

**A G E N D A**  
**JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**July 27, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. June 29, 2016 DRC Minutes

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1. The Promenade at John Tyler
2. Williamsburg Memorial Park Ossuary
3. C-0055-2016 Stonehouse Tract 3
4. C-0061-2016 4501 News Road Self Storage

**F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 7/27/2016

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes Adoption - June 29, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
▣	June 29, 2016 DRC Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Johnson, Chris	Approved	7/21/2016 - 4:33 PM
Development Review Committee	Secretary, DRC	Approved	7/21/2016 - 5:22 PM
Publication Management	Burcham, Nan	Approved	7/22/2016 - 7:33 AM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 8:22 AM



**MINUTES**  
**JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 29, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Chris Basic called the meeting to order at approximately 4:00 p.m.

**B. ROLL CALL**

Present:

Mr. Rich Krapf

Mt. Tim O'Connor

Mr. Chris Basic

Absent:

Mr. Heath Richardson

Ms. Robin Bledsoe

Staff Present:

Jose Ribeiro, Senior Planner

Alex Baruch, Planner

**C. MINUTES**

1. Minutes Adoption - May 25, 2016 Regular Meeting

Mr. Rich Krapf made a motion to approve the minutes. On a voice vote the motion carried 3-0.

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1. Williamsburg Place, Farley Center Expansion

Mr. Jose Ribeiro presented the staff report stating that Dr. Donald McCourtney of Diamond Healthcare of Williamsburg, had appealed the planning director's determination regarding a request to reduce the front setback for a proposed building addition at the Farley Center building. The proposed location of the 1,440 square feet addition encroaches onto a 75-foot front setback area. The zoning ordinance offers a mechanism which allows for a setback reduction upon meeting certain criteria; however, upon review of the application, staff determined that it did not fully meet all the ordinance criteria and staff could not support the setback reduction application. Mr. Ribeiro stated that should the DRC consider this application staff had proposed conditions associated with approval as shown in the staff report.

Mr. Krapf asked for clarification regarding the proposed location of the addition in relation to a 75 and 50 foot setback.

Mr. Ribeiro stated that the proposed addition would encroach for the entirety of the area between the 75 and 50 foot front setback lines as shown on exhibit A.

Mr. Krapf asked if a future parking lot is proposed fronting on Mooretown Road.

Mr. Ribeiro stated that there was no additional parking area proposed as part of this proposal.

Mr. Basic indicated that generally 50-foot right-of-ways are for two-lane roads and wider right-of-ways are typically for roads wider than two lanes. Mr. Basic asked if staff had any historical knowledge regarding the reason for the Mooretown Road right-of-way width and setback.

Mr. Ribeiro indicated that he did not have historical knowledge regarding Mooretown Road.

Mr. Tim O'Connor asked staff if this segment of Mooretown Road is proposed for widening.

Mr. Ribeiro stated that he was not aware of any such proposal.

Mr. Basic asked if DRC members have any further questions. Hearing none, Mr. Basic asked Dr. McCourtney if he would like to make comments or if he had questions for the DRC.

Dr. McCourtney thanked the DRC members and stated that the proposed addition would serve as an exercise area for patients and described how physical activity was an important element of patient's rehabilitations. Dr. McCourtney stated that the Farley Center has been open since the middle of the 1980's and since then the center has treated approximately 16,000 people. Dr. McCourtney further stated that patients have been using the YMCA facilities to exercise but that was not the best arrangement. Given the importance of physical exercises, the Farley Center Administration started to look into building a space dedicated for patients to exercise. According to Dr. McCourtney, a vertical expansion was cost prohibitive and because of logistics, such as utilities, the only location to build the addition was within the 75-foot front setback. Dr. McCourtney indicated that all the existing trees between the road and the location where the addition is proposed would be retained and a new fence would be installed.

Mr. Krapf asked Dr. McCourtney if he was comfortable with the conditions proposed by staff associated with the approval of this application.

Dr. McCourtney stated that he was aware of and in agreement with all conditions proposed by staff.

Mr. Basic stated that Dr. McCourtney had partially addressed his concerns regarding exploring all other options available to locate the addition outside the 75 foot front setback.

