.

Mr. Rodgers asked if there was any other commercial use in the neighborhood.

Ms. Jackura stated that there was no other commercial use.

Mr. Polster asked if the berm between the proposed project location and Route 199 currently existed.

Ms. Jackura stated that it did already exist and would be required to remain intact.

Mr. Passero asked if there would be security lighting on the back of the building.

Ms. Jackura stated that the specifics of the lighting would be determined during the Site Plan stage if the project were approved. Ms. Jackura noted that the Ordinance did not allow light trespass across property lines, and in addition the light poles would have to be 20 feet or less in height to align with the street lighting within The Promenade.

Discussion ensued.

Mr. Rodgers asked for Commissioner disclosures.

Mr. Polster disclosed that he had discussions with the applicant and the engineer, Mr. Chase Grogg.

Mr. Everson disclosed that he had discussions with Mr. Tim Trant of Kaufman & Canoles.

Mr. Haldeman disclosed that he also had discussions with Mr. Trant.

Mr. Rodgers opened the Public Hearing.

Mr. Trant, 4801 Courthouse Street, Williamsburg, VA, presented to the Commission requesting a recommendation of approval for the proposed application.

Mr. Polster asked what the proposed language would be for Condition No. 12 based on the decision to have the stormwater treated on-site or at the Riverside BMP.

Mr. Trant stated that the project would either treat stormwater on-site or be directed to the Riverside BMP. Mr. Trant explained that the Riverside BMP required upgrades, and if this project were to utilize the BMP, there were proffers that required the applicant to upgrade the BMP.

Discussion ensued.

Mr. Polster asked if the BMP would be built to the current standards.

Mr. Trant stated that the BMP was already built, if used, the applicant would retrofit the BMP to the current standards.

Mr. Polster asked if the applicant would be retrofitting the Riverside BMP or constructing the new stormwater facility on the property to the current standards.

Mr. Trant explained that while the proposed condition required the upgrades to satisfy current regulations, the applicant had agreed to comply with one of the Special Stormwater Criteria (SSC).

Mr. Polster stated he would like that commitment added to the conditions.

Mr. Trant agreed to make it a condition.

Discussion ensued.

Mr. Rodgers asked how the proposed building would be situated on both parcels and why there was no setback in the center of the lots.

Mr. Trant explained that the internal lot line would be vacated if the project was approved.

Discussion continued.

Mr. Jerry Bowman, United Square Associates, 130 W Plume Street, Norfolk, VA, presented to the Commission requesting that the Planning Commission give a recommendation of approval.

Mr. Joe Krause, 1302 Farrington Way, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. Stephen Townsend, 303 Promenade Lane, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. David Richards, 1104 Monarch Court, presented to the Commission requesting a recommendation of denial for the proposed project.

Ms. Sharon Baker, presented to the Commission requesting a recommendation of denial.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman discussed how there had been plans to develop the commercial space in The Promenade from the beginning, and that he intended to support the project.

Mr. Rodgers stated he agreed with Mr. Haldeman and stated that the location was intended to be commercial, with some uses being by-right. Mr. Rodgers expressed concerns about the potential damage to the private streets but ultimately stated that the use fit the location and he intended to support the application.

Mr. Polster requested that the parking area for the truck be screened and landscaped, so it was not visible from Route 199.

Ms. Jackura stated that staff was willing to change the condition to require screening.

Discussion continued.

Mr. Trant stated that the applicant would be willing to amend the condition to include screening the truck from Route 199 with landscaping.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage with conditions to the Board of Supervisors.

Mr. Trant clarified that the applicant would be required by the base regulations to achieve three points of SSC. Mr. Trant stated that the applicant intended to include the decision to abide by point No. 11, 12, or 13 within the three required SSC.

Discussion ensued.

On a roll call vote, the Commission voted to recommend approval to the Board of Supervisors. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Everson asked if there would be a Policy Committee meeting on June 11, 2026.

Ms. Istenes stated there would be a meeting regarding the Landscaping Ordinance.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2026

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Rodgers stated that Mr. Haldeman would be representing the Planning Commission at the Board of Supervisors meeting on June 9, 2026, and that he would be at the July 14, 2026, Board of Supervisors meeting.

J. ADJOURNMENT

Mr. Rodgers asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

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

Susan Istenes, Secretary

Steve Rodgers, Vice Chair

MEMORANDUM

DATE: July 14, 2026

TO: Board of Supervisors

FROM: Susan M. Istenes, Director of Planning

SUBJECT: ORD-26-0005. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory

At its meeting on March 14, 2026, the Board of Supervisors adopted an Initiating Resolution to consider amendments to the James City County Zoning Ordinance (the "Ordinance") regarding submittal requirements for Natural Resources Inventory (Attachment No. 5).

In 1999, the James City County Board of Supervisors adopted a Natural Resource Policy which sought to identify and conserve areas with significant natural resource potential (i.e., rare, threatened and endangered species). In 2018, following changes in State Code regarding legislative cases, the Board incorporated the Natural Resource Policy into the Zoning and Subdivision Ordinances. The James City County 2045 Comprehensive Plan, adopted October 26, 2021, contains a map which is prepared by the Virginia Department of Conservation and Recreation's Natural Heritage Program whose mission is conserving Virginia's biodiversity through inventory. "BRANK" is a rating of the significance of the conservation site based on presence and number of natural heritage resources; on a scale of 1-5, 1 being the most significant (Attachment No. 6). When a natural resource inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2, and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage, in the project area. If the inventory concludes that there is no suitable habitat, then no further work is required, and development may occur within the subject area. If the natural resource inventory confirms that an S1, S2, S3, G1, G2, or G3 natural heritage resource either exists on, or could be supported by a portion of the site, a Conservation Management Plan for the affected area shall be submitted to and approved by the Director of Planning. The Conservation Management Plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved Conservation Management Plans shall be incorporated into the plan of development for the site, and the clearing, grading, or construction activities thereon.

Upon the request of the Board of Supervisors, staff prepared an Initiating Resolution to consider possible amendments that would add an additional waiver and exception provision to the current requirements.

In accordance with the Initiating Resolution, staff recommends that the following changes to the Zoning Ordinance and the Subdivision Ordinance be considered:

1. Modify the Zoning Ordinance, specifically Section 24-145. *Site plan submittal requirements*, subsection (24) by adding new text which allows an exception to the requirement to submit a natural resources inventory where the habitat areas are known to exist or have the potential to exist and the applicant voluntarily protects the habitat in the form of conservation and preservation in perpetuity.

(24)(i) Significant natural resource habitat or potential resource habitat is known to exist on site, or potential habitat is identified on site, and the habitat is voluntarily preserved and maintained in perpetuity in accordance with DCR recommendations and approved by the director of planning.

2. Modify the Subdivision Ordinance, specifically Section 19-27. *Preliminary plan-submittal requirements*, by adding new text which allows an exception to the requirement to submit a natural resources inventory where the habitat areas are known to exist or have the potential to exist and the applicant voluntarily protects the habitat in the form of conservation and preservation in perpetuity.

(s)(9) *Significant natural resource habitat or potential resource habitat is known to exist on site, or potential habitat is identified on site, and the habitat is voluntarily preserved and maintained in perpetuity in accordance with DCR recommendations and approved by the director of planning.*

The Policy Committee, at its May 14, 2026, Regular Meeting, voted to recommend the proposed changes to the Planning Commission by a vote of 4-0.

Staff presented the proposed Ordinance at the June 3, 2026, meeting of the Planning Commission. The Planning Commission recommended approval of the Ordinance to the Board of Supervisors by a vote of 5-0 (Dr. Allmann and Dr. Haskins were absent).

Recommendation

Staff recommends that the Board of Supervisors approve the attached Ordinance in accordance with the Initiating Resolution.

SMI/tm
ORD26-05_AmdZO-SO_NRI-mem

Attachments:

1. Zoning Ordinance, Strikethrough Version
2. Zoning Ordinance, Clean Version
3. Subdivision Ordinance, Strikethrough Version
4. Subdivision Ordinance, Clean Version
5. Initiating Resolution
6. Natural Resource Map
7. Adopted Natural Resource Policy
8. Unapproved Minutes from June 3, 2026, Regular Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

Chapter 24. ZONING

ARTICLE III. SITE PLAN

Sec. 24-145.-Site plan submittal requirements.

(a) Site plans shall, at a minimum, identify or contain:

- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
- (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
- (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
- (4) Boundary survey of site;
- (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
- (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
- (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
- (8) Spot elevations shown at topographic low and high points;
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;

- (10) A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;
- (11) An outdoor lighting plan in accordance with section 24-130;
- (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) Number of floors, floor area, height and location of each building;
- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
 - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
 - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
 - c. Full environmental inventory consistent with subsection 23-10(2) of the county's Chesapeake Bay Preservation Ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - d. Demonstration that the project complies with subsection 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation Ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);

- e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - f. Description of better site design or low impact development techniques if being used.
- (23) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
- a. Land disturbance on the project area is less than 2,500 square feet.
 - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
 - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet or, no changes to the building footprints are proposed.
 - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.
 - e. An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
 - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
 - g. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (24) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. The requirements do not apply if one or more of the following criteria area met:
- a. Land disturbance on the project area is less than 2,500 square feet.
 - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
 - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet, or no changes to the building footprints are proposed.
 - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.

- e. An approved natural resource inventory for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
 - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
 - g. DCR has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
 - h. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the natural resource policy.
 - i. Significant natural resource habitat or potential resource habitat is known to exist on site, or potential habitat is identified on site, and the habitat is voluntarily preserved and maintained in perpetuity in accordance with DCR recommendations and approved by the director of planning.
- (b) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements. In the event the director of planning disapproves a request to waive a requirement, the applicant may appeal the decision of the director of planning to the development review committee which shall forward a recommendation to the planning commission.
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

John J. McGlennon
Chair, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

ORD24-145SitePlnSub-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

Chapter 24. ZONING

ARTICLE III. SITE PLAN

Sec. 24-145.-Site plan submittal requirements.

(a) Site plans shall, at a minimum, identify or contain:

- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
- (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
- (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
- (4) Boundary survey of site;
- (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
- (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
- (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
- (8) Spot elevations shown at topographic low and high points;
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;

- (10) A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;
- (11) An outdoor lighting plan in accordance with section 24-130;
- (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) Number of floors, floor area, height and location of each building;
- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
 - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
 - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
 - c. Full environmental inventory consistent with subsection 23-10(2) of the county's Chesapeake Bay Preservation Ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - d. Demonstration that the project complies with subsection 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation Ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);

- e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - f. Description of better site design or low impact development techniques if being used.
- (23) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
- a. Land disturbance on the project area is less than 2,500 square feet.
 - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
 - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet or, no changes to the building footprints are proposed.
 - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.
 - e. An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
 - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
 - g. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (24) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. The requirements do not apply if one or more of the following criteria area met:
- a. Land disturbance on the project area is less than 2,500 square feet.
 - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
 - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet, or no changes to the building footprints are proposed.
 - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.

- e. An approved natural resource inventory for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
 - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
 - g. DCR has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
 - h. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the natural resource policy.
 - i. Significant natural resource habitat or potential resource habitat is known to exist on site, or potential habitat is identified on site, and the habitat is voluntarily preserved and maintained in perpetuity in accordance with DCR recommendations and approved by the director of planning.
- (b) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements. In the event the director of planning disapproves a request to waive a requirement, the applicant may appeal the decision of the director of planning to the development review committee which shall forward a recommendation to the planning commission.
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-27, PRELIMINARY PLAN-SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-27, Preliminary plan-submittal requirements.

Chapter 19. SUBDIVISIONS

ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-27. Preliminary plan submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.

- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.

- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.
- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.

- (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
- (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
 - (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
 - (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.
 - (9) Significant natural resource habitat or potential resource habitat is known to exist on site, or potential habitat is identified on site, and the habitat is voluntarily preserved and maintained in perpetuity in accordance with DCR recommendations and approved by the director of planning.
- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

VOTES

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

Teresa J. Saeed
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2026.

ORD19-27-AmndNatrIRes-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-27, PRELIMINARY PLAN-SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-27, Preliminary plan-submittal requirements.

Chapter 19. SUBDIVISIONS

ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-27. Preliminary plan submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.

- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.

- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.
- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.

- (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
- (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.
- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
 - (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
 - (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.
 - (9) Significant natural resource habitat or potential resource habitat is known to exist on site, or potential habitat is identified on site, and the habitat is voluntarily preserved and maintained in perpetuity in accordance with DCR recommendations and approved by the director of planning.
- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

RESOLUTION

**INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND
SUBDIVISION ORDINANCE REGARDING REQUIREMENTS FOR THE SUBMITTAL OF A
NATURAL RESOURCES INVENTORY AS PART OF A SITE PLAN OR
SUBDIVISION APPLICATION**

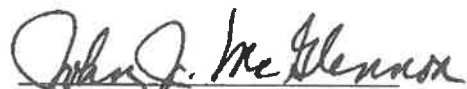
WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board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

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider adding additional waiver and exception provisions to the current requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider adding additional waiver and exception provisions to the current requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.


John J. McGlennon
Chair, Board of Supervisors

ATTEST:


Teresa J. Saeg
Deputy Clerk to the Board

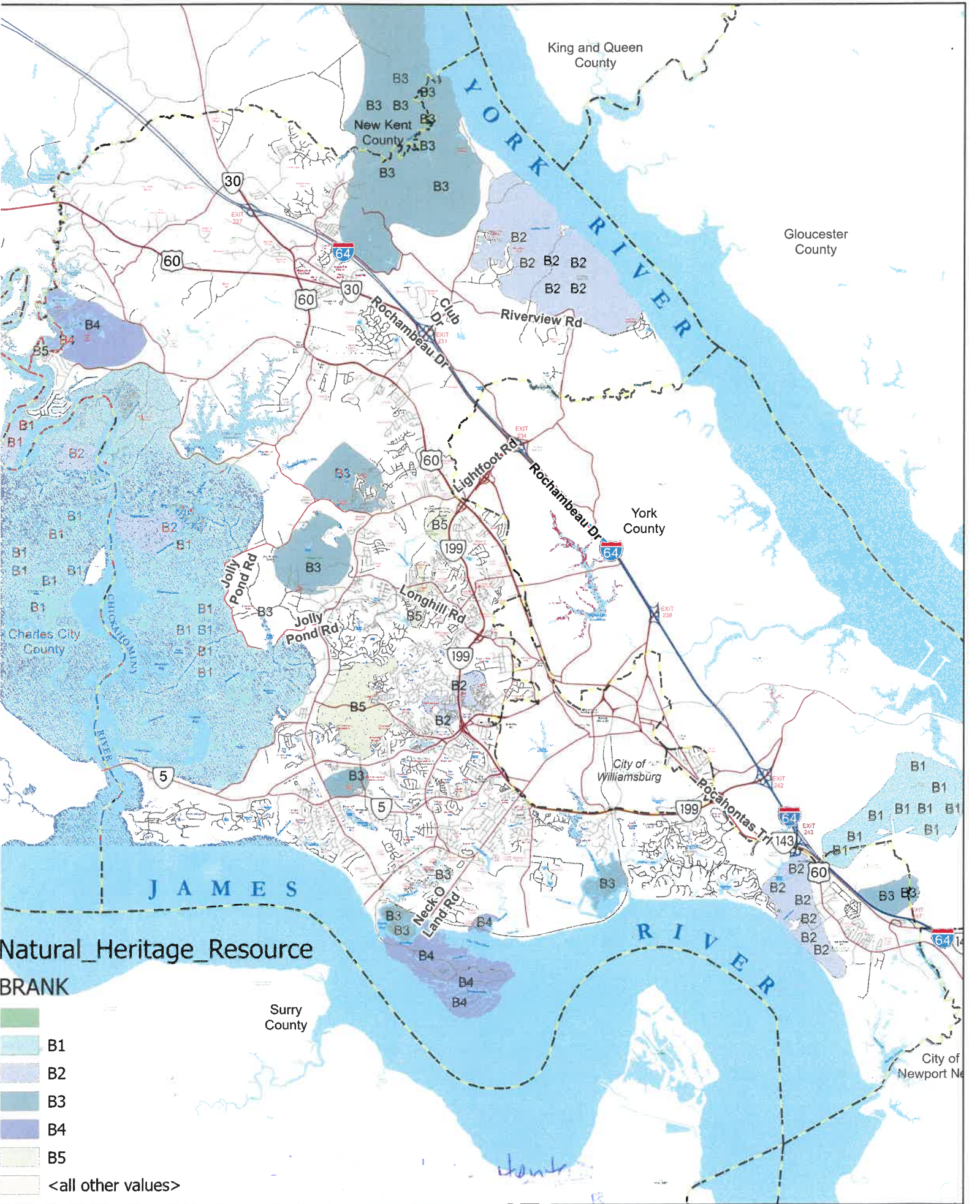
WAINWRIGHT
NULL
ICENHOUR
LARSON
MCGLENNON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
☒	☐	☐	☐
☒	☐	☐	☐
☒	☐	☐	☐
☒	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of March, 2026.

InitConsNatResStdy-res



Natural_Heritage_Resource

BRANK

- B1
- B2
- B3
- B4
- B5
- <all other values>

RESOLUTION

NATURAL RESOURCE POLICY

WHEREAS, the citizen-based Residential District Committee reviewed the residential districts in light of the 1997 Comprehensive Plan and recommended revisions to the districts; and

WHEREAS, the 1997 Comprehensive Plan calls for continuing efforts to protect and preserve natural resources; and

WHEREAS, the Residential District Committee recommended that developments be required to preserve habitats for rare, threatened, and endangered species; and

WHEREAS, the Planning Commission endorsed that requirement when it recommended approval of the residential districts on March 3, 1999, by a vote of 5 to 0; and

WHEREAS, staff developed the Natural Resource Policy which Board of Supervisors adopted along with the R-1, R-2, and Cluster Overlay Districts on May 25, 1999, by a vote of 5 to 0; and

WHEREAS, the Board of Supervisors wanted to allow an additional opportunity for public input, and the Natural Resource Policy has been advertised in the newspapers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Natural Resource Policy.

As part of the Chesapeake Bay ecosystem, James City County is endowed with many natural resources, including rare, threatened, and endangered species, and rare and exemplary natural communities. In order to better conserve these resources, James City County, along with York County and the City of Williamsburg, worked with the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH) to identify habitats for rare species and natural communities. The result was a document entitled, Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia.

Where the conservation plan indicates that significant natural resource potential exists the County seeks to protect these resources, and staff will recommend the following condition or proffer be added to all special use permit and rezoning cases. In making a final determination as to when studies may be required, staff will consult the conservation plan to see if the sites are located in any B1, B2, or B3 areas and will seek the recommendation of the DCR/DNH or other qualified persons if necessary.

A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or

construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

I. In interpreting this proffer or condition, the following procedures and guidelines will be followed:

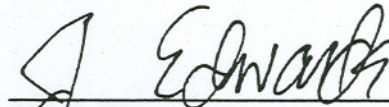
1. *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the DCR/DNH for review. The DCR/DNH's responsibility is to determine if the study meets their standards and has been conducted under the supervision of a qualified biologist. This is the preferred option for review of these studies.*

The developer may request that staff hire an independent biologist to review the study. The Director of Planning shall select the independent biologist. The developer will pay the full costs of this review. It would be the independent biologist's responsibility to determine if the study meets the DCR/DNH's standards, and if it has been conducted under the supervision of a qualified biologist. The developer will take any risk in this matter. If at some point in the future the developer needs to go before the DCR/DNH, and comments are made regarding previous studies, it will be the County's position that all DCR/DNH issues need to be resolved. The County's biologist will not participate in this process other than to provide technical assistance to the County as requested by the County.

2. *If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a site plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. The plan shall be reviewed by staff who may, if necessary, consult with the DCR/DNH. The developer may request review by an independent biologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not the DCR/DNH) will approve the study.*
3. *All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. The preferred option for implementation of the conservation management plan is to fully incorporate it into the plan of development. However, should the recommendations of the conservation management plan severely impact the plan of development, the expectation is that all reasonable measures shall be taken to implement the conservation management plan. As an alternative under severe conditions, the Director of Planning may consider and approve a mitigation plan which provides for the permanent conservation of an equally or more rare resource off-site. The preference is for the same resource to be conserved.*

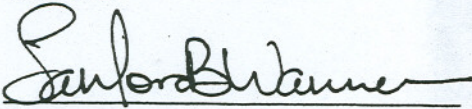
II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. Maps indicating the general location of natural areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the Natural Areas Inventory and Natural Areas Conservation Planning Report.
2. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional biologist and the Director of Planning.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 1999.

natrespo.res

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 3, 2026
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman

Frank Polster

Steve Rodgers, Vice Chair

Jay Everson

Vincent Passero

Staff Present:

Susan Istenes, Director of Planning

Liz Parman, Deputy County Attorney

Christy Parrish, Zoning Administrator

Allison Jackura, Senior Planner

Ryan Bromwell, Planner

Linda Titus, Administrative Coordinator

Hannah Hunnicutt, Administrative Coordinator

Planning Commissioners Absent:

Kira Allman, Chair

Crystal Haskins

C. PUBLIC COMMENT

Mr. Rodgers opened Public Comment.

As no one wished to speak, Mr. Rodgers closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that there was a Policy Committee meeting on May 14, 2026.

Mr. Everson stated that due to the Policy Committee minutes being within the published Agenda for the Planning Commission meeting, he did not find it necessary to make a presentation.

E. CONSENT AGENDA

1. Minutes of the May 6, 2026, Regular Meeting

On a voice vote, the Commission voted to approve the Consent Agenda.

F. PUBLIC HEARING(S)

1. SUP-26-0004. 8698 Pocahontas Trail Short Term Rental

Mr. Ryan Bromwell, Planner, stated that Ms. Casey Snyder and Mr. Ryan Snyder had applied for a Special Use Permit (SUP) for a short-term rental at 8698 Pocahontas Trail. Mr. Bromwell stated that the property was currently an undeveloped wooded lot, approximately 0.37 acres in size, and was located along Route 60. Mr. Bromwell noted that the property was zoned R-2, General Residential, and was designated Low Density Residential on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal included the construction of a new 1,520-square-foot, three-bedroom single-family residence with a covered front porch and a ramp for ADA-accessible entry.

Mr. Bromwell noted that the site design included parking for a minimum of three vehicles and met the minimum front setback. Mr. Bromwell stated that the applicants would live at the adjacent property, 98 Grove Heights Avenue, during the time of the rentals.

Mr. Bromwell stated that because the property was designated as Low Density Residential, staff could not recommend approval of the proposed project.

Mr. Rodgers opened the Public Hearing.

Ms. Casey Snyder, 98 Grove Heights Avenue, presented to the Commission in favor of the proposed project.

Mr. Polster asked Ms. Snyder to clarify if the proposed tourist home had been built.

Ms. Snyder stated that it had not been built.

Mr. Polster asked if the application was not approved, would the applicants still move forward with building the home.

Ms. Snyder stated not necessarily.

Mr. Rodgers asked the applicant to provide an explanation of the parking plan.

Ms. Snyder stated that there was plenty of room for parking on the property.

Mr. Polster asked Mr. Bromwell if the parking requirement had been met.

Mr. Bromwell stated that it had.

Mr. Rodgers closed the Public Hearing.

The Commissioners individually expressed their approval for the application.

Mr. Polster made a motion to recommend approval of SUP-26-0004. 8698 Pocahontas Trail Short-Term Rental with conditions to the Board of Supervisors (BOS).

On a roll call vote, the Commission voted to recommend approval. (5-0)

2. SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit

Mr. Bromwell stated that Mr. Herb Paynter, of Colony Construction & Home Improvements Inc., applied for an SUP on behalf of the property owners of 5205 Colonnade Parkway.

Mr. Bromwell explained that the property was approximately 3.03 acres and located within the Liberty Ridge Subdivision. Mr. Bromwell noted that the property was zoned A-1, General Agricultural, and was designated Rural Lands on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal featured a new 25-foot by 32-foot detached accessory structure that would primarily serve as a guest suite. Mr. Bromwell noted that the ground floor would house a two-car garage, while the second floor would include a 400 square-foot apartment and exterior deck. Mr. Bromwell stated that the unit complied with all applicable setbacks and that the owners reside in the primary residence on the property.

Mr. Bromwell stated that staff found the design consistent with the Zoning Ordinance, the Comprehensive Plan, and the surrounding neighborhood and therefore staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Rodgers opened the Public Hearing.

Mr. Herb Paynter of Colony Construction & Home Improvements Inc., 11715 Jefferson Avenue, Newport News, VA, presented to the Commission in favor of the proposed project.

Mr. Polster asked where the balcony on the second story was oriented.

Mr. Paynter stated it was facing the rear of the property.

Mr. Polster asked if any trees would be removed.

Mr. Paynter stated that no trees would be removed for the construction of the structure.

Ms. Cynthia Sherman, 5205 Colonnade Parkway, presented to the Commission requesting the application be approved.

Mr. Rodgers asked about similar structures within the neighborhood.

Ms. Sherman stated that there were other structures in the neighborhood similar to the proposal, and that Liberty Ridge Homeowners Association had already approved the building plan.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman made a motion to recommend approval of SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

3. SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop

Ms. Allison Jackura, Senior Planner, gave a presentation to the Commission stating that an SUP application for a smoke and vape shop to be located in Unit 24 at 5251 John Tyler Highway had been submitted by the applicant, Ms. Kelley Parks. Ms. Jackura noted that the property was zoned B-1, General Business, and designated Mixed Use by the Comprehensive Plan Land Use Map.

Ms. Jackura noted that in 2023, the Zoning Ordinance had been amended to require an SUP for a smoke/vape shop and that any new businesses would be required to have an SUP to operate. Ms. Jackura explained that in 2024, State law changed to allow localities to adopt Ordinances prohibiting vape/smoke shops within 1,000 feet of schools or daycares. Ms. Jackura stated that on April 28, 2026, the Board had adopted a resolution to consider an amendment to prohibit a vape/smoke shop from being within 1,000 feet of schools or daycares.

Ms. Jackura explained that the proposed amendment appeared on the agenda for the Planning Commission meeting, and if the amendment were adopted, the proposed business would not be permitted. Ms. Jackura stated that as the policy had not yet been adopted, staff evaluated the application based on the current Ordinance requirements.

Ms. Jackura stated that staff found the proposed project provided use for existing improvements within the Primary Service Area (PSA) and provided a retail use with a mixed-use designated area. Ms. Jackura explained that conditions had been proposed to limit potential nuisance to surrounding properties.

Ms. Jackura stated that staff recommended that the Planning Commission recommend approval of the application with the proposed conditions to the Board of Supervisors.

Ms. Jackura stated that the neighboring school, Greenwood Christian Academy, sent a letter with its concerns to the applicant, to which the applicant responded with a list of proposed conditions. Ms. Jackura explained that staff reviewed the proposed conditions and had no objections.

Mr. Polster asked how the loitering condition applied to the children on the playground behind the proposed shop.

Ms. Jackura noted that the playground was enclosed by a fence.

Mr. Haldeman asked if comments had been received from other businesses located within Williamsburg Crossing.

Ms. Jackura stated that a letter with signatures from the other businesses had been provided.

Discussion ensued.

Ms. Kelley Parks of Parks Planning and Consulting, LLC, 15532 Smith Beach Road, Cape Charles, VA, addressed the Commission requesting the Commission recommend approval of the application to the Board of Supervisors.

Mr. Haldeman asked about the three conditions proposed by the applicant and if the applicant had any objection to including them as official conditions.

Ms. Parks stated there was no objection.

Mr. Rodgers asked about the lighting and signage on the property.

Ms. Parks stated there were no plans to have distracting lighting or signage.

Mr. Polster stated that there were conditions proposed that limited the lighting and signage.

Discussion ensued.

Mr. Rodgers closed the Public Hearing.

Mr. Passero stated that the Planning Commission should withhold voting on the application until the Ordinance Amendment prohibiting vape/smoke shops from existing within 1,000 feet of a school was decided on.

Mr. Polster asked if the applicant would agree to defer the application until after the Ordinance Amendment was decided on.

Ms. Parks stated that this application had been submitted prior to the resolution to change the Ordinance and had already been delayed a meeting due to an administrative error.

Mr. Rodgers commended the applicant for their timing and stated that he would like the Commission to vote on the proposed application.

Mr. Haldeman stated that he would prefer to vote on the application tonight. Mr. Haldeman then noted that the Commission was only able to make a recommendation, and the Board of Supervisors would take its recommendation into consideration.

Mr. Polster stated that he had no objection to the applicant's desire to proceed without a deferral.

The Commissioners discussed the proposed Ordinance Amendment and how they viewed the data from the various studies about the proximity of vape/smoke shops to schools.

Mr. Passero shared his concerns about the clientele that the proposed shop could attract and stated that he did not believe it should be located near the school.

Mr. Haldeman reminded the Commission that the applicant had submitted the application prior to the Board of Supervisors adopting the resolution to amend the Ordinance and noted that the applicant based their proposal on the current Ordinance requirements. Mr. Haldeman stated that he would be voting in favor of the proposed project.

Mr. Rodgers asked about the distance between the front door of the school and the proposed shop location.

Mr. Polster stated that the entrances to the middle school and grade school were both within 1,000 feet of the proposed shop location.

Mr. Rodgers stated that he found it difficult to differentiate between this proposed shop and the previous tobacco shop expansion that was approved within the same shopping center.

Mr. Polster stated that if the Board decided to pass the proposed Ordinance Amendment, then the tobacco shop would become legally nonconforming.

Discussion ensued.

Mr. Haldeman made a motion that the Planning Commission recommend approval of SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop with conditions to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (3-2)

4. ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

Ms. Christy Parrish, Zoning Administrator, presented to the Commission and explained the proposed Ordinance Amendment to regulate the location of retail stores that sell tobacco or hemp products intended for smoking.

Mr. Passero asked what the state regulations were regarding the distance a liquor store could be from a school.

Ms. Parrish stated she did not know and offered to find the answer.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman stated that he intended to support the amendment.

Mr. Everson stated that he did not intend to support the amendment as it was product specific. Mr. Everson noted that he did not believe a vape/smoke shop existing within 1,000 feet of a school had a relation to children smoking, but rather that friends and family had the biggest impact on the decision to do so.

Mr. Passero reiterated his concerns about the clientele that a smoke/vape shop could bring closer to a school.

Mr. Polster stated that the data presented from the Virginia Department of Health showed that there was a correlation between the proximity of a vape/smoke shop to a school and the increased number of kids who vape or smoke.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission failed to vote for approval of ORD-26-0001. (3-2)

Mr. Polster made a motion to recommend denial of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend denial of ORD-26-0001. (3-2)

5. ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory

Ms. Susan Istenes, Director of Planning, presented to the Commission about the proposed Ordinance Amendment regarding submittal requirements for Natural Resources Inventory. Ms. Istenes stated that new text would be added to Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a natural resources inventory where the habitat areas were known to exist or had the potential to exist and the applicant voluntarily protected the habitat in perpetuity.

Mr. Rodgers opened the Public Hearing.

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

Mr. Polster stated that the proposed amendments would allow the Planning Director to grant a waiver and streamline the application process. Mr. Polster stated that he intended to support the amendment.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

6. ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies

Ms. Istenes gave a presentation to the Commission about the proposed Ordinance Amendment regarding submittal requirements for archaeological studies. Ms. Istenes explained that the amendment would modify the text in Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a Phase I Archaeological Study where the project area was located outside areas that were designated as ultra- or highly sensitive on the County archaeological assessment.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman made a motion to recommend approval of ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

7. Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage

Ms. Jackura presented to the Commission stating that three cases were before them, a proffer amendment, master plan amendment, and an SUP. Ms. Jackura noted that together, if approved, the three applications would enable a self-storage facility within The Promenade at John Tyler. Ms. Jackura noted that the two properties were located within The Promenade, along Route 199 and adjacent to the Williamsburg Crossing Shopping Center. Ms. Jackura stated that the property was zoned Mixed Use and designated as Mixed Use on the Comprehensive Plan Land Use Map.

Ms. Jackura explained that the property was originally approved as a Mixed Use development in addition to the residences in December 2014, with that approval enabling up to 204 dwelling units and 47,624 square feet of commercial space. Ms. Jackura noted that the proffers included design guidelines and a 50-foot landscape buffer along Route 199. Ms. Jackura stated that one of the amendments required that the buffered area be a berm, which was elevated and vegetated.

Ms. Jackura explained that this amendment would allow for a proposed 51,000 square foot self-storage facility. Ms. Jackura noted that the design was intended to look like an office building and would have controlled access and a fenced area for loading and unloading.

Ms. Jackura stated that the Master Plan amendment would change the use designation to only allow wholesale and warehouse uses, which would require an SUP.

Ms. Jackura stated that when reviewing the application, staff noted that The Promenade was designed and approved as mixed use, and this proposal would provide a use for an

existing vacant, planned commercial space within the PSA. Ms. Jackura noted that the proposed conditions mitigate potential impacts, including no outside storage, the signing, lighting, fencing, and building architecture would align with the existing site.

Ms. Jackura explained that the stormwater would typically be required to be treated on-site, but the applicant had concerns about the ability to do so. Ms. Jackura stated that conditions under the SUP would require that the stormwater be treated on-site or at the Riverside Best Management Practice (BMP). Ms. Jackura noted that the condition did prohibit off-site nutrient credits.

Ms. Jackura explained that staff found the proposed project to align with the future land use designation and found no negative impacts. Ms. Jackura stated that staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Haldeman asked Ms. Jackura to explain what aligning with the existing site meant in regard to the proposed conditions.

Ms. Jackura stated that the design was intended to align with the architecture of The Promenade at John Tyler as a whole.

Mr. Haldeman asked if there would be lighting or signage on the front of the building.

Ms. Jackura stated that the lighting condition would require the lighting poles to match the existing poles in The Promenade. Ms. Jackura explained that the signage would be freestanding and illuminated.

Mr. Rodgers asked if there was any other commercial use in the neighborhood.

Ms. Jackura stated that there was no other commercial use.

Mr. Polster asked if the berm between the proposed project location and Route 199 currently existed.

Ms. Jackura stated that it did already exist and would be required to remain intact.

Mr. Passero asked if there would be security lighting on the back of the building.

Ms. Jackura stated that the specifics of the lighting would be determined during the Site Plan stage if the project were approved. Ms. Jackura noted that the Ordinance did not allow light trespass across property lines, and in addition the light poles would have to be 20 feet or less in height to align with the street lighting within The Promenade.

Discussion ensued.

Mr. Rodgers asked for Commissioner disclosures.

Mr. Polster disclosed that he had discussions with the applicant and the engineer, Mr. Chase Grogg.

Mr. Everson disclosed that he had discussions with Mr. Tim Trant of Kaufman & Canoles.

Mr. Haldeman disclosed that he also had discussions with Mr. Trant.

Mr. Rodgers opened the Public Hearing.

Mr. Trant, 4801 Courthouse Street, Williamsburg, VA, presented to the Commission requesting a recommendation of approval for the proposed application.

Mr. Polster asked what the proposed language would be for Condition No. 12 based on the decision to have the stormwater treated on-site or at the Riverside BMP.

Mr. Trant stated that the project would either treat stormwater on-site or be directed to the Riverside BMP. Mr. Trant explained that the Riverside BMP required upgrades, and if this project were to utilize the BMP, there were proffers that required the applicant to upgrade the BMP.

Discussion ensued.

Mr. Polster asked if the BMP would be built to the current standards.

Mr. Trant stated that the BMP was already built, if used, the applicant would retrofit the BMP to the current standards.

Mr. Polster asked if the applicant would be retrofitting the Riverside BMP or constructing the new stormwater facility on the property to the current standards.

Mr. Trant explained that while the proposed condition required the upgrades to satisfy current regulations, the applicant had agreed to comply with one of the Special Stormwater Criteria (SSC).

Mr. Polster stated he would like that commitment added to the conditions.

Mr. Trant agreed to make it a condition.

Discussion ensued.

Mr. Rodgers asked how the proposed building would be situated on both parcels and why there was no setback in the center of the lots.

Mr. Trant explained that the internal lot line would be vacated if the project was approved.

Discussion continued.

Mr. Jerry Bowman, United Square Associates, 130 W Plume Street, Norfolk, VA, presented to the Commission requesting that the Planning Commission give a recommendation of approval.

Mr. Joe Krause, 1302 Farrington Way, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. Stephen Townsend, 303 Promenade Lane, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. David Richards, 1104 Monarch Court, presented to the Commission requesting a recommendation of denial for the proposed project.

Ms. Sharon Baker, presented to the Commission requesting a recommendation of denial.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman discussed how there had been plans to develop the commercial space in The Promenade from the beginning, and that he intended to support the project.

Mr. Rodgers stated he agreed with Mr. Haldeman and stated that the location was intended to be commercial, with some uses being by-right. Mr. Rodgers expressed concerns about the potential damage to the private streets but ultimately stated that the use fit the location and he intended to support the application.

Mr. Polster requested that the parking area for the truck be screened and landscaped, so it was not visible from Route 199.

Ms. Jackura stated that staff was willing to change the condition to require screening.

Discussion continued.

Mr. Trant stated that the applicant would be willing to amend the condition to include screening the truck from Route 199 with landscaping.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage with conditions to the Board of Supervisors.

Mr. Trant clarified that the applicant would be required by the base regulations to achieve three points of SSC. Mr. Trant stated that the applicant intended to include the decision to abide by point No. 11, 12, or 13 within the three required SSC.

Discussion ensued.

On a roll call vote, the Commission voted to recommend approval to the Board of Supervisors. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Everson asked if there would be a Policy Committee meeting on June 11, 2026.

Ms. Istenes stated there would be a meeting regarding the Landscaping Ordinance.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2026

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Rodgers stated that Mr. Haldeman would be representing the Planning Commission at the Board of Supervisors meeting on June 9, 2026, and that he would be at the July 14, 2026, Board of Supervisors meeting.

J. ADJOURNMENT

Mr. Rodgers asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

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

Susan Istenes, Secretary

Steve Rodgers, Vice Chair

**SPECIAL USE PERMIT-26-0004. 8698 Pocahontas Trail Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicants: Ms. Casey Snyder and Mr. Ryan Snyder

Landowners: Ms. Casey Snyder and Mr. Ryan Snyder

Proposal: To allow the operation of a Tourist Home short-term rental in a proposed 1,520-square-foot, three-bedroom single-family residence.

Location: 8698 Pocahontas Trail

Tax Map/Parcel No.: 5230100091

Property Acreage: ± 0.368 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Ryan Bromwell, Planner

PUBLIC HEARING DATES

Planning Commission: June 3, 2026

Board of Supervisors: July 14, 2026

FACTORS FAVORABLE

1. The applicants have acknowledged that should this application be approved, they will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
2. Infrastructure: The site will be served by public water and sewer with no required changes to existing utility connections.
3. The impacts to adjacent properties will be similar to those of a typical three-bedroom single-family home.
4. Impacts: See Impact Analysis on Pages 4-5.
5. 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 its June 3, 2026, Regular Meeting, the Planning Commission recommended approval of this application with the recommended conditions by a vote of 5-0.

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

**SPECIAL USE PERMIT-26-0004. 8698 Pocahontas Trail Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

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 (BOS) approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

Condition no. 2 has been amended to allow a total of 36 months for the applicant to obtain a business license and a Certificate of Occupancy for the short-term rental. Additionally, condition no. 7 has been updated to state that the SUP is valid for a period of three years upon the issuance of a business license. The SUP will expire on December 31 of the third year following the issuance of the business license. This change has been made to give the applicant additional time to construct the home before the SUP expires.

PROJECT DESCRIPTION

Ms. Casey and Mr. Ryan Snyder applied for a Special Use Permit (SUP) to allow for the operation of a “Tourist Home” short-term rental within a proposed 1,520-square-foot, three-bedroom single-family residence. Unlike the “Rental of Rooms” use, a “Tourist Home” allows for the short-term rental of the entire dwelling unit.

The proposal involves the construction of a new one-story dwelling. The house is designed with a footprint of 28 feet by 50 feet and includes a front covered porch and a ramp for ADA-accessible entry.

The property is located on a $\pm$ 0.368-acre lot that measures approximately 74.81 feet wide by 218 feet deep. The proposed Site Plan shows the residence setback line of 35 feet from the existing

Route 60 right-of-way line. The minimum setback for R-2, General Residential zoned properties is 25 feet from the front property line. With the front setback of 35 feet, this will ensure the home is constructed outside of the proposed right-of-way for the Route 60 (Pocahontas Trail) improvement project.

The applicants have indicated that they will live at 98 Grove Heights Avenue which is directly adjacent to the subject parcel.

Access to the property is provided via Pocahontas Trail (Route 60). The applicant’s site design incorporates a parking area, to the right of the residence, capable of accommodating a minimum of three vehicles on-site, which is the minimum required. As a Tourist Home use, the applicants must meet all applicable off-street parking requirements and safety inspections through the County prior to the issuance of a Certificate of Occupancy.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the property.