Dr. McCourtney stated that due to internal logistics such as retaining staff's ability to keep appropriate track of patients and, also, costs associated with the expansion, the proposed location was the only viable option.

Mr. O'Connor asked staff if the 75 foot front setback was a requirement because the parcel to the northwest was zoned for residential.

Mr. Ribeiro confirmed.

Mr. Krapf stated that he acknowledged staff's recommendation but considering the nature of surrounding properties and how this area had developed over the years, the proposed addition within the front setback would not be detrimental to the character of the area.

Mr. O'Connor asked if changes could be made to the footprint of the proposed addition to avoid encroachment onto the 50 foot setback line as shown on the exhibit A.

Dr. McCourtney that it should not be a problem to modify the footprint of the building.

Mr. Krapf made a motion to approve the setback modification request subject to the conditions proposed by staff and the additional condition of not extending the proposed addition past the 50 foot front setback (as shown on exhibit A). The motion passed by a vote of 3-0.

#### **F. ADJOURNMENT**

Mr. Basic then motioned to adjourn the meeting, and the meeting was adjourned at approximately 4:25 p.m.

**ITEM SUMMARY**

DATE: 7/27/2016

TO: The Development Review Committee

FROM: Savannah Pietrowski, Planner I

SUBJECT: The Promenade at John Tyler: Appeal of a decision of the Director of Planning that the proposed architectural elevations are not consistent with the elevations provided in the Rezoning Community Impact Statement (CIS).

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	CIS Elevations	Exhibit
▣	CIS Elevations_10 Plex	Exhibit
▣	Proposed Elevations	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Johnson, Chris	Approved	7/21/2016 - 5:08 PM
Development Review Committee	Secretary, DRC	Approved	7/21/2016 - 5:22 PM
Publication Management	Burcham, Nan	Approved	7/22/2016 - 7:34 AM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 8:22 AM

**SITE PLAN-0049-2015. The Promenade at John Tyler****Staff Report for the July 27, 2016, Development Review Committee****SUMMARY FACTS**

Applicant: Mr. Graham Corson, AES Consulting Engineers

Land Owner: Franciscus at Promenade, LLC

Proposal: To build up to 204 condominium units

Development Review Committee (DRC) Review: Appeal the decision of the Director of Planning that the proposed architectural elevations are not consistent with the elevations provided in the Rezoning Community Impact Statement (CIS).

Locations: 5294, 5299, 5303, 5304, 5307 and 5311 John Tyler Highway

Tax Map/Parcel Nos.: 4812200020, 4812200025, 4812200026, 4812200029, 4812200027 and 4812200028, respectively

Project Acreage: +/- 24.54 acres

Zoning: MU, Mixed Use, with proffers

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

Staff Contact: Savannah Pietrowski, Planner

**FACTORS FAVORABLE**

1. Proposed elevations B and D are relatively consistent with the CIS.

**FACTORS UNFAVORABLE**

1. Removing several distinct architectural features from the elevations alters the character of the development, as presented during the rezoning process and reduces the cohesiveness of the buildings within the development.
2. Proposed elevations A and C are generally inconsistent with the CIS.

**STAFF RECOMMENDATION**

Staff recommends that the Development Review Committee (DRC) find the proposed architectural elevations to be inconsistent with the elevations included in the CIS provided with the Application for Rezoning for the development.

**PROJECT DESCRIPTION**

The Promenade at John Tyler was approved by the Board of Supervisors in 2014 for up to 204 condominium units. The applicant has submitted architectural elevations for the future duplex and multiplex buildings within the development.

Upon review of the submitted architectural elevations, the Planning Director has determined that they are not consistent with the elevations included in the CIS submitted with the Application for Rezoning. Therefore, the applicant has appealed this decision to the DRC.

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

## **SITE PLAN-0049-2015. The Promenade at John Tyler**

### **Staff Report for the July 27, 2016, Development Review Committee**

Condition No. 7 of the adopted proffers states: *“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...”*

In addition, Section 24-516 of the Zoning Ordinance states that “All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the Planning Director concludes that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning.”