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

**SPECIAL USE PERMIT-26-0004. 8698 Pocahontas Trail Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

- 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/Wooded , Single-Family Residential	Low Density Residential
SOUTH	R-2, General Residential	Vacant/Wooded , Single-Family Residential	Low Density Residential
EAST	R-2, General Residential	Single-Family Residential	Low Density Residential
WEST	MU, Mixed Use	Assisted Living Facility	Low Density Residential

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

SPECIAL USE PERMIT-26-0004. 8698 Pocahontas Trail Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to generate traffic exceeding a typical single-family residential use. - The subject property is located on Pocahontas Trail which is a Principal Arterial roadway per Virginia Department of Transportation's roadway classification map. Staff finds that the road is adequate for this use and that Level of Service will not be negatively impacted.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Per the Regional Bikeways Map and Pedestrian Accommodations Master Plan, bicycle and pedestrian accommodations, a multiuse path is required. - Per Section 24-35(c)(2) of the Zoning Ordinance, this proposed use would not require the installation of the multiuse path as it is a residential development and does not require a Site Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 2 on Pocahontas Trail serves this area of the County and is approximately one mile from the proposed tourist home property. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since the residential dwelling unit proposed is transient in nature and will not result in permanent residents.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The property is being developed as a by-right, single-family residential unit. This level of development potential is consistent with the parcel's zoning and is already accounted for within the County's existing growth projections and infrastructure capacity models for public schools and parks.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate relevant impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property is served by public water and sewer. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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

**SPECIAL USE PERMIT-26-0004. 8698 Pocahontas Trail Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Skiffes Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection (SRP) Division has reviewed this application and had no objections. The applicants will be required to proceed through the building permit process which includes a review by SRP. Should additional exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property is located within the Ultra-Sensitive Area as shown in the 2045 Comprehensive Plan. The applicants have requested a waiver from the Archaeological Phase 1A study because the site had been previously developed with a single-family home. The request was approved by the Planning Director per Section 24-23(f).
<u>Nearby and Surrounding Properties</u>	<u>Not Mitigated</u>	- The owners and applicants will reside adjacent to the subject property at 98 Grove Heights Avenue 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.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Pocahontas Trail is designated as a Community Character Corridor and the proposed development will be that of a typical single-family development.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicants have verified that they are not aware of any covenants or restrictions on the property that prohibit the proposed use.

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

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 not located within a platted subdivision; however, it fronts on a major road and is not internally located as it relates to surrounding properties; therefore, the proposal does meet this standard.

- Be located on a major road.

Pocahontas Trail (Route 60) is classified as a major road; therefore, the location meets this standard.

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

Per guidance from the County Attorney's Office, staff does not factor this criteria into the overall staff recommendation for the application. Following adoption of the Comprehensive Plan criteria, the County Attorney's Office formally opined that such a consideration and factor may run afoul of recent jurisprudence.

As the proposal does not meet all three of the development standards for short-term rentals set forth in the 2045 Comprehensive Plan, staff finds 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 BOS approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

RB/tm

SUP26-04_8698PocaTrl

Attachments:

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

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

RESOLUTION

CASE NO. SUP-26-0004. 8698 POCAHONTAS TRAIL SHORT-TERM RENTAL

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

WHEREAS, Ms. Casey Snyder and Mr. Ryan Snyder, the owners of the property located at 8698 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel No. 5230100091 (the “Property”), have applied for an SUP to allow for the operation of a “Tourist Home” short-term rental within a proposed 1,520-square-foot, three-bedroom single-family residence as shown on the Master Plan (the “Master Plan”) titled “SUP-26-0004 8698 Pocahontas Trail - Short-Term Rental” date stamped April 17, 2026; and

WHEREAS, the Planning Commission, following its public hearing on June 3, 2026, recommended approval of Case No. SUP-26-0004 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-26-0004; 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-26-0004 as described herein with the following conditions:

1. Master Plan. This SUP shall permit the Tourist Home on property located at 8698 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel No. 5230100091 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “SUP-26-0004 8698 Pocahontas Trail - Short-Term Rental” and date stamped April 17, 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 for the short-term rental shall be provided to the Director of Planning within thirty-six (36) 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 three (3) bedrooms available for rent to visitors and no more than six (6) 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. As a Tourist Home, the entire dwelling unit is intended for short-term rental.

5. Signage. No signage related to the use of the Tourist Home 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 applicants shall submit a parking plan depicting three (3) 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 for a period of three years upon issuance of a business license for the short-term rental. This SUP shall expire on December 31 of the third year following issuance of the business license.
8. 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

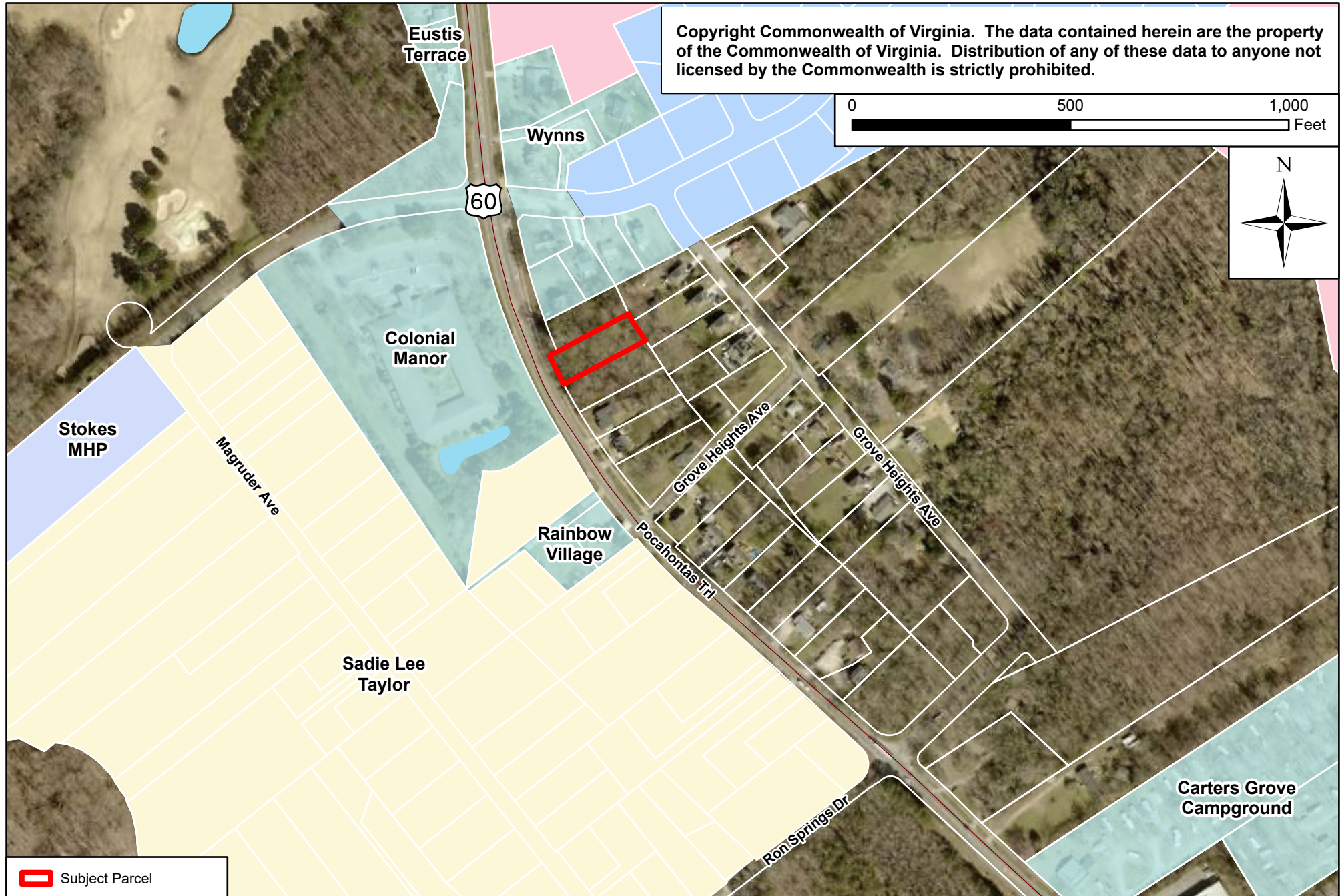
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	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

SUP26-04_8698PocaTrl-res

JCC SUP-26-0004

8698 Pocahontas Trl. Short Term Rental





SUP-26-0004

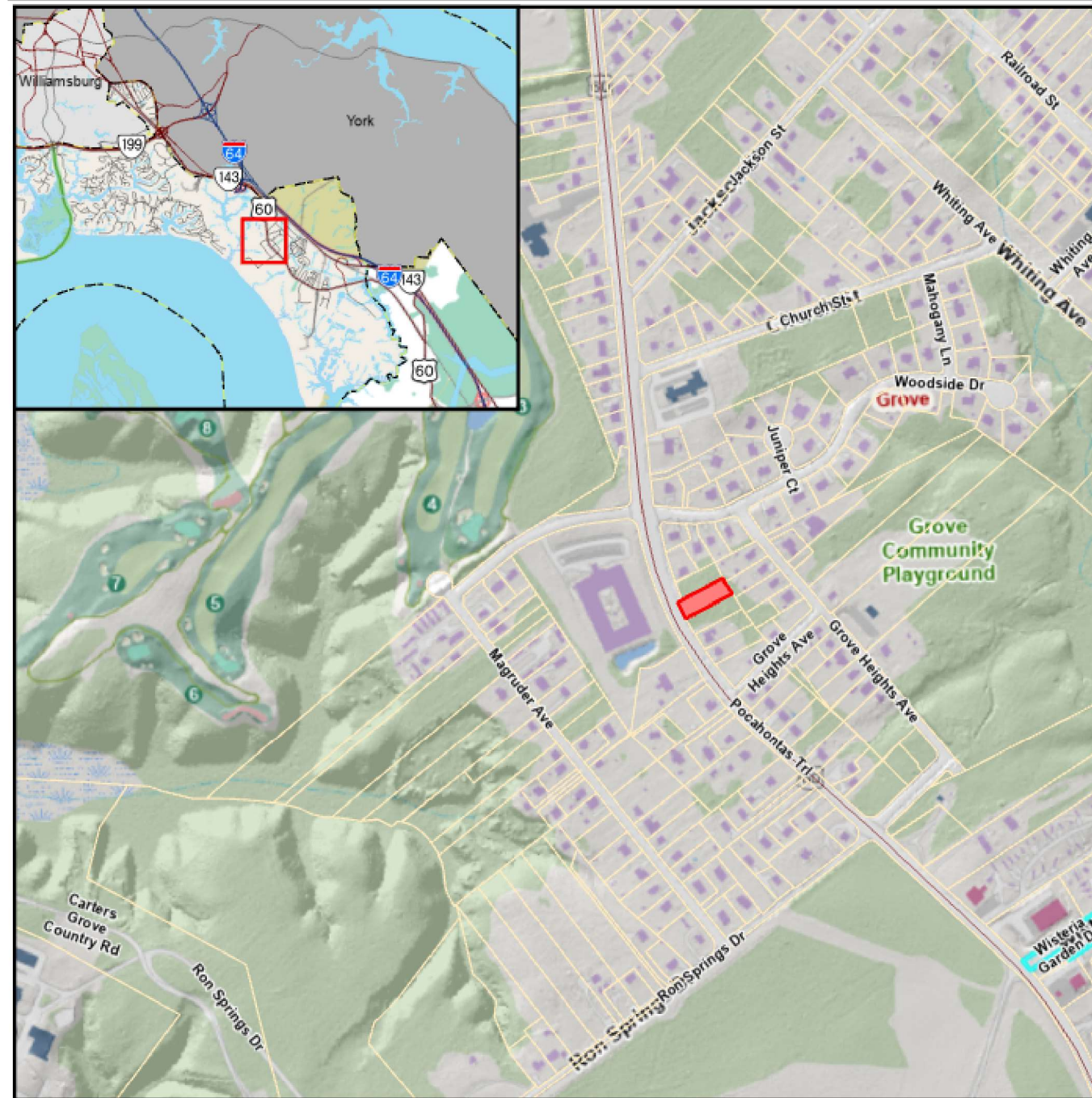
8698 Pocahontas Trail - Short Term Rental

Property Information

5230100091
8698 Pocahontas Trail
Williamsburg, VA 23185
R-2, General Residential
2045 Comp. Plan: Low Density Residential

Sheet Index

1. Cover Page
2. Site location
3. Exterior rendering and proposed floor plan



Maps Not To Scale

Project Description

Proposed short-term rental of a single family residence to be constructed at 8698 Pocahontas Trail. Property owners reside at adjacent property.

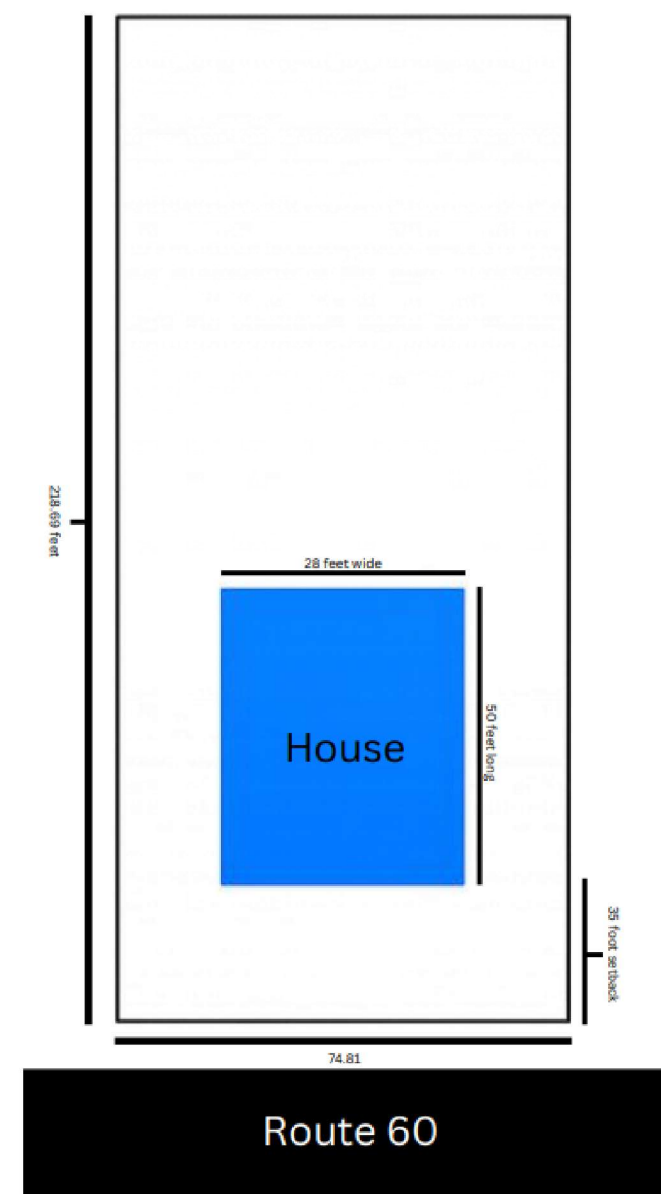
General Notes

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 51095C0207D, effective 12/16/15.



Map Not To Scale

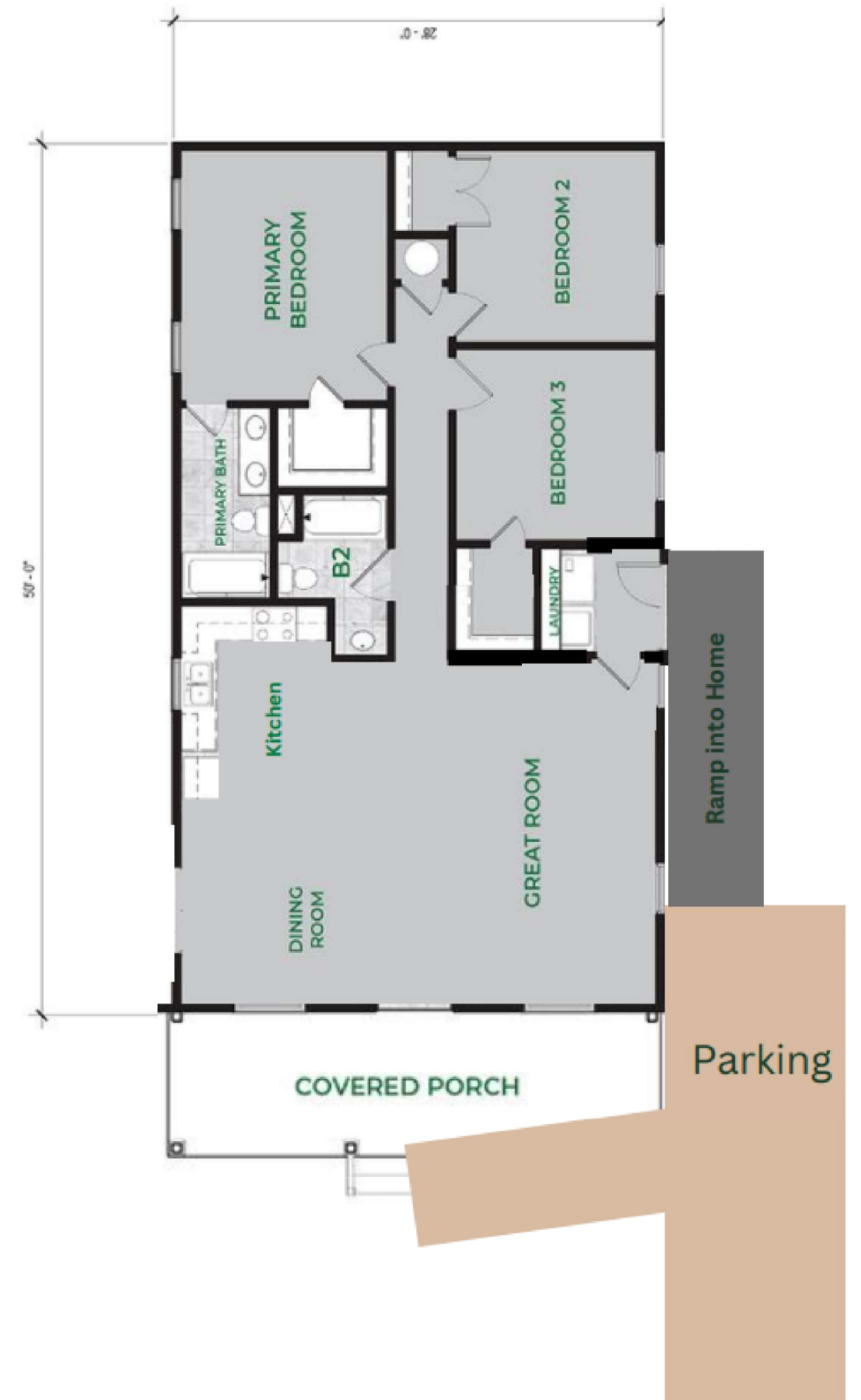
The properties on either side are both undeveloped wooded lots that have never had residential homes. This lot (8689 Pocahontas Trail) previously had a home on it that fell into disrepair and was eventually demolished. If approved, The applicant plans to build this home toward the front of the lot and leave as many trees as possible in the rear to preserve the character of the lot and privacy for the neighbors behind the lot from the loud noise that comes from Route 60.



Approximate Location of Proposed House on Lot

Conceptual Rendering - Exterior Elevation & Floor Plan

1,520 sq. ft.



8698 Pocahontas Trail – SUP Request for Short-Term Rental

Community Impact Statement

We are requesting approval of a Special Use Permit to allow short-term rental use of a proposed three-bedroom, two-bathroom single-family residence designed to provide fully accessible lodging for visitors with mobility limitations, seniors, and multigenerational families visiting Williamsburg. Accessible short-term rental accommodations are extremely limited in the region, and this home is being designed from the ground up to address that need while remaining consistent with the residential scale and character of the surrounding area.

Accessibility and universal-design features to be incorporated include:

- A step-free, zero-threshold entrance with a gently sloped ramp
- One story home, eliminating the need for stairs
- Wide doorways and interior circulation paths to accommodate mobility devices
- A walk-in, curb less shower with reinforced walls for grab bars
- Well-lit exterior and interior paths for safety and visibility

These features are beneficial for guests with disabilities, but also for aging visitors. This home will also serve families with young children who often require more space, quiet, and flexibility than a typical hotel environment provides.

From an operational standpoint, the short-term rental will be meticulously managed, with clear occupancy limits and quiet hours. The owners live on the adjoining property and will ensure rules are followed by guests. The scale of the home and its intended use do not support large gatherings or events, and the rental will function similarly to a traditional residential occupancy. Adequate off-street parking will be provided consistent with County requirements

The applicant is committed to full compliance with all applicable James City County ordinances, building codes, fire safety requirements, business licensing regulations, and any conditions imposed through the Special Use Permit process. All required inspections, certifications, and operational standards will be satisfied prior to commencing rental activity and maintained in good standing thereafter.

Approval of this Special Use Permit would allow the County to support inclusive tourism, provide accommodations for visitors who are often underserved, and encourage thoughtful development that aligns with community values of safety, accessibility, and responsible use.

This project represents a long-standing dream for our family. Grove has been our home for over a decade and we care deeply about the land and the surrounding community. Because we live here, it is important to us that anything we do reflects that care and respect for our neighbors and the character of the area.

We fully understand that the County's responsibility through the Special Use Permit process is to ensure that surrounding residents and the broader community are protected from potential impacts. With that in mind, we have intentionally designed this proposal to be small in scale, thoughtfully managed, and compatible with the surrounding area.

This is not a project proposed by an outside company or commercial operator—we live here and will continue to live here. Our goal is simply to responsibly share this property in a way that fits within the community while providing a unique and accessible place for visitors to experience Williamsburg.

We are committed to operating the property carefully and respectfully and are willing to work with the County to implement reasonable conditions that ensure the use remains a positive addition to the community. We appreciate your consideration and would be happy to provide any additional information or answer any questions the Board may have.

Comprehensive Plan Criteria – Applicant Responses

1. Future Land Use Designation

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

Staff Finding: Property is designated Low Density Residential – standard not met.

Response:

While the Future Land Use Map designates the parcel as Low Density Residential, the surrounding corridor along Route 60 reflects a transitional and mixed-use development pattern.

Directly across Pocahontas Trail are properties zoned Mixed Use, including Colonial Manor, a senior residential care facility. Within one street of the subject property are Commercial and Industrial zoned parcels, including established businesses such as Dollar General and 7-Eleven. These nearby commercial and institutional uses demonstrate that this stretch of Route 60 functions as a mixed-use corridor rather than a purely interior residential neighborhood.

Additionally, the County is actively planning the Grove Community Park on nearby property currently designated Low Density Residential and zoned R-2. This planned public recreational facility further signals the evolution of this area toward a more diverse land use pattern serving both residents and visitors.

Although the parcel remains designated Low Density Residential, its location along a major arterial corridor surrounded by mixed and commercial uses supports the appropriateness of a limited tourist home use subject to SUP conditions. The proposed single-family dwelling will

remain residential in scale and character and will not introduce commercial building form or intensity inconsistent with the surrounding context.

For these reasons, while the designation technically remains Low Density Residential, the corridor context aligns more closely with the Comprehensive Plan's intent for Mixed Use or Community-serving development patterns.

2. Location Within Subdivision

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

Staff Finding: Property is not externally located – standard not met.

Response:

Although the property is not located on the edge of a platted subdivision, this criterion is only technically unmet because the surrounding area is not a recorded subdivision. The intent of this standard is to ensure that tourist homes are not located deep within interior residential neighborhoods where additional traffic could impact surrounding residents.

In this case, the property fronts directly on Pocahontas Trail, a major roadway, and is not embedded within an interior neighborhood. Guest access would occur directly from this corridor rather than through neighborhood streets.

As a result, while the parcel does not meet the technical wording of the criterion due to the absence of a platted subdivision, it satisfies the underlying planning objective of locating tourist home uses along edges or corridors rather than within the interior of residential areas.

Because of this frontage, guest access would occur directly from a major roadway rather than channeling additional traffic through interior neighborhood streets. This substantially mitigates the compatibility concerns that this criterion seeks to address.

We are committed to preserving the natural character of the property by protecting existing mature trees, including established pawpaw and ash trees-some of which are over 60 years old. The home has been intentionally positioned toward the front of the property to minimize clearing and retain as much of the existing tree canopy as possible. Preserving mature trees is particularly important because established trees provide substantially greater environmental benefits, wildlife habitat, and canopy coverage than newly planted trees. This approach reflects responsible stewardship of the property and aligns with James City County's broader environmental goals, including recent County initiatives to expand and protect the tree canopy through efforts such as the proposed program to plant 100,000 trees.

3. Location on a Major Road

Criterion: Be located on a major road.

Staff Finding: Standard met.

Response:

The property fronts Pocahontas Trail, a major roadway. This location is particularly appropriate for transient lodging use because it:

- Minimizes intrusion into interior neighborhood streets
- Provides direct access without cut-through traffic
- Supports safe ingress/egress
- Aligns with travel-oriented use patterns

This criterion strongly supports the suitability of the proposed use.

Pocahontas Trail functions as a major regional corridor serving local residents, interstate traffic, and heavy truck traffic associated with the nearby Walmart distribution center and other commercial activity. The Virginia Department of Transportation (VDOT) is currently planning improvements to widen this section of Route 60 to address existing traffic demand.

4. Owner Occupancy

Criterion: Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

Staff Finding: Standard not met.

Response:

The Comprehensive Plan states that the property owner should continue to live and reside on the property during the rental. While the owners will not reside within the rental dwelling itself, they live immediately adjacent to the subject parcel and have done so for over a decade. The two parcels are contiguous and functionally integrated.

As a result:

- The owners will be physically present on the property during rental periods.
- Oversight and management will be direct and immediate.
- The property will not be absentee-owned or remotely managed by an off site property manager or corporation.

- Any issues related to parking, noise, or occupancy can be addressed in real time.

The intent of the owner-residency criterion is to ensure accountability, neighborhood compatibility, and on-site management. Those objectives are fully satisfied — and strengthened — by adjacent owner occupancy.

Accordingly, while the owners will not reside inside the rental structure itself, they will reside on the adjoining property and maintain continuous on-site presence and oversight consistent with the purpose of this standard.

Final Compatibility Statement

This proposal represents a small-scale, owner-adjacent, code-compliant residential use located on a major corridor in a transitioning land use area. With appropriate SUP conditions, it can operate in full compatibility with surrounding properties while providing a community benefit through accessible lodging.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 3, 2026
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman

Frank Polster

Steve Rodgers, Vice Chair

Jay Everson

Vincent Passero

Staff Present:

Susan Istenes, Director of Planning

Liz Parman, Deputy County Attorney

Christy Parrish, Zoning Administrator

Allison Jackura, Senior Planner

Ryan Bromwell, Planner

Linda Titus, Administrative Coordinator

Hannah Hunnicutt, Administrative Coordinator

Planning Commissioners Absent:

Kira Allman, Chair

Crystal Haskins

C. PUBLIC COMMENT

Mr. Rodgers opened Public Comment.

As no one wished to speak, Mr. Rodgers closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that there was a Policy Committee meeting on May 14, 2026.

Mr. Everson stated that due to the Policy Committee minutes being within the published Agenda for the Planning Commission meeting, he did not find it necessary to make a presentation.

E. CONSENT AGENDA

1. Minutes of the May 6, 2026, Regular Meeting

On a voice vote, the Commission voted to approve the Consent Agenda.

F. PUBLIC HEARING(S)

1. SUP-26-0004. 8698 Pocahontas Trail Short Term Rental

Mr. Ryan Bromwell, Planner, stated that Ms. Casey Snyder and Mr. Ryan Snyder had applied for a Special Use Permit (SUP) for a short-term rental at 8698 Pocahontas Trail. Mr. Bromwell stated that the property was currently an undeveloped wooded lot, approximately 0.37 acres in size, and was located along Route 60. Mr. Bromwell noted that the property was zoned R-2, General Residential, and was designated Low Density Residential on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal included the construction of a new 1,520-square-foot, three-bedroom single-family residence with a covered front porch and a ramp for ADA-accessible entry.

Mr. Bromwell noted that the site design included parking for a minimum of three vehicles and met the minimum front setback. Mr. Bromwell stated that the applicants would live at the adjacent property, 98 Grove Heights Avenue, during the time of the rentals.

Mr. Bromwell stated that because the property was designated as Low Density Residential, staff could not recommend approval of the proposed project.

Mr. Rodgers opened the Public Hearing.

Ms. Casey Snyder, 98 Grove Heights Avenue, presented to the Commission in favor of the proposed project.

Mr. Polster asked Ms. Snyder to clarify if the proposed tourist home had been built.

Ms. Snyder stated that it had not been built.

Mr. Polster asked if the application was not approved, would the applicants still move forward with building the home.

Ms. Snyder stated not necessarily.

Mr. Rodgers asked the applicant to provide an explanation of the parking plan.

Ms. Snyder stated that there was plenty of room for parking on the property.

Mr. Polster asked Mr. Bromwell if the parking requirement had been met.

Mr. Bromwell stated that it had.

Mr. Rodgers closed the Public Hearing.

The Commissioners individually expressed their approval for the application.

Mr. Polster made a motion to recommend approval of SUP-26-0004. 8698 Pocahontas Trail Short-Term Rental with conditions to the Board of Supervisors (BOS).

On a roll call vote, the Commission voted to recommend approval. (5-0)

2. SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit

Mr. Bromwell stated that Mr. Herb Paynter, of Colony Construction & Home Improvements Inc., applied for an SUP on behalf of the property owners of 5205 Colonnade Parkway.

Mr. Bromwell explained that the property was approximately 3.03 acres and located within the Liberty Ridge Subdivision. Mr. Bromwell noted that the property was zoned A-1, General Agricultural, and was designated Rural Lands on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal featured a new 25-foot by 32-foot detached accessory structure that would primarily serve as a guest suite. Mr. Bromwell noted that the ground floor would house a two-car garage, while the second floor would include a 400 square-foot apartment and exterior deck. Mr. Bromwell stated that the unit complied with all applicable setbacks and that the owners reside in the primary residence on the property.

Mr. Bromwell stated that staff found the design consistent with the Zoning Ordinance, the Comprehensive Plan, and the surrounding neighborhood and therefore staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Rodgers opened the Public Hearing.

Mr. Herb Paynter of Colony Construction & Home Improvements Inc., 11715 Jefferson Avenue, Newport News, VA, presented to the Commission in favor of the proposed project.

Mr. Polster asked where the balcony on the second story was oriented.

Mr. Paynter stated it was facing the rear of the property.

Mr. Polster asked if any trees would be removed.

Mr. Paynter stated that no trees would be removed for the construction of the structure.

Ms. Cynthia Sherman, 5205 Colonnade Parkway, presented to the Commission requesting the application be approved.

Mr. Rodgers asked about similar structures within the neighborhood.

Ms. Sherman stated that there were other structures in the neighborhood similar to the proposal, and that Liberty Ridge Homeowners Association had already approved the building plan.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman made a motion to recommend approval of SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

3. SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop

Ms. Allison Jackura, Senior Planner, gave a presentation to the Commission stating that an SUP application for a smoke and vape shop to be located in Unit 24 at 5251 John Tyler Highway had been submitted by the applicant, Ms. Kelley Parks. Ms. Jackura noted that the property was zoned B-1, General Business, and designated Mixed Use by the Comprehensive Plan Land Use Map.

Ms. Jackura noted that in 2023, the Zoning Ordinance had been amended to require an SUP for a smoke/vape shop and that any new businesses would be required to have an SUP to operate. Ms. Jackura explained that in 2024, State law changed to allow localities to adopt Ordinances prohibiting vape/smoke shops within 1,000 feet of schools or daycares. Ms. Jackura stated that on April 28, 2026, the Board had adopted a resolution to consider an amendment to prohibit a vape/smoke shop from being within 1,000 feet of schools or daycares.

Ms. Jackura explained that the proposed amendment appeared on the agenda for the Planning Commission meeting, and if the amendment were adopted, the proposed business would not be permitted. Ms. Jackura stated that as the policy had not yet been adopted, staff evaluated the application based on the current Ordinance requirements.

Ms. Jackura stated that staff found the proposed project provided use for existing improvements within the Primary Service Area (PSA) and provided a retail use with a mixed-use designated area. Ms. Jackura explained that conditions had been proposed to limit potential nuisance to surrounding properties.

Ms. Jackura stated that staff recommended that the Planning Commission recommend approval of the application with the proposed conditions to the Board of Supervisors.

Ms. Jackura stated that the neighboring school, Greenwood Christian Academy, sent a letter with its concerns to the applicant, to which the applicant responded with a list of proposed conditions. Ms. Jackura explained that staff reviewed the proposed conditions and had no objections.

Mr. Polster asked how the loitering condition applied to the children on the playground behind the proposed shop.

Ms. Jackura noted that the playground was enclosed by a fence.

Mr. Haldeman asked if comments had been received from other businesses located within Williamsburg Crossing.

Ms. Jackura stated that a letter with signatures from the other businesses had been provided.

Discussion ensued.

Ms. Kelley Parks of Parks Planning and Consulting, LLC, 15532 Smith Beach Road, Cape Charles, VA, addressed the Commission requesting the Commission recommend approval of the application to the Board of Supervisors.

Mr. Haldeman asked about the three conditions proposed by the applicant and if the applicant had any objection to including them as official conditions.

Ms. Parks stated there was no objection.

Mr. Rodgers asked about the lighting and signage on the property.

Ms. Parks stated there were no plans to have distracting lighting or signage.

Mr. Polster stated that there were conditions proposed that limited the lighting and signage.

Discussion ensued.

Mr. Rodgers closed the Public Hearing.

Mr. Passero stated that the Planning Commission should withhold voting on the application until the Ordinance Amendment prohibiting vape/smoke shops from existing within 1,000 feet of a school was decided on.

Mr. Polster asked if the applicant would agree to defer the application until after the Ordinance Amendment was decided on.

Ms. Parks stated that this application had been submitted prior to the resolution to change the Ordinance and had already been delayed a meeting due to an administrative error.

Mr. Rodgers commended the applicant for their timing and stated that he would like the Commission to vote on the proposed application.

Mr. Haldeman stated that he would prefer to vote on the application tonight. Mr. Haldeman then noted that the Commission was only able to make a recommendation, and the Board of Supervisors would take its recommendation into consideration.

Mr. Polster stated that he had no objection to the applicant's desire to proceed without a deferral.

The Commissioners discussed the proposed Ordinance Amendment and how they viewed the data from the various studies about the proximity of vape/smoke shops to schools.

Mr. Passero shared his concerns about the clientele that the proposed shop could attract and stated that he did not believe it should be located near the school.

Mr. Haldeman reminded the Commission that the applicant had submitted the application prior to the Board of Supervisors adopting the resolution to amend the Ordinance and noted that the applicant based their proposal on the current Ordinance requirements. Mr. Haldeman stated that he would be voting in favor of the proposed project.

Mr. Rodgers asked about the distance between the front door of the school and the proposed shop location.

Mr. Polster stated that the entrances to the middle school and grade school were both within 1,000 feet of the proposed shop location.

Mr. Rodgers stated that he found it difficult to differentiate between this proposed shop and the previous tobacco shop expansion that was approved within the same shopping center.

Mr. Polster stated that if the Board decided to pass the proposed Ordinance Amendment, then the tobacco shop would become legally nonconforming.

Discussion ensued.

Mr. Haldeman made a motion that the Planning Commission recommend approval of SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop with conditions to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (3-2)

4. ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

Ms. Christy Parrish, Zoning Administrator, presented to the Commission and explained the proposed Ordinance Amendment to regulate the location of retail stores that sell tobacco or hemp products intended for smoking.

Mr. Passero asked what the state regulations were regarding the distance a liquor store could be from a school.

Ms. Parrish stated she did not know and offered to find the answer.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman stated that he intended to support the amendment.

Mr. Everson stated that he did not intend to support the amendment as it was product specific. Mr. Everson noted that he did not believe a vape/smoke shop existing within 1,000 feet of a school had a relation to children smoking, but rather that friends and family had the biggest impact on the decision to do so.

Mr. Passero reiterated his concerns about the clientele that a smoke/vape shop could bring closer to a school.

Mr. Polster stated that the data presented from the Virginia Department of Health showed that there was a correlation between the proximity of a vape/smoke shop to a school and the increased number of kids who vape or smoke.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission failed to vote for approval of ORD-26-0001. (3-2)

Mr. Polster made a motion to recommend denial of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend denial of ORD-26-0001. (3-2)

5. ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory

Ms. Susan Istenes, Director of Planning, presented to the Commission about the proposed Ordinance Amendment regarding submittal requirements for Natural Resources Inventory. Ms. Istenes stated that new text would be added to Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a natural resources inventory where the habitat areas were known to exist or had the potential to exist and the applicant voluntarily protected the habitat in perpetuity.

Mr. Rodgers opened the Public Hearing.

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

Mr. Polster stated that the proposed amendments would allow the Planning Director to grant a waiver and streamline the application process. Mr. Polster stated that he intended to support the amendment.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

6. ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies

Ms. Istenes gave a presentation to the Commission about the proposed Ordinance Amendment regarding submittal requirements for archaeological studies. Ms. Istenes explained that the amendment would modify the text in Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a Phase I Archaeological Study where the project area was located outside areas that were designated as ultra- or highly sensitive on the County archaeological assessment.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman made a motion to recommend approval of ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

7. Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage

Ms. Jackura presented to the Commission stating that three cases were before them, a proffer amendment, master plan amendment, and an SUP. Ms. Jackura noted that together, if approved, the three applications would enable a self-storage facility within The Promenade at John Tyler. Ms. Jackura noted that the two properties were located within The Promenade, along Route 199 and adjacent to the Williamsburg Crossing Shopping Center. Ms. Jackura stated that the property was zoned Mixed Use and designated as Mixed Use on the Comprehensive Plan Land Use Map.

Ms. Jackura explained that the property was originally approved as a Mixed Use development in addition to the residences in December 2014, with that approval enabling up to 204 dwelling units and 47,624 square feet of commercial space. Ms. Jackura noted that the proffers included design guidelines and a 50-foot landscape buffer along Route 199. Ms. Jackura stated that one of the amendments required that the buffered area be a berm, which was elevated and vegetated.

Ms. Jackura explained that this amendment would allow for a proposed 51,000 square foot self-storage facility. Ms. Jackura noted that the design was intended to look like an office building and would have controlled access and a fenced area for loading and unloading.

Ms. Jackura stated that the Master Plan amendment would change the use designation to only allow wholesale and warehouse uses, which would require an SUP.

Ms. Jackura stated that when reviewing the application, staff noted that The Promenade was designed and approved as mixed use, and this proposal would provide a use for an

existing vacant, planned commercial space within the PSA. Ms. Jackura noted that the proposed conditions mitigate potential impacts, including no outside storage, the signing, lighting, fencing, and building architecture would align with the existing site.

Ms. Jackura explained that the stormwater would typically be required to be treated on-site, but the applicant had concerns about the ability to do so. Ms. Jackura stated that conditions under the SUP would require that the stormwater be treated on-site or at the Riverside Best Management Practice (BMP). Ms. Jackura noted that the condition did prohibit off-site nutrient credits.

Ms. Jackura explained that staff found the proposed project to align with the future land use designation and found no negative impacts. Ms. Jackura stated that staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Haldeman asked Ms. Jackura to explain what aligning with the existing site meant in regard to the proposed conditions.

Ms. Jackura stated that the design was intended to align with the architecture of The Promenade at John Tyler as a whole.

Mr. Haldeman asked if there would be lighting or signage on the front of the building.

Ms. Jackura stated that the lighting condition would require the lighting poles to match the existing poles in The Promenade. Ms. Jackura explained that the signage would be freestanding and illuminated.

Mr. Rodgers asked if there was any other commercial use in the neighborhood.

Ms. Jackura stated that there was no other commercial use.

Mr. Polster asked if the berm between the proposed project location and Route 199 currently existed.

Ms. Jackura stated that it did already exist and would be required to remain intact.

Mr. Passero asked if there would be security lighting on the back of the building.

Ms. Jackura stated that the specifics of the lighting would be determined during the Site Plan stage if the project were approved. Ms. Jackura noted that the Ordinance did not allow light trespass across property lines, and in addition the light poles would have to be 20 feet or less in height to align with the street lighting within The Promenade.

Discussion ensued.

Mr. Rodgers asked for Commissioner disclosures.

Mr. Polster disclosed that he had discussions with the applicant and the engineer, Mr. Chase Grogg.

Mr. Everson disclosed that he had discussions with Mr. Tim Trant of Kaufman & Canoles.

Mr. Haldeman disclosed that he also had discussions with Mr. Trant.

Mr. Rodgers opened the Public Hearing.

Mr. Trant, 4801 Courthouse Street, Williamsburg, VA, presented to the Commission requesting a recommendation of approval for the proposed application.

Mr. Polster asked what the proposed language would be for Condition No. 12 based on the decision to have the stormwater treated on-site or at the Riverside BMP.

Mr. Trant stated that the project would either treat stormwater on-site or be directed to the Riverside BMP. Mr. Trant explained that the Riverside BMP required upgrades, and if this project were to utilize the BMP, there were proffers that required the applicant to upgrade the BMP.

Discussion ensued.

Mr. Polster asked if the BMP would be built to the current standards.

Mr. Trant stated that the BMP was already built, if used, the applicant would retrofit the BMP to the current standards.

Mr. Polster asked if the applicant would be retrofitting the Riverside BMP or constructing the new stormwater facility on the property to the current standards.

Mr. Trant explained that while the proposed condition required the upgrades to satisfy current regulations, the applicant had agreed to comply with one of the Special Stormwater Criteria (SSC).

Mr. Polster stated he would like that commitment added to the conditions.

Mr. Trant agreed to make it a condition.

Discussion ensued.

Mr. Rodgers asked how the proposed building would be situated on both parcels and why there was no setback in the center of the lots.

Mr. Trant explained that the internal lot line would be vacated if the project was approved.

Discussion continued.

Mr. Jerry Bowman, United Square Associates, 130 W Plume Street, Norfolk, VA, presented to the Commission requesting that the Planning Commission give a recommendation of approval.

Mr. Joe Krause, 1302 Farrington Way, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. Stephen Townsend, 303 Promenade Lane, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. David Richards, 1104 Monarch Court, presented to the Commission requesting a recommendation of denial for the proposed project.