Staff and the Planning Director identified the following inconsistencies between the two sets of elevations (also highlighted by letter in Attachment No. 1):

#### Duplexes:

- a. Side and rear elevations should be provided, consistent with those on the CIS elevations. The covered patio and upper level porch are important features that should be retained in the rear elevations. In addition, special care should be taken to ensure that end units most closely match the CIS side and rear views.
- b. At least three of the six elevations should contain a pitched roof over the front door.

- c. The CIS elevation shows the bottom right windows to be grouped, creating a box window with arched detailing. This feature should be included in at least three of the elevations.
- d. The CIS elevations show a semicircle window at the top right of the duplexes. This feature should be incorporated into the elevations.
- e. The standing seam on the lower roof lines shown on the CIS elevations should be included on all buildings.
- f. White trim should be provided on top of the dormer window on Duplex 3, as shown on the other buildings.

#### Multiplexes:

- a. Buildings B and D appear to be relatively consistent with CIS elevations 2 and 4, respectively. However, Buildings A and C appear to be overall inconsistent with the CIS elevations.
- b. The CIS elevations show two cupolas on each building, which are not included in the draft elevations.
- c. The small circular windows in CIS elevations 1 and 3 are features that should be included.
- d. The standing seam on the lower roof lines shown on the CIS elevations should be included on all buildings.
- e. The CIS elevations show a second level porch on two of the units. This feature is currently shown in one elevation, but should be added to at least one more. These are shown above a first level porch on the CIS elevations. Preferably, this layout would be carried through in at least one of the two elevations showing a second level porch.
- f. The rooflines in proposed Elevations A and C are very different than those shown on the CIS elevations.
- g. The CIS elevations show a small window in the roofline of Elevations 2 and 4 with siding is continued into this area.
- h. White trim on top of the dormer windows of Elevation B, as shown on the other buildings.

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## **RECOMMENDATION**

Given the above inconsistencies, the Planning Director has determined that the proposed elevations are not consistent with the elevations included in the application for rezoning, and would alter the character of the development as originally proposed during the legislative process. Staff recommends that the DRC find the proposal to be inconsistent with the master plan.

SP/nb  
SP49PromenadeJT

### Attachments:

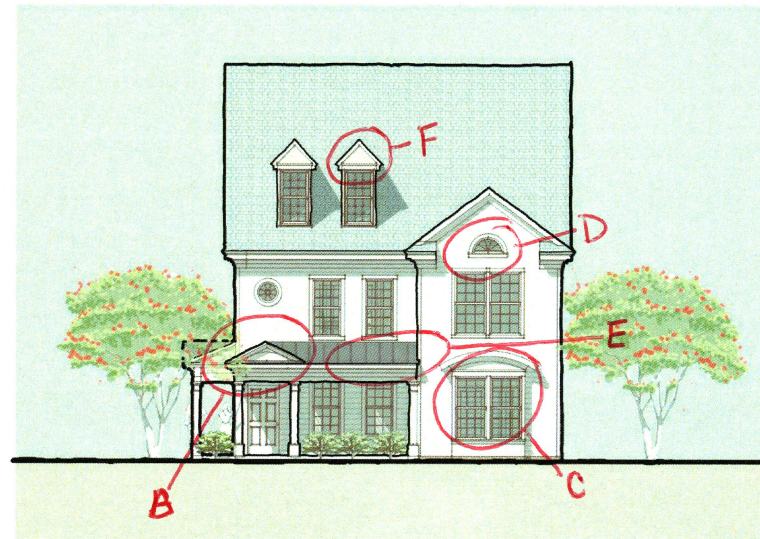
1. Elevations provided in the Rezoning Community Impact Statement, annotated by staff
2. Proposed elevations