Ms. Sharon Baker, presented to the Commission requesting a recommendation of denial.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman discussed how there had been plans to develop the commercial space in The Promenade from the beginning, and that he intended to support the project.

Mr. Rodgers stated he agreed with Mr. Haldeman and stated that the location was intended to be commercial, with some uses being by-right. Mr. Rodgers expressed concerns about the potential damage to the private streets but ultimately stated that the use fit the location and he intended to support the application.

Mr. Polster requested that the parking area for the truck be screened and landscaped, so it was not visible from Route 199.

Ms. Jackura stated that staff was willing to change the condition to require screening.

Discussion continued.

Mr. Trant stated that the applicant would be willing to amend the condition to include screening the truck from Route 199 with landscaping.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage with conditions to the Board of Supervisors.

Mr. Trant clarified that the applicant would be required by the base regulations to achieve three points of SSC. Mr. Trant stated that the applicant intended to include the decision to abide by point No. 11, 12, or 13 within the three required SSC.

Discussion ensued.

On a roll call vote, the Commission voted to recommend approval to the Board of Supervisors. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Everson asked if there would be a Policy Committee meeting on June 11, 2026.

Ms. Istenes stated there would be a meeting regarding the Landscaping Ordinance.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2026

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Rodgers stated that Mr. Haldeman would be representing the Planning Commission at the Board of Supervisors meeting on June 9, 2026, and that he would be at the July 14, 2026, Board of Supervisors meeting.

J. ADJOURNMENT

Mr. Rodgers asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

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

Susan Istenes, Secretary

Steve Rodgers, Vice Chair

**SPECIAL USE PERMIT-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Herb Paynter, Colony Construction & Home Improvements, Inc.

Landowner: Mr. Kevin S. Sherman, Trustee, and Ms. Cynthia M. Sherman, Trustee

Proposal: Construct a detached accessory dwelling unit (garage with apartment above). This proposal does not include the use of the structure as a short-term rental.

Location: 5205 Colonnade Parkway

Tax Map/Parcel No.: 3030300061

Property Acreage: ± 3.034 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: (PSA): Outside

Staff Contact: Ryan Bromwell, Planner

PUBLIC HEARING DATES

Planning Commission: June 3, 2026

Board of Supervisors: July 14, 2026

FACTORS FAVORABLE

1. Infrastructure: The site is served by existing utilities with no required changes to public water or private septic system.
2. The impacts to adjacent properties will be similar to those of a typical accessory apartment associated with a single-family home.
3. Impacts: See Impact Analysis on Pages 4-5.
4. See 2045 Comprehensive Plan Analysis on Page 6.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 4-5.

PLANNING COMMISSION RECOMMENDATION

At its June 3, 2026, Regular Meeting, the Planning Commission recommended approval of this application by a vote of 5-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

There have been no proposed changes since the June 3, 2026, Planning Commission Meeting.

SUMMARY STAFF RECOMMENDATION

Staff finds the proposal consistent with the Zoning Ordinance, the recommendations of the 2045 Comprehensive Plan, and compatible with surrounding development. Staff, therefore, recommends the Board of Supervisors (BOS) approve of this application, subject to the proposed conditions (Attachment No. 1).

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

**SPECIAL USE PERMIT-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

PROJECT DESCRIPTION

Mr. Herb Paynter, on behalf of Colony Construction & Home Improvements, Inc., has applied for a Special Use Permit (SUP) to allow for the construction of a detached accessory dwelling unit on a ± 3.034-acre lot. Per Section 24-270 of the James City County Zoning Ordinance, an accessory apartment or accessory dwelling within a detached structure may be permitted in the A-1, General Agricultural District, upon the issuance of an SUP.

The proposal involves the construction of a new 25-foot by 32-foot detached structure. The building is designed to include a two-car garage on the ground level with a residential apartment and an exterior deck located on the second story. The Master Plan indicates that this detached accessory dwelling is intended for residential use.

Access to the property is provided via Colonnade Parkway. The applicant's Master Plan utilizes the existing driveway and infrastructure, and the submittal notes that no changes to the existing water utilities are proposed or required for this development. The home has a private on-site wastewater system and Condition No. 7 (Attachment No. 1) requires the owner to complete the following two forms prior to Certificate of Occupancy (CO) with the Virginia Department of Health (VDH):

- Safe, Adequate, and Proper Form
- Minor Modification application

As a detached accessory dwelling, the proposal must meet all applicable building codes and zoning requirements prior to the issuance of a CO.

A-1, General Agricultural, allows for detached accessory apartments as a specially permitted use in accordance with Section 24-32(b) of

the Zoning Ordinance, which states that detached accessory' apartments, where approved, shall comply with the following requirements (staff comments in italics):

1. Only one accessory apartment shall be created per lot.

Only one accessory apartment is proposed with this application.

2. The accessory apartment may not occupy more than 50% of the floor area of the accessory structure and shall meet all setbacks, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.

The proposed apartment unit will occupy approximately 28% of the accessory structure's floor area (1,445 square feet).

3. The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.

The proposed apartment unit will be approximately 399.75 square feet and will meet all setback and height regulations.

4. The property owner or an immediate family member as defined in Section 19-17 of the Subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.

Per the applicant, the property owners will reside in the single-family dwelling.

5. Approval from VDH shall be required where the property is

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

**SPECIAL USE PERMIT-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

served by an individual well and/or sewer disposal system.

The lot is served by public water and a private on-site wastewater system. Prior to CO, the applicant will need to complete two forms with VDH.

6. The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.

The apartment will be located within a new detached garage on the same property where a single-family residence currently exists. Staff finds the proposed garage consistent and compatible with the surrounding residential dwelling units and structures.

7. Off-street parking shall be required in accordance with Section 24-54 of this chapter.

Section 24-59 states that the minimum off-street parking required for a single-family unit with an accessory apartment is three parking spaces. The detached accessory structure will have a two-car garage in the bottom portion of the structure as well as the driveway, which meets the Ordinance requirement for three parking spaces.

Staff has reviewed the proposed design and finds that all requirements have been met.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

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

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	A-1, General Agricultural	Single-Family Residential	Rural Lands
SOUTH	A-1, General Agricultural	James City Service Authority Well Site	Rural Lands
EAST	A-1, General Agricultural	Vacant/Wooded	Rural Lands
WEST	A-1, General Agricultural	Single-Family Residential	Rural Lands

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

**SPECIAL USE PERMIT-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is for a detached accessory dwelling unit (apartment) and is not anticipated to generate traffic exceeding that of a typical single-family residential use. Access is provided via Colonnade Parkway. Staff finds that the existing subdivision roadway network is adequate for this low-density residential use and that the Level of Service will not be negatively impacted.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Per Section 24-35(c)(2) of the Zoning Ordinance, this proposed residential use does not require a Site Plan and is therefore exempt from the mandatory installation of additional pedestrian or bicycle accommodations.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- The property is located 4.4 miles from Fire Station 4 located at 5312 Olde Towne Road. Staff finds this accessory residential project does not generate impacts that require mitigation or expansion of public safety facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate relevant impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property is located outside the PSA. The proposal utilizes existing infrastructure with no changes to the JCSA water utilities. The property has a private on-site wastewater system and the applicant will be required to comply with all VDH and building permit requirements for the wastewater system.

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

**SPECIAL USE PERMIT-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection (SRP) Division has reviewed this application and had no objections. The applicant will be required to proceed through the building permit process which includes a review by SRP. Should additional exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Not Mitigated</u>	- Traffic and development is anticipated to be typical of a residential home.
<u>Community Character</u>	<u>No Mitigation Required</u>	- This location of Colonnade Parkway is not a Community Character Corridor.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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

2045 COMPREHENSIVE PLAN ANALYSIS

The property is located within a Rural Lands designation. The 2045 Comprehensive Plan specifically supports accessory apartments as a recommended use in Rural Lands, provided they remain subordinate to the primary residence. This proposal fulfills that criteria by providing a detached accessory dwelling that maintains the existing character of the site. It is therefore consistent with the Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds the proposal consistent with the Zoning Ordinance, the recommendations of the 2045 Comprehensive Plan, and compatible with surrounding development. Staff, therefore, recommends the BOS approve of this application, subject to the proposed conditions (Attachment No. 1).

RB/tm
SUP26_07_5205ColPrkwy

Attachments:

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

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

RESOLUTION

CASE NO. SUP-26-0007. 5205 COLONNADE PARKWAY

DETACHED ACCESSORY DWELLING UNIT

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

WHEREAS, Mr. Kevin S. Sherman and Ms. Cynthia M. Sherman, the owners of the property located at 5205 Colonnade Parkway and further identified as James City County Real Estate Tax Map Parcel No. 3030300061 (the “Property”), have applied for an SUP to allow for the construction of a detached accessory dwelling unit (a two-car garage with an apartment above) as shown on the Master Plan titled “5205 Colonnade Parkway Detached Accessory Dwelling Unit” dated April 17, 2026; and

WHEREAS, the Planning Commission, following its public hearing on June 3, 2026, recommended approval of Case No. SUP-26-0007 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-26-0007; 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-26-0007 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for a detached accessory apartment (the “Project”) located at 5205 Colonnade Parkway and further identified as James City County Real Estate Tax Map Parcel No. 3030300061 (the “Property”). Development of the Project on the Property shall be in accordance with Section 24-32 (b) of the James City County Code (the “County Code”), as amended, and shall occur generally as shown on the exhibit entitled, “5205 Colonnade Parkway Detached Accessory Dwelling Unit” dated April 17, 2026 (the “Master Plan”), with any deviations considered pursuant to Section 24-23(a)(2) of the County Code, as amended.
2. Recordation. A certified copy of the Board of Supervisors SUP resolution shall be recorded against the Property in the Williamsburg/James City County Circuit Court prior to issuance of any Certificate of Occupancy for the Project. Proof of recordation shall be provided to the Zoning Administrator.
3. Access. No new ingress/egress points shall be created to 5205 Colonnade Parkway.

4. Parking. Off-site parking for this use shall be prohibited.
5. On-site Wastewater System Review. Prior to the issuance of any Certificate of Occupancy, the following documents shall be completed and approved by the Virginia Department of Health.
 - i. Safe, Adequate, and Proper Form
 - ii. Minor Modification application completed by an authorized On-site Soil Evaluator.
6. 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

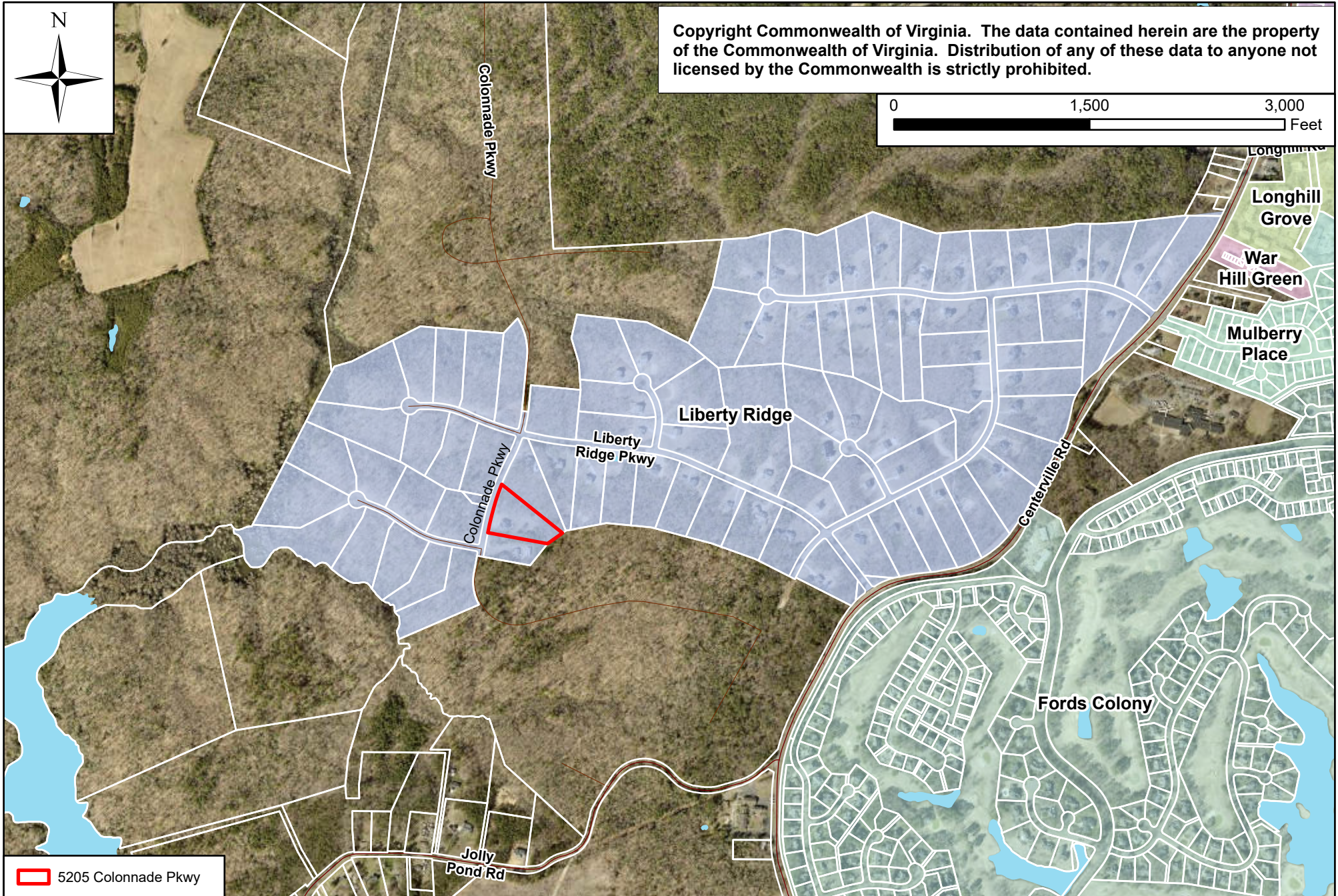
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

SUP26_07_5205ColPrkwy-res

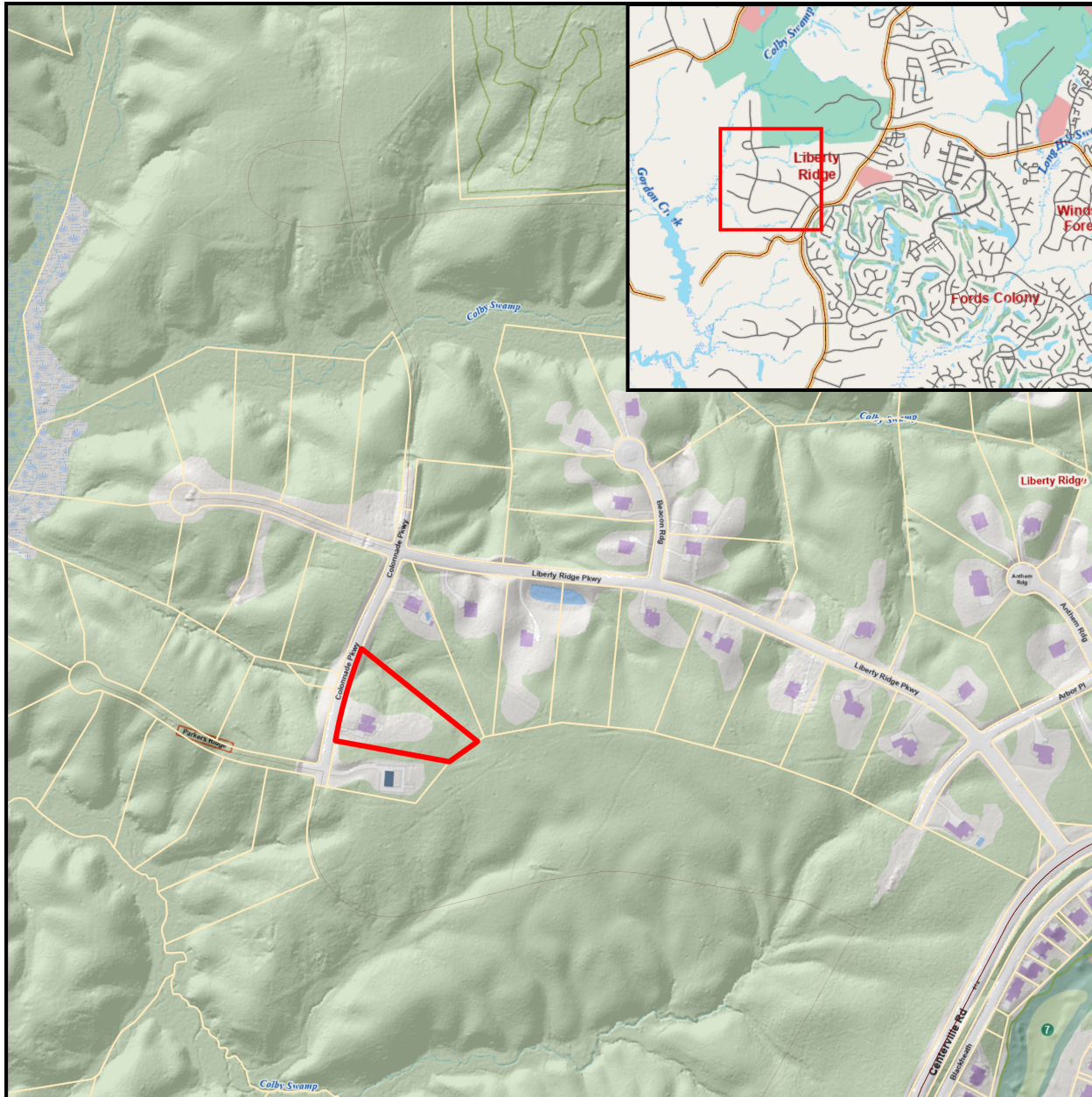
JCC SUP-26-0007

5205 Colonnade Pkwy. Detached Accessory Dwelling Unit





SUP-26-0007. 5205 Colonnade Pkwy Detached Accessory Dwelling Unit



Property Information

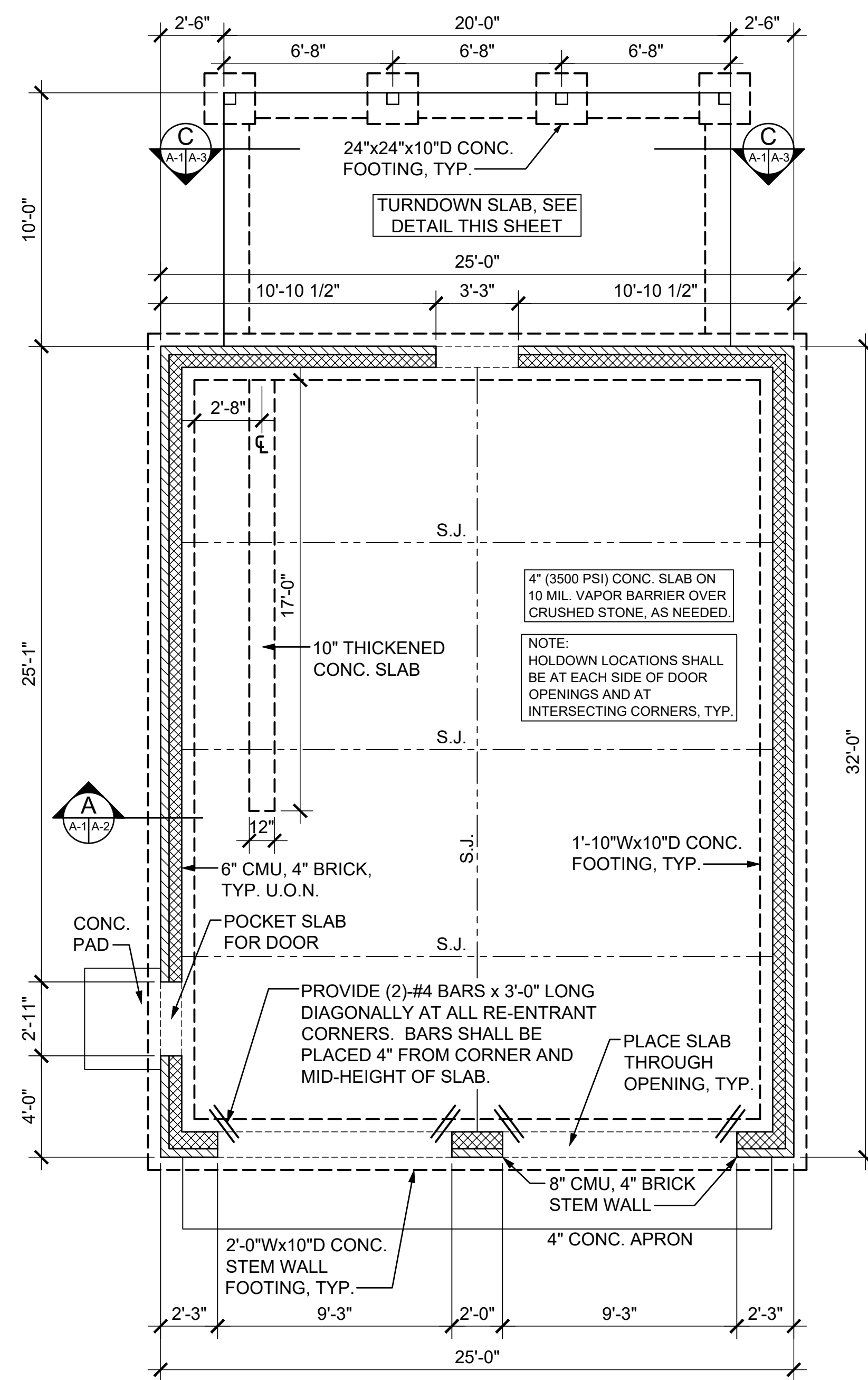
3030300061
5205 Colonnade Pkwy
Williamsburg, VA 23188
Subdivision: Liberty Ridge
Zoning: A1 General Agriculture
Comp Plan: Rural Lands
PSA: Outside

General Notes

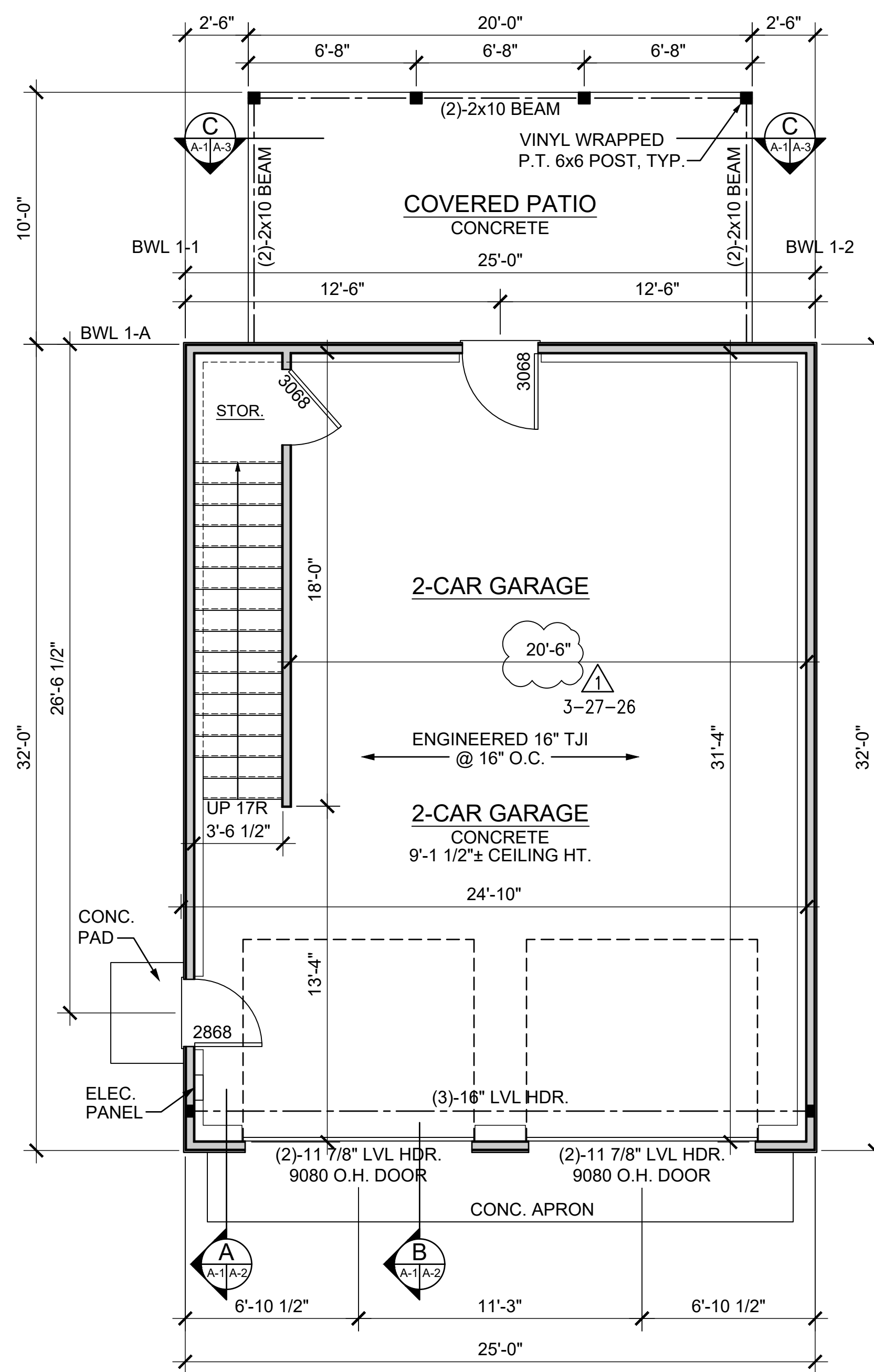
1. No changes to water/sewer utilities.
2. This site does not appear to be located in the Resource Protection Area.
3. This site does appear to be located in Zone X on Flood Insurance Rate Map 51095C0116D, effective 12/16/15.
4. Call Miss Utility at 811 to mark any utilities prior to construction.

Sheet Index

1. Cover Page
2. Location Map
3. Drawings and Elevations

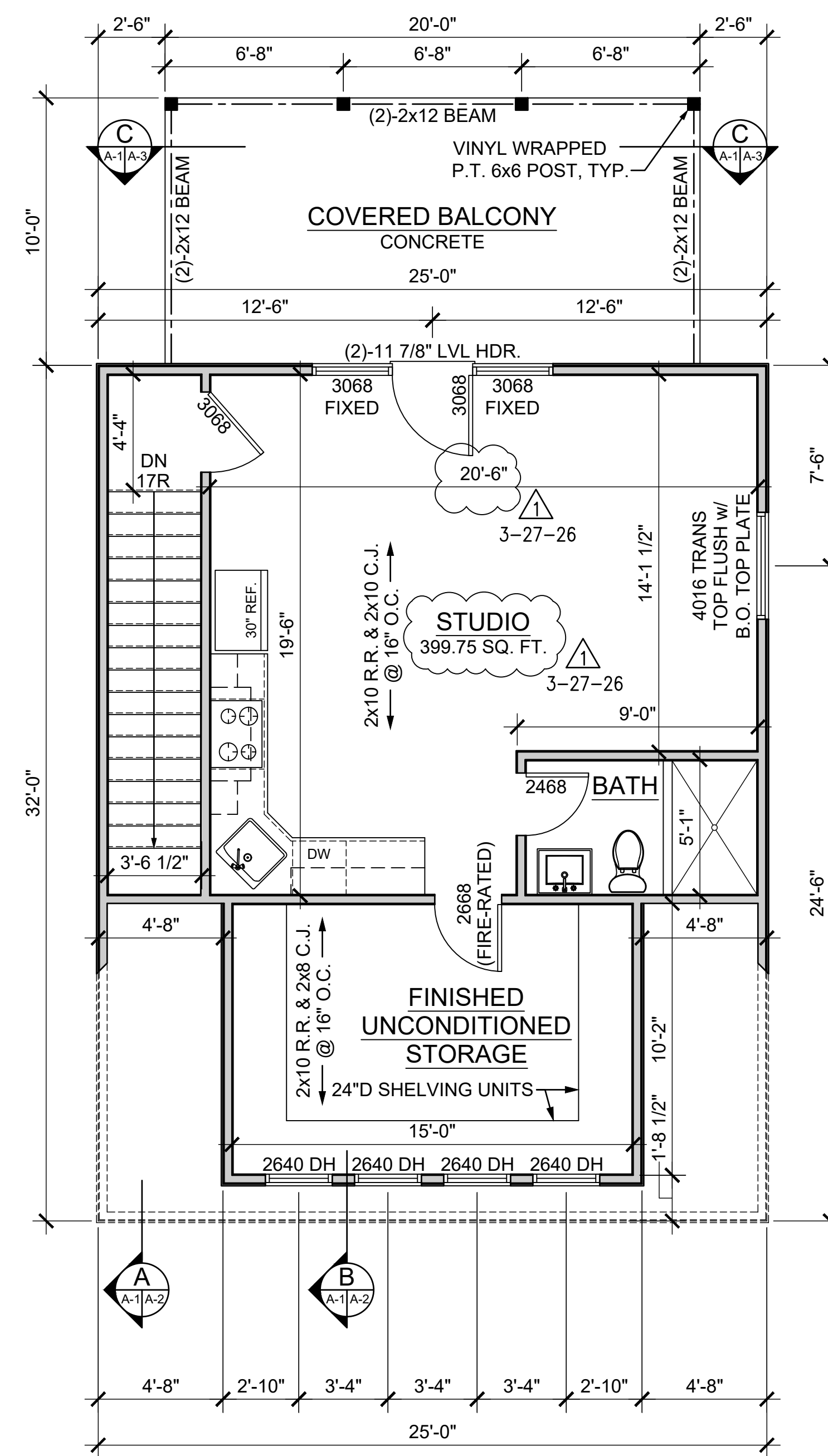


DETACHED GARAGE - FOUNDATION PLAN

$$1/4'' = 1'-0''$$


DETACHED GARAGE - FIRST FLOOR PLAN

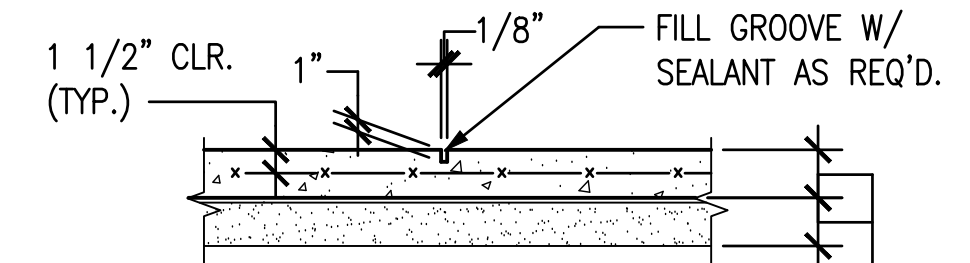
1/4" = 1'-0"



DETACHED GARAGE - SECOND FLOOR PLAN

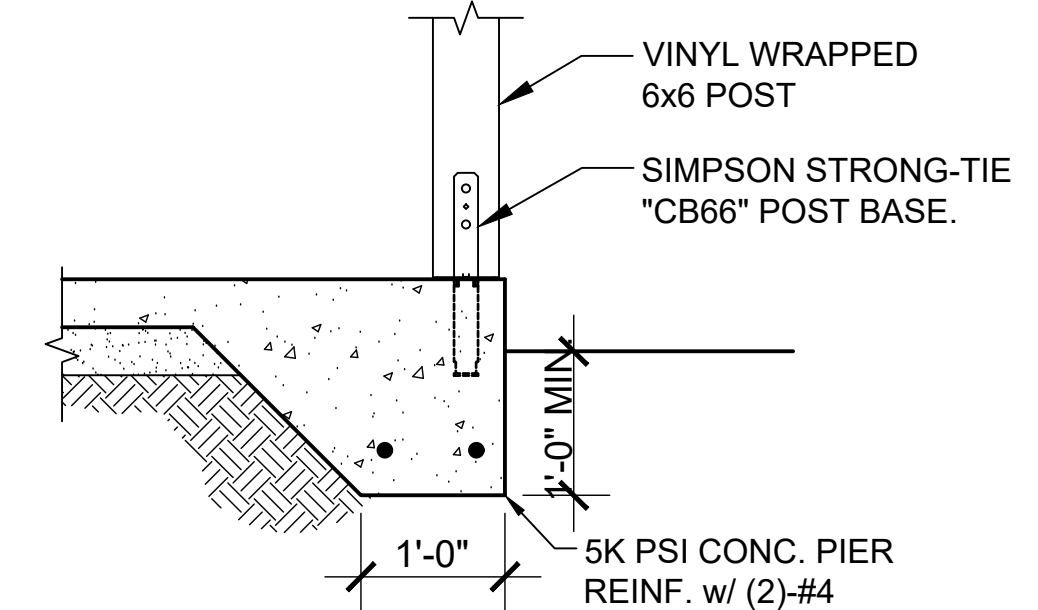
$$1/4'' = 1'-0''$$

CONTRACTOR NOTE:
INSTALL SPRAY FOAM IN EXT.
WALLS TO MIN. R-15. MIN. R-49
BATT INSUL. IN ATTIC AREAS.



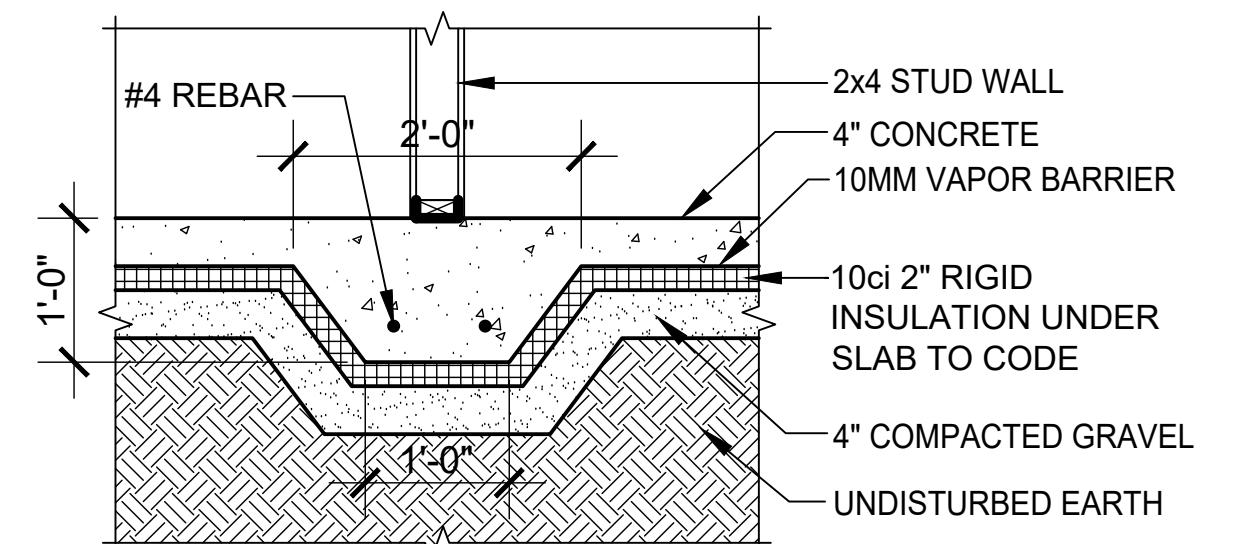
TYPICAL SAWED JOINT (S.J.) DETAIL

NOT TO SCALE



POST-TO-SLAB DETAIL

SCALE 3/4" = 1'-0"



THICKENED SLAB DETAIL

SCALE 3/4" = 1'-0"

CODE INTERPRETATIONS

CURRENT BUILDING CODES IN EFFECT ARE AS FOLLOWS:

BUILDING: RESIDENTIAL	2021 VIRGINIA RESIDENTIAL CODE
--------------------------	--------------------------------

2021 VIRGINIA RESIDENTIAL CODE

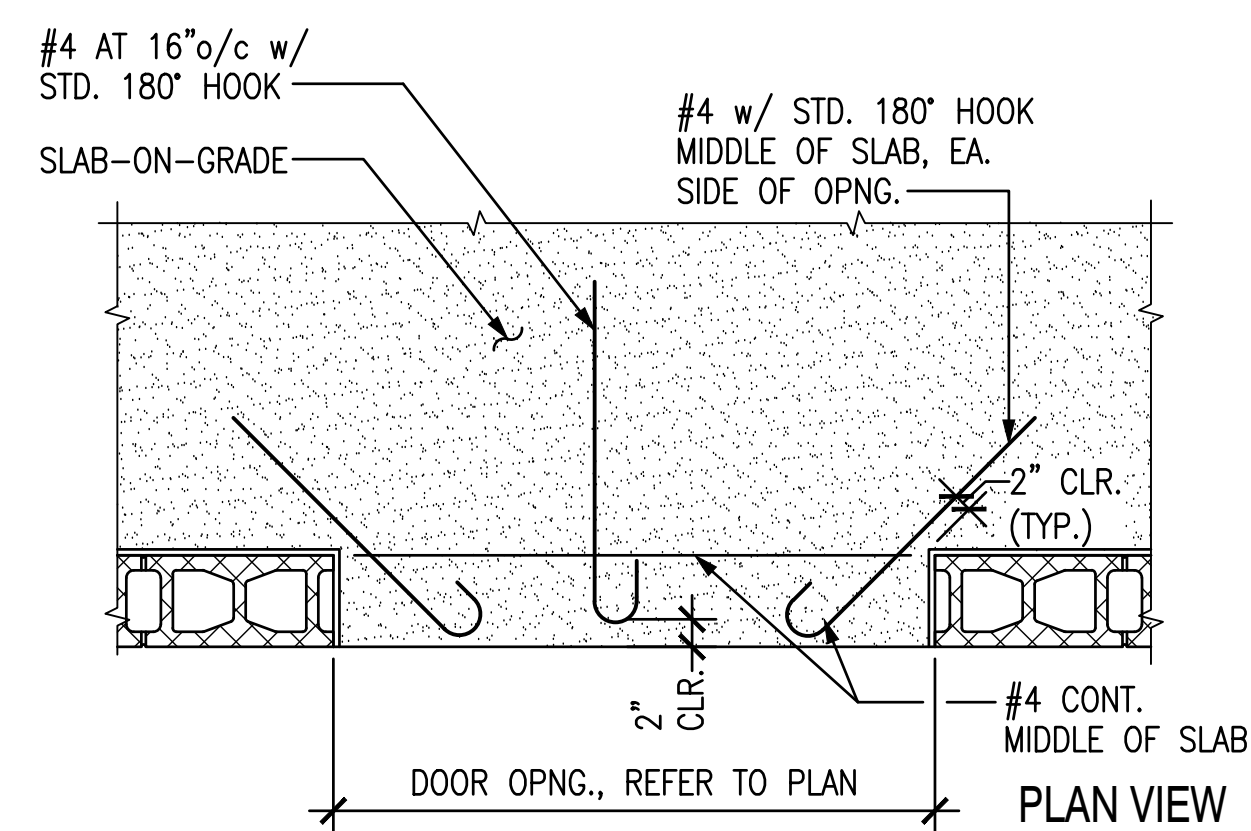
NOTE:
WIND SPEED:.....118 Vult
GROUND SNOW LOAD:....15 PSF

INDEX OF DRAWINGS

- | | |
|-----|--------------------------------------|
| A-1 | PLANS AND DETAILS |
| A-2 | ELEVATIONS AND DETAILS |
| A-3 | DETAILS AND BRACED WALL CALCULATIONS |

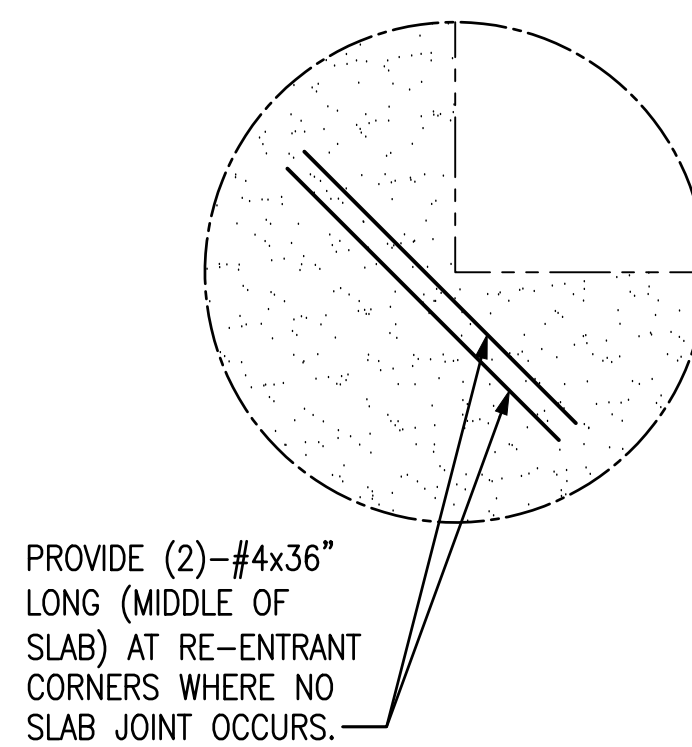
GENERAL NOTES

1. THE DRAWINGS ARE INTENDED TO SHOW THE GENERAL ARRANGEMENT, DESIGN AND EXTENT OF THE WORK AND ARE PARTIALLY DIAGRAMMATIC. THEY ARE NOT INTENDED TO BE SCALED FOR ROUGH-IN MEASUREMENTS, OR TO SERVE AS SHOP DRAWINGS OR PORTIONS THEREOF.
2. ALL DETAILS AND SECTIONS SHOWN ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL BE CONSTRUED TO APPLY TO ANY SIMILAR SITUATION ELSEWHERE ON THE PROJECT, EXCEPT WHERE A DIFFERENT DETAIL OR SECTION IS SHOWN.
3. PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR AND ALL THE SUB-CONTRACTORS SHALL VERIFY ALL GRADES, LINES, LEVELS, DIMENSIONS AND COORDINATE EXISTING CONDITIONS AT THE JOB SITE WITH THE PLANS AND SPECIFICATIONS. THEY SHALL REPORT ANY INCONSISTENCIES OR ERRORS IN THE ABOVE TO THE ARCHITECT/ENGINEER BEFORE COMMENCING WORK. THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL LAY OUT THEIR WORK FROM ESTABLISHED REFERENCE POINTS AND BE RESPONSIBLE FOR ALL LINES, ELEVATIONS AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
4. IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE AND TO INSURE THE SAFETY OF THE BUILDING AND ITS COMPONENT PARTS DURING CONSTRUCTION. THIS INCLUDES ANY REQUIRED SHORING, SHEETING, TEMPORARY BRACING, GUYS OR TIE DOWNS WHICH MIGHT BE NECESSARY. SUCH MATERIAL SHALL REMAIN THE CONTRACTOR'S PROPERTY AFTER THE COMPLETION OF THE PROJECT.
5. IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY TO FOLLOW ALL APPLICABLE SAFETY CODES AND REGULATIONS DURING ALL PHASES OF CONSTRUCTION.
6. THE CONTRACTOR SHALL USE THE STRUCTURAL DRAWINGS AND SPECIFICATIONS TOGETHER WITH THE ARCHITECTURAL, MECHANICAL, ELECTRICAL AND OTHER TRADE DRAWINGS AND SHOP DRAWINGS, TO COORDINATE ALL DETAILS, DIMENSIONS, ELEVATIONS, ETC. NOTIFY ARCHITECT, IN WRITING, OF ANY POTENTIAL CONFLICTS BEFORE PROCEEDING WITH THE WORK.



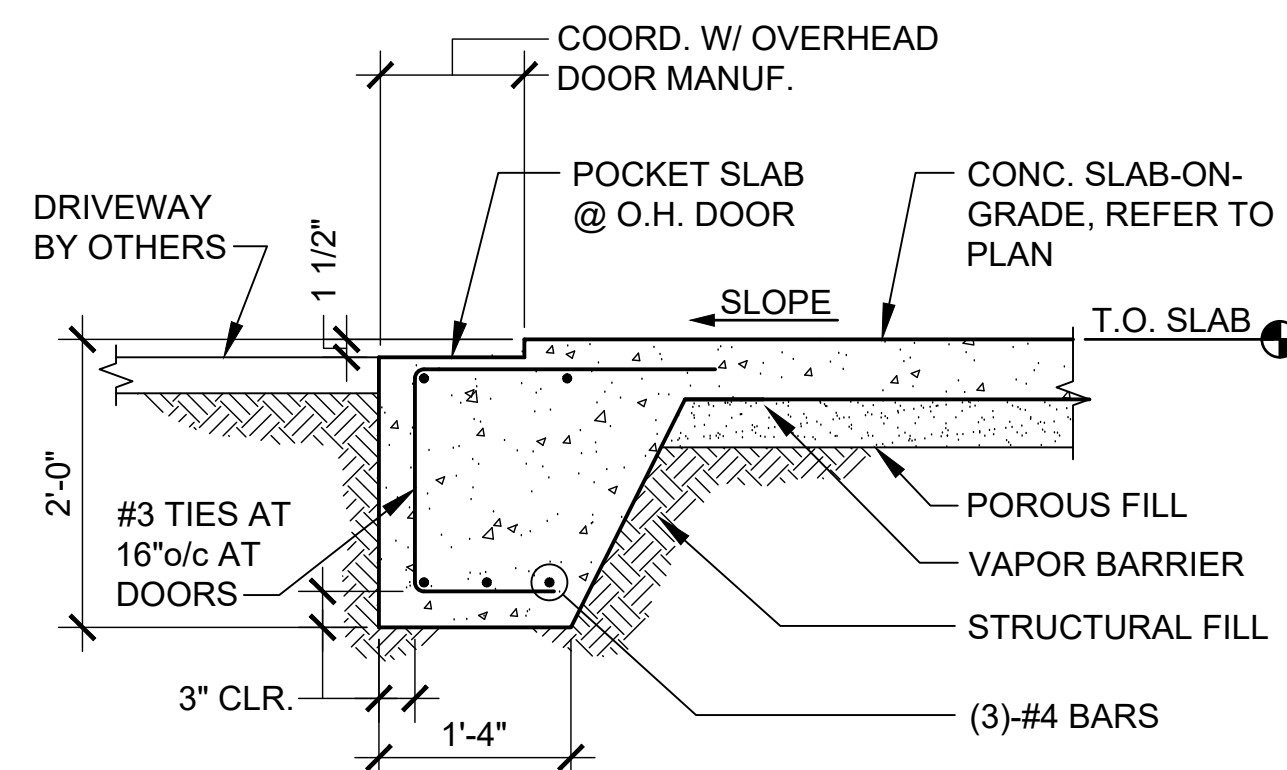
TYPICAL DETAIL OF ADDED SLAB REINFORCING AT EXTERIOR DOORS

NOT TO SCALE



TYPICAL SLAB RE-ENTRANT CORNER DETAIL

NOT TO SCALE



SECTION AT GARAGE DOOR OPENING

NOT TO SCALE


$$1/4'' = 1'-0''$$

$$1/4'' = 1'-0''$$

$$1/4'' = 1'-0''$$


1/4" = 1'-0"



1/4" = 1'-0"



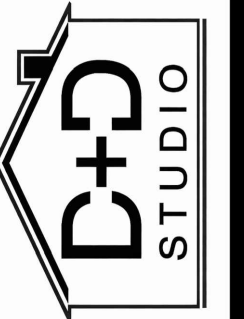
1/4" = 1'-0"

REVISIONS	
REVISION 1	3/27/26
DRAWN BY: Allan Phillips	
DATE: 2-19-26	

THE INFORMATION, PLANS, AND SPECIFICATIONS APPEARING IN THESE DRAWINGS ARE THE PROPERTY OF D+D STUDIO, LLC. DUPLICATION IN WHOLE OR IN PART IS PROHIBITED.

SHERMAN RESIDENCE - DETACHED GARAGE
5202 COLONNADE PARKWAY WILLIAMSBURG, VA
ELEVATIONS AND SECTIONS

D+D STUDIO, LLC
4069 PECAN TRAIL
MECHANICSVILLE, VA 23111
OFFICE: 757.955.0039
WWW.HOUZZ.COM/PRO/DDSTUDIOVA



SHEET NO.

A-2

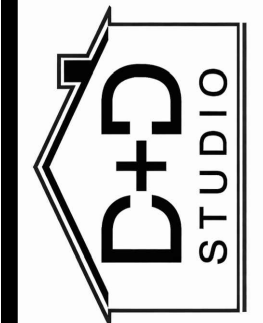


BRACED WALL CALCULATIONS

THE INFORMATION, PLANS, AND SPECIFICATIONS APPEARING IN THESE DRAWINGS ARE THE PROPERTY OF D+D STUDIO, LLC. DUPLICATION IN WHOLE OR IN PART IS PROHIBITED.

SHERMAN RESIDENCE - DETACHED GARAGE
5202 COLONNADE PARKWAY WILLIAMSBURG, VA
BRACED WALL CALCULATIONS AND SECTIONS

D+D STUDIO, LLC
4069 PECAN TRAIL
MECHANICSVILLE, VA 23111
OFFICE: 757.955.0039
WWW.HOUZZ.COM/PRO/DDSTUDIOVA



SHEET NO.

A-3

Front and Rear Elevations



Side Elevations



Cynthia and Kevin Sherman
5205 Colonnade Pkwy
Williamsburg, VA 23188
Phone: 407-227-3533
Email: Cynthiasherman62@gmail.com

May 18, 2026

Mr. Ryan Bromwell/Planner I / Community Development
James City County, Williamsburg Virginia

Subject: Letter to the Commission / Request for Approval for a Detached Two-Car Garage with Guest Suite

Dear Mr. Bromwell,

We are writing to provide a brief narrative for our formal request to construct a detached two-car garage featuring a private guest suite on the second level at our property in Williamsburg. Our home resides in Liberty Ridge where homes sit on at least three acres of land in a heavily wooded area that separates homes.

My husband and I are both retired, and we love welcoming our friends and family to visit us here in our community. Because many of our friends are also retired, their visits are often extended to a week or two. The primary purpose of this project is to create an independent, comfortable living space where our visitors can enjoy their own accommodations and complete privacy during their stays.

Additionally, this build holds deep personal importance for our daily life and long-term planning. I am a retired member of the United States Military, and my husband is an Army disabled veteran. Having a detached two-car garage will provide necessary, secure, and sheltered space to manage our vehicles. Furthermore, building a separate guest suite ensures that our main home remains uncluttered and completely optimized and private while still allowing us to maintain our rich social connections and hospitality.

The proposed design consists of a standard two-car footprint on the ground level with a guest suite directly above it. The exterior aesthetics will be designed to seamlessly complement the architectural style of our current home and the surrounding Williamsburg neighborhood.

Thank you for your time, consideration, and service to our community. We welcome the opportunity to provide any further blueprints, site plans, or details required to move forward with this project.

Sincerely,

Cynthia M. Sherman

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 3, 2026
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman

Frank Polster

Steve Rodgers, Vice Chair

Jay Everson

Vincent Passero

Staff Present:

Susan Istenes, Director of Planning

Liz Parman, Deputy County Attorney

Christy Parrish, Zoning Administrator

Allison Jackura, Senior Planner

Ryan Bromwell, Planner

Linda Titus, Administrative Coordinator

Hannah Hunnicutt, Administrative Coordinator

Planning Commissioners Absent:

Kira Allman, Chair

Crystal Haskins

C. PUBLIC COMMENT

Mr. Rodgers opened Public Comment.

As no one wished to speak, Mr. Rodgers closed the Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that there was a Policy Committee meeting on May 14, 2026.

Mr. Everson stated that due to the Policy Committee minutes being within the published Agenda for the Planning Commission meeting, he did not find it necessary to make a presentation.

E. CONSENT AGENDA

1. Minutes of the May 6, 2026, Regular Meeting

On a voice vote, the Commission voted to approve the Consent Agenda.

F. PUBLIC HEARING(S)

1. SUP-26-0004. 8698 Pocahontas Trail Short Term Rental

Mr. Ryan Bromwell, Planner, stated that Ms. Casey Snyder and Mr. Ryan Snyder had applied for a Special Use Permit (SUP) for a short-term rental at 8698 Pocahontas Trail. Mr. Bromwell stated that the property was currently an undeveloped wooded lot, approximately 0.37 acres in size, and was located along Route 60. Mr. Bromwell noted that the property was zoned R-2, General Residential, and was designated Low Density Residential on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal included the construction of a new 1,520-square-foot, three-bedroom single-family residence with a covered front porch and a ramp for ADA-accessible entry.

Mr. Bromwell noted that the site design included parking for a minimum of three vehicles and met the minimum front setback. Mr. Bromwell stated that the applicants would live at the adjacent property, 98 Grove Heights Avenue, during the time of the rentals.

Mr. Bromwell stated that because the property was designated as Low Density Residential, staff could not recommend approval of the proposed project.

Mr. Rodgers opened the Public Hearing.

Ms. Casey Snyder, 98 Grove Heights Avenue, presented to the Commission in favor of the proposed project.

Mr. Polster asked Ms. Snyder to clarify if the proposed tourist home had been built.

Ms. Snyder stated that it had not been built.

Mr. Polster asked if the application was not approved, would the applicants still move forward with building the home.

Ms. Snyder stated not necessarily.

Mr. Rodgers asked the applicant to provide an explanation of the parking plan.

Ms. Snyder stated that there was plenty of room for parking on the property.

Mr. Polster asked Mr. Bromwell if the parking requirement had been met.

Mr. Bromwell stated that it had.

Mr. Rodgers closed the Public Hearing.

The Commissioners individually expressed their approval for the application.

Mr. Polster made a motion to recommend approval of SUP-26-0004. 8698 Pocahontas Trail Short-Term Rental with conditions to the Board of Supervisors (BOS).

On a roll call vote, the Commission voted to recommend approval. (5-0)

2. SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit

Mr. Bromwell stated that Mr. Herb Paynter, of Colony Construction & Home Improvements Inc., applied for an SUP on behalf of the property owners of 5205 Colonnade Parkway.

Mr. Bromwell explained that the property was approximately 3.03 acres and located within the Liberty Ridge Subdivision. Mr. Bromwell noted that the property was zoned A-1, General Agricultural, and was designated Rural Lands on the Comprehensive Plan Land Use Map.

Mr. Bromwell explained that the proposal featured a new 25-foot by 32-foot detached accessory structure that would primarily serve as a guest suite. Mr. Bromwell noted that the ground floor would house a two-car garage, while the second floor would include a 400 square-foot apartment and exterior deck. Mr. Bromwell stated that the unit complied with all applicable setbacks and that the owners reside in the primary residence on the property.

Mr. Bromwell stated that staff found the design consistent with the Zoning Ordinance, the Comprehensive Plan, and the surrounding neighborhood and therefore staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Rodgers opened the Public Hearing.

Mr. Herb Paynter of Colony Construction & Home Improvements Inc., 11715 Jefferson Avenue, Newport News, VA, presented to the Commission in favor of the proposed project.

Mr. Polster asked where the balcony on the second story was oriented.

Mr. Paynter stated it was facing the rear of the property.

Mr. Polster asked if any trees would be removed.

Mr. Paynter stated that no trees would be removed for the construction of the structure.

Ms. Cynthia Sherman, 5205 Colonnade Parkway, presented to the Commission requesting the application be approved.

Mr. Rodgers asked about similar structures within the neighborhood.

Ms. Sherman stated that there were other structures in the neighborhood similar to the proposal, and that Liberty Ridge Homeowners Association had already approved the building plan.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman made a motion to recommend approval of SUP-26-0007. 5205 Colonnade Parkway Detached Accessory Dwelling Unit to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

3. SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop

Ms. Allison Jackura, Senior Planner, gave a presentation to the Commission stating that an SUP application for a smoke and vape shop to be located in Unit 24 at 5251 John Tyler Highway had been submitted by the applicant, Ms. Kelley Parks. Ms. Jackura noted that the property was zoned B-1, General Business, and designated Mixed Use by the Comprehensive Plan Land Use Map.

Ms. Jackura noted that in 2023, the Zoning Ordinance had been amended to require an SUP for a smoke/vape shop and that any new businesses would be required to have an SUP to operate. Ms. Jackura explained that in 2024, State law changed to allow localities to adopt Ordinances prohibiting vape/smoke shops within 1,000 feet of schools or daycares. Ms. Jackura stated that on April 28, 2026, the Board had adopted a resolution to consider an amendment to prohibit a vape/smoke shop from being within 1,000 feet of schools or daycares.

Ms. Jackura explained that the proposed amendment appeared on the agenda for the Planning Commission meeting, and if the amendment were adopted, the proposed business would not be permitted. Ms. Jackura stated that as the policy had not yet been adopted, staff evaluated the application based on the current Ordinance requirements.

Ms. Jackura stated that staff found the proposed project provided use for existing improvements within the Primary Service Area (PSA) and provided a retail use with a mixed-use designated area. Ms. Jackura explained that conditions had been proposed to limit potential nuisance to surrounding properties.

Ms. Jackura stated that staff recommended that the Planning Commission recommend approval of the application with the proposed conditions to the Board of Supervisors.

Ms. Jackura stated that the neighboring school, Greenwood Christian Academy, sent a letter with its concerns to the applicant, to which the applicant responded with a list of proposed conditions. Ms. Jackura explained that staff reviewed the proposed conditions and had no objections.

Mr. Polster asked how the loitering condition applied to the children on the playground behind the proposed shop.

Ms. Jackura noted that the playground was enclosed by a fence.

Mr. Haldeman asked if comments had been received from other businesses located within Williamsburg Crossing.

Ms. Jackura stated that a letter with signatures from the other businesses had been provided.

Discussion ensued.

Ms. Kelley Parks of Parks Planning and Consulting, LLC, 15532 Smith Beach Road, Cape Charles, VA, addressed the Commission requesting the Commission recommend approval of the application to the Board of Supervisors.

Mr. Haldeman asked about the three conditions proposed by the applicant and if the applicant had any objection to including them as official conditions.

Ms. Parks stated there was no objection.

Mr. Rodgers asked about the lighting and signage on the property.

Ms. Parks stated there were no plans to have distracting lighting or signage.

Mr. Polster stated that there were conditions proposed that limited the lighting and signage.

Discussion ensued.

Mr. Rodgers closed the Public Hearing.

Mr. Passero stated that the Planning Commission should withhold voting on the application until the Ordinance Amendment prohibiting vape/smoke shops from existing within 1,000 feet of a school was decided on.

Mr. Polster asked if the applicant would agree to defer the application until after the Ordinance Amendment was decided on.

Ms. Parks stated that this application had been submitted prior to the resolution to change the Ordinance and had already been delayed a meeting due to an administrative error.

Mr. Rodgers commended the applicant for their timing and stated that he would like the Commission to vote on the proposed application.

Mr. Haldeman stated that he would prefer to vote on the application tonight. Mr. Haldeman then noted that the Commission was only able to make a recommendation, and the Board of Supervisors would take its recommendation into consideration.

Mr. Polster stated that he had no objection to the applicant's desire to proceed without a deferral.

The Commissioners discussed the proposed Ordinance Amendment and how they viewed the data from the various studies about the proximity of vape/smoke shops to schools.

Mr. Passero shared his concerns about the clientele that the proposed shop could attract and stated that he did not believe it should be located near the school.

Mr. Haldeman reminded the Commission that the applicant had submitted the application prior to the Board of Supervisors adopting the resolution to amend the Ordinance and noted that the applicant based their proposal on the current Ordinance requirements. Mr. Haldeman stated that he would be voting in favor of the proposed project.

Mr. Rodgers asked about the distance between the front door of the school and the proposed shop location.

Mr. Polster stated that the entrances to the middle school and grade school were both within 1,000 feet of the proposed shop location.

Mr. Rodgers stated that he found it difficult to differentiate between this proposed shop and the previous tobacco shop expansion that was approved within the same shopping center.

Mr. Polster stated that if the Board decided to pass the proposed Ordinance Amendment, then the tobacco shop would become legally nonconforming.

Discussion ensued.

Mr. Haldeman made a motion that the Planning Commission recommend approval of SUP-26-0005. 5251 John Tyler Highway, Unit 24. Williamsburg Crossing Tobacco and Vape Shop with conditions to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (3-2)

4. ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

Ms. Christy Parrish, Zoning Administrator, presented to the Commission and explained the proposed Ordinance Amendment to regulate the location of retail stores that sell tobacco or hemp products intended for smoking.

Mr. Passero asked what the state regulations were regarding the distance a liquor store could be from a school.

Ms. Parrish stated she did not know and offered to find the answer.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman stated that he intended to support the amendment.

Mr. Everson stated that he did not intend to support the amendment as it was product specific. Mr. Everson noted that he did not believe a vape/smoke shop existing within 1,000 feet of a school had a relation to children smoking, but rather that friends and family had the biggest impact on the decision to do so.

Mr. Passero reiterated his concerns about the clientele that a smoke/vape shop could bring closer to a school.

Mr. Polster stated that the data presented from the Virginia Department of Health showed that there was a correlation between the proximity of a vape/smoke shop to a school and the increased number of kids who vape or smoke.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission failed to vote for approval of ORD-26-0001. (3-2)

Mr. Polster made a motion to recommend denial of ORD-26-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend denial of ORD-26-0001. (3-2)

5. ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory

Ms. Susan Istenes, Director of Planning, presented to the Commission about the proposed Ordinance Amendment regarding submittal requirements for Natural Resources Inventory. Ms. Istenes stated that new text would be added to Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a natural resources inventory where the habitat areas were known to exist or had the potential to exist and the applicant voluntarily protected the habitat in perpetuity.

Mr. Rodgers opened the Public Hearing.

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

Mr. Polster stated that the proposed amendments would allow the Planning Director to grant a waiver and streamline the application process. Mr. Polster stated that he intended to support the amendment.

Discussion ensued.

Mr. Haldeman made a motion to recommend approval of ORD-26-0003. Amendments to the Zoning Ordinance and Subdivision Ordinance Regarding Natural Resources Inventory to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

6. ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies

Ms. Istenes gave a presentation to the Commission about the proposed Ordinance Amendment regarding submittal requirements for archaeological studies. Ms. Istenes explained that the amendment would modify the text in Section 25-145, Site Plan Submittal Requirements, and Section 19-27 of the Subdivision Ordinance to allow an exception to the requirement to submit a Phase I Archaeological Study where the project area was located outside areas that were designated as ultra- or highly sensitive on the County archaeological assessment.

Mr. Rodgers opened the Public Hearing.

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

Mr. Haldeman made a motion to recommend approval of ORD-26-0004. Amendments to the Zoning Ordinance Regarding Archaeological Studies to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval. (5-0)

7. Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage

Ms. Jackura presented to the Commission stating that three cases were before them, a proffer amendment, master plan amendment, and an SUP. Ms. Jackura noted that together, if approved, the three applications would enable a self-storage facility within The Promenade at John Tyler. Ms. Jackura noted that the two properties were located within The Promenade, along Route 199 and adjacent to the Williamsburg Crossing Shopping Center. Ms. Jackura stated that the property was zoned Mixed Use and designated as Mixed Use on the Comprehensive Plan Land Use Map.

Ms. Jackura explained that the property was originally approved as a Mixed Use development in addition to the residences in December 2014, with that approval enabling up to 204 dwelling units and 47,624 square feet of commercial space. Ms. Jackura noted that the proffers included design guidelines and a 50-foot landscape buffer along Route 199. Ms. Jackura stated that one of the amendments required that the buffered area be a berm, which was elevated and vegetated.

Ms. Jackura explained that this amendment would allow for a proposed 51,000 square foot self-storage facility. Ms. Jackura noted that the design was intended to look like an office building and would have controlled access and a fenced area for loading and unloading.

Ms. Jackura stated that the Master Plan amendment would change the use designation to only allow wholesale and warehouse uses, which would require an SUP.

Ms. Jackura stated that when reviewing the application, staff noted that The Promenade was designed and approved as mixed use, and this proposal would provide a use for an

existing vacant, planned commercial space within the PSA. Ms. Jackura noted that the proposed conditions mitigate potential impacts, including no outside storage, the signing, lighting, fencing, and building architecture would align with the existing site.

Ms. Jackura explained that the stormwater would typically be required to be treated on-site, but the applicant had concerns about the ability to do so. Ms. Jackura stated that conditions under the SUP would require that the stormwater be treated on-site or at the Riverside Best Management Practice (BMP). Ms. Jackura noted that the condition did prohibit off-site nutrient credits.

Ms. Jackura explained that staff found the proposed project to align with the future land use designation and found no negative impacts. Ms. Jackura stated that staff recommended that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Haldeman asked Ms. Jackura to explain what aligning with the existing site meant in regard to the proposed conditions.

Ms. Jackura stated that the design was intended to align with the architecture of The Promenade at John Tyler as a whole.

Mr. Haldeman asked if there would be lighting or signage on the front of the building.

Ms. Jackura stated that the lighting condition would require the lighting poles to match the existing poles in The Promenade. Ms. Jackura explained that the signage would be freestanding and illuminated.

Mr. Rodgers asked if there was any other commercial use in the neighborhood.

Ms. Jackura stated that there was no other commercial use.

Mr. Polster asked if the berm between the proposed project location and Route 199 currently existed.

Ms. Jackura stated that it did already exist and would be required to remain intact.

Mr. Passero asked if there would be security lighting on the back of the building.

Ms. Jackura stated that the specifics of the lighting would be determined during the Site Plan stage if the project were approved. Ms. Jackura noted that the Ordinance did not allow light trespass across property lines, and in addition the light poles would have to be 20 feet or less in height to align with the street lighting within The Promenade.

Discussion ensued.

Mr. Rodgers asked for Commissioner disclosures.

Mr. Polster disclosed that he had discussions with the applicant and the engineer, Mr. Chase Grogg.

Mr. Everson disclosed that he had discussions with Mr. Tim Trant of Kaufman & Canoles.

Mr. Haldeman disclosed that he also had discussions with Mr. Trant.

Mr. Rodgers opened the Public Hearing.

Mr. Trant, 4801 Courthouse Street, Williamsburg, VA, presented to the Commission requesting a recommendation of approval for the proposed application.

Mr. Polster asked what the proposed language would be for Condition No. 12 based on the decision to have the stormwater treated on-site or at the Riverside BMP.

Mr. Trant stated that the project would either treat stormwater on-site or be directed to the Riverside BMP. Mr. Trant explained that the Riverside BMP required upgrades, and if this project were to utilize the BMP, there were proffers that required the applicant to upgrade the BMP.

Discussion ensued.

Mr. Polster asked if the BMP would be built to the current standards.

Mr. Trant stated that the BMP was already built, if used, the applicant would retrofit the BMP to the current standards.

Mr. Polster asked if the applicant would be retrofitting the Riverside BMP or constructing the new stormwater facility on the property to the current standards.

Mr. Trant explained that while the proposed condition required the upgrades to satisfy current regulations, the applicant had agreed to comply with one of the Special Stormwater Criteria (SSC).

Mr. Polster stated he would like that commitment added to the conditions.

Mr. Trant agreed to make it a condition.

Discussion ensued.

Mr. Rodgers asked how the proposed building would be situated on both parcels and why there was no setback in the center of the lots.

Mr. Trant explained that the internal lot line would be vacated if the project was approved.

Discussion continued.

Mr. Jerry Bowman, United Square Associates, 130 W Plume Street, Norfolk, VA, presented to the Commission requesting that the Planning Commission give a recommendation of approval.

Mr. Joe Krause, 1302 Farrington Way, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. Stephen Townsend, 303 Promenade Lane, presented to the Commission requesting a recommendation of denial for the proposed project.

Mr. David Richards, 1104 Monarch Court, presented to the Commission requesting a recommendation of denial for the proposed project.

Ms. Sharon Baker, presented to the Commission requesting a recommendation of denial.

Mr. Rodgers closed the Public Hearing.

Mr. Haldeman discussed how there had been plans to develop the commercial space in The Promenade from the beginning, and that he intended to support the project.

Mr. Rodgers stated he agreed with Mr. Haldeman and stated that the location was intended to be commercial, with some uses being by-right. Mr. Rodgers expressed concerns about the potential damage to the private streets but ultimately stated that the use fit the location and he intended to support the application.

Mr. Polster requested that the parking area for the truck be screened and landscaped, so it was not visible from Route 199.

Ms. Jackura stated that staff was willing to change the condition to require screening.

Discussion continued.

Mr. Trant stated that the applicant would be willing to amend the condition to include screening the truck from Route 199 with landscaping.

Mr. Polster made a motion that the Planning Commission recommend approval of Z-26-0001/MP-26-0001/SUP-26-0002. 5299 John Tyler Hwy. The Promenade Proffer Amendment for Self-Storage with conditions to the Board of Supervisors.

Mr. Trant clarified that the applicant would be required by the base regulations to achieve three points of SSC. Mr. Trant stated that the applicant intended to include the decision to abide by point No. 11, 12, or 13 within the three required SSC.

Discussion ensued.

On a roll call vote, the Commission voted to recommend approval to the Board of Supervisors. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Everson asked if there would be a Policy Committee meeting on June 11, 2026.

Ms. Istenes stated there would be a meeting regarding the Landscaping Ordinance.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2026

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Rodgers stated that Mr. Haldeman would be representing the Planning Commission at the Board of Supervisors meeting on June 9, 2026, and that he would be at the July 14, 2026, Board of Supervisors meeting.

J. ADJOURNMENT

Mr. Rodgers asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

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

Susan Istenes, Secretary

Steve Rodgers, Vice Chair

**SPECIAL USE PERMIT-26-0001. 147 Whiting Avenue Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

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.
July 14, 2026, 5:00 p.m.
January 12, 2027, 5:00 p.m. (tentative)

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. Impacts: See Impact Analysis on Pages 5-6.
4. See 2045 Comprehensive Plan Analysis on Page 7.

FACTORS UNFAVORABLE

1. Staff finds the proposal is not 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 5-6.
3. See 2045 Comprehensive Plan Analysis on Page 7.

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.

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

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

**SPECIAL USE PERMIT-26-0001. 147 Whiting Avenue Short Term Rental
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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.

CHANGES MADE SINCE THE MAY 12, 2026, Board of Supervisors Meeting; these changes represent the most current application information.

At the May 12, 2026, Board of Supervisors meeting, the Board directed staff to verify the layout of the home. On July 1, 2026, the Real Estate Assessments Office and Planning staff completed a walkthrough of the home. Staff has now confirmed that the dwelling is actually a multifamily dwelling.

The home was initially a two-bedroom and one-bathroom dwelling. The dining room has since been converted into a third bedroom.

In 1998, the applicant began the building permit process to add a 1,152 square-foot playroom addition to the existing home. In 2006, the addition was completed. Since the completion of the addition, the playroom has been converted into a separate 3-bedroom, 1-bathroom dwelling with its own kitchen. There were no building permits applied for to do the conversion.

In the R-2, General Residential zoning district, this use would therefore be classified as “Multifamily dwellings, up to and including two units” which requires a Special Use Permit (SUP) and compliance with specific lot standards. However, the subject property is unable to meet the minimum lot size standard of 15,000 square feet as it has an area of ±13,721 square feet; therefore, the subject property is not eligible for an SUP for “Multifamily dwellings, up to and including two units.”

Staff is currently coordinating with the applicant to determine the best path towards compliance. Since the property does not meet the Zoning Ordinance requirements for a multifamily dwelling, interior renovations will be required through the building permit process. Staff has amended Proposed Condition No. 3 to ensure that, if the SUP is approved, prior to further operation of the rental of rooms, the applicant is required by the SUP to bring the structure into compliance with all applicable regulations and receive all necessary permits via an updated Certificate of Occupancy.

As of June 18, 2026, the property’s short-term rental listings on Airbnb and Booking.com have been taken down and the Vrbo listing has no available booking dates.

SUMMARY STAFF RECOMMENDATION

To allow ample time for the applicant and property owner to determine the best compliance option for the property, staff recommends the Board of Supervisors defer the application for six months to its January 12, 2027, Board of Supervisors meeting. Should the Board of Supervisors wish to 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 an 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

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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

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**SPECIAL USE PERMIT-26-0001. 147 Whiting Avenue Short Term Rental
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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- 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.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- 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.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- 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.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate relevant impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property is served by public water and sewer. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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**SPECIAL USE PERMIT-26-0001. 147 Whiting Avenue Short Term Rental
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Skiffes Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site and no land disturbance is proposed.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- 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.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Whiting Avenue is not designated as a Community Character Corridor and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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

**SPECIAL USE PERMIT-26-0001. 147 Whiting Avenue Short Term Rental
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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.

Per guidance from the County Attorney's Office, staff does not factor this criteria into the overall staff recommendation for the application. Following adoption of the Comprehensive Plan criteria, the County Attorney's Office formally opined that such a consideration and factor may run afoul of recent jurisprudence.

As the proposal does not meet all three 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

To allow ample time for the applicant to determine the best compliance option for the property, staff recommends the Board of Supervisors defer the application for six months to its January 12, 2027, Board of Supervisors meeting. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

WA/ap
SUP26-1_147WhitingAve

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Minutes of the April 1, 2026, Planning Commission Regular Meeting
6. Minutes of the May 12, 2026, Board of Supervisors Regular Meeting

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

RESOLUTION

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

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

WHEREAS, 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. Prior to any operation of the rental of rooms, evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning. If said evidence is not provided to the Director of Planning within twelve (12) months from the issuance of the SUP, this SUP shall automatically be void.
3. Building Compliance. Prior to Certificate of Occupancy, the dwelling shall be inspected by the Building Official to ensure the dwelling complies with the Virginia Uniform Statewide Building Code and the Zoning Administrator shall determine that the dwelling meets all Zoning Ordinance requirements before operating as a rental of rooms.
4. 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.

5. Contracts per Rental Period. There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
6. Signage. No signage related to the use of rental of rooms shall be permitted on the Property.
7. 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.
8. Validity. This SUP shall be valid until December 31, 2029.
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			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

SUP26-1_147WhitingAve-res

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





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.

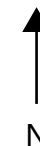
Sheet Index

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



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.



Maps Not To Scale



153

149

147

147

143

129

1:228

90

Whiting Ave



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,

A handwritten signature in dark ink, appearing to read 'George Buskey', is written over a horizontal line.

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.

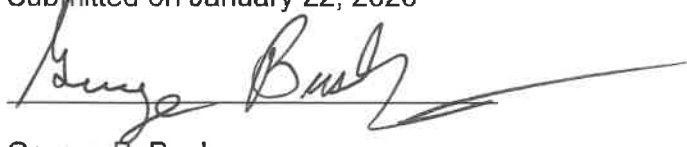
Neighborhood Character and Compatibility

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

A handwritten signature in black ink, appearing to read "George B. Buskey", written over a horizontal line.

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.

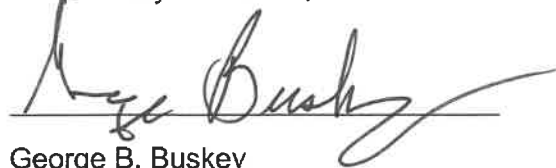
Events and Gatherings: The property will not be used for parties, events, receptions, or large gatherings. The use is limited to short-term residential lodging only.

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,

A handwritten signature in black ink, appearing to read "George B. Buskey", written over a horizontal line.

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-conforming 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 Practice (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 advise 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

MINUTES
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

Mr. McGlennon called the meeting to order at approximately 5:04 p.m. following the James City Service Authority (JCSA) Board of Directors Regular Meeting.

B. ROLL CALL

Tracy L. Wainwright, Powhatan District
Barbara E. Null, Stonehouse District
James O. Icenhour, Jr., Jamestown District
Ruth M. Larson, Vice Chair, Berkeley District
John J. McGlennon, Chair, Roberts District

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

Mr. McGlennon shared a few announcements before beginning the Board's meeting. He noted that the applicant had requested a deferral of the Public Hearing(s) Item No. 4 - Z-23-0004/MP-23-0001. Westwood Park Rezoning. Mr. McGlennon advised that there would not be a staff or applicant report presentation this evening. He indicated that the Public Hearing would remain open until the Board's July 9, 2026, Regular Meeting. Mr. McGlennon stated that any individuals who signed up to speak would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed. Additionally, he announced that Board Consideration(s) Item No. 1 Plan of Finance - Capital Projects had been deferred and would be presented to the Board at a later date. Mr. McGlennon stated that after a Moment of Silence, he invited Mr. Andrew Dean, Assistant County Attorney, to lead the Pledge of Allegiance. He noted that Mr. Dean would soon begin a two-month naval reserve deployment in Florida, and the Board wished him a safe and healthy return.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Mr. Dean led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION(S)

1. Proclamation - Adult Abuse Prevention Month

Mr. McGlennon read the Adult Abuse Prevention Month Proclamation. He commended the County's Social Services Department for its ongoing dedication, emphasizing that the resources they provide were crucial to preserving the safety and well-being of the community.

Ms. Lynette Diaz, Assistant Director of Social Services, addressed the Board and citizens. She expressed her gratitude to the Adult Services and Adult Protective Services staff for their tireless dedication to safeguarding the welfare of older adults living in the community. Ms. Diaz thanked the County's Fire Department and Emergency Medical Services (EMS), nonprofit organizations, and other partner organizations for their support. She welcomed the public to attend the first-ever Adult Abuse Awareness event, highlighting its family-friendly atmosphere and the chance to become better educated on this critical issue. She advised that the event would be held on Thursday, May 21 from 4-6 p.m. at the James City County Recreation Center.

F. PUBLIC COMMENT

1. Mr. Gary Carlile, 3724 Mesa River, addressed the Board in opposition of the amendment to the 2022 Master Plan for Ford's Village. He noted that reducing the 79 assisted living, memory care, and skilled nursing beds would not serve the County's best interests. Mr. Carlile emphasized the need for more assisted living facilities for the aging demographic. He noted that the initial plan featured 125 beds for assisted living, memory care, and skilled nursing, but the revised plan dropped this to a minimum of 46 beds. Mr. Carlile argued that committing to a baseline figure of 46 assisted living, memory care, and skilled nursing beds would effectively set a ceiling on the project. He pointed out that developers and builders were financially driven to maximize the more lucrative 79 additional apartments, leaving no incentive to exceed the minimum healthcare requirement. Mr. Carlile urged the Board to vote against the amended proposal for Ford's Village, citing severe traffic and safety concerns. He pointed out that adding more apartments would exacerbate existing congestion and accident risks at the News Road and Monticello Avenue intersection. Furthermore, he noted that the Virginia Department of Transportation (VDOT) had no intention of upgrading this junction, and the development would introduce at least 491 more vehicles to the area daily.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board reiterating his request for later Board meetings to make it easier for working citizens to attend. He also requested that the Board introduce a formal invocation for future meetings. Mr. Henderson raised urgent concerns regarding severe congestion on Route 199. He noted extreme backups at the Jamestown Road intersection and the Route 199/Richmond Road interchange. With new developments underway, he emphasized the critical need to address these highly congested bottlenecks immediately. Mr. Henderson congratulated the County on the success of the 250th Anniversary Revolutionary Rhythms Weekend. For future events, he recommended applying insect repellent treatments and redesigning the parking layout to improve traffic flow during arrivals and departures. Mr. Henderson updated the County Administrator on a recent University of Virginia School of Architecture seminar regarding affordable housing. He highlighted a compelling definition of a zoning ordinance as "residual scar tissue from previous development battles." Observing the accuracy of this statement, he stressed the need to rethink zoning to better support community goals, particularly for affordable housing. Mr. Henderson forwarded the seminar's strategies to Mr. Stevens for distribution to the Board and staff. He observed the leading municipalities utilize preapproved small home plans. By selecting from this catalog, developers and builders benefited from waived permit fees and an expedited approval process. Transitioning to the budget, Mr. Henderson pointed out that rising budgets were pricing out everyday residents, making the County affordable only to the wealthy. He urged the Board to pass a budget that lowered the tax rate to \$0.78 per \$100 of assessed value. Mr. Henderson concluded with his support of the Ford's Village proposal.

3. Mr. Jim Rooney, 1307 Queens Xing, addressed the Board to discuss the meals tax increase proposed. He noted as a 76-year-old server in Colonial Williamsburg with 50 years of hospitality experience that the City of Williamsburg's February 2026 meals tax increase had directly altered dining habits. He observed that guests were actively mitigating increased expenses by adopting cost-saving measures, such as portion sharing, abstaining from alcohol, opting for complimentary water, and omitting desserts. Mr. Rooney stressed that the area was

not a tourist destination like California or Florida. He explained that increasing taxes on prepared foods, beverages, and grocery-store hot meals frequently backfired. Instead of boosting local revenue, the higher prices discouraged spending, resulting in a net decline in total sales. Mr. Rooney noted that he saw this trend firsthand during a recent shift, where none of his 16 guests purchased an alcoholic beverage, which significantly reduced his gratuities. Mr. Rooney requested that the Board table any proposed hikes to the meals tax, pointing to the critical issue of escalating restaurant closures. Speaking as a resident of the 160-family La Fontaine community, he highlighted that approximately 75% of the households were over 55 and live on limited incomes. He pointed out that rising expenses forced the homeowners association to undergo six sessions to finalize a budget and make necessary cuts. He urged the Board to carefully consider future cost management and funding sources, noting that financial planning has become increasingly difficult.

4. Ms. Kathleen Rothschild, 2 Ensign Spence, addressed the Board and expressed support for the newly appointed Board member, Ms. Wainwright. Arguing that all budgets could be trimmed, she urged the Board to adopt the same aggressive cost-cutting measures typically practiced by households and businesses. Ms. Rothschild directly asked Mr. McGlennon regarding his position on the admissions tax.

Mr. McGlennon noted that the Board did not participate in back-and-forth dialogue with the public during Public Comment.

Ms. Rothschild requested clarification on a specific policy, asking if it could be modified or if a motion could be conducted to pass such a change. Highlighting the importance of open communication between citizens and their elected Board of Supervisors, she noted that transparency remained a top priority for the voters of James City County and the nation.

With no further speakers, Mr. McGlennon concluded the Public Comment segment.

G. CONSENT CALENDAR

None.

H. PUBLIC HEARING(S)

Mr. McGlennon indicated that Dr. Kira Allmann was the Planning Commission representative for the meeting.

1. Verizon Franchise Agreement

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

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

Ayes: Icenhour Jr., Larson, McGlennon, Null, Wainwright

Ms. Liz Parman, Deputy County Attorney, stated that before the Board was a resolution approving a non-exclusive Cable Franchise Agreement between the County and Verizon Virginia, LLC. She noted that the proposed agreement mirrored the County's existing agreements with Cox Communications and Shentel. Ms. Parman further noted that this agreement would give County residents in Verizon's service area a third cable TV provider. She advised that Mr. Matt Ogburn, Director of Government Relations for Verizon, was in attendance for questions and that she was also available for questions.

Mr. McGlennon asked Ms. Parman for transparency purposes if this was the same sort of franchise agreement that the County had with other providers as well.

Ms. Parman confirmed this was accurate. She explained that because the County must comply with federal laws, these agreements were typically uniform. Ms. Parman clarified that although

the County could not legally regulate rates, control internet service, or grant monopolies, this agreement successfully required Verizon to deliver cable access to County facilities and provide public, educational, and governmental (PEG) channels.