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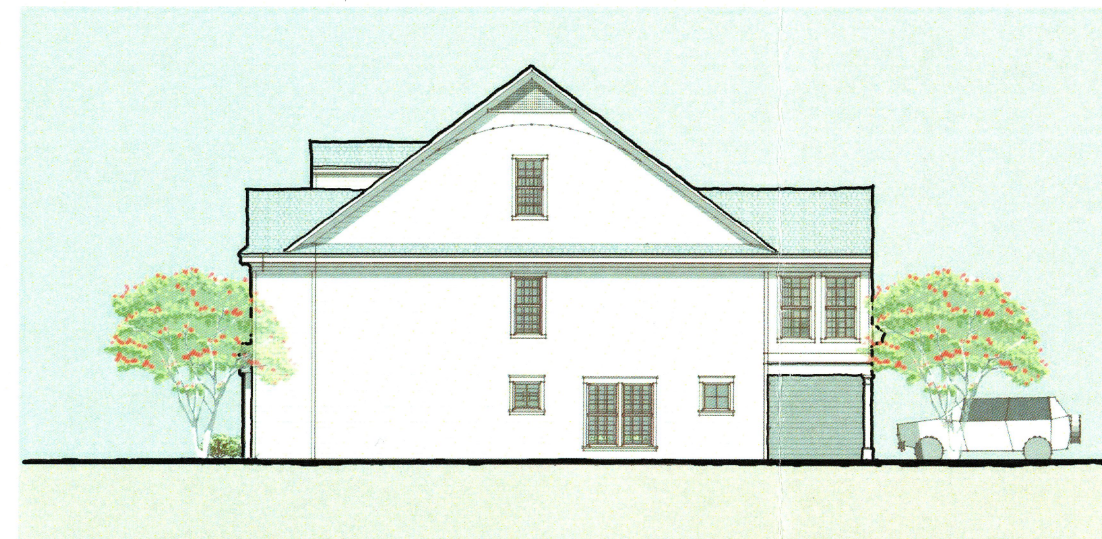
*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*



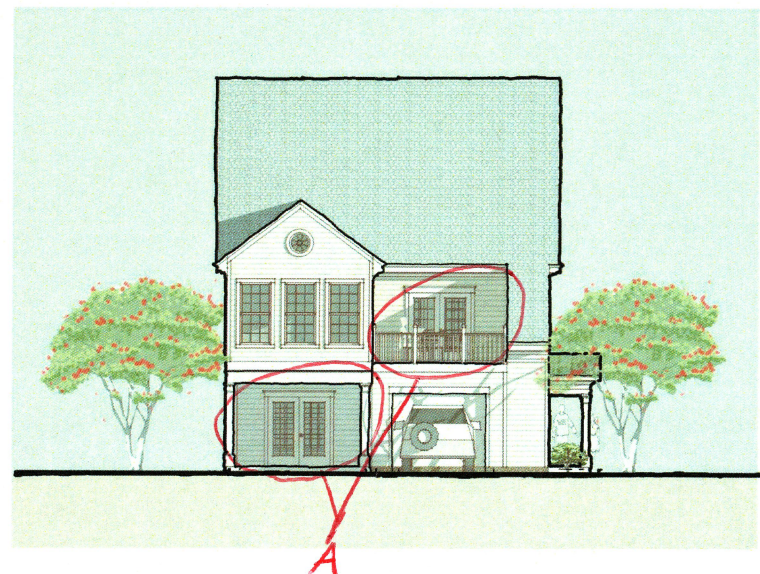
Note: Letters correspond with comments in letter dated 7/15/16



FRONT



RIGHT SIDE

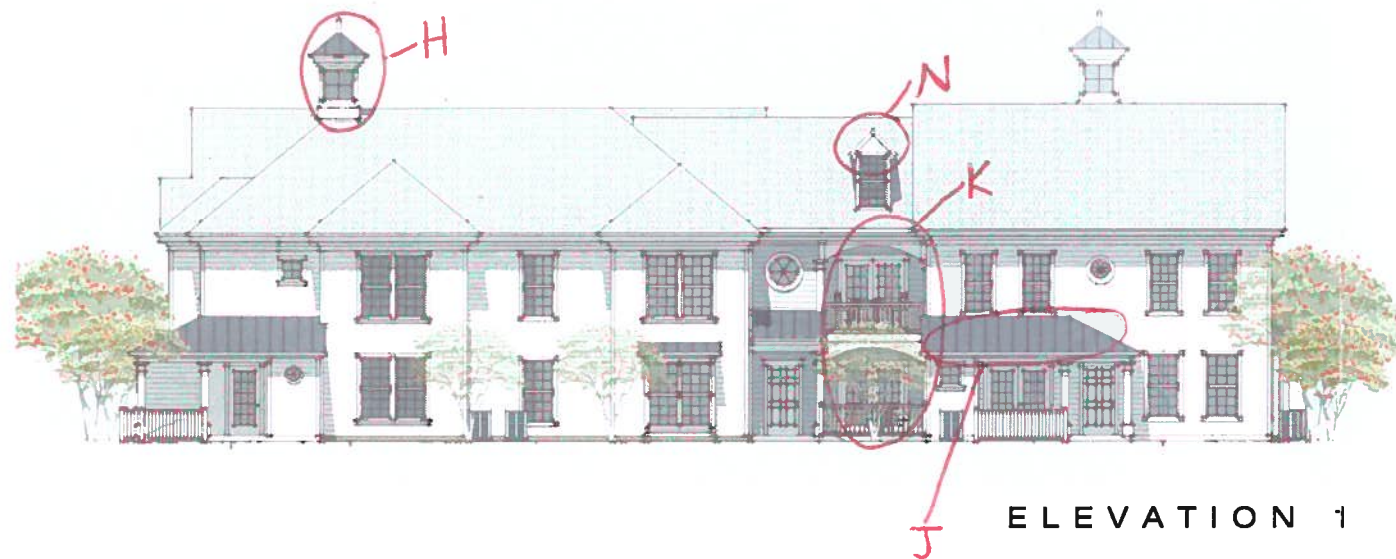


REAR

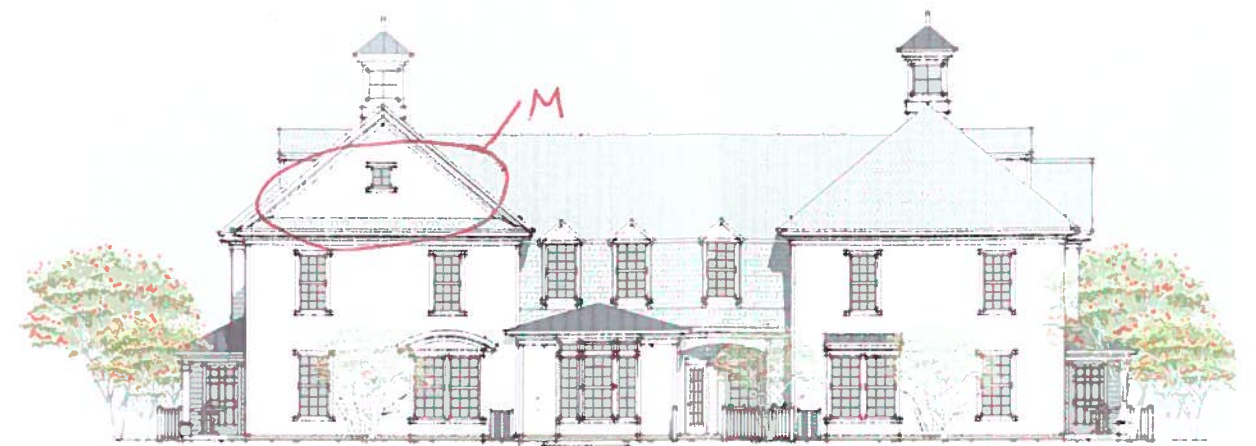


LEFT SIDE





ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4





1

2

3

4

STREET SCAPE

5

6

7

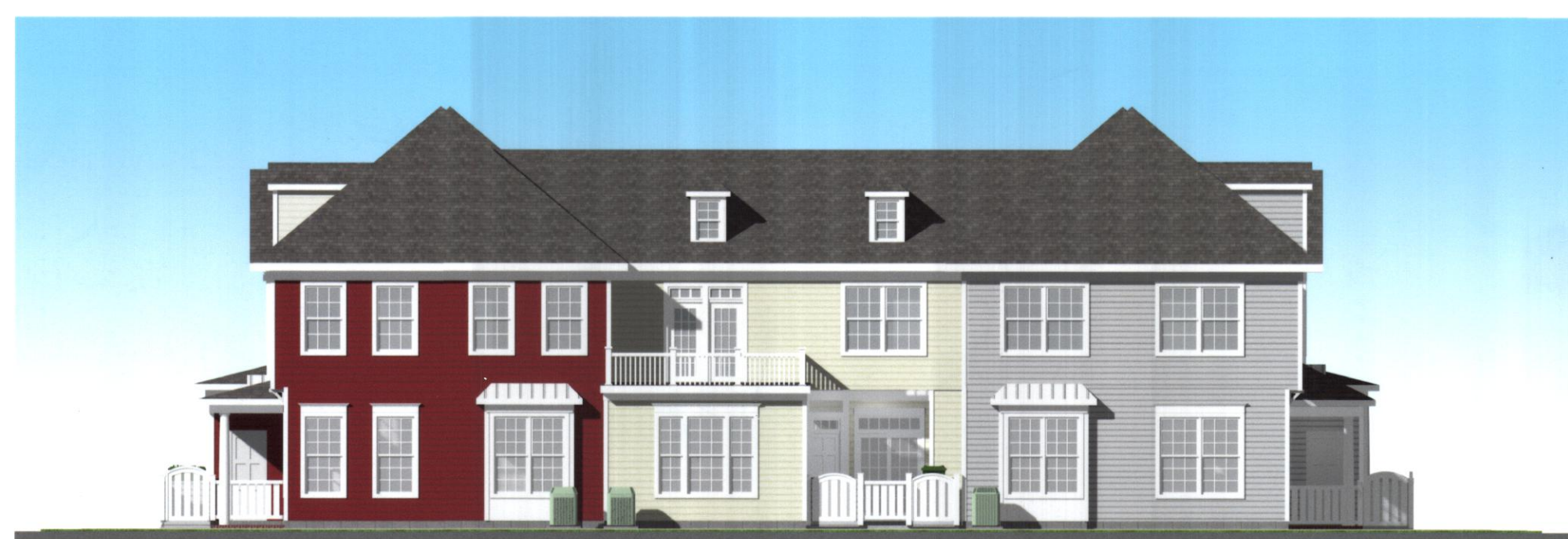
8



A

ELEVATION - "A"

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



B

ELEVATION - "B"

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



C

ELEVATION - "C"

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



D

ELEVATION - "D"

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

DUPLEXES & TENPLEXES FOR:  
THE PROMENADE @ JOHN TYLER  
COLONIAL STYLE  
ELEVATIONS



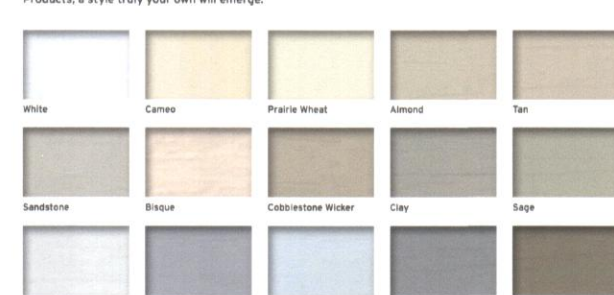
Historic Appearance of a TRUE BEADED LAP

The past comes alive when you rest your eyes on the striking appearance that is Beaded Beading. The unique look created by its beaded beading edge and distinctive shadow lines is remarkable. Engineered for long lasting performance, this siding's timeless style will protect your home for years to come.



Lavish COLOR

When you begin to paint these beautiful colors with Tint, Softs and the accessories available from KP Building Products, a style truly your own will emerge.