Mr. McGlennon stressed the importance of knowing that no cable provider held an exclusive agreement.

Mr. Icenhour asked Ms. Parman to confirm if the red areas shown on the PowerPoint slide indicated the initial service areas and if Verizon's ultimate goal was County-wide expansion.

While Ms. Parman noted this aligned with her understanding, she deferred the question to Mr. Ogburn.

Mr. Ogburn confirmed that Verizon planned to expand into other areas of the County. While specific locations and timelines were not yet final, this agreement would not restrict its ability to build out further.

Mr. Icenhour asked if this agreement applied to cable services.

Mr. Ogburn confirmed yes.

Mr. Icenhour inquired whether this service differed from Verizon Fios.

Mr. Ogburn clarified that the agreement specifically involved Verizon Fios. He noted that it would authorize video services only in those parts of the County that already had access to the initial Verizon Fios footprint.

Mr. Icenhour highlighted specific zones within the Ford's Colony community that suffer from inadequate cellular coverage, citing frequent dropped calls and complete signal loss. He pointed out the small 5G towers Verizon installed around New Town, assuming they were a distributed antenna system, and asked Mr. Ogburn if that was accurate.

Mr. Ogburn clarified that these systems were designated as Small Cell Nodes. He noted that while they have a more limited coverage area compared to macro towers, they deliver significantly higher bandwidth.

Mr. Icenhour asked if that could be an option for areas in the community experiencing service gaps.

Mr. Ogburn offered to connect Mr. Icenhour with Verizon's Engineering Team to evaluate the signal in problem areas and discuss potential solutions.

Mr. Icenhour extended his thanks and proposed a meeting to address and clear up these matters.

Mr. Ogburn stated that he would email Mr. Icenhour.

Ms. Larson recalled a previous conversation with Mr. Ogburn regarding vehicles hitting Verizon cabinets along County roadways. She asked who served as the point of contact to report these issues.

Mr. Ogburn noted that he believed Ms. Larson recently made contact with Mr. Patrick Page, Director of Information Resources Management.

Ms. Larson inquired whether reaching out to Mr. Page directly was the most effective approach to resolving these matters.

Mr. Ogburn confirmed his availability and offered to serve as the point of contact. He referenced a recent incident involving damaged utility equipment; Ms. Larson had forwarded the issue to Mr. Page, who successfully collaborated with Verizon to secure a prompt resolution.

Mr. McGlennon supported Mr. Icenhour's statements and pointed out additional problem areas along Jamestown Road and Lake Powell Road. He requested Mr. Ogburn coordinate the removal of an obsolete utility cabinet in the Skiffes Creek Terrace parking lot, as prior Board attempts to address the issue have been unsuccessful.

Mr. Ogburn offered to reach out to Verizon's Wire Line Team to review the status of the utility cabinet. He confirmed that Verizon would investigate the utility cabinet to identify any active lines and evaluate the situation.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon closed the Public Hearing as there were no public speakers.

2. Grant of Right of Way over 8429 Pocahontas Trail to Dominion Energy

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

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

Ayes: Icenhour Jr., Larson, McGlennon, Null, Wainwright

Mr. Dean addressed the Board noting that Dominion Energy had requested a right-of-way conveyance to upgrade Virginia Natural Gas infrastructure located at 8429 Pocahontas Trail. He stated that the right-of-way would be contained within the existing Dominion Energy pole line easement. Mr. Dean noted that staff recommended approval of the Right-of-Way Agreement and welcomed any questions the Board might have.

Mr. McGlennon asked if the Board had questions for Mr. Dean.

The Board declined.

Mr. McGlennon indicated that there was no Planning Commission report for this item.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon closed the Public Hearing as there were no public speakers.

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

A motion to Defer to the Board's July 14, 2026, Regular Meeting, was made by James Icenhour, Jr., the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Icenhour Jr., Larson, McGlennon, Null, Wainwright

Mr. Will Albiston, Planner, addressed the Board noting that Mr. George Buskey had applied on behalf of his wife, Ms. Sonya Savedge, for a Special Use Permit (SUP) to allow for the short-term rental of up to two bedrooms in a three-bedroom single-family home they currently resided in located at 147 Whiting Avenue. He cited specifics of the application included in the staff report in the Agenda Packet. Mr. Albiston stated that this application was created as a result of a violation of a short-term rental operating at this property without an approved SUP. He noted that this application was now before the Board to remedy that situation by hoping to gain approval on this SUP. Mr. Albiston indicated that the proposal did not include any changes to the size or footprint of the home. He noted that Proposed Condition No. 3 limited the SUP to

only allow for the short-term rental of up to two bedrooms due to the property owners occupying one of the three bedrooms. Mr. Albiston highlighted the beneficial factors of having property owners on-site during the short-term rental period. He stated that the application was only consistent with one of the four short-term rental standards in the 2045 Comprehensive Plan; therefore, staff could not recommend approval of the application. Mr. Albiston indicated that at its April 1, 2026, Planning Commission meeting, the Commission recommended approval of this application, subject to an additional condition by a vote of 5-1. He noted that should the Board approve the application, staff had provided proposed conditions for consideration. Mr. Albiston concluded his remarks and welcomed questions from the Board and noted that the applicant was available as well.

Ms. Null stated her inability to support the application, as the proposed use did not conform to the Comprehensive Plan's standards for short-term rentals. She noted that while reviewing the property on the County's Geographic Information System (GIS), it indicated a two-bedroom and one bath with a 2,152-square-foot footprint. Ms. Null mentioned that she and Ms. Wainwright visited the property and reviewed GIS records and discovered the owner had been a habitual late taxpayer since 2002.

Ms. Wainwright noted her understanding that a new Certificate of Occupancy would be issued, contingent upon a physical site inspection of the property. She inquired about the available recourse for addressing discrepancies between the official GIS designation and its Airbnb listing, and asked if there was a formal reconciliation process to correct such inconsistencies.

Mr. Albiston noted that while County staff made every effort to maintaining accurate information, keeping the GIS system updated for every structure presented unique challenges, particularly with older dwellings. He added that the required physical property inspection for the new Certificate of Occupancy would serve as an ideal opportunity to gather precise data and update its property records.

Ms. Wainwright pointed out existing noncompliance issues with the application and asked about the County's enforcement options.

Mr. Albiston explained that if an applicant violates SUP conditions, staff would notify them and explain the necessary corrective actions. If the applicant did not demonstrate a good faith effort to comply, the County would issue citations and escalate enforcement until the issue was resolved.

Ms. Wainwright inquired whether this same procedure applied to applications that were denied but remained in operation.

Mr. Albiston noted that it was a similar procedure but a different violation.

Dr. Allman reported that the Planning Commission voted 5-1 on April 1, 2026, to recommend approval of the SUP application. During the Public Hearing, she reported that the applicant requested approval and multiple individuals, including several of Mr. Buskey's neighbors, attended in person to voice their support for the application. Dr. Allman stated that no letters or comments opposing the application were submitted during the Public Hearing. She noted that the Planning Commission's debate focused on how the property impacted the neighborhood's residential character and aligned with County short-term rental standards, particularly since it failed to meet three of the four Comprehensive Plan standards. Dr. Allman reported that the Planning Commission questioned the applicant about a misdelivered Notice of Violation and an online three-bedroom listing. The applicant clarified that the notice went to the wrong address and updated the listing to two bedrooms. Both parties agreed to an SUP condition requiring the owner to reside on-site during rentals. Dr. Allman noted that the applicant's presentation and the strong support from nearby residents ultimately convinced several Commissioners to approve the proposal. She stated that a Commissioner noted that the Planning Commission

inconsistently evaluated short-term rental applications on a case-by-case basis. Because the current criteria was overly restrictive, the Commission suggested that the criteria be reviewed and updated. Dr. Allman noted that the Commissioners generally doubted the compatibility of short-term rentals with neighborhood character. She explained that the lone vote opposing the application stemmed from a desire to prevent commercial activities from encroaching on residential areas. Dr. Allman concluded the Planning Commission report and welcomed questions from the Board.

Mr. McGlennon asked if the Board had any questions for Dr. Allman.

The Board declined.

Mr. McGlennon opened the Public Hearing.

Mr. Icenhour recommended deferring the application to verify all information and requested that County staff conduct a site visit to compare the physical site with the GIS data. He also suggested that the Board reevaluate the short-term rental criteria, acknowledging the Planning Commission's concerns about their restrictive nature.

Mr. McGlennon indicated that the Public Hearing would remain open until the deferral date.

4. Z-23-0004/MP-23-0001. Westwood Park Rezoning

Mr. McGlennon stated that the applicant had requested a deferral of this case until June.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon indicated there would be no staff presentation regarding this matter this evening and advised that the Public Hearing would remain open until the Board's June 9, 2026, Regular Meeting.

For the record, no motion was made to defer the application.

5. LU-20-0003. Eastern State (Parcels A, B and D) - Land Use Designation Change

A motion to Defer until the Board's June 9, 2026, Regular Meeting, was made by James Icenhour, Jr., the motion result was Passed.

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

Ayes: Icenhour Jr., Larson, McGlennon, Null, Wainwright

Ms. Terry Costello, Senior Open Space Planner II, addressed the Board noting the Land Use application Case No. LU-20-0003. Eastern State Parcels (A, B, and D) was submitted during the 2045 Comprehensive Plan update to request a change of the designation from Federal, State, or County Lands to Mixed Use. She stated that the proposed description language was developed during the 2045 Comprehensive Plan update and was included in the memorandum in the Board's Agenda Packet. Ms. Costello noted that this application was postponed until such time that a Rezoning application for the property was submitted. She stated that at its November 23, 2023, meeting, a Rezoning application had been submitted for Parcels A, B, and D and the application was considered at the December 2, 2025, Planning Commission meeting. Ms. Costello noted that staff welcomed the Board's discussion regarding the proposed land use designation change and the description language. She concluded her remarks and welcomed questions from the Board.

Mr. McGlennon asked if the Board had questions for Ms. Costello.

Mr. Icenhour asked the County Attorney whether continuing to postpone the current

application, pending the Cardinal Ridge development case, would present any issues.

Mr. Kinsman shook his head no.

Mr. Icenhour indicated that he understood there to be no statutory mandate requiring immediate action on this item. Mr. Icenhour asked Mr. Kinsman if a parcel was designated as Public Lands in both the zoning and the Comprehensive Plan, the Board could still approve a rezoning application without first requiring an amendment to the Comprehensive Plan.

Mr. Kinsman nodded in agreement.

Mr. McGlennon clarified there was no Planning Commission report for this item. He informed attendees that the Board would not vote on the application tonight. Consequently, the Public Hearing allowed for only one speaking opportunity per person. He then called the roster, asking each speaker whether they wanted to speak or wait until the Board formally heard the application.

1. Mr. Timothy Trant, chose to wait to speak.

2. Mr. Harry Falls, chose to wait to speak.

3. Ms. Claudia Kirk, 121 Rosemount, addressed the Board, expressing concern that the state's request lacked provisions for conservation easements. She highlighted that Parcel D, located west of Route 199, consists primarily of wetlands and Resource Protection Areas (RPAs), which caused her to question the Mixed Use designation for the entire property. Emphasizing the vital need to protect the Powhatan Creek watershed and prevent water quality degradation, Ms. Kirk urged the Board to consider the Cardinal Ridge and Westwood developments as a single, holistic project. She concluded by thanking the Board for its time.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Rezoning application. Noting his involvement in the Crossroads Study 25-30 years ago, he stated that the area was originally intended to be an extension of New Town. While not opposed to a Mixed Use overlay, he argued that acting on the rezoning without complete land use specifics was premature. He emphasized the need for a broader community discussion and a thorough evaluation of environmental impacts, traffic, and critical area needs. Citing the site's strong pedestrian connectivity and workforce proximity, Mr. Henderson suggested that affordable housing would be highly beneficial in this location. He encouraged the Board to proceed with caution.

5. Mr. Robert Veverka, 5133 O'Holloran Way, addressed the Board noting that he resides in The Mews, a neighborhood in close proximity to the proposed developments. Mr. Veverka raised concerns about future traffic congestion from the under-construction Consolidated Government Center, warning that additional housing and development would exacerbate the area's problems. He encouraged the Board to take a holistic approach, incorporate parkland into future development, and thanked the Board for its time.

Mr. McGlennon noted that concluded the public speakers.

Ms. Larson inquired about potential property uses under the current Public Lands designation and requested a list of options from Ms. Costello.

Ms. Costello confirmed she would supply Ms. Larson with the necessary information.

6. Ordinance to Levy an Admissions Tax

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting the purpose of this Public Hearing was to invite public comment on an admissions tax. Prior to the Public Hearing, Ms. McCarthy provided an overview of a proposed admissions tax. She noted that the tax was omitted from the March 27, 2026, proposed budget because state legislation had not yet been enacted. Following recent changes to the Code of Virginia, York County and James City County were now permitted to levy an admissions tax of up to 10%. Ms. McCarthy stated that localities may also implement specific exclusions, caps, or amount limits via Ordinance. She noted that if approved, the County Administrator recommended an effective date of July 1, 2026, with revenues earmarked for debt service or capital purposes. Ms. McCarthy reviewed potential tax classifications and common exclusions via a PowerPoint presentation. She then recommended opening the Public Hearing, with Board discussion to follow.

Mr. McGlennon opened the Public Hearing.

1. Ms. Susan Franz, 103 Cardinal Court, addressed the Board in opposition to the proposed admissions tax. She challenged the assumption that tourists rather than residents would bear the financial burden. Ms. Franz highlighted the compounding financial strain of recent property tax increases and meals tax increases, and argued that an admissions tax would erode the area's affordability and character. She urged the Board to vote against the tax and instead conduct a thorough review of existing line-item expenditures to maximize efficiency.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board and agreed with Ms. Franz's comments and stated his opposition to the proposed admissions tax. He pointed out that since the local economy relies on tourism, adding a \$10 surcharge to Busch Gardens tickets could drive families to vacation elsewhere. Mr. Henderson cautioned the Board that the County was becoming financially prohibitive for the average citizen, concluding that the Board must recognize this unaffordability issue and that having the authority to impose a tax did not justify doing so.

3. Mr. Steven Mains, 3781 Captain Wynne Drive, addressed the Board in strong opposition to the proposed admissions tax, pointing to the compounding burden of recent property and meals tax hikes. He criticized a recent three-cent tax rate reduction, noting it was effectively a 5.5-cent increase masked by a two-cent rebate. Arguing that the County consistently prioritized revenue over affordability, Mr. Mains contended that if the Board felt the need to cushion the financial impact on vulnerable demographics including fixed-income residents, the working poor, and those on government assistance the Board should eliminate the root cause of the distress. He further warned that excessive admission prices at local attractions like Jamestown and Busch Gardens would drive away visitors and reduce overall revenue. Concluding his remarks, Mr. Mains presentation a petition signed by more than 500 constituents and urged the Board to halt tax increases, rein in spending, and reject the admissions tax.

Mr. McGlennon closed the Public Hearing as there were no additional public speakers.

Ms. Larson inquired whether Ms. McCarthy had communicated with York County regarding their proceedings and intended course of action on the proposed admissions tax.

Ms. McCarthy confirmed that York County faced a similar situation to their own regarding the proposed admissions tax. She noted that while York County allocated a small amount in their adopted budget, they had formed a committee to regularly review potential exclusions. Ms. McCarthy added that York County had not yet finalized any specific tax rates or caps.

Ms. Larson asked when the recently formed York County committee hoped to report back to its Board of Supervisors.

Ms. McCarthy clarified that because York County was aiming for a July 1 effective date, the

action must be finalized prior to that date if the upcoming budget was already adopted. She also noted that if York County preferred a different effective date, it could be accomplished via a supplemental appropriation during Fiscal Year 2027.

Mr. Stevens noted that York County was considering an admissions tax ranging from 6% to 10% and was still evaluating which entities would be subject to it. He mentioned speaking with the County Administrator while Ms. McCarthy consulted with York County's finance department, noting that York County was still finalized the plan before taking official action.

Ms. Larson pointed out the complications of joint ticketing between the two large amusement parks. She stressed the unaligned policies would cause confusion, raising concerns about how authorities would manage discrepancies if different municipalities implemented conflicting regulations.

Ms. McCarthy confirmed that was one of the current concerns.

After adjusting his microphone to be clearly heard, Mr. Icenhour requested more details before voting. He clarified that rather than applying an admissions tax across a broad range of businesses, he wanted to focus specifically on amusement parks. Mr. Icenhour emphasized that the Board needed to agree on exactly which venues to include or exclude and formalize those definitions in a resolution.

Ms. Larson postponed an immediate ruling on the admissions tax, pending further information. She expressed an initial inclination toward a 6% rate but emphasized her opposition to applying the tax to school-related functions.

Mr. Stevens explained that while County staff could estimate potential revenues, the process was complicated by restricted data access and the Commissioner of the Revenue's reluctance to share certain figures. He noted that drafting an admissions tax Ordinance was the essential next step to define which business types were taxed, establish collection rates, and ensure accurate forecasting.

Ms. Null opposed the proposed admissions tax but agreed to compile a list.

Ms. Wainwright noted that constituents clearly expressed concern regarding the tax burden and the potential financial pressure of proposed changes. She highlighted that recent significant increases in property taxes, the raised meals tax, and a potential admissions tax would create financial hardship and force citizens to go without certain choices. Ms. Wainwright stated she was not comfortable supporting an admissions tax without reviewing the County's other taxes, adding that at this time, an amusement park would be the only entity she would be willing to consider for such a tax.

Mr. McGlennon highlighted that exploring an admissions tax helped address the Board's goal of diversifying the County's tax base beyond residential property. He emphasized that this provided an ideal avenue to generate additional local revenues, as the financial burden would be largely borne by visitors. Mr. McGlennon stated he would not support a 10% admissions tax, but indicated interest in a 5% or 6% rate. Mr. McGlennon believed this would be a great way to fund County services while relieving the tax burden on residential property owners. Mr. McGlennon outlined ongoing initiatives to advance the County's economic development, which would ultimately yield revenue for the public. He emphasized that the majority of theme parks nationwide currently apply an admissions tax, an expense that visitors reasonably anticipate. Mr. McGlennon described the fees as a moderate addition that would ultimately receive widespread approval from the local public. He noted that the Virginia General Assembly required a public referendum before the County could implement a meals tax. He emphasized that citizens voted to approve the tax primarily because it would be paid by visiting tourists, ultimately easing the tax burden on local property owners. Mr. McGlennon voiced his approval

for the admissions tax and urged an accelerated rollout so that it could be enforced by July 1, 2026.

Mr. Icenhour asked Mr. Stevens whether the theme park/amusement park category would yield the highest revenue.

Mr. Stevens affirmed the assertion, specifying that it represented a significant majority in the 80%-90% range.

Mr. Icenhour stated he planned to focus exclusively on this specific category and leave the others alone. He also suggested collaborating with York County to jointly set and implement the admissions tax. Mr. Icenhour requested that more information be provided to the Board as soon as possible, and asked if a formal motion was required to defer the item.

Mr. Stevens noted that a motion was not needed and mentioned that more information would come to the Board in the May-July timeframe.

To demonstrate the County's commitment to fiscal stability to credit rating agencies, Mr. McGlennon expressed a desire to reach a decision prior to July 1.

I. BOARD CONSIDERATION(S)

1. Plan of Finance - Capital Projects

Mr. McGlennon reiterated that this item had been deferred.

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

A motion to Deny was made by James Icenhour, Jr., the motion result was Passed.

AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Icenhour Jr., McGlennon

Nays: Larson, Null, Wainwright

A motion to Approve was made by Tracy Wainwright, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Larson, Null, Wainwright

Nays: Icenhour, Jr., McGlennon

Ms. Morgan Risinger, Senior Planner, addressed the Board noting that the Board discussed the proposed Proffer and Master Plan amendment for the Ford's Village development at its February 10, 2026, Regular Meeting, before postponing consideration to tonight's meeting. She pointed out that the discussion covered several key questions: the required minimum number of units for assisted living, memory care, and skilled nursing; whether the property's secondary entrance should allow full public access; and how many residential building permits could be issued before construction began on the Continuing Care Retirement Community (CCRC) assisted living facility on land parcel D. Ms. Risinger indicated that the applicant submitted several revisions to the application in order to address these inquiries. First, the applicant had revised Proffer No. 3A to increase the minimum number of assisted living/memory care/skilled nursing units in the CCRC-D land area from 40 to 46. She noted the total amount of units within the CCRC-D land area would continue to be 200 units meaning that no more than 154 independent living apartments could be constructed. For the overall Master Plan, there would continue to be a total of 470 independent living apartments and assisted living, memory care, and skilled nursing units. Secondly, the applicant had completed a supplemental traffic analysis

to confirm whether the proposed secondary entrance would meet the Virginia Department of Transportation (VDOT) requirements for a public access entrance. Ms. Risinger stated that this analysis concluded that the entrance would exceed the minimum site distance for a public entrance, it would exceed the minimum separation distance from other entrances and intersections, and would not warrant the installation of turn lanes. She noted that VDOT reviewed the analysis and concurred with the findings. Accordingly, the applicant had revised Proffer No. 6D to remove the stipulation that the secondary entrance could only be used for emergency access until that supplemental traffic analysis had been completed. Thirdly, the applicant had revised Proffer No. 17 to decrease the number of residential building permits that may be issued in CCRC-A, CCRC-B, CCRC-C land areas before construction had commenced on the assisted living facility in the CCRC-D land area from 100 to 50 units. Ms. Risinger stated that with these changes the application was anticipated to have positive fiscal impact, was not anticipated to generate student enrollment or impacts on schools, was not expected to result in an increased number of vehicular trips to and from the property, and that appropriate amenities were provided for the development. She indicated that the application did not propose 20% of the units to be affordable to the 0-80% Area Median Income (AMI) range as recommended in the 2045 Comprehensive Plan. Overall, staff found the application to be generally consistent with the Zoning Ordinance, with applicable policies, and the Comprehensive Plan. Ms. Risinger noted that staff recommended approval, subject to the proposed proffers. She welcomed questions from the Board and noted that the applicant team was available also.

Mr. Icenhour opposed the development, citing it as an over-intensive use for a small property. He explained that the site was only included in the Ford's Colony Master Plan to "wash" high-density zoning across the 3,000-acre development without exceeding overall limits. While noting the project's age-restricted nature avoids school impacts and generates approximately \$2 million annually, he outlined primary concerns: 1) Reduced Care Units: The guaranteed assisted living, memory care, and skilled nursing units were slashed by two-thirds (from 125 to 46), showing the project prioritizes developer interests over citizen needs; 2) Watershed Impacts: The property lies within the main stem of the Powhatan Creek Watershed, which is already at a 24% impervious cover rate; 3) Environmental Degradation: Once a watershed reached a 25% impervious cover, it becomes "non-supporting"; this subwatershed is now only 1% away from that critical, damaging threshold; and 4) No Affordable Housing: The proposal lacked accommodations for affordable housing. Mr. Icenhour explained that the Hampton Roads Sanitation District (HRSD) wastewater system, which handles the County's sewage, lacks the capacity to accommodate new housing developments. During heavy storms or hot weather, pressure in the lines build to unsafe levels, resulting in illegal sewage spills. He further explained that the infrastructure between JCSA and HRSD lacked the capacity to handle peak demand under certain circumstances. Every new housing connection exacerbates the issue, underscoring the need for a comprehensive long-term solution. Mr. Icenhour noted that safely transferring future flows from James City County to HRSD required a costly parallel pipe to relieve system pressure. He cautioned that this extensive infrastructure project would negatively impact thousands of approved but undeveloped projects County-wide. He questioned the best way to handle the situation and elaborated on his point in further detail. He concluded by reaffirming his opposition to the project.

Ms. Null recalled reviewing the project on the Planning Commission a few years ago. She stressed the critical need for two entrances and exits in any development. She asked Ms. Risinger for confirmation from VDOT regarding the secondary entrance status as a full public access.

Ms. Risinger confirmed that VDOT had designated the secondary entrance for full public use.

Ms. Null highlighted a concerning lack of assisted living, memory care, and skilled nursing facilities, emphasizing the high demand for these services and the limited options available throughout the County. Ms. Null advocated for preserving the existing 125 assisted living, memory care, and skilled nursing units. She referenced a recent High-Growth County meeting

she attended last week where this issue was discussed. Ms. Null noted that she asked Mr. Holt about the County's current by-right housing capacity, and he confirmed there were 7,000 available buildable lots. Ms. Null questioned the actual need for more housing and asked how the County planned to manage further development alongside the concerns previously raised by Mr. Icenhour.

Ms. Wainwright explained that the ratio was adjusted to meet the demand. While she acknowledged the waiting lists for assisted living, she pointed out that high demand and waiting lists also existed for independent living apartments. Based on her research, Ms. Wainwright noted a shortage of comprehensive Continuing Care facilities in the County, though a few communities successfully transition residents from independent to assisted living and memory care. She suggested that developing higher-level assisted living facilities was challenging because seniors increasingly chose to leave their homes earlier than was strictly necessary. Ms. Wainwright highlighted that the development successfully incorporated highly sought-after amenities and services. She emphasized the impracticality of imposing building parameters that prevent developer interest or financial viability, noting that design requirements must evolve in response to market demands. Ms. Wainwright noted an interesting discrepancy regarding unit density calculations. She observed that memory care, assisted living, and skilled nursing units were typically excluded from density limits, whereas independent living apartments were included. Ms. Wainwright pointed out that this calculation method effectively increased the overall density, even though the total number of units remained unchanged. Finally, she asked where the 2022 total unit figure of 345 (rather than 470) originated, and what the reason for that adjustment was.

Ms. Risinger clarified that the density charts excluded assisted living units, which explained why they were not factored into the calculations. However, she confirmed that the overall total for 2022 was 470 units, comprising 270 single-family and multifamily homes, 75 independent living apartments, and 125 assisted living, memory care, and skilled nursing units.

Ms. Wainwright inquired whether the overall figure simply reflected a change in categorization.

Ms. Risinger confirmed yes.

Ms. Wainwright expressed mixed feelings but supported the project, noting it addressed a clear need by allowing residents to downsize into high-end homes while retaining essential amenities. She clarified that because the overarching project was already approved, the reduced number of assisted living, memory care, and skilled nursing units were a necessary adjustment to reflect current market demand.

Mr. McGlennon reaffirmed his opposition to the project, noting that he voted against it during its prior review and that the recent revisions offered no real improvements.

Mr. Stevens explained that since the motion to deny failed, the Board must make a new motion to approve.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Wainwright reported that she began her latest round of Virginia Association of Counties (VACo) training on May 1. She noted that she and Ms. Null attended the National Correctional Officers and Employees Week and National Nurses Week lunch at the Virginia Peninsula Regional Jail (VPRJ) on May 6. Ms. Wainwright advised that she attended the Williamsburg-James City County (WJCC) Schools Impact Awards Gala with Mr. Icenhour and also attended the Williamsburg Christian Retreat Centers Gala. Finally, she passed along regrets from Clean County Commission Chair, Peg Boarman, who was absent due to scheduling conflicts but was doing well.

Ms. Null stated she had no reports to share, aside from noting her attendance at the VPRJ luncheon, where she was presented with a beautiful trophy.

Mr. Icenhour reported on a well-attended commemorative gathering at Upper County Park on May 3. Hosted with the Sons of the American Revolution, the event marked the historical Gunpowder Incident of April 21, 1775. He detailed how royal marines, acting under the royal governor, secretly removed gunpowder from the Magazine, sparking outrage and prompting Patrick Henry to mobilize militia and march on Williamsburg. He brought up a recent GloFiber outage in the Ford's Colony area and asked Mr. Stevens for more details, as it took up to 12 hours for some constituents to get their service back.

Ms. Larson noted that she attended the first-ever Visit Williamsburg Tourism Summit last Thursday, which featured the head of Destinations International. She described the event as highly informative and praised its overall success. She suggested a Historic Triangle State of the County/City address to Mr. Stevens. Ms. Larson shared the exciting news that Kongsberg Defence & Aerospace would soon open its new offices. She stated that on Friday, May 15, at 9 a.m. the TODAY Show would broadcast live, filming segments at various destinations throughout the Historic Triangle. Ms. Larson referenced Mr. McGlennon's comment regarding creative revenue sharing and the admissions tax. She expressed confidence that the Board and Mr. Stevens had maintained a fiscally prudent budget. Ms. Larson emphasized that citizens must understand the trade-offs at hand. She explained that avoiding tax increases would unavoidably necessitate reductions in public services. She detailed the implications of this choice before concluding her remarks.

Mr. McGlennon noted his attendance at the County Police Department's Open House on Saturday, May 2, specifically acknowledging the volunteer efforts of Ms. Null. He commended the event for effectively showcasing the Department's advanced technology and officers' dedication to their specialized teams. Mr. McGlennon highlighted the open house as a tremendous opportunity for community engagement and education regarding local law enforcement services. He spoke highly of the WJCC Schools Impact Awards Gala.

Ms. Larson announced that WJCC Schools would be rolling out redistricting maps tonight or tomorrow evening. She noted that if you have any feedback or concerns, the Board reminds parents to contact your local School Board representative, which the information could be found at wjccschools.org.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted that he had no updates.

L. CLOSED SESSION

None.

M. ADJOURNMENT

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

A motion to Adjourn was made by James Icenhour, Jr., the motion result was Passed.

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

Ayes: Icenhour Jr., Larson, McGlennon, Null, Wainwright

At approximately 7:11 p.m., Mr. McGlennon adjourned the Board of Supervisors.

MEMORANDUM

DATE: July 14, 2026

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: Disposition of Property Located at 179 and 191 Clark Lane in The Moores

The Board of Supervisors of James City County, Virginia, approved the acquisition of seven undeveloped properties known as the Clark Talley Property by resolution on June 13, 2023, for the future development of affordable housing. From those seven lots, on June 11, 2024, the Board of Supervisors approved the Clark Talley Residential Rezoning Master Plan, which creates 47 new or redrawn lots on the County-owned property.

Development of the property will be completed in phases. Phase 1 includes the creation of eight residential lots, which the County will donate to the James City County Community Land Trust (CLT). On those eight lots, Habitat for Humanity Peninsula and Greater Williamsburg (Habitat) will construct four duplex buildings (eight homeownership units). The homes will be sold at affordable prices to qualified low- to moderate-income first-time homebuyers.

The approved Phase 1 site development plans require that water and water easements be conveyed to the James City Service Authority for water and wastewater lines, to allow installation, operation, and maintenance of the necessary utility infrastructure.

Staff recommends approval of the attached resolution, which would authorize the County Administrator to execute all documents necessary to:

1. Convey the residential lots identified herein to the James City County CLT;
2. Convey the utility easements shown on the approved plan of development to the James City Service Authority; and
3. Execute a Memorandum of Understanding with Habitat for Humanity for the development of affordable homeownership housing on the Property consistent with the approved Clark Talley Residential Rezoning Master Plan.

AVP/tm
DispPropMooresSub-rev3-mem

Attachments:

1. Resolution
2. Plan of Development

RESOLUTION

DISPOSITION OF PROPERTY LOCATED AT 179 AND 191 CLARK LANE IN THE MOORES

- WHEREAS, James City County (the “County”) owns parcels of land currently known as 179 and 191 Clark Lane and further identified as James City County Real Estate Tax Map Parcel Nos. 3220100040 and 3220100113 (the “Property”); and
- WHEREAS, the Board of Supervisors approved the acquisition of the Property on June 13, 2023, for the future development of affordable housing; and
- WHEREAS, on June 11, 2024, the Board of Supervisors approved the Clark Talley Residential Rezoning Master Plan, which created 47 new or reconfigured lots on the Property; and
- WHEREAS, development of the Property will occur in phases, with Phase 1 consisting of eight residential lots to be known as 181A, 181B, 183A, 183B, 185A, 185B, 187A, and 187B Clark Lane; and
- WHEREAS, to promote the creation of permanently affordable housing, the County desires to convey, at no cost, the eight residential lots by fee simple deed to the James City County Community Land Trust (CLT); and
- WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg (Habitat) will construct four duplex buildings containing eight homeownership units on the residential lots for sale to qualified low- and moderate-income first-time homebuyers; and
- WHEREAS, utility easements shown on the approved plan of development must be conveyed to the James City Service Authority (JCSA) for the installation, operation, and maintenance of water, wastewater, and stormwater facilities serving the development; and
- WHEREAS, the remainder of 179 Clark Lane will be retained by the County as a natural buffer; and
- WHEREAS, the remainder of 191 Clark Lane will be retained by the County for stormwater management purposes; and
- WHEREAS, pursuant to Virginia Code § 15.2-1800, a public hearing was duly advertised and conducted regarding the proposed disposition of the Property; and
- WHEREAS, the Board of Supervisors finds that the conveyance of the residential lots to the CLT and the conveyance of the utility easements to JCSA serve a public purpose by facilitating the development of permanently affordable housing.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all documents necessary to:
1. Convey the residential lots identified herein to the James City County Community Land Trust;
 2. Convey the utility easements shown on the approved plan of development to the James City Service Authority; and
 3. Execute a Memorandum of Understanding with Habitat for Humanity for the development of affordable homeownership housing on the Property consistent with the approved Clark Talley Residential Rezoning Master Plan.

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

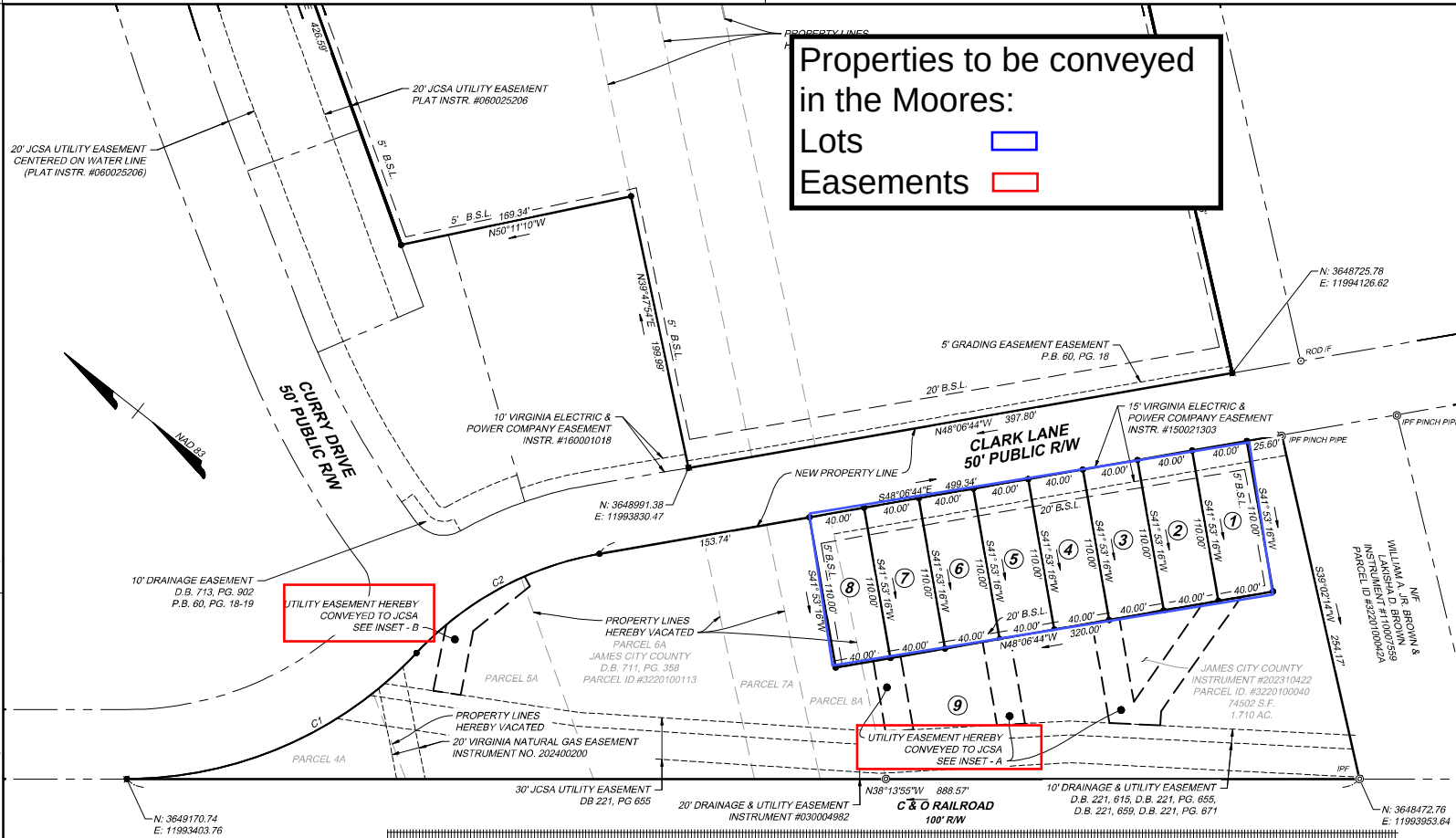
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

DispPropMooresSub-rev2-res

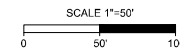
Y:\909\46163.009-Clark Talley Subdivision\DWG\46163.009-PL SUB01-1PH1.dwg [Plotted on 6/3/2026 10:53 AM] by Michael Little



LOT AREA TABLE		
LOT	TOTAL AREA (AC)	TOTAL AREA (SF)
1	0.101	4,400
2	0.101	4,400
3	0.101	4,400
4	0.101	4,400
5	0.101	4,400
6	0.101	4,400
7	0.101	4,400
8	0.101	4,400
9	2.213	96,392

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	285.44'	234.21'	124.15'	47°00'45"	S61°44'18"E	227.69'
C2	235.44'	152.58'	79.08'	37°07'57"	S66°40'43"E	149.93'
C3	2824.79'	95.28'	47.64'	1°55'57"	N64°05'10"W	95.27'
C4	2824.79'	91.83'	45.92'	1°51'45"	N59°09'59"W	91.82'
C5	25.00'	42.29'	28.21'	96°54'30"	N9°25'11"W	37.42'

AREA TABLE		
PARCELS	AREA (S.F.)	AREA (ACRES)
LOTS	131,592	3.021
TOTAL AREA	131,592	3.021



PLAT OF SUBDIVISION
THE MOORES
PHASE I

JAMES CITY COUNTY PROJECT NO. S-25-0043

POWhatan DISTRICT	JAMES CITY COUNTY, VA
DATE: 5/27/2026	SCALE: 1" = 50'
SHEET 3 OF 4	J.N. 46163.009
DRAWN BY: R. MANN	CHECK BY:
REVISED:	

THIS DRAWING PREPARED BY THE
HAMPDEN ROAD PROFESSIONAL OFFICE
SURVEYORS
800 West 10th Street, Suite 100
Hampton, VA 23666
TEL: 757-982-3541
FAX: 757-982-3541

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TIMMONS GROUP

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

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 139 residential dwellings consisting of 82 single-family detached units and 57 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. (Postponed)
June 9, 2026, 5:00 p.m. (Postponed)
July 14, 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 22-27).
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. Additionally, the applicants have proffered that no building shall be constructed within 200 feet of the border with the properties along Rollison Drive.
4. This proposal is generally consistent with the recommendations on workforce and affordable housing as stated in the Comprehensive Plan (see Page 6).
5. The application is expected to have a positive cumulative fiscal impact based on analysis from the County's Fiscal Impact Model (see Pages 25-26).
6. The proposal passes the Adequate Public Schools Facilities Test (see Page 10).

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

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

7. The proposal passes the Adequate Transportation Facilities Test (see Pages 6-9).
8. The application is generally consistent with the Parks & Recreation Development Guidelines (see Pages 10-11).
9. See Impact Analysis on Pages 18-20.

FACTORS UNFAVORABLE

1. See Impact Analysis on Pages 18-20.
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 22).
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 23).

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 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. 9 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. 8 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. 5 to reflect the Area Median Income (AMI) in 2025 and revised Proffer No. 7 to reduce the area of passive parks from six acres to five acres.

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CHANGES MADE SINCE THE OCTOBER 14, 2025, BOARD OF SUPERVISORS MEETING;

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. 9 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 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.

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CHANGES MADE SINCE THE JUNE 9, 2026, BOARD OF SUPERVISORS MEETING; these changes represent the most current application information

The applicants have reduced the proposed residential density of the development from 155 units, comprised of 82 single-family detached and 73 single-family attached and multifamily units, to a total of 139 units, comprised of 82 single-family detached units and 57 single-family attached and multifamily units. The proposed Master Plan and proffers allow flexibility for the distribution of single-family attached and multifamily units by allowing up to 50 units to be located in Parcel B and up to 15 units to be located in Parcel C, provided that the total of such units across both parcels does not exceed 57 units.

Adjusting for the reduction in the number of units, the applicants adjusted Proffer No. 10 to increase the per unit cash contribution from \$1,451.61 to \$1,618.70 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.

As a result of the reduction of residential units, density bonus points are no longer required for the application. The applicants have removed the proffer pertaining to a BMP retrofit for the Courthouse Green Dry Pond (BMP ID PC144) and the outfall repair of the SunTrust Wet Pond (BMP ID PC173) which had previously been included for 1.5 density bonus points. The application continues to include binding design guidelines as indicated in Proffer No. 12 which previously provided 0.5 density bonus points.

The applicants have added Proffer No. 9 requiring that 3.6 acres of land located along the streams along the border of proposed Parcel B be preserved in a natural open space easement. This area is depicted as the “Powhatan Creek Protection Area” on the proposed Master Plan.

The applicants have added Proffer No. 2 which requires that development plans for the property be consistent with the submitted Conceptual Plan (see Attachment No. 5).

The applicants have revised Proffer No. 5 so that 16 percent of the residential units shall be offered at prices affordable to households making up to 80% of the AMI and that 4% of residential units shall be offered at prices affordable to households making up to 60% of the AMI. The proffer has also been adjusted so that the respective maximum sale price of each category of units shall be adjusted annually based upon AMI rather than the Marshall and Swift Building Costs Index.

Finally, the applicants have revised Proffer No. 6 to further specify that no buildings shall be constructed within 200 feet of Section 7 of New Town.

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:

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- The proposal is for 139 residential dwellings, with 82 single-family detached units, and 57 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 25.54 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 48.5 acres of open space including, the 25.54 acres of non-developable area and 23.1 acres of the developable land. The open space within the developable land includes 3.6 acres in the Powhatan Creek Protection Area.
- Based on the developable acreage of the parcel, this project proposes a net density of up to 2.57 units per acre. In accordance with Section 24-487(b) of the Zoning Ordinance, the project does not require density bonus points.
- 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 as well as that no proposed buildings shall be located within 200 feet of 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 generally consistent with the Parks & Recreation Development Guidelines.
- At least 16% (23 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 and at least 4 % (6 units) of the dwelling units shall be offered for sale or rent at prices that are targeted at households earning up to 60% 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.

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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 16% (23 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 and that at least 4 % (6 units) of the dwelling units shall be offered for sale or rent at prices that are targeted at households earning up to 60% of the AMI. The proposed proffer states that the maximum sale price of the units shall be determined based upon the AMI of the year they are sold. However, the proffer notes that the maximum sale price of the units shall not be less than the specified maximum sale prices in 2026. Should the AMI in a future year decrease below the 2026 AMI level, the maximum sale price of the units would not decrease below the maximum sale prices for 2026. The tables below provide the sales prices and monthly rents for certain percentages of AMI, which is currently \$107,700.

Affordable Sales Price by AMI % (2026 AMI)

% AMI	Upper Limit of the Sales Price Affordable to this AMI Level
30%	\$113,550
60%	\$224,500
80%	\$298,600
100%	\$372,700
120%	\$446,700

Affordable Rental Price, by AMI % (2026 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%	\$566.25	\$645.25	\$727.50	\$808.75
60%	\$1,131.25	\$1,292.50	\$1,455	\$1,616.25
80%	\$1,508.75	\$1,723.75	\$1,938.75	\$2,155
100%	\$1,885	\$2,155	\$2,423.75	\$2,692.50
120%	\$2,262.50	\$2,585	\$2,908.75	\$3,231.25

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. Staff notes that the projected trips were based upon a previous iteration of this application which included a total of 186 residential units and 40,000 square feet of commercial uses. As the scale of the application has decreased to a total of 139 residential units and 24,000 square feet of commercial uses, the actual trips upon build out would be less than those studied in the TIA. As the TIA considered potential impacts to the roadways with a higher number of trips, a revised TIA is not necessary for these changes.

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

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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.

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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.

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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.

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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 40 students. As illustrated in the following table, the 40 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

<i>School</i>	<i>Effective Capacity</i>	<i>Enrollment 2025-2026</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
Clara Byrd Baker Elementary School	618	502*	+18	520
James Blair Middle School	608	465	+9	474
Lafayette High School	1,514	1,211	+13	1,224

**Figure includes Pre-Kindergarten enrollment*

Source: WJCC Staff Correspondence

Parks & Recreation

This proposal includes 139 residential units consisting of 82 single-family detached units and 57 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

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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

<i>Minimum Requirement (units)</i>	<i>Minimum Required</i>	<i>Proffered or Shown on Master Plan</i>
Parkland Acreage	0.45 acres	5 acres
Biking/Jogging Trails	615.93 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 were adopted by the Board of Supervisors.

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 does not include any items to address the candidate projects for the identified stormwater facilities. The Stormwater and Resource Protection (SRP) Division has reviewed the details for the stream restoration and find it generally in accordance with the Powhatan Creek Watershed Master Plan.

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The application has also proffered that 3.6 acres of land adjacent to the streams located along the proposed exterior parcel lines of Parcel B, referred to as the “Powhatan Creek Protection Area”, shall be preserved in a natural open space easement. The Master Plan and proffer further states that there shall be “no direct stormwater discharges or focused runoff” permitted in the area of the easement. The SRP Division has reviewed the application and notes that, while direct discharges and focused runoff are not permitted, the proposed language may allow for runoff to be directed to the easement area as sheet flow

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. 2. Conceptual Plan. The Property shall be developed generally in accordance with the Conceptual Plan. All final development plans shall be generally consistent with the Conceptual Plan, but may deviate from the Conceptual Plan if the Planning Director concludes that the development plan does not: (i) significantly affect the general location or classification of housing units or buildings as shown on the Conceptual Plan; (ii) significantly alter the distribution of recreation or open space areas on the Conceptual Plan; (iii) significantly affect the road layout as shown on the Conceptual Plan; or (iv) significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the Conceptual Plan. In the event the Planning Director disapproves the proposed development plans as not being generally consistent with the Conceptual Plan, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a

recommendation to the Planning Commission, whose decision shall be final.

The proffer states that development plans for the property will need to be determined to be consistent with the illustrated “Conceptual Plan” (see Attachment No. 5). The review criteria and procedures for the consistency determination are identical to the criteria and procedures found in Section 24-23 of the Zoning Ordinance for determining consistency with Master Plans which are adopted by the Board of Supervisors as part of Rezoning and Special Use Permit applications.

- Proffer No. 5 Affordable Housing Units. At least sixteen 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 Ninety-Seven Thousand Five Hundred Dollars (\$297,500.00). At least four 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 60% 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 Twenty-Three Thousand Seven Hundred and Fifty Dollars (\$223,750.00). The per unit maximum sale price shall be adjusted once a year when the updated AMI determination is released. In no event shall the per unit maximum sale price be adjusted to a sum less than the maximum price specified above. 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

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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 16% of dwelling units should be offered at prices affordable to households earning up to 80% of AMI and at least 4% of dwelling units shall be offered at prices affordable to households earning up to 60% of AMI. Staff notes that should the AMI of a future year decrease below the 2026 AMI level, the proffer specifies that the maximum sale price of the unit shall not decrease below the specified maximum sale prices for 2026.

- **Proffer No. 6. New Town Buffer.** There shall be buffer along the boundary of the Property with Section 7 of New Town in the location shown on the Master Plan with a minimum width of 100 feet and labeled "Proposed 100' Buffer" and no building shall be located closer than 200 feet from the boundary of the Property with Section 7 of New Town. There shall be 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."

The proffer guarantees perimeter landscape buffers along the border with New Town which are increased in width compared to Zoning Ordinance minimums. The proffer also stipulates that no building shall be located within 200 feet of the border adjacent to the residential lots along Rollison Drive.

Proffer No. 7. 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.

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- Proffer No. 8. 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 (“SRP”). 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 SRP. 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 SRP. 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. 9. Powhatan Creek Protection Area. The area shown on the Master Plan as Powhatan Creek Protection Area (the “Easement Property”) shall be subject to a natural open space easement in form approved by the County Attorney restricting the area as follows:

- a. No direct stormwater discharges or focused runoff shall be permitted.
- b. No building or structure may be built or maintained on the Easement Property other than such building or structure expressly approved in writing by SRP.
- c. The easement property must be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material.
- d. No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the Easement Property without the expressed written consent of the SRP.
- e. The Easement Property must remain in its natural condition with respect to natural leaf litter or other ground-covering vegetation, understory vegetation or shrub layer, and tree canopy. The activities of Owner with the Easement Property are limited to those which do not remove or damage any vegetation or disturb any soil. With the express written consent of the SRP, such activities may include selective trimming and pruning which will not alter the natural character of the Easement Property. Owner may install walk trails and other passive amenities, such as benches, or remove dead, diseased, poisonous or invasive vegetation with the expressed written consent of the SRP.

The proffer requires that 3.6 acres of land adjacent to streams located on the perimeter of Parcel B be dedicated in a natural open space easement.

- Proffer No. 10. 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

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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 \$1,618.70 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 and in a location acceptable to SRP 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 \$1,618.70 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. 13. 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

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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. 14. 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.

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. 15. 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

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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

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

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IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	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.		
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- See discussion on Pages 6-9.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- 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.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- 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.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- See discussion on Page 10.
<u>Public Parks and Recreation</u>	<u>Mitigated</u>	- See discussion on Pages 10-11.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- See discussion on Page 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. 12 requires the submittal and approval of Water Conservation Standards for the development. - Proffer No. 15 requires the developer to submit a Water and Sewer Utility Master Plan and to complete the installation of any required off-site improvements.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	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.		
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	- See discussion on Pages 11-12. Proffers - Proffer No. 8 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. 9 proposes that 3.6 acres of land identified as the Powhatan Creek Protection Area will be dedicated in a natural open space easement. - Proffer No. 10 proposes cash contributions to the County to be used for a stream restoration project on or near the property.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- A Phase I Archaeological Study was completed for the project area which determined that there are no archaeological sites requiring further investigation.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- 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 lots on Rollison Drive. Additionally, no building shall be constructed within 200 feet of the border with the residential lots 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. 6 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.

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

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	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.		
<u>Community Character</u>	<u>Mitigated</u>	- 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. 6 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. 14 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.

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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.

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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.

<i>Land Use</i>	<i>Recommended Land Area Percentage</i>	<i>Proposed Land Area Percentage</i>
Residential Area	30-60%	100%
Non-residential Area	40-70%	17.3%
Civic, Open Space and Recreation Area	20%	61%

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 23.1 acres of developable land.

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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.

<i>Land Use</i>	<i>Recommended Densities and Intensities</i>	<i>Proposed Densities and Intensities</i>
Non-residential Floor to Area Ratio (FAR)	0.2-0.4	0.01
Residential Density (units/developable acre)	4-8	2.57
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

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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.

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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 \$4,282,617 (see the “Default Values” scenario within Attachment No. 9 for additional details). This corresponds to a positive annual impact of \$1,713.05.

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 \$39.77 SFA \$30.36	See Note 1
Parks & Recreation	SFD \$3,516.40 SFA \$2,320.54	See Note 1
Fire and Emergency Services	SFD \$1,021.74 SFA \$674.26	See Note 1
Police	SFD \$8.38 SFA \$5.53	See Note 1
Library	SFD \$460.18 SFA \$303.68	See Note 1
General Government	SFD \$276.08 SFA \$182.19	See Note 1
General Services	SFD \$291.55 SFA \$192.40	See Note 1
Courts	SFD \$1,565.02 SFA \$1,032.78	See Note 1
Schools	SFD \$14,252.97 SFA \$7,488.29	See Note 1
TOTAL	SFD \$21,432.08 SFA \$12,230.05	See Note 1

SFD - Single Family Detached

SFA - Single Family Attached

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. 13, 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

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

constructed, the net fiscal impact would remain positive with an overall impact of \$3,366,198. This corresponds to a positive annual impact of \$134,648.

The applicants have provided a narrative on Page 11 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.

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
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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.

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the July 14, 2026, Board of Supervisors Public Hearing**

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
RZ23-04MP23-01-WPrk

Attachments:

1. Proposed Ordinance
2. Proposed Proffers
3. Location Map
4. Proposed Master Plan
5. 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. Applicant Correspondence
13. Public Correspondence
14. 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 June 9, 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			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

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 ___ day of June, 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 and last revised June 9, 2026 (the “Master Plan”) for the Property in accordance with the County Zoning Ordinance and a conceptual plan entitled “Conceptual Site Plan Westwood Village prepared by AES Consulting Engineers and Hopke/Harrison, Inc and dated June 5, 2026 (the “Conceptual Plan”).

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. Conceptual Plan. The Property shall be developed generally in accordance with the Conceptual Plan. All final development plans shall be generally consistent with the Conceptual Plan, but may deviate from the Conceptual Plan if the Planning Director concludes that the development plan does not: (i) significantly affect the general location or classification of housing units or buildings as shown on the Conceptual Plan; (ii) significantly alter the distribution of recreation or open space areas on the Conceptual Plan; (iii) significantly affect the road layout as shown on the Conceptual Plan; or (iv) significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the Conceptual Plan. In the event the Planning Director disapproves the proposed development plans as not being generally consistent with the Conceptual Plan, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission, whose decision shall be final.

3. Density. There shall be a maximum of 82 single family detached units on Parcel A (Master Plan Designation A) shown on the Master Plan, 50 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 15 multi-family units on Parcel C (Master Plan Area Designations B, C and D) but in no event shall there be more than a total of 57 multi-family units in Parcels B and C.

4. 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 owner's 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.

5. Affordable Housing Units. At least sixteen 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 Ninety-Seven Thousand Five Hundred Dollars (\$297,500.00). At least four 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 60% 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 Twenty-Three Thousand Seven Hundred and Fifty Dollars (\$223,750.00). The per unit maximum sale price shall be adjusted once a year when the updated AMI determination is released. In no event shall the per unit maximum sale price be adjusted to a sum less than the maximum price specified above. 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.

6. New Town Buffer. There shall be buffer along the boundary of the Property with Section 7 of New Town in the location shown on the Master Plan with a minimum width of 100 feet and labeled "Proposed 100' Buffer" and no building shall be located closer than 200 feet from the boundary of the Property with Section 7 of New Town. There shall be 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".

7. 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.

8. 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 (“SRP”). 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 SRP. 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 SRP. 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.

9. Powhatan Creek Protection Area. The area shown on the Master Plan as Powhatan Creek Protection Area (the “Easement Property”) shall be subject to a natural open space easement in form approved by the County Attorney restricting the area as follows:

(a) No direct stormwater discharges or focused runoff shall be permitted.

(b) No building or structure may be built or maintained on the Easement Property other than such building or structure expressly approved in writing by the SRP.

(c) The Easement Property must be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material.

(d) No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the Easement Property without the expressed written consent of the SRP.

(e) The Easement Property must remain in its natural condition with respect to natural leaf litter or other ground-covering vegetation, understory vegetation or shrub layer, and tree canopy. The activities of Owner within the Easement Property are limited to those which do not remove or damage any vegetation or disturb any soil. With the express written consent of the SRP, such activities may include selective trimming and pruning which will not alter the natural character of the Easement Property. Owner may install walk trails and other passive amenities, such as benches, or remove dead, diseased, poisonous or invasive vegetation with the expressed written consent of the SRP.

10. 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 \$1,618.70 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 SRP 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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: _____

Name: _____

Title: _____

Date: _____

COMMONWEALTH /STATE OF _____
CITY/COUNTY OF _____, to wit:

The foregoing Proffers were acknowledged before me this _____ day of
_____ 20__, by _____, acting in his/her capacity as
of _____, a _____, on behalf of the _____.

Notary Public

My commission expires: _____

My registration no.: _____

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:

Title: Director

Date: _____

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to wit:

The foregoing Proffers were acknowledged before me this _____ day of _____
20__, by _____, acting in his/her capacity as Director of the Commonwealth
of Virginia, Department of General Services, on behalf of Seller.

Notary Public

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.

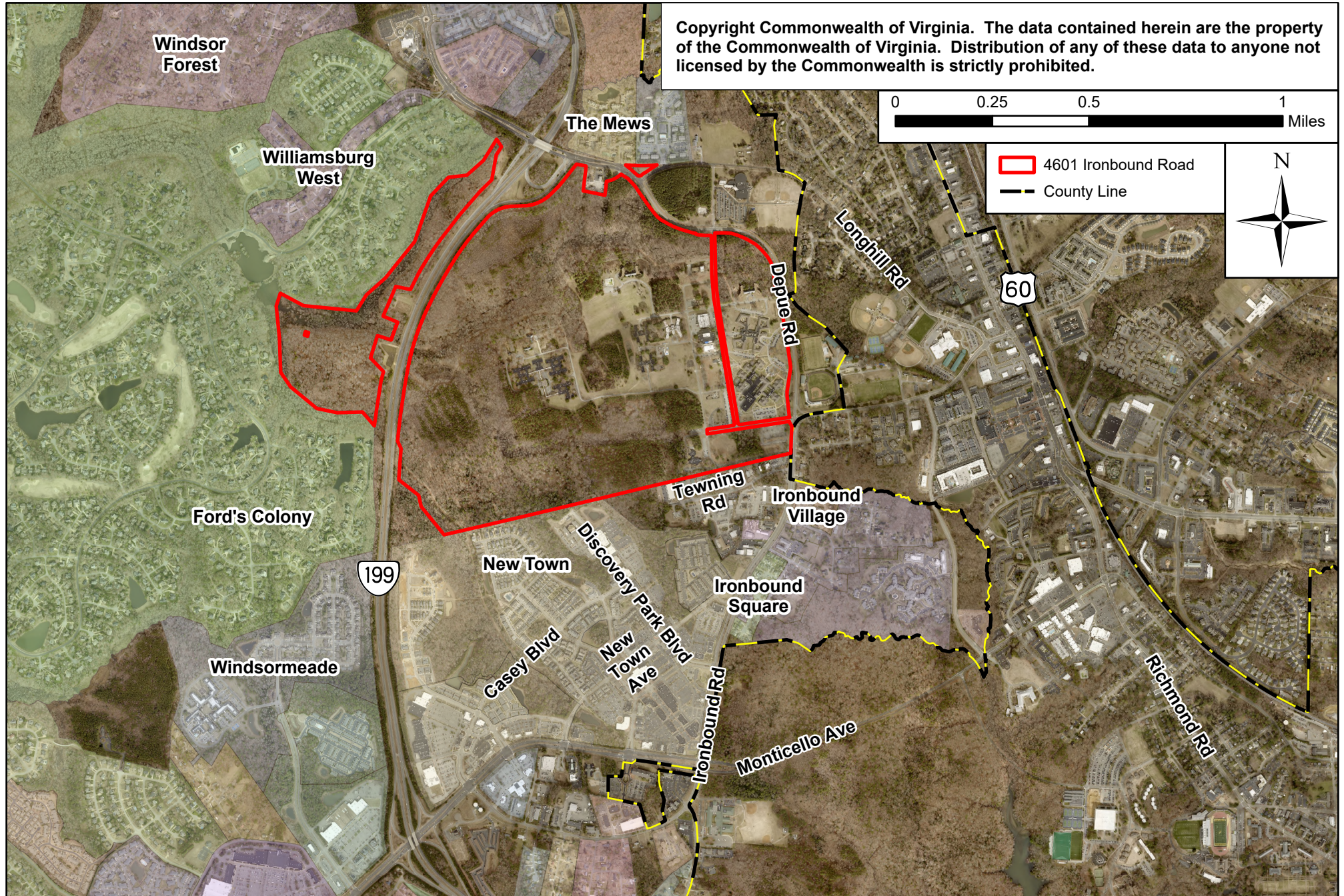
N40-09-20w 225.36 feet to a point.

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)

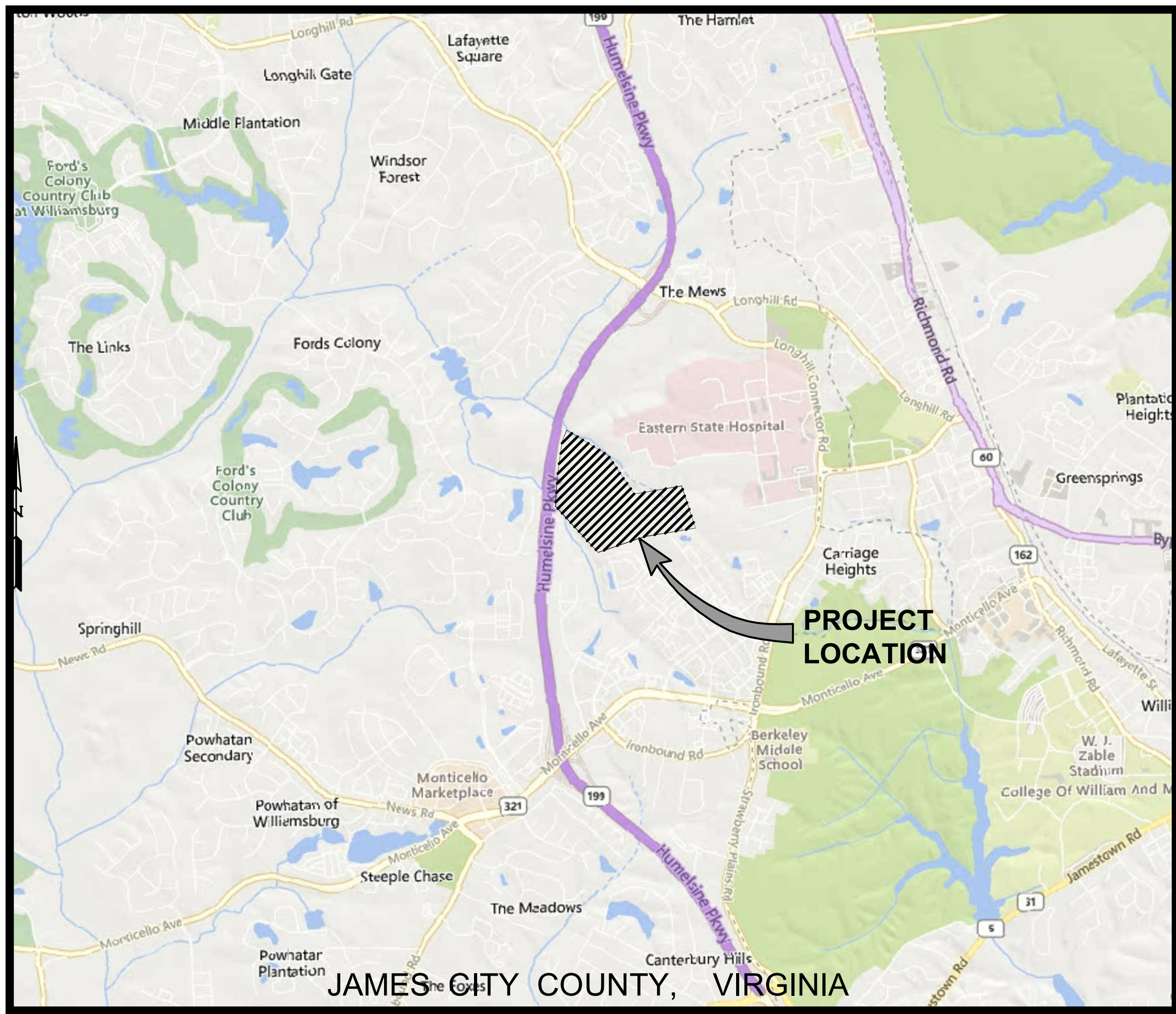
PROPERTY OWNERS: COMMONWEALTH OF VIRGINIA

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



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
9	09/02/26	REVISED DENSITY PER CLIENT
8	07/22/26	CORRECTIONS TO PROJECT AREA MP3.0
7	07/07/26	REVISED DENSITY PER CLIENT
6	09/16/25	REVISED PER PC MEETING COMMENTS
5	07/8/25	REVISED PER JCC STAFF COMMENTS
4	02/25/25	REVISED PER JCC STAFF COMMENTS

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Phone: (757) 253-0040
www.aesva.com

AES
CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

REZONING PLAN
FOR
WESTWOOD PARK
JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

Project Contacts: JAG

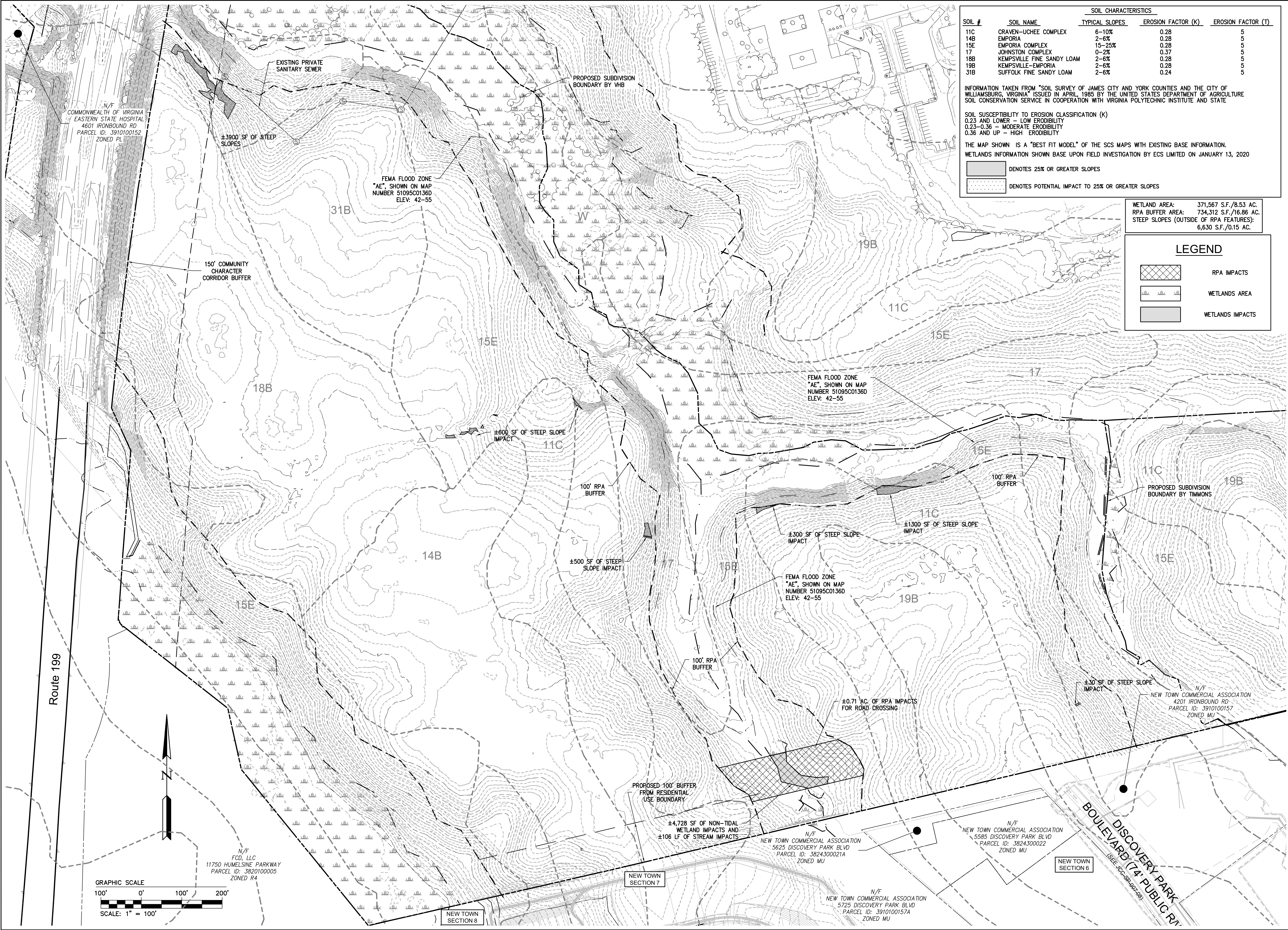
Project Number: W10634-00

Scale: 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

Rev.	Date	Description
9	09/26	REVISED DENSITY PER CLIENT
8	01/22/26	CORRECTIONS TO PROJECT AREA MP2.0
7	01/07/26	REVISED DENSITY PER CLIENT
6	09/19/25	REVISED PER PC MEETING COMMENTS
5	07/8/25	REVISED PER PC MEETING COMMENTS
4	02/25/25	REVISED PER JCC STAFF COMMENTS

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AES

CONSULTING ENGINEERS

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: ENVIRONMENTAL INVENTORY

Sheet Number: MP2.0

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 CREEK THAT HAVE EXISTING DEGRADATION. OUTFALLS INTO DEGRADED AREAS OF THE CREEK SHALL BE LIMITED AND/OR INCORPORATE STABILIZATION, AND/OR REPAIRS. ADDITIONAL STREAM ENHANCEMENTS WILL BE CONSIDERED UNDER THE REVIEW OF THIS MASTER PLAN IN COORDINATION 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		MAX PROPOSED NET DENSITY
B	B,C,D,E,G,I	MIXED USE (MULTIFAMILY/OFFICE/RETAIL)	UP TO 50 RESIDENTIAL UP TO 24,000 OFFICE/RETAIL	±13.3	±3.3	±10.0	5 UNITS/AC		5.0 UNITS/AC
C	B,C,D	RESIDENTIAL (MULTIFAMILY)	UP TO 15 RESIDENTIAL	±4.0	±1.0	±3.0	5 UNITS/AC		5.0 UNITS/AC
A	A	RESIDENTIAL (SINGLE FAMILY LOTS)	82 LOTS	±62.3	±21.2	±41.1	2.0 UNITS/AC		2.0 UNITS/AC
		TOTALS	MAX 139 RESIDENTIAL & 24,000 OFFICE/RETAIL	±79.6	±25.5	±54.1	4 UNITS/AC		2.6 UNITS/AC

ANTICIPATED ENVIRONMENTAL IMPACTS	
TIDAL WETLANDS:	NONE
TIDAL SHORES:	NONE
100 FT RPA BUFFER:	24,220 S.F.; 0.556 AC.
NONE-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

*DENSITY PER NET ACRE = DWELLING UNITS/ ACRE

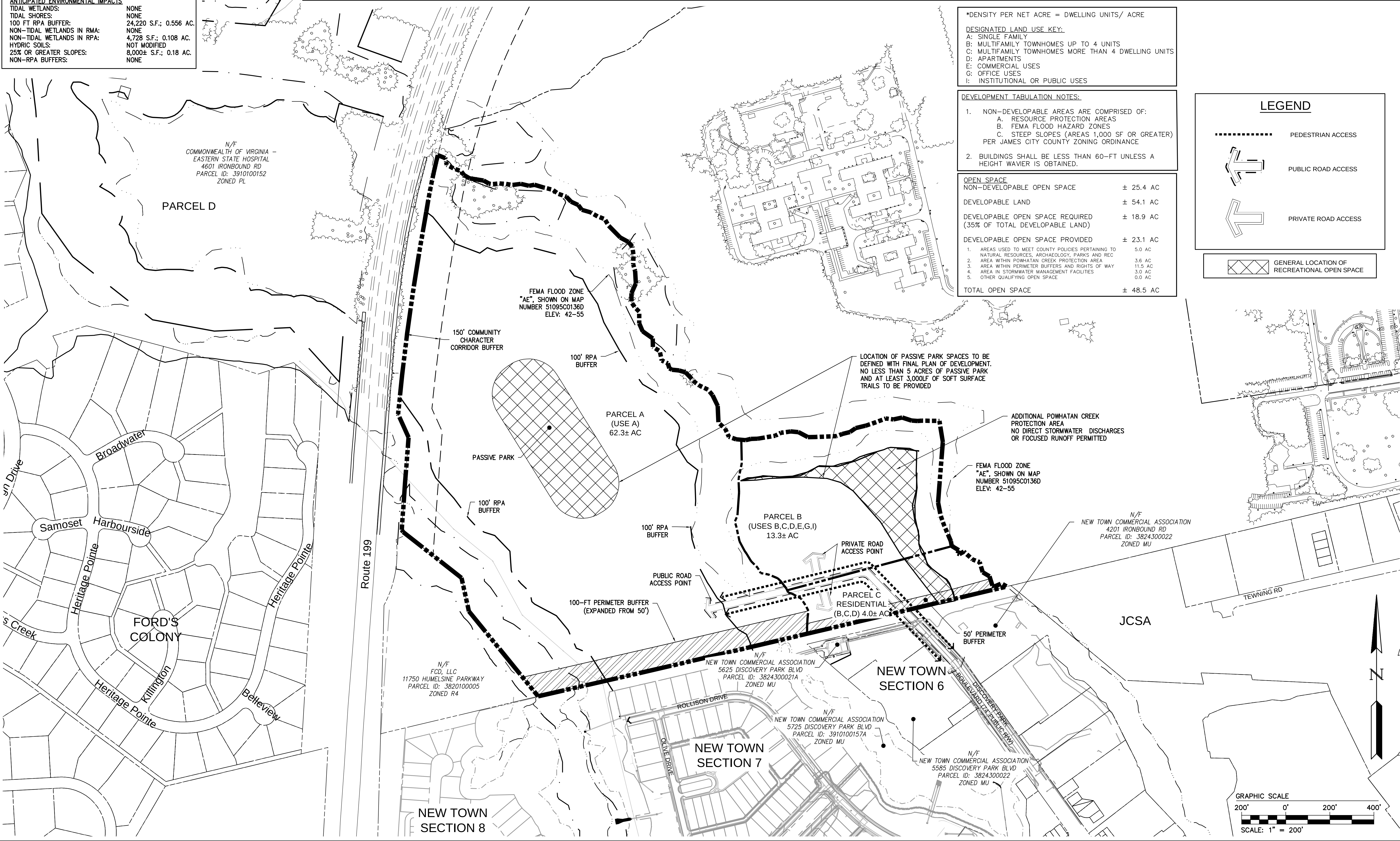
DESIGNATED LAND USE KEY:

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

<u>DEVELOPMENT TABULATION NOTES:</u> 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

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	± 23.1 AC	
1. AREAS USED TO MEET COUNTY POLICES PERTAINING TO NATURAL RESOURCES, ARCHAEOLOGY, PARKS AND REC	5.0 AC	
2. AREA WITHIN POWHATAN CREEK PROTECTION AREA	3.6 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	± 48.5 AC	

	PEDESTRIAN ACCESS
	PUBLIC ROAD ACCESS
	PRIVATE ROAD ACCESS
	GENERAL LOCATION OF RECREATIONAL OPEN SPACE



9	06/09/26	REVISED DENSITY PER CLIENT	JAG
8	01/22/26	CORRECTIONS TO PROJECT AREA NP-0	JAG
7	01/07/26	REVISED DENSITY PER CLIENT	JAG
6	09/16/25	REVISED PER PC MEETING COMMENTS	JAG
5	07/19/25	REVISED PER PC MEETING COMMENTS	JAG
4	03/25/25	REVISED PER JCC STAFF COMMENTS	JAG
Rev.	Date	Description	Prepared By

AIES
CONSULTING ENGINEERS

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www.aiesva.com

REZONING PLAN FOR		WESTWOOD PARK		JAMES CITY COUNTY		JAMESTOWN DISTRICT		VIRGINIA	
Project Contacts:		JAG							
Project Number:		W10634-00							
Scaler: 1"=200'		Date: 02/15/2023							
Sheet Title:		MASTER PLAN							
Sheet Number		MP3.0							



WEST PARCEL

WEST PARCEL:
82 SINGLE FAMILY LOTS

PASSIVE PARKS WITH TRAILS,
TYPICAL *

RPA

POOL FACILITY *

POCKET PARK,
TYPICAL *

*FINAL LOCATION AND CONFIGURATION
OF TRAILS, PARKS, POOL AND OTHER
AMENITIES TO BE CONFIRMED DURING
FINAL SITE ENGINEERING AND SITE PLAN
APPROVAL

EAST PARCEL

POWHATAN CREEK
PROTECTION AREA
PASSIVE PARK

DISCOVERY
PARK BLVD
EXTENDED

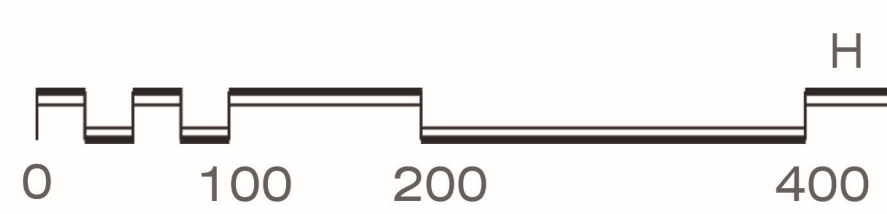
EAST PARCEL:
57 TOWNHOMES AND
24,000 SF OF
COMMERCIAL SPACE

RPA

ENLARGED
PERIMETER
BUFFER

NEW TOWN

CONCEPTUAL SITE PLAN for
WESTWOOD VILLAGE
JAMES CITY COUNTY VA



0 5 J U N 2 0 2 6



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Community Impact Statement

For

Westwood Park



Prepared For

ABVA DEVELOPMENT, LP

Originally Submitted May 2023

Revised June 2026

AES Project Number W10634-00

Prepared by:



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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 of Williamsburg and James City County governments, mental health agencies, the local 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 many of the residential neighborhoods in New Town, including the adjacent Charlotte Park and Shirley Park neighborhoods. 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. In the year following the original application submittal, through the input of James City County staff, residents at townhall meetings, various public hearings, meetings with New Town committees, and input from Planning Commissioners and the Board of Supervisors, the development team has modified the conceptual plan for the development in response to suggestions. Specifically, the Developer has made the following adjustments:

1. The new development will not use the New Town name;
2. The new development will have its own Homeowners' Association;
3. The new development will have its own set of design guidelines in keeping with previous area development pods. 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 (this removed a planned access from Charlotte Park);
5. Land at the end of Olive Drive in Charlotte Park, once planned for a roadway connection, has been deeded over to the New Town Residential Association to ensure no future extension of the road;
6. The new development will have its own set of walking trails;

7. The new development's trail system will only connect to the New Town trails in the vicinity of Discovery Park Boulevard and as approved by the New Town Residential Association;
8. The new development will have its own amenities including a pool;
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 1.7 residential units per gross acre (*The proposed Master Plan notes the density as 2.6 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 54% less dense than the neighboring communities; providing greater open space and larger average lot sizes.

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:

<i>Wetland areas:</i>	<i>8.53 acres</i>
<i>Buffers:</i>	<i>16.85 acres</i>
<i>Uplands Land</i>	<i><u>54.18 acres</u></i>
<i>Total Site Area</i>	<i>79.56 acres</i>

Site Location:

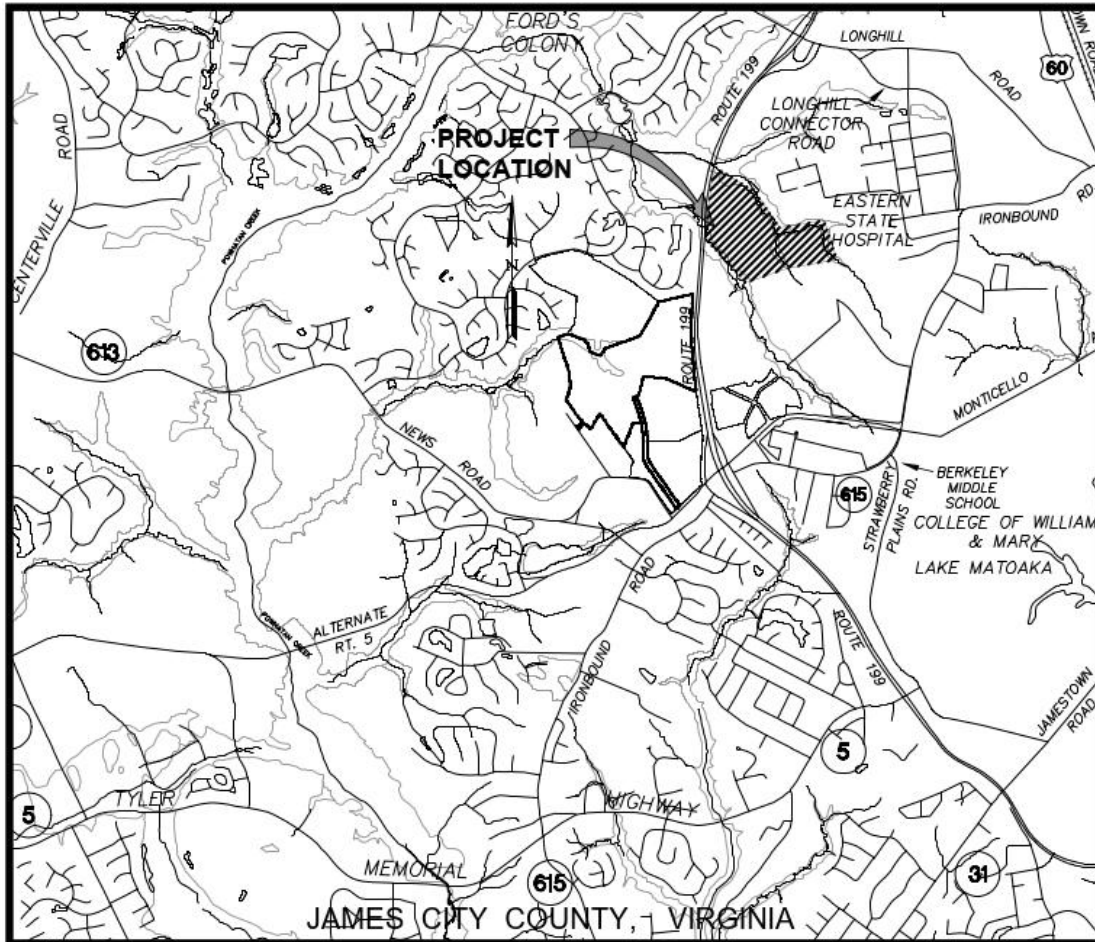


Figure 1

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 139 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 2.6 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 proposed). The proposed densities within the identified use areas are under the cap set forth in the ordinance and therefore no request is being made to increase the density above the baseline permitted. *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.

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	70.61
Multi Family	57	310	17,670	24	12.27	49.08
Subtotal	139		43,090		29.92	119.69
NON-RESIDENTIAL						
Retail/Office	24,000	0.2	4,800	12	6.23	24.94
Total			47,890		36.15	144.63

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	44.13
Multi Family	57	310	17,670	24	12.27	30.68
Subtotal	139		43,090		29.92	74.81
NON-RESIDENTIAL						
Retail/Office	24,000	0.2	4,800	12	6.23	18.70
Total			47,890		36.15	93.51

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 40 school age children per James City County methodology: 18 elementary students, 9 middle school students, and 13 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 protection area expanding the RPA buffer in the area directly adjacent to the most impacted section of Powhatan Creek. Further the enhancement area will protect against and restrict direct discharges.