**ITEM SUMMARY**

DATE: 7/27/2016

TO: The Development Review Committee

FROM: Savannah Pietrowski, Planner

SUBJECT: Williamsburg Memorial Park Ossuary

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This site plan requires review by the DRC per conditions associated with SUP-00014-1989, Williamsburg Memorial Park/Ewell Hall - Cemetery.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Aerial map	Exhibit
▣	SUP-0014-1989 Conditions	Exhibit
▣	Site Plan	Exhibit
▣	Proposed Ossuary Design	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Johnson, Chris	Approved	7/21/2016 - 10:03 PM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 8:21 AM
Publication Management	Boles, Amy	Approved	7/22/2016 - 8:26 AM
Development Review Committee	Holt, Paul	Approved	7/22/2016 - 9:35 AM

**SITE PLAN-0052-2016. Williamsburg Memorial Park Ossuary**  
**Staff Report for the July 27, 2016, Development Review Committee**

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**SUMMARY FACTS**

Applicant: Mr. Ryan Stephenson, AES Consulting Engineers

Land Owner: Williamsburg Memorial Park

Proposal: Construction of an ossuary vault in the existing memorial park.

Development Review Committee (DRC) Review: Site plan requires review by the Development Review Committee (DRC) per conditions associated with SUP-0014-1989, Williamsburg Memorial Park/Ewell Hall - Cemetery

Location: 130 King William Drive

Tax Map/Parcel No.: 3220100109

Project Acreage: +/- 40.36 acres

Zoning: B-1, General Business/  
R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Savannah Pietrowski, Planner

**FACTORS FAVORABLE**

1. Staff finds the proposal consistent with the adopted proffers and special use permit conditions.

**FACTORS UNFAVORABLE**

1. None.

**STAFF RECOMMENDATION**

Staff recommends that the DRC recommend preliminary approval of this site plan.

**PROJECT DESCRIPTION**

The applicant has submitted a site plan proposing an ossuary vault in Williamsburg Memorial Park. The proposed location appears to be located on a portion of the Park that is zoned both B-1, General Business and R-2, General Residential.

The adopted Special Use Permit (SUP) conditions for the R-2 area (Case No. SUP-0014-1989) require site plans for the Park to be reviewed by the DRC.

Staff has reviewed the site plan and determined that the proposed ossuary is consistent with the adopted proffers and SUP conditions. The proposed ossuary height will be approximately 10 feet above finished grade.

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

**SITE PLAN-0052-2016. Williamsburg Memorial Park Ossuary**  
**Staff Report for the July 27, 2016, Development Review Committee**

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**RECOMMENDATION**

Staff recommends that the DRC recommend preliminary approval of this site plan.

SP/nb  
SP52WmbgMemPk

Attachments:

1. Aerial Map
2. SUP-0014-1989 Conditions
3. Site Plan
4. Image of the proposed ossuary style

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



# SP-0052-2016, Williamsburg Memorial Park Ossuary



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120 60 0 120 240 360 Feet



RESOLUTION

CASE NO. SUP-14-89 ENT. HALL TRACT

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

WHEREAS, the Planning Commission of James City County, following its public hearing on June 13, 1989, unanimously recommended approval of Case No. SUP-14-89.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SJP-14-89 as described herein with the following conditions.

1. If construction of the entrance road has not commenced on the property within 18 months from the date of issuance of the special use permit, it shall become void. During the 18-month period, permits pertaining to the construction shall be secured. Clearing and grading of the site shall be completed.
2. Site plan approval by the Development Review Committee shall be required.
3. A 50-foot undisturbed buffer strip shall be provided along property lines adjoining lots located at 123 and 125 King William Drive except for a proposed access road as approved by the Development Review Committee.
4. Vehicles involved in the construction of the cemetery access road from King William Drive shall enter and exit the site exclusively from the existing cemetery entrance on Richmond Road.
5. A gate restricting vehicular traffic shall be provided at the cemetery entrance at King William Drive which shall be locked between sunset and sunrise.

*Thomas D. Mahone*

Thomas D. Mahone, Chairman  
Board of Supervisors

ATTEST:

*David B. Norman*

David B. Norman  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 7th day of August, 1989.