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 \$1,618.71 per unit is based directly on the cost estimates within the PCWMP. The plan identifies the repair costs for the specific stream reach sections 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 not²² 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 field investigations performed by Stantec, we are providing an enhanced protection area off the most impacted portions of the creek. These enhanced buffers will remain undeveloped and will preclude direct stormwater discharges into the impacted headwaters of the stream.

Recognizing the complexities of the watershed, the applicant proffers to prepare a detailed Project Stormwater Management Plan which will highlight the location and types of stormwater measures being provided 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 \$24,343,021 which is a combination of General Fund Revenues and Schools Revenues (\$18,792,329 + \$5,550,692).

Total projected expenditures were calculated by James City County were unchanged at \$20,060,404 which is a combination of Operating Expenditures (\$4,841,973), Schools Operating Expenditures (\$12,741,378), and Capital Expenditures (\$2,477,053).

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 \$31,274,809 which is a combination of General Fund Revenues and Schools Revenues (\$25,724,117 & \$5,550,692).

Total projected expenditures were calculated by James City County were unchanged at \$17,583,351 which is a combination of Operating Expenditures (\$4,841,973), Schools Operating Expenditures (\$12,741,378), and Capital Expenditures (\$2,477,053).

A simple subtraction of revenues minus expenditures equates to a positive net fiscal impact of \$11,214,405.

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 \$171k per year based upon County Base Pricing and \$379k 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.
- Enhanced environmental buffer along the impacted portion of Powhatan Creek as identified during field visits
- The project provides enhanced building setbacks from the adjoining development
- 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:

- House with rear-loading garage below, retaining wall small covered stoop forward of the build-to line, and well screened side patio.
- House with recessed front porch, freestanding garage to rear of property.
- House with substantial front porch (complying with build-to line) and rear-courtyard loading garage.
- 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 townhomes 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

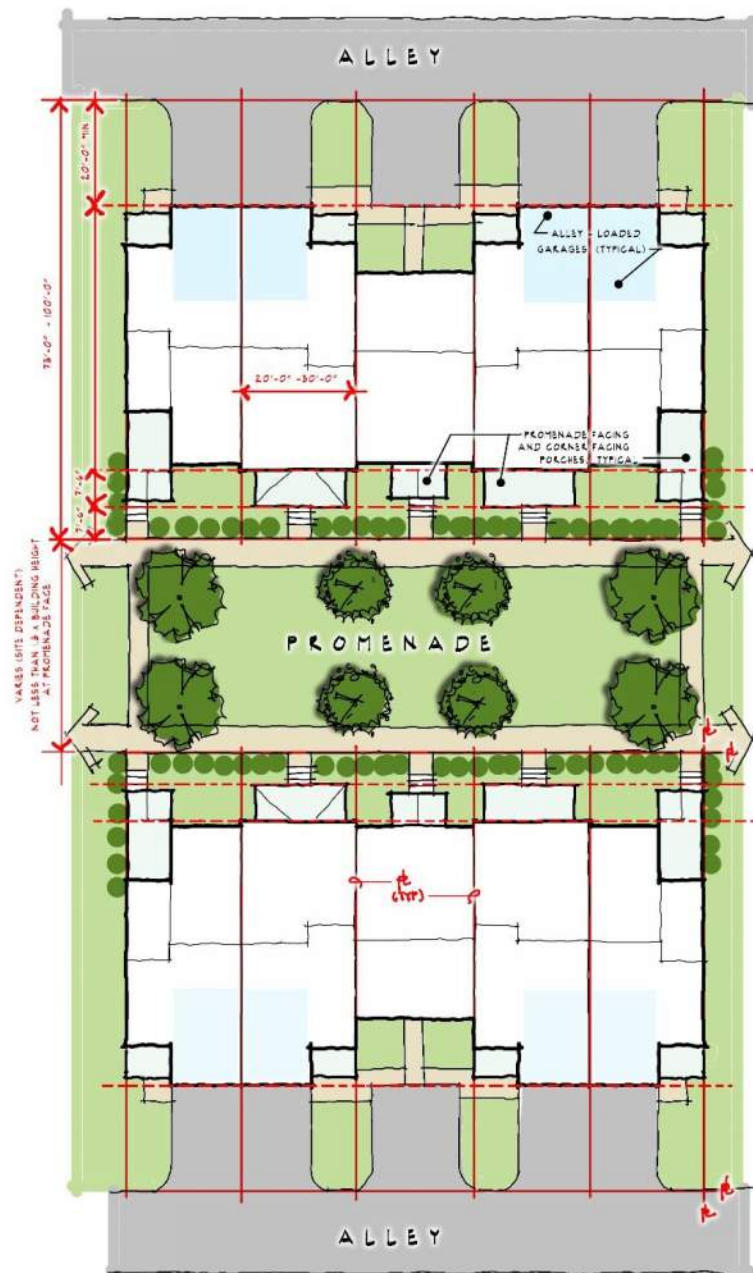


Figure 9: Townhomes oriented to Promenades

(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.

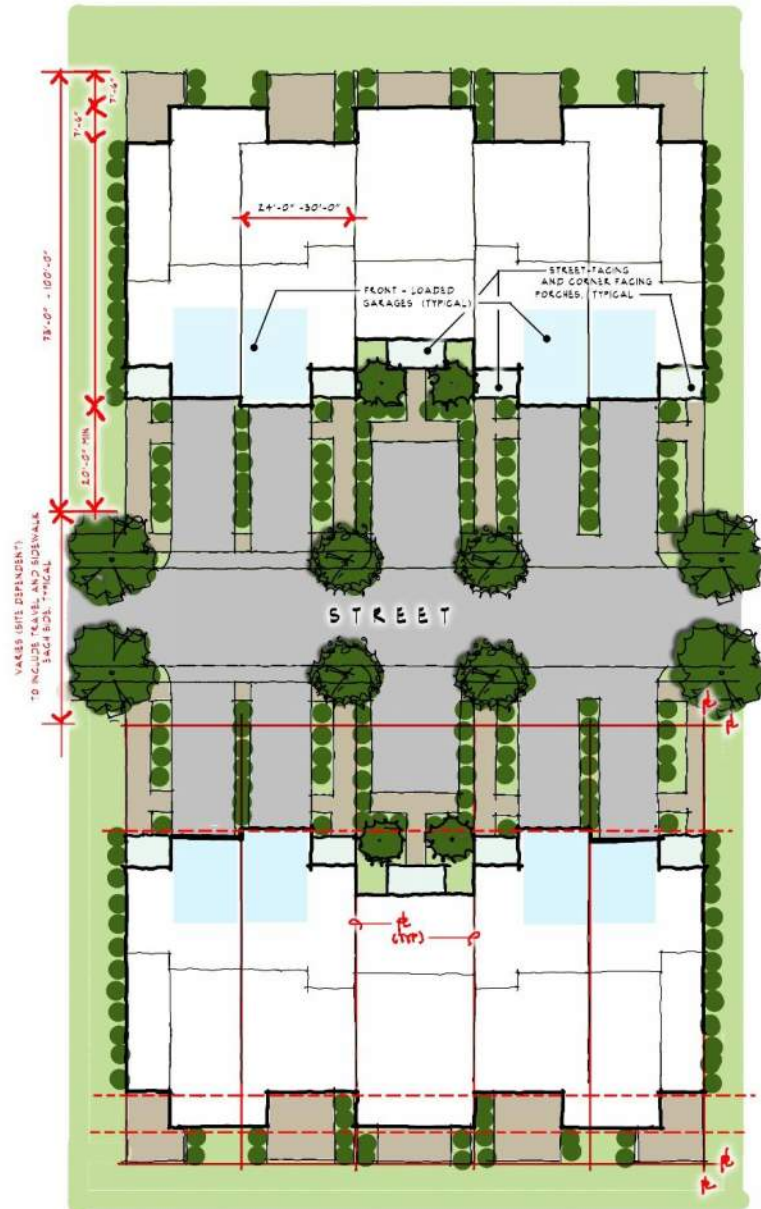


Figure 10: Front-loaded Townhomes (oriented to a Street)

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

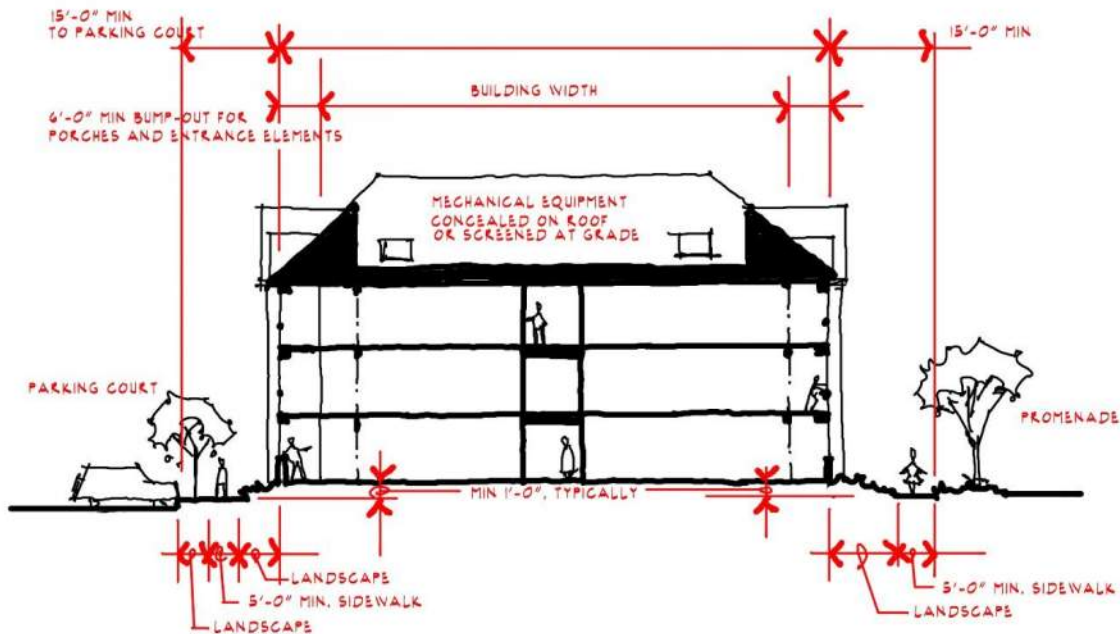


Figure 12: Apartment building site considerations



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 flat roofs shall prioritize the use of reflective colored roofing materials to help reduce the heat absorbed into the buildings from the roof. These include light colored roofing membranes such as 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 windows shall be visually permeable between a height of three feet and eight feet above the walkway grade. Reflective or tinted glass that obstructs views into the building should not be used on 1st floor building façades adjacent to sidewalks.
- 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 profile 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

Westwood Park Development

James City County, Virginia

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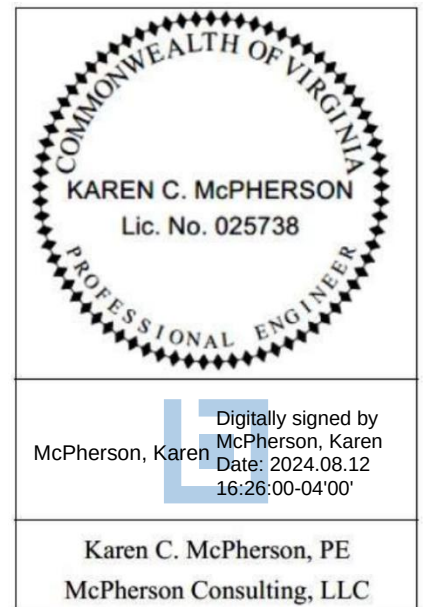


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Executive Summary

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 address 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:

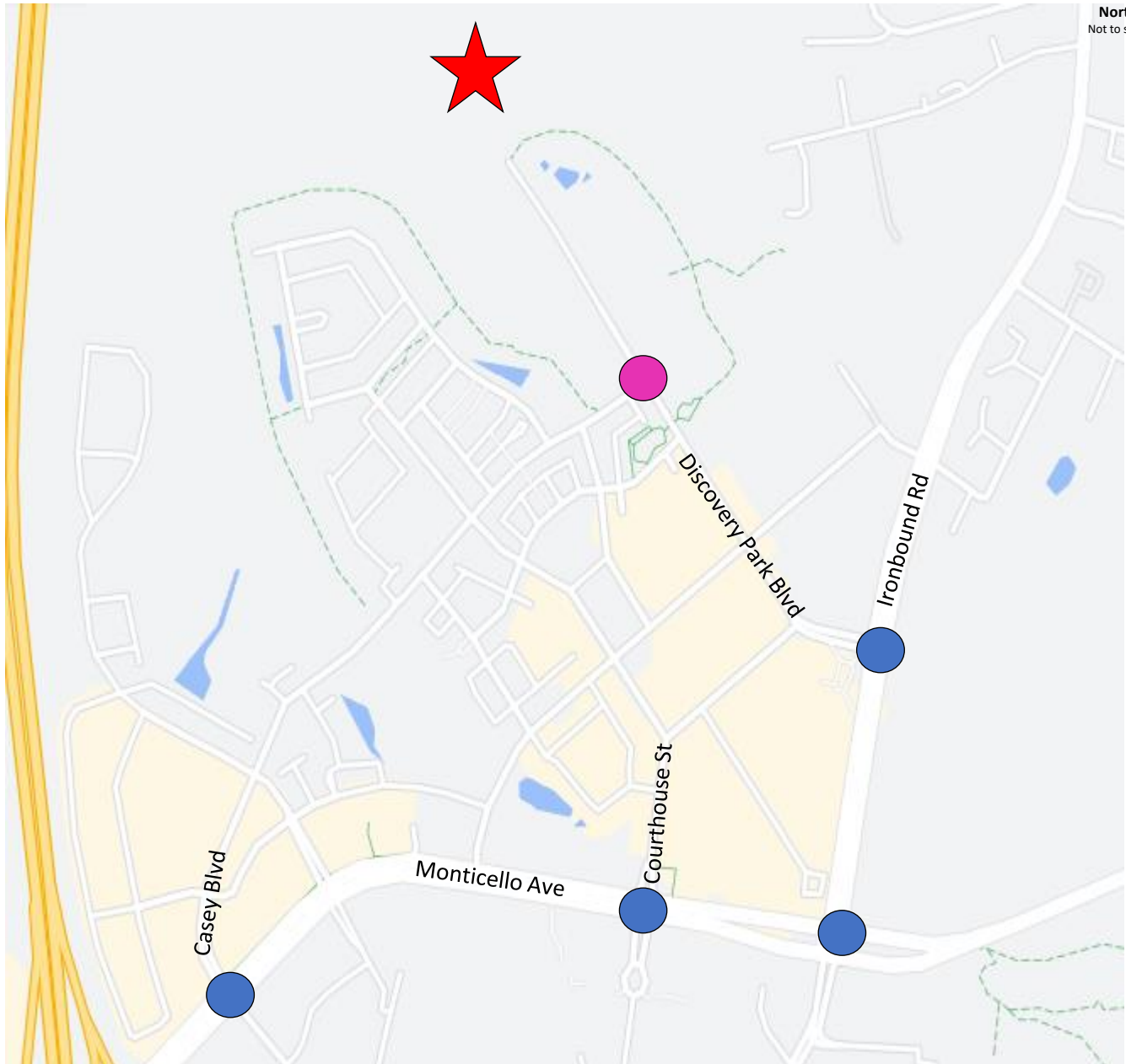
Updated Scoping form included in appendix to reflect internal capture at 20%, no change to analysis

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

North
↑
Not to scale



Legend

- ★ - Site Location
- - Study Area Intersection Signalized
- - Study Area Intersection Unsignalized

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.

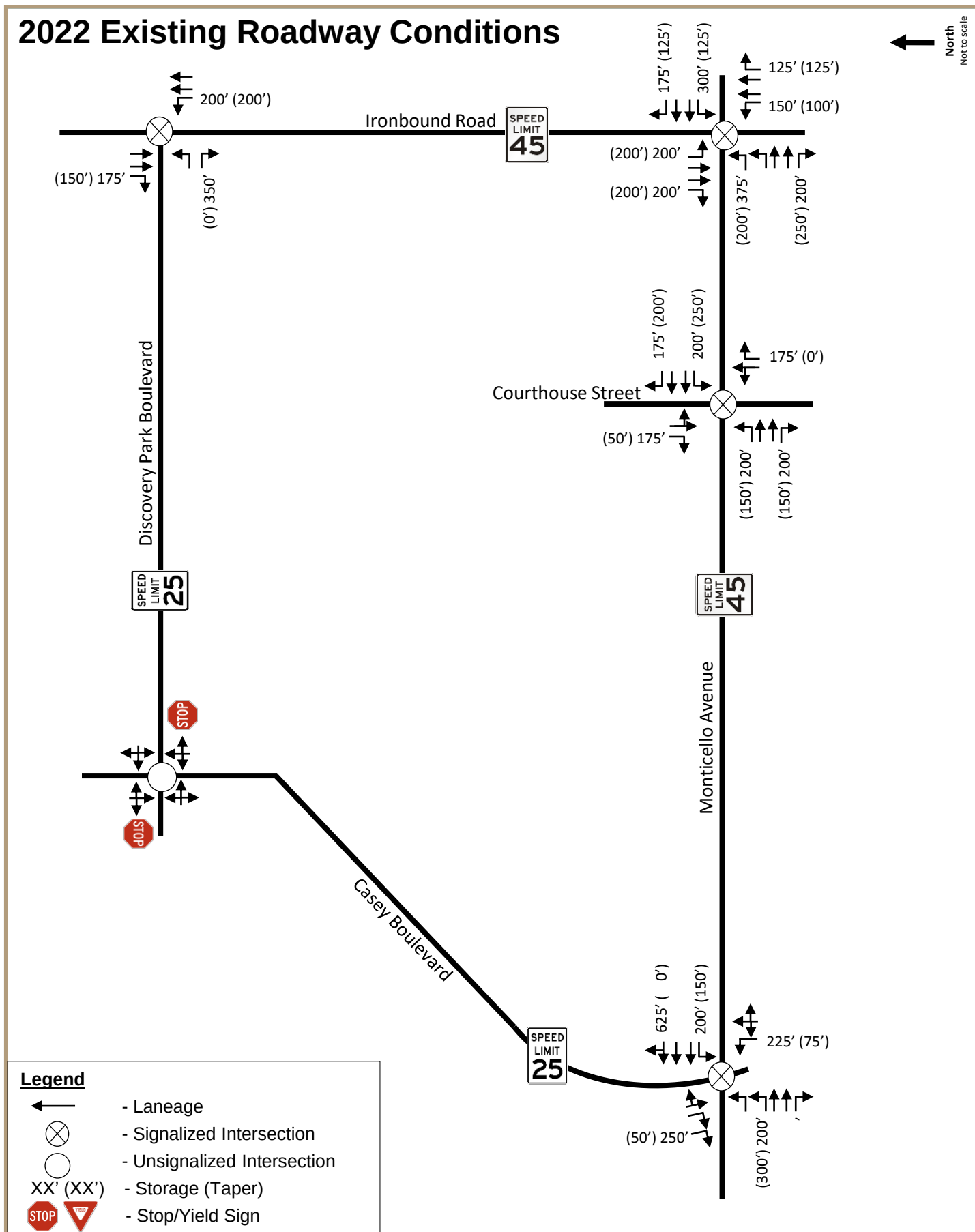
1.3 Existing Land Use

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 from 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

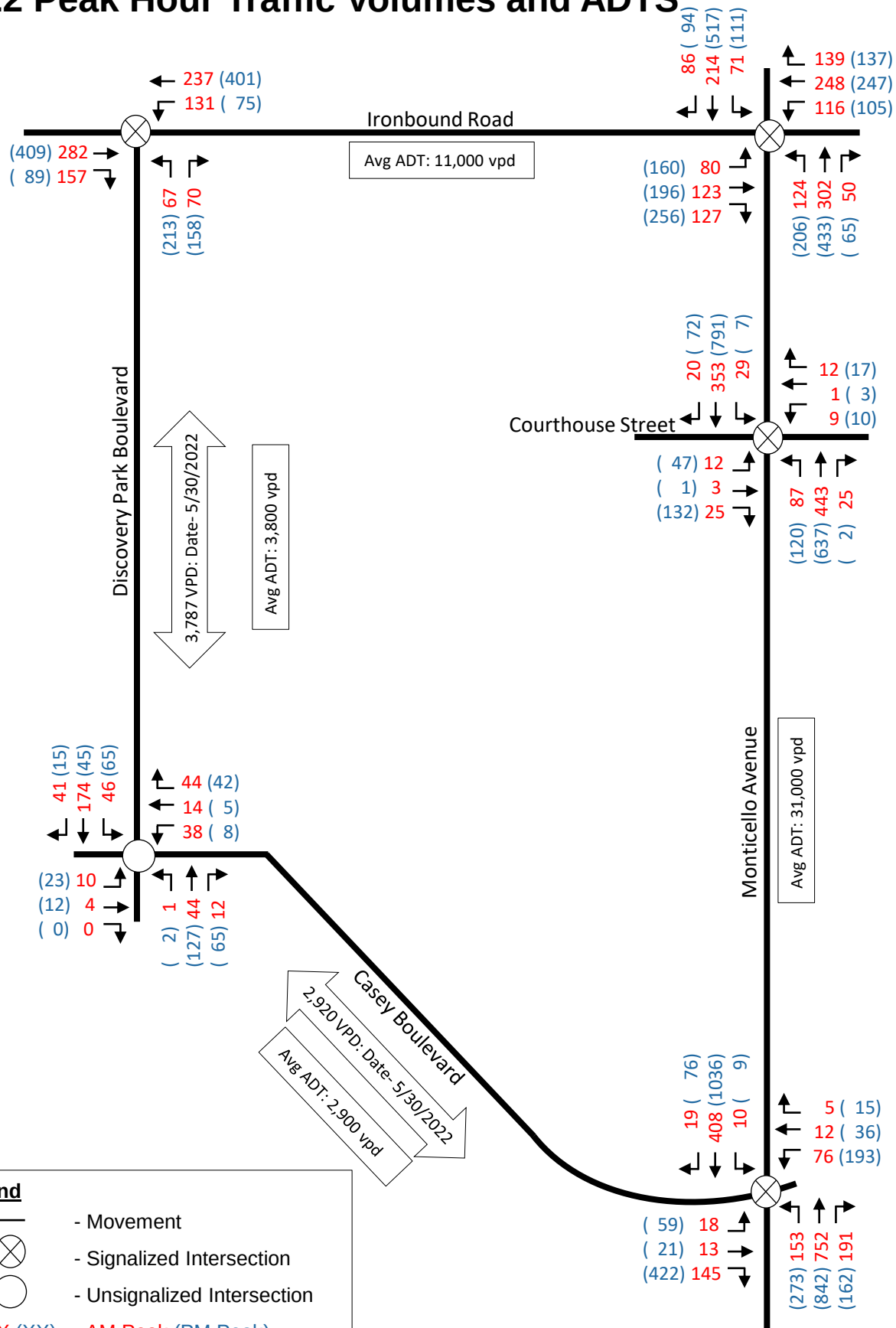
2.3 Average Daily Traffic (ADT) Counts

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



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.

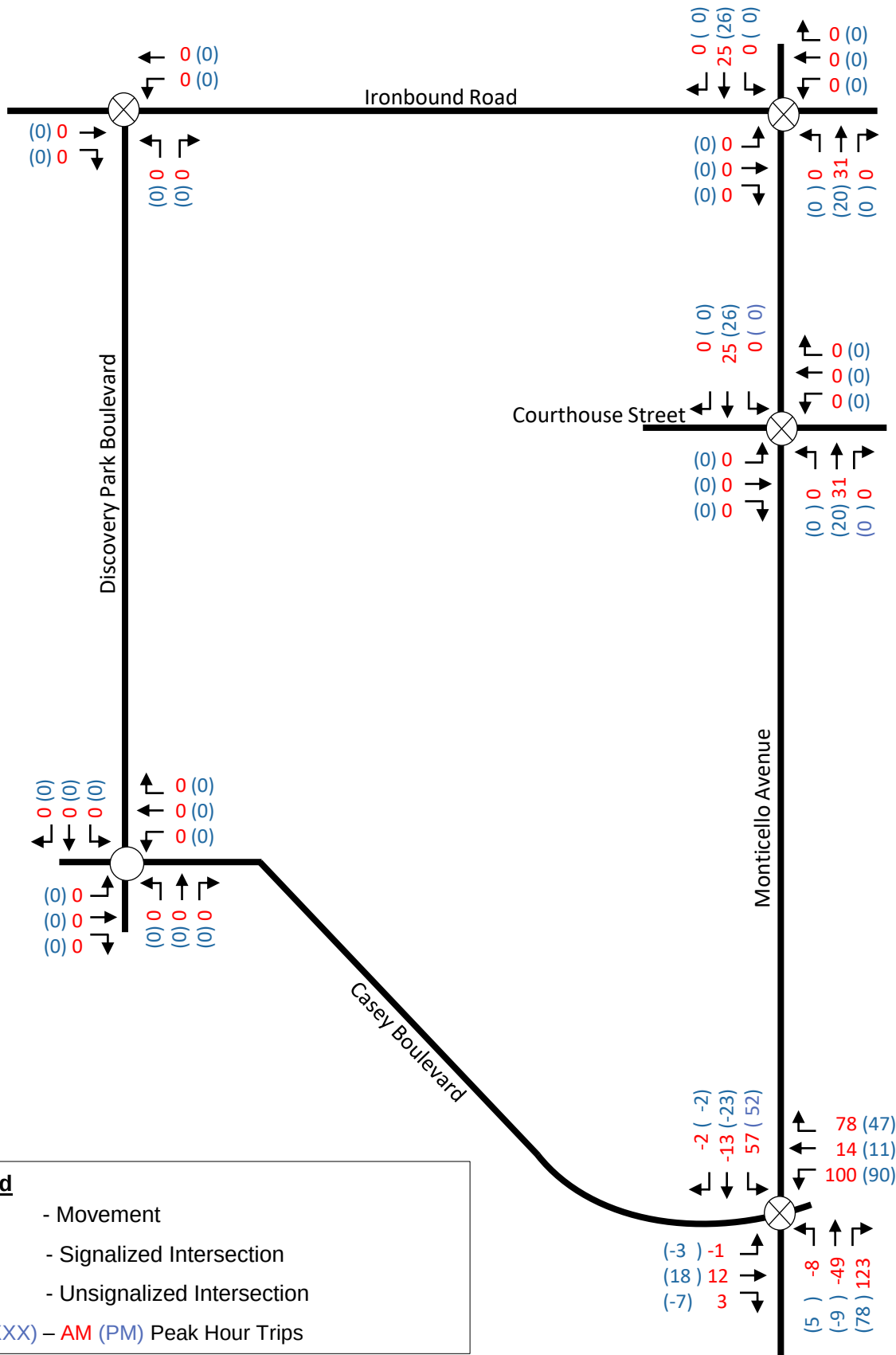
3.2 Growth Rate

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:

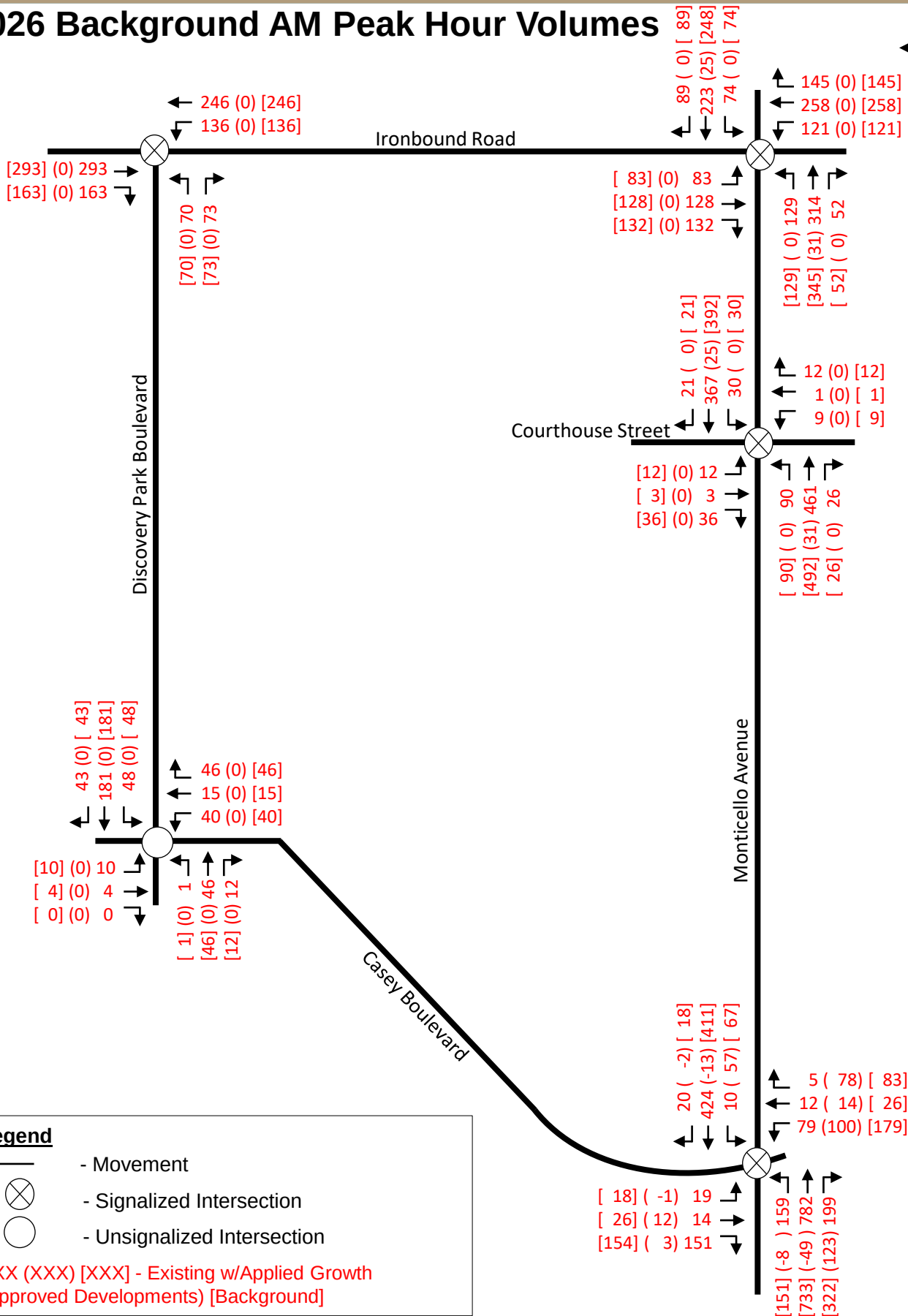
- › **Figure 6** – 2026 Background Traffic Volumes (AM)
- › **Figure 7** – 2026 Background Traffic Volumes (PM)
- › **Figure 8** – 2032 Background Traffic Volumes (AM)
- › **Figure 9** – 2032 Background Traffic Volumes (PM)

Approved Developments: *Total*

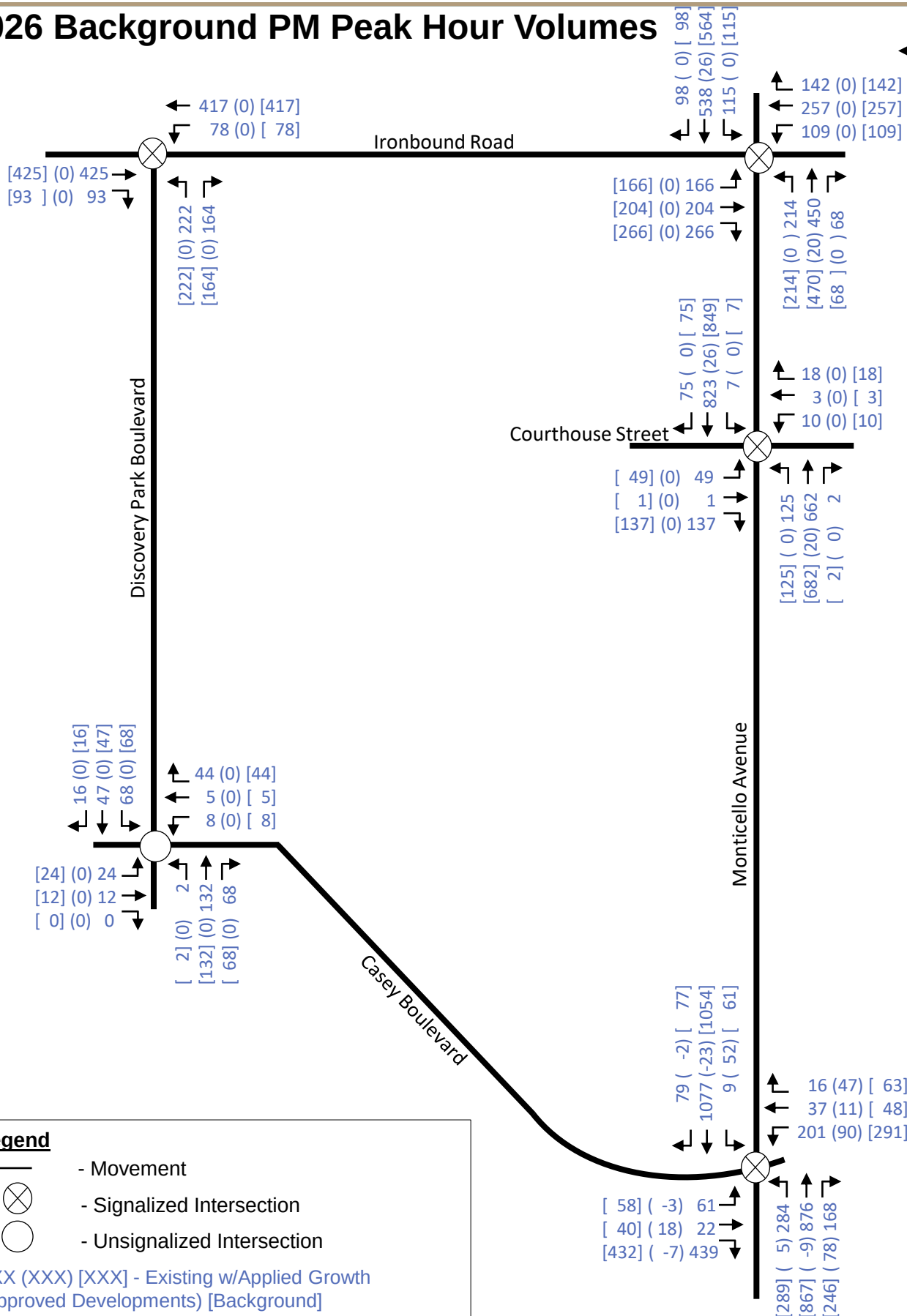


North
Not to scale

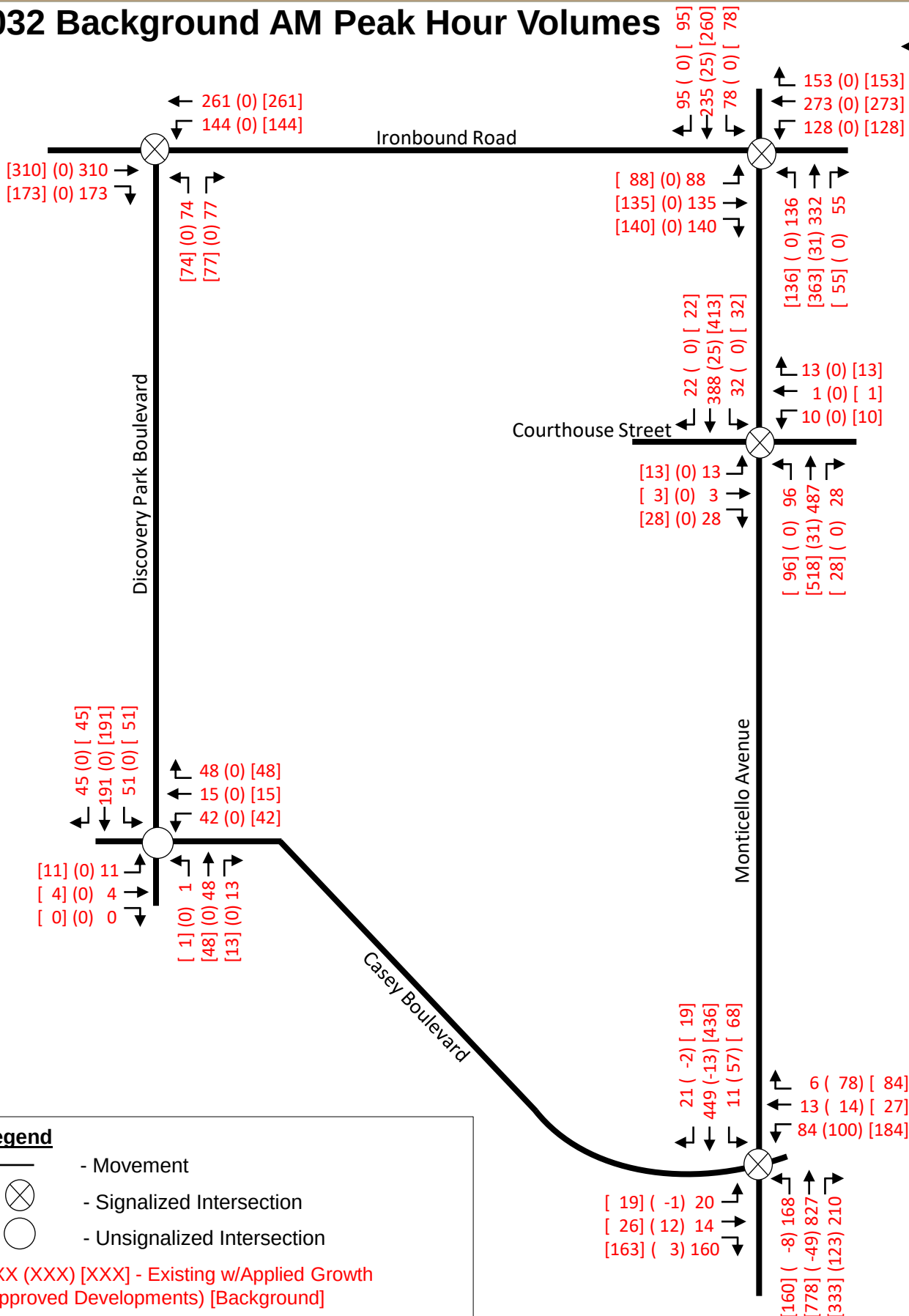
2026 Background AM Peak Hour Volumes



2026 Background PM Peak Hour Volumes

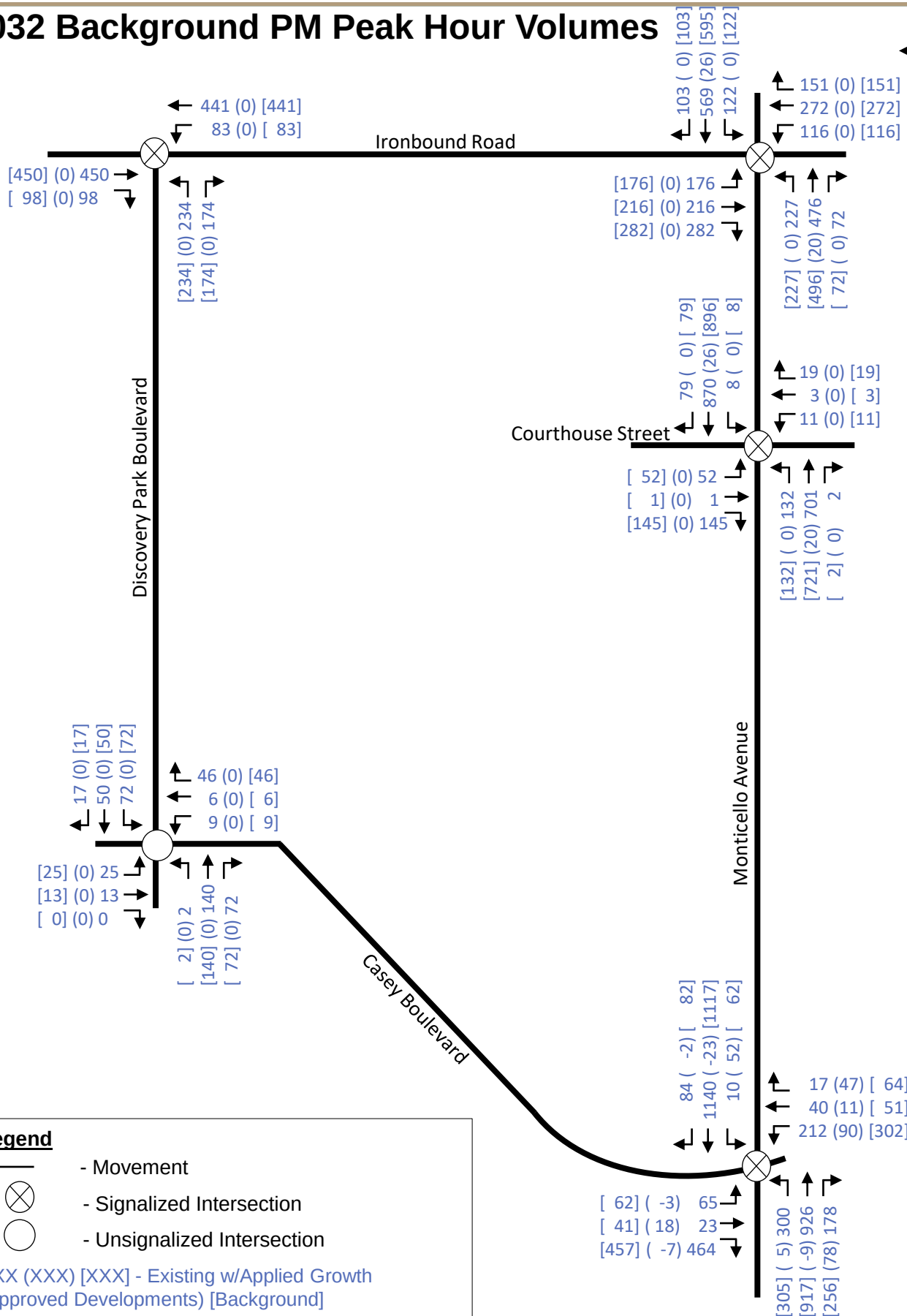


2032 Background AM Peak Hour Volumes



North
Not to scale

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%

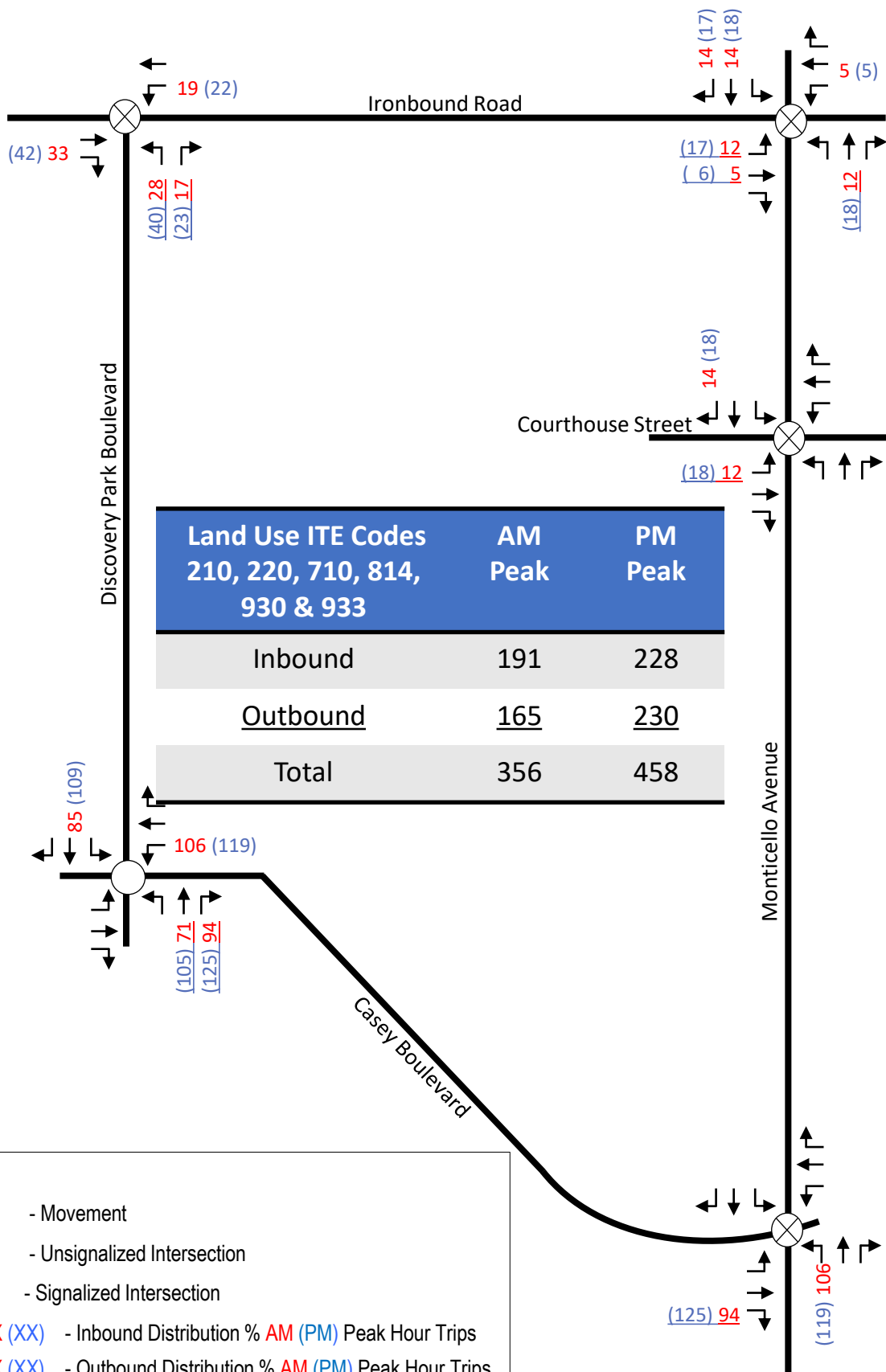
Detailed trip distribution for each land use type illustrating how trips are distributed beyond the study area to the regional network is included in the **Appendix**.

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

North
Not to scale



6

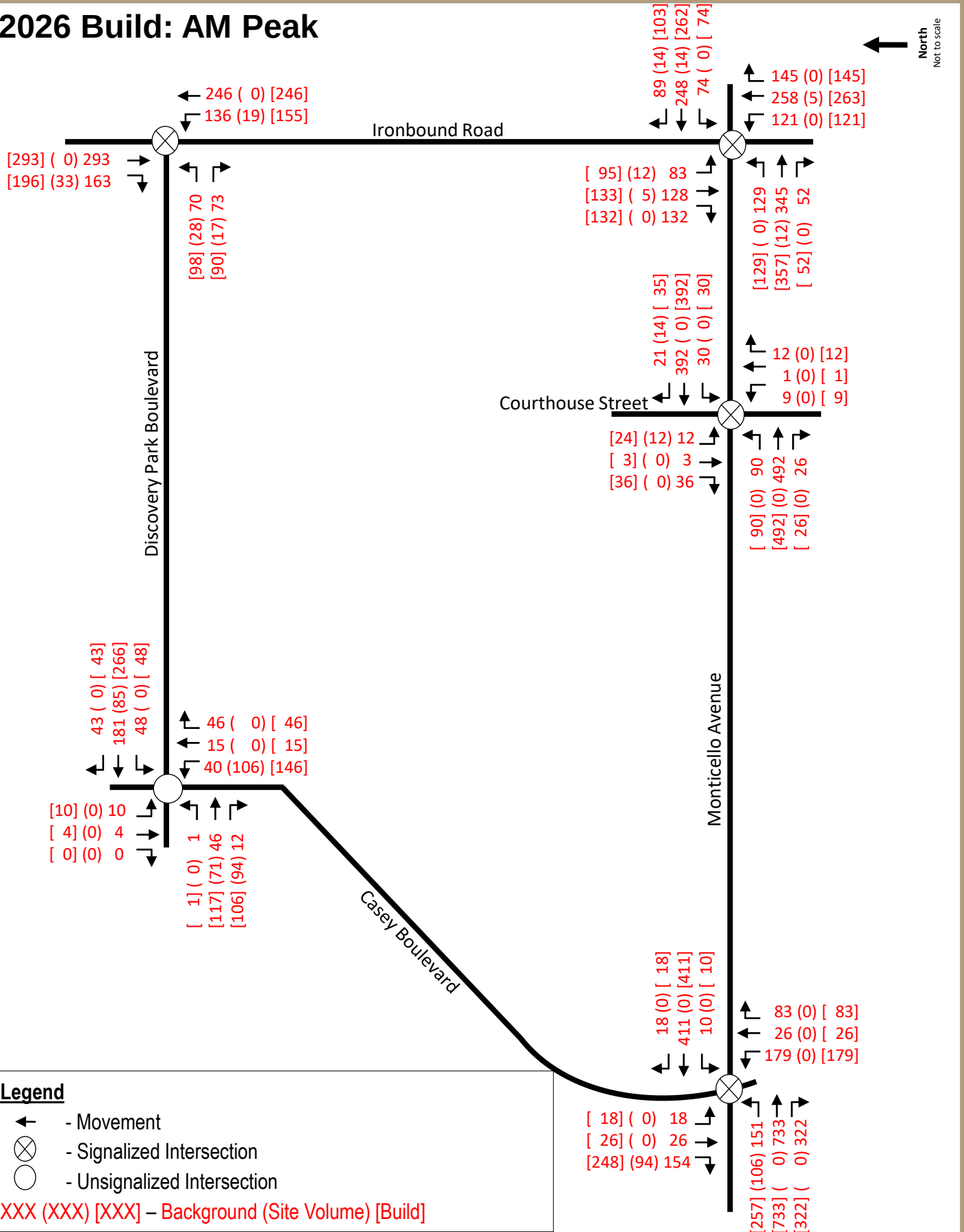
Future Conditions with Development

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:

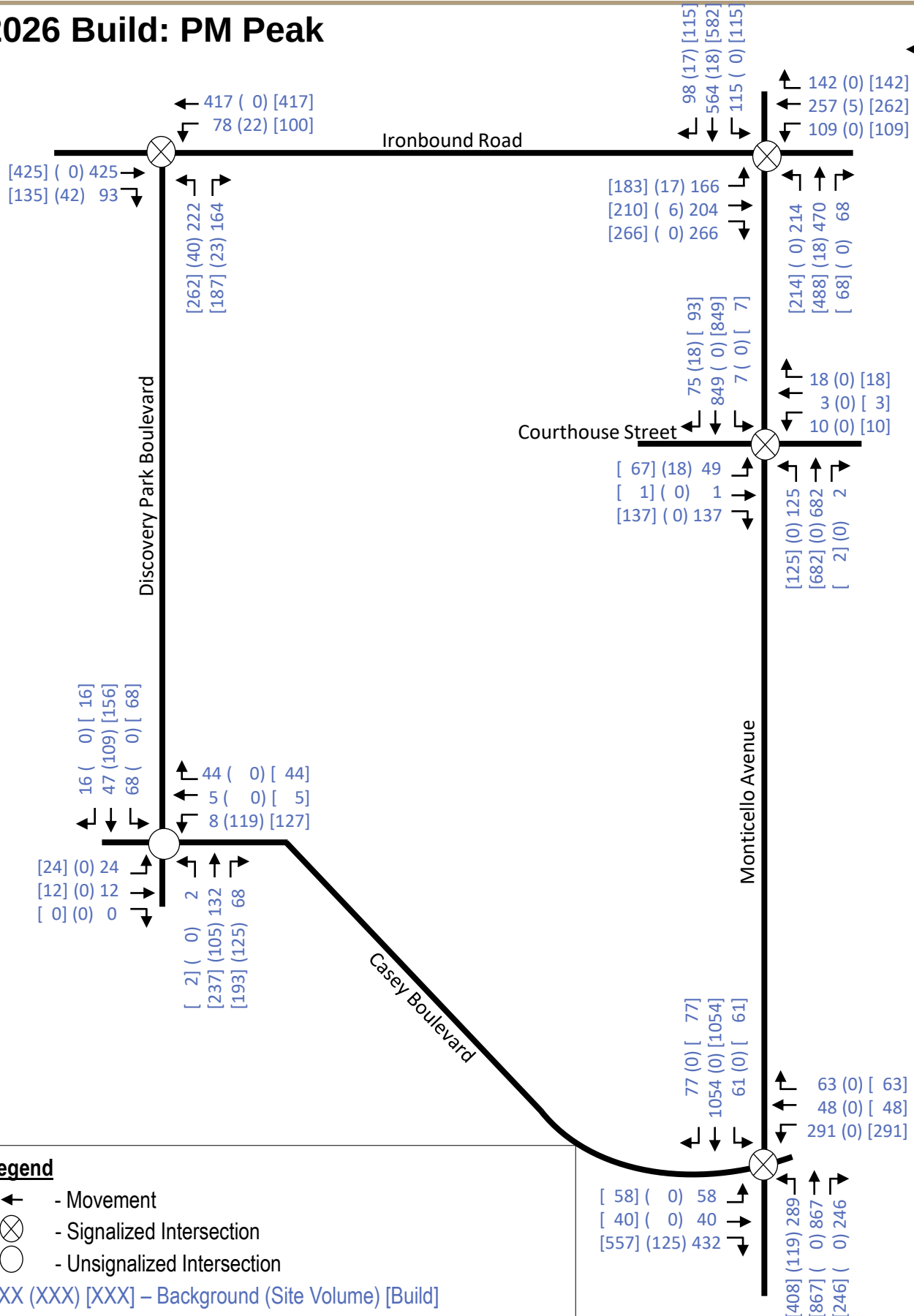
- › **Figure 11** – 2026 Build: AM Peak
- › **Figure 12** – 2026 Build: PM Peak
- › **Figure 13** – 2032 Build: AM Peak
- › **Figure 14** – 2032 Build: PM Peak

2026 Build: AM Peak



2026 Build: PM Peak

North
Not to scale



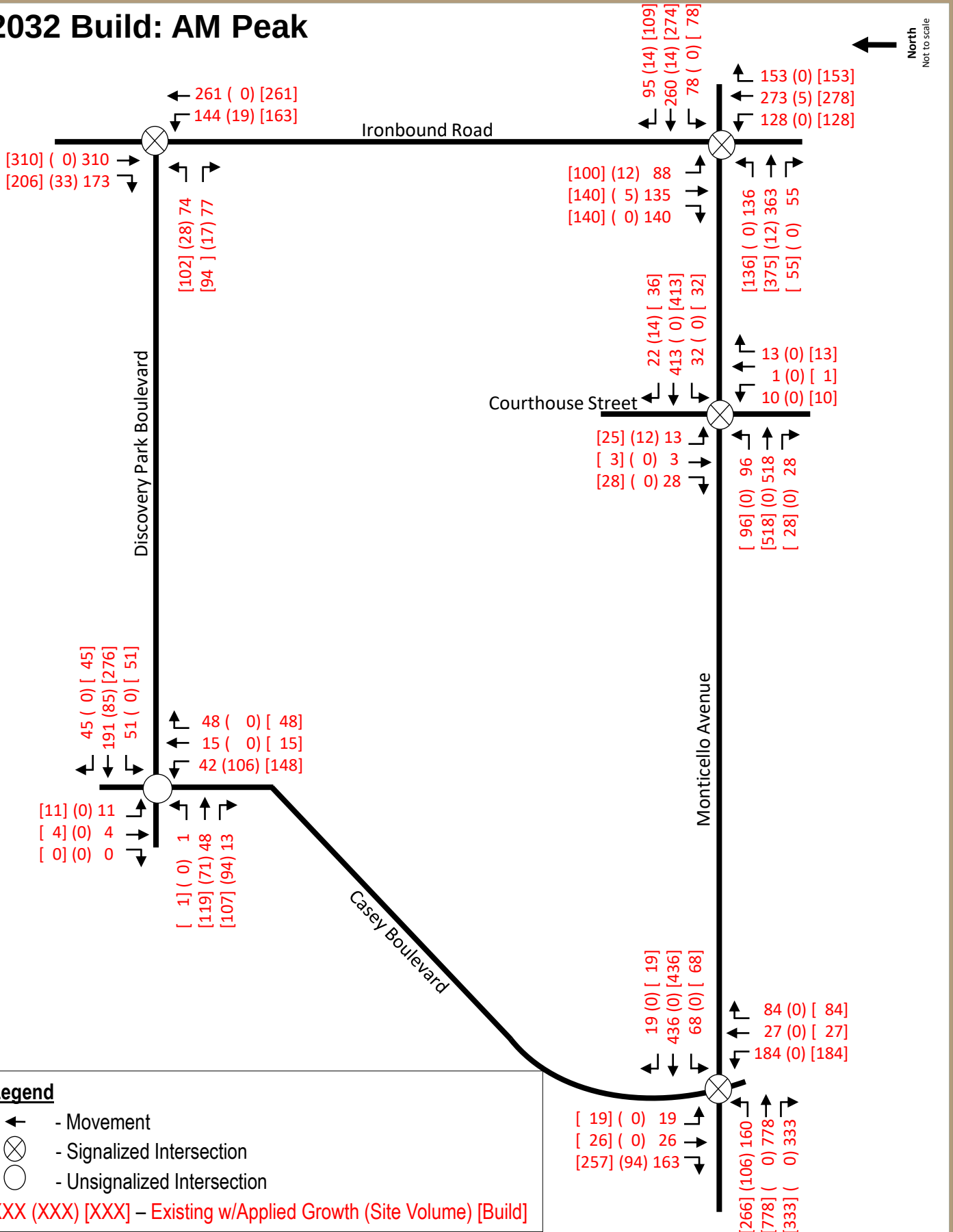
Legend

- ← - Movement
- ⊗ - Signalized Intersection
- - Unsignalized Intersection

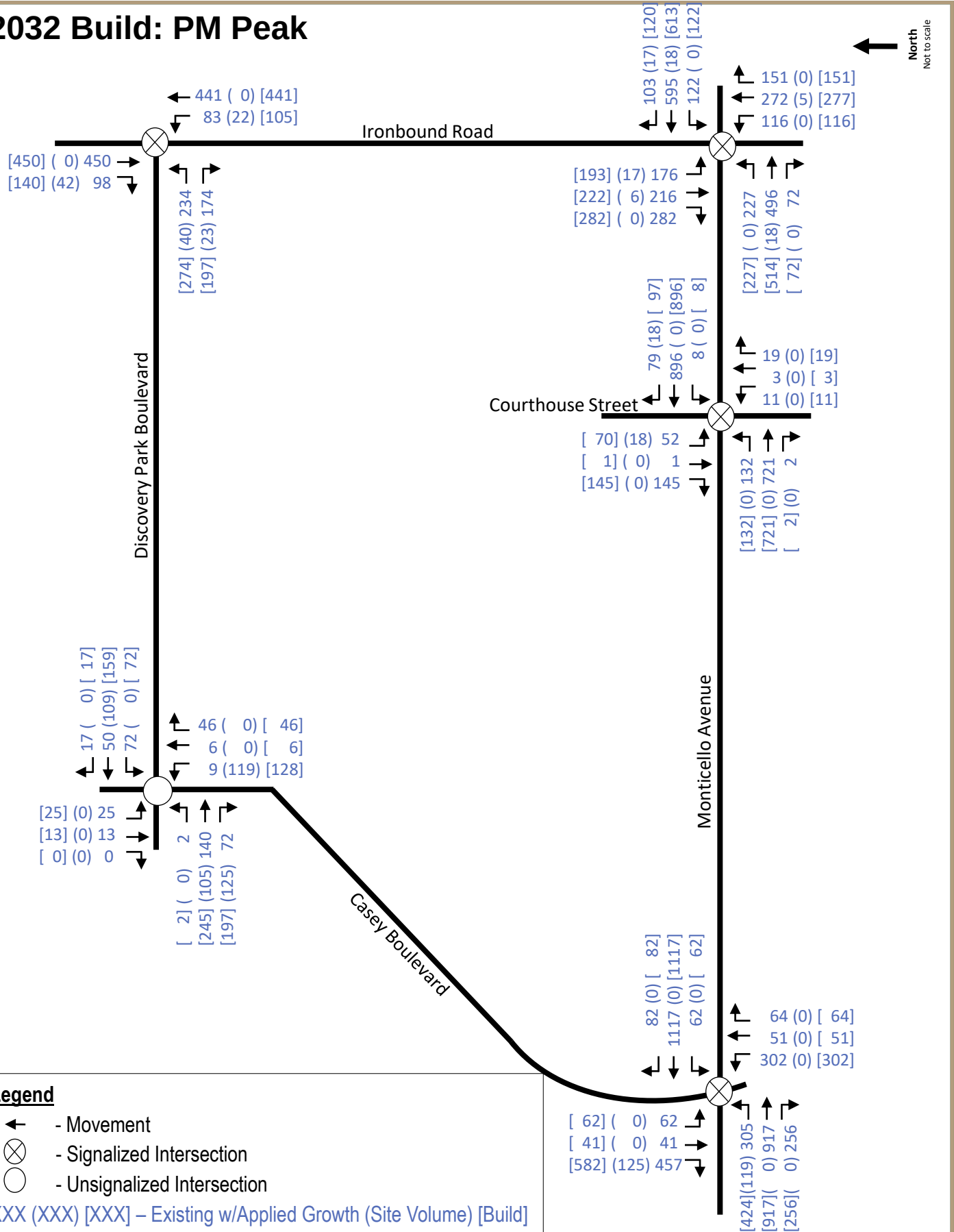
XXX (XXX) [XXX] – Background (Site Volume) [Build]



2032 Build: AM Peak



2032 Build: PM Peak



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
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 connectivity 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.

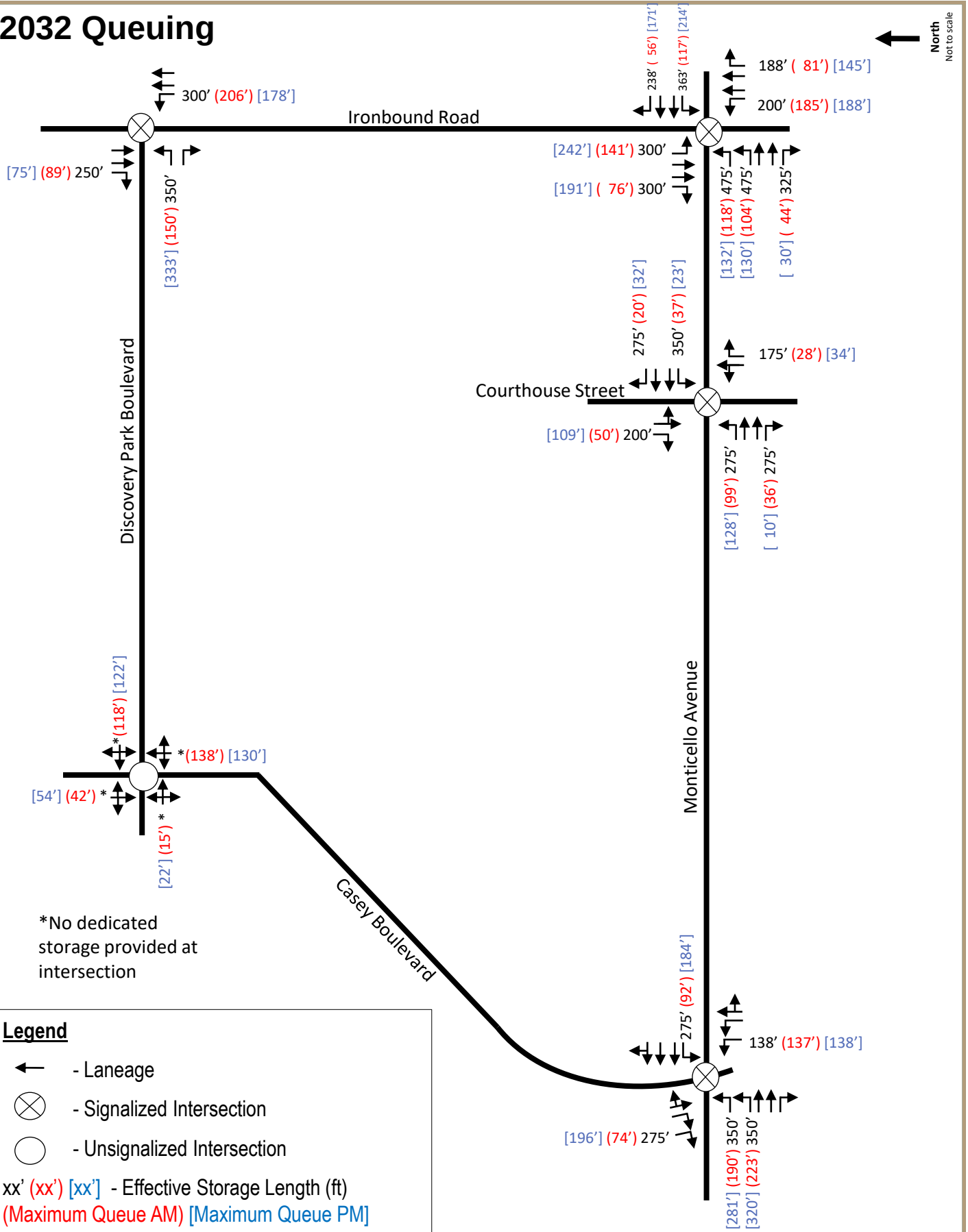
The maximum queue lengths in feet (ft) are summarized for all analysis scenarios in the **Appendix**.

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



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

June 11, 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 6/10/2026 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 40 students based on the number and types of residential units. The projected numbers

June 11, 2026

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at the different school levels would be 18 elementary students, 9 middle school students, and 13 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,

A handwritten signature in cursive script that reads "Morgan Risinger".

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	\$16,069,653	86%
Other Local Taxes	\$1,758,532	9%
Licenses, Permits & Fees	\$179,956	1%
Fines & Forfeitures	\$11,939	0%
Use of Money & Prop	\$0	0%
Commonwealth	\$0	0%
Federal Government	\$0	0%
Charges for Services	\$772,249	4%
Miscellaneous	\$0	0%
Total General Fund Revenues	\$18,792,329	100%
Schools Revenues (Non-County)	\$5,550,692	
GRAND TOTAL REVENUES	\$24,343,021	

PROJECTED EXPENDITURES		
Operating Expenditures		
General Administration	\$34,753	0%
Court Services	\$44,403	0%
Public Safety	\$2,890,139	16%
Financial Administration	\$89,107	1%
Info Resources Management	\$71,773	0%
Community Development	\$21,882	0%
General Services	\$396,261	2%
Parks & Recreation	\$66,522	0%
Other Contributions And Transfers To Other Funds ^A	\$1,227,132	7%
Total General Fund Expenditures	\$4,841,973	28%
School Operating Expenditures	\$12,741,378	72%
GRAND TOTAL OPERATING EXPENDITURES	\$17,583,351	100%
Capital Expenditures		
Non-Schools Capital	\$897,997	36%
Schools Capital	\$1,579,055	64%
GRAND TOTAL OPERATING EXPENDITURES	\$2,477,053	100%
GRAND TOTAL EXPENDITURES	\$20,060,404	

CUMULATIVE NET FISCAL IMPACT	\$4,282,617
<i>Average Annual Net Fiscal Impact</i>	<i>\$171,305</i>

CAPITAL IMPACTS PER UNIT		Westwood Park - Default Values
Transportation		
	Single Family Detached	\$39.77
	Single Family Attached	\$30.36
Parks and Recreation		
	Single Family Detached	\$3,516.40
	Single Family Attached	\$2,320.54
Fire and Emergency Services		
	Single Family Detached	\$1,021.74
	Single Family Attached	\$674.26
Police		
	Single Family Detached	\$8.38
	Single Family Attached	\$5.53
Library		
	Single Family Detached	\$460.18
	Single Family Attached	\$303.68
General Government		
	Single Family Detached	\$276.08
	Single Family Attached	\$182.19
General Services		
	Single Family Detached	\$291.55
	Single Family Attached	\$192.40
Courts		
	Single Family Detached	\$1,565.02
	Single Family Attached	\$1,032.78
Schools		
	Single Family Detached	\$14,252.97
	Single Family Attached	\$7,488.29
TOTAL		
	Single Family Detached	\$21,432.08
	Single Family Attached	\$12,230.05

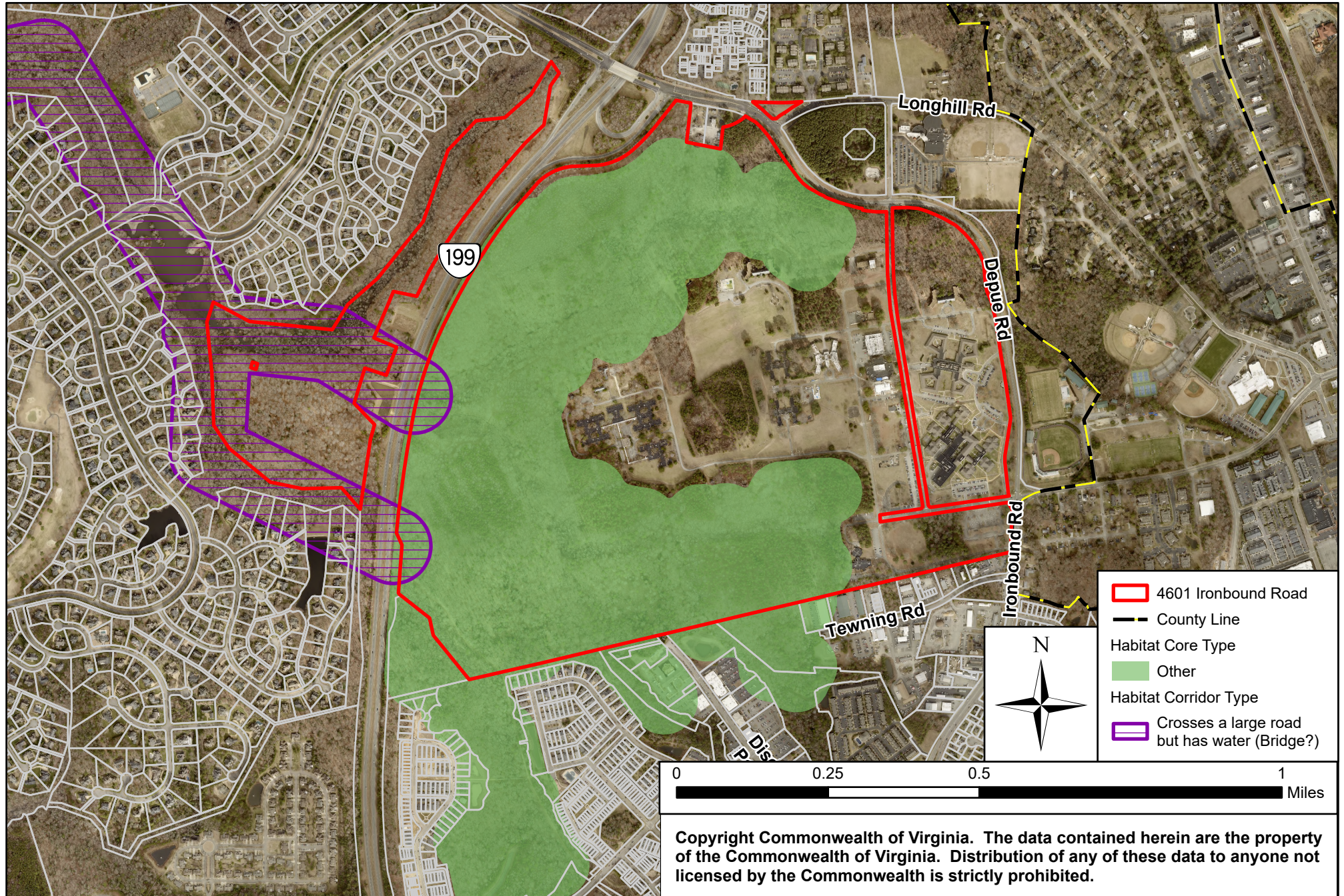
Attachment C

NET FISCAL IMPACT	Westwood Park Developer Values without	%	Westwood Park Developer Values with	%
PROJECTED REVENUES				
General Property Taxes	\$22,706,291	88%	\$21,040,037	88%
Other Local Taxes	\$1,970,216	8%	\$1,915,645	8%
Licenses, Permits & Fees	\$263,421	1%	\$242,955	1%
Fines & Forfeitures	\$11,939	0%	\$11,939	0%
Use of Money & Prop	\$0	0%	\$0	0%
Commonwealth	\$0	0%	\$0	0%
Federal Government	\$0	0%	\$0	0%
Charges for Services	\$772,249	3%	\$772,249	3%
Miscellaneous	\$0	0%	\$0	0%
Total General Fund Revenues	\$25,724,117	100%	\$23,982,825	100%
Schools Revenues (Non-County)	\$5,550,692		\$5,550,692	
GRAND TOTAL REVENUES	\$31,274,809		\$29,533,517	

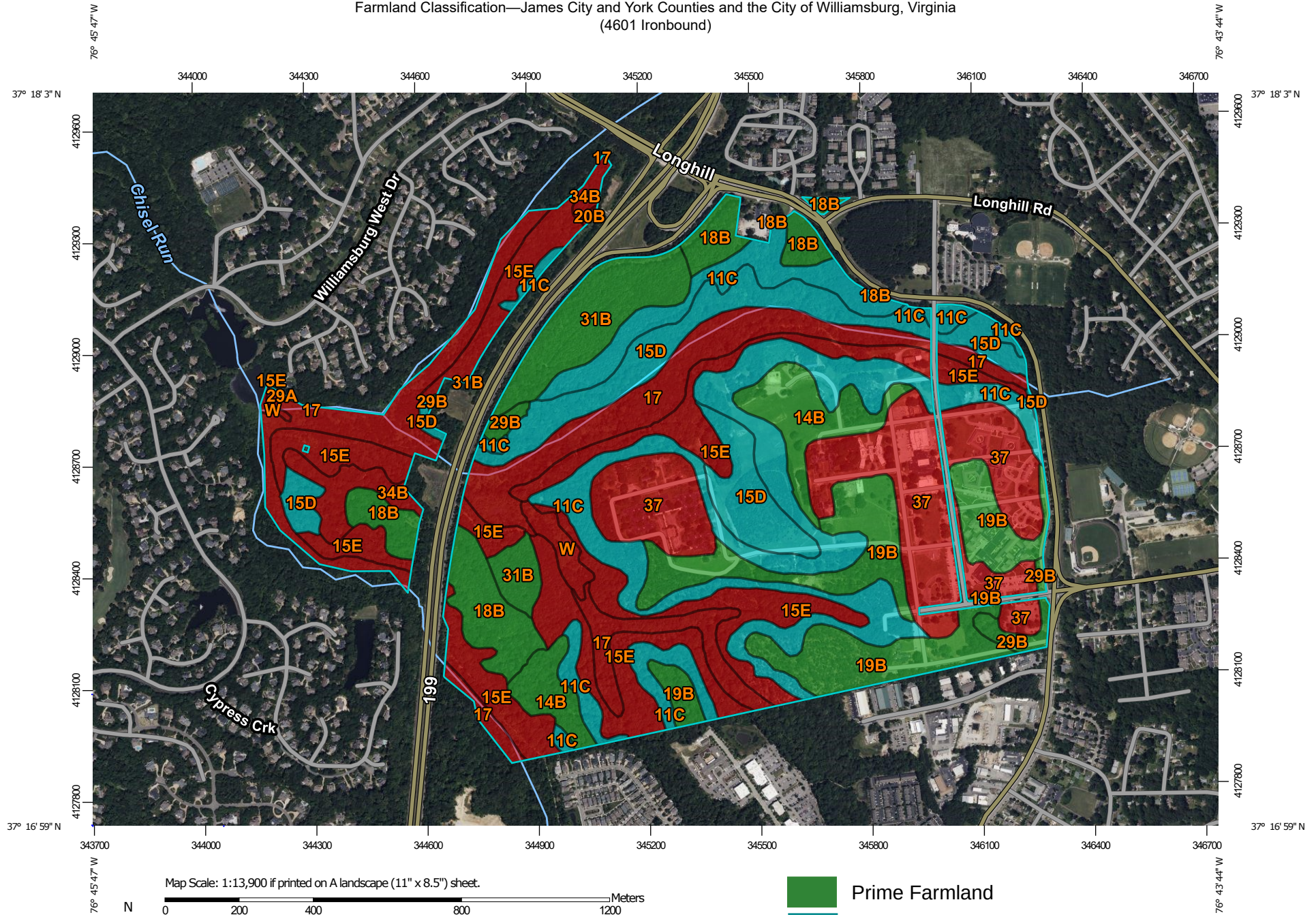
PROJECTED EXPENDITURES				
Operating Expenditures				
General Administration	\$34,753	0%	\$34,753	0%
Court Services	\$44,403	0%	\$44,403	0%
Public Safety	\$2,890,139	16%	\$2,890,139	16%
Financial Administration	\$89,107	1%	\$89,107	1%
Info Resources Management	\$71,773	0%	\$71,773	0%
Community Development	\$21,882	0%	\$21,882	0%
General Services	\$396,261	2%	\$396,261	2%
Parks & Recreation	\$66,522	0%	\$66,522	0%
Other Contributions And Transfers To Other Funds ^A	\$1,227,132	7%	\$1,227,132	7%
Total General Fund Expenditures	\$4,841,973	28%	\$4,841,973	28%
School Operating Expenditures	\$12,741,378	72%	\$12,741,378	72%
GRAND TOTAL OPERATING EXPENDITURES	\$17,583,351	100%	\$17,583,351	100%
Capital Expenditures				
Non-Schools Capital	\$897,997	36%	\$897,997	36%
Schools Capital	\$1,579,055	64%	\$1,579,055	64%
GRAND TOTAL OPERATING EXPENDITURES	\$2,477,053	100%	\$2,477,053	100%
GRAND TOTAL EXPENDITURES	\$20,060,404		\$20,060,404	

CUMULATIVE NET FISCAL IMPACT	\$11,214,405	\$9,473,114
<i>Average Annual Net Fiscal Impact</i>	<i>\$448,576</i>	<i>\$378,925</i>

JCC Z-23-0004 / MP-23-0001, Westwood Park Rezoning Habitat Core and Habitat Corridor Map



Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)



Map Scale: 1:13,900 if printed on A landscape (11" x 8.5") sheet.

0 200 400 800 1200 Meters

0 500 1000 2000 3000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

- Prime Farmland
- Farmland of Statewide Importance
- Not Prime Farmland

3/19/2025
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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

Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		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 reclaimed of excess salts and sodium		Farmland of unique importance		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		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	Soil Rating Points			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, if irrigated and 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		Not prime farmland		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if thawed		Prime farmland if drained		Farmland of statewide importance
	Farmland of statewide importance, if drained		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of local importance		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if drained
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season				Farmland of local importance, if irrigated		Prime farmland if irrigated		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated						Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated
							Prime farmland if irrigated and drained		
							Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)

 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.
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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

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

A handwritten signature in black ink, appearing to read 'J. Grimes', with a stylized flourish at the end.

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.



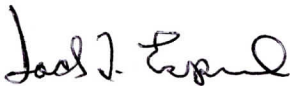
Sommer Wrona
President

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.

A handwritten signature in black ink, appearing to read "Jack L. Espinal". The signature is fluid and cursive, with a large initial "J" and a stylized "E".

Jack L Espinal
Past President
New Town Residential Association

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

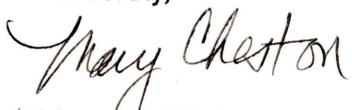
Westwood Park is the first of two major mixed-use developments planned for Eastern State. The larger proposed Cardinal Ridge development on Parcels A&B will be located across from the new JCC Government complex. Two other parcels of land closeby along Ironbound Rd (the JCC General Services office complex 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 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 new future.

Sincerely,

Scott Grafton

New Town Residential Association

Chesapeake Bay Management Company

337 McLaws Circle Suite 1

Williamsburg, VA 23185

4 December 2025

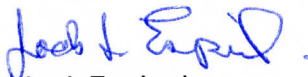
Mike,

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 the 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. Ribiero 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. Ribiero confirmed that the storage area is located outside the 100-foot RPA. Mr. Ribiero 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. Ribiero 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. Ribiero 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. Ribiero explained that a contractor's office and storage yard required an SUP on properties zoned A-1, General Agricultural.

Mr. Ribiero stated that Mr. Beavers currently operates his business without the required SUP. Mr. Ribiero explained that if the SUP application was approved, the land use would come into compliance with current zoning regulations. Mr. Ribiero noted that all reviewing agencies had evaluated this application.

Mr. Ribiero 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. Ribiero 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. Ribiero 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. Ribiero 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. Ribiero 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. Ribiero 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

MEMORANDUM

DATE: July 14, 2026

TO: The Board of Supervisors

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

SUBJECT: Official Intent to Reimburse Expenditures with Proceeds from a Borrowing

As discussed in the Fiscal Year (FY) 2026 and FY2027 Adopted Capital Budgets, the County intends to issue \$204 million of debt to fund certain capital improvements. Projects to be financed in FY2027 include HVAC and roof replacements on behalf of the Williamsburg-James City County Schools, a new community park, fire apparatus, construction costs for the Public Works Administration and Operations Building, and the Consolidated Government Center and Library addition.

The maximum amount of debt expected to be issued for these projects is \$196.1 million, factoring in an anticipated premium based on current market conditions, and the County intends to use the proceeds of this borrowing to reimburse eligible expenditures made prior to the issuance of this debt. Eligible expenditures prior to issuance include:

- (1) amounts expended for the costs of issuance;
- (2) amounts not in excess of the lesser of \$100,000 or 5% of the proceeds of the borrowing;
- (3) amounts not in excess of 20% of the issue price of the borrowing which represent preliminary expenditures (such as architectural, engineering, surveying, soil testing, or similar costs) incurred prior to the commencement of construction; or
- (4) capital expenditures (a) occurring not earlier than 60 days before the County adopted a resolution or otherwise declared its intent to issue obligations to finance such expenditures; and (b) are reimbursed no later than the later of (i) 18 months after the original expenditure, or (ii) 18 months after the project is placed in service or abandoned (but in no event more than three years after the original expenditure is paid).

Staff recommends the adoption of the attached resolution.

SBM/tm
PlanBorrowFY27-mem

Attachment

RESOLUTION

OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS

FROM A BORROWING

WHEREAS, the County (the “Borrower”) intends to design, acquire, construct, and equip various improvements to public facilities, including but not limited to; HVAC and roof replacements on behalf of the Williamsburg-James City County (WJCC) Schools, a new community park, fire apparatus, construction costs for the Public Works Administration and Operations Building, the Consolidated Government Center and Library addition, and other County and WJCC Schools projects (collectively, the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt, in an amount not currently expected to exceed \$196.1 million to pay the costs of the Project.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage.

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

LARSON
ICENHOUR
NULL
WAINWRIGHT
MCGLENNON

VOTES

AYE NAY ABSTAIN ABSENT

_____	_____	_____	_____
_____	_____	_____	_____
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Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2026.

PlanBorrowFY27-res