0513A  
1014w



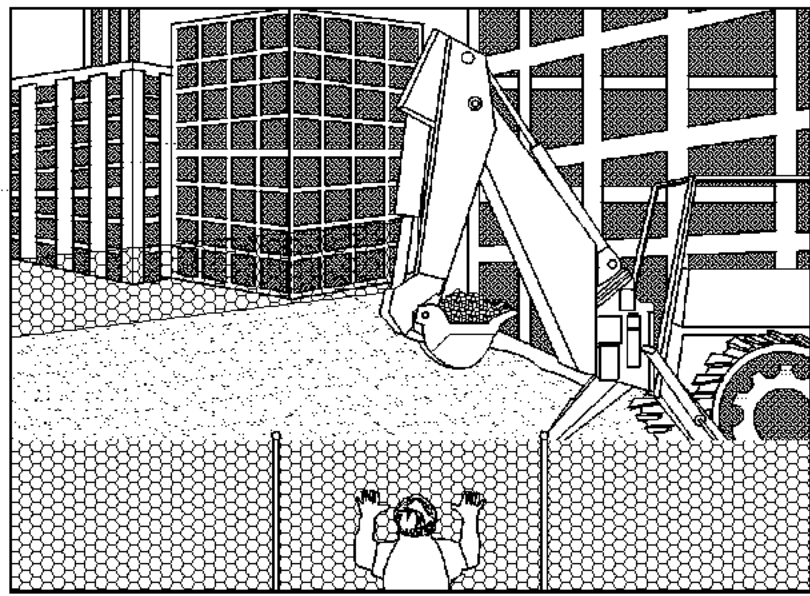


S:\CIBS\912402-Williamsburg Memorial Park Ossuarium\Engineering\Plans\912402 - Site Plan.dwg, 5/16/2015 3:07:32 PM, System, K-Series.pcd

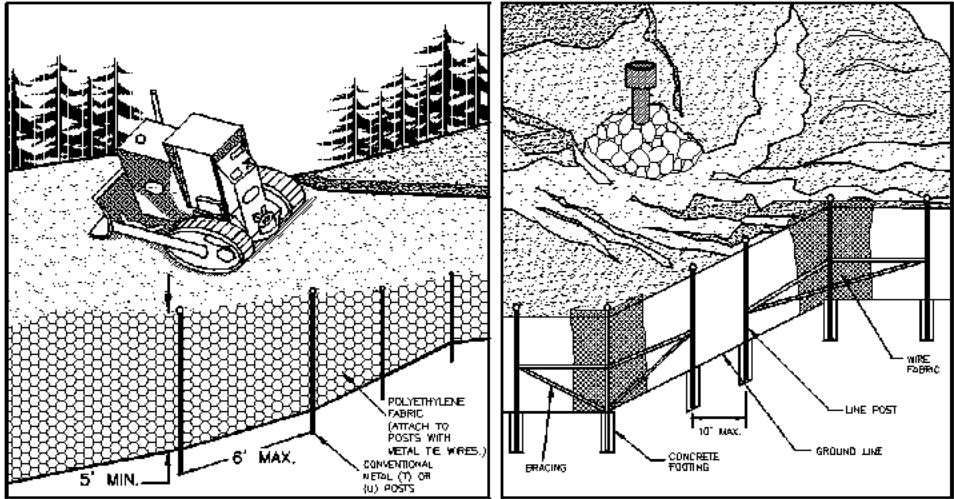
JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION  
STANDARD COUNTY STORMWATER POLLUTION PREVENTION PLAN NOTES  
REVISED JULY 1, 2014

- THE FOLLOWING STANDARD COUNTY NOTES SHALL BECOME PART OF ANY APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR PLAN OF DEVELOPMENT PROJECTS IN JAMES CITY COUNTY, VIRGINIA. COMPONENTS OF A SWPPP MAY INCLUDE, AS APPLICABLE, A SITE EROSION AND SEDIMENT CONTROL (EASC) PLAN, A SITE STORMWATER MANAGEMENT (SWM) PLAN, AND A SITE POLLUTION PREVENTION PLAN (PPP). THE COUNTY'S DIVISION OF ENGINEERING AND RESOURCE PROTECTION IS DESIGNATED BY CHAPTER 8 OF THE COUNTY CODE AS THE LOCAL VIRGINIA EROSION AND SEDIMENT CONTROL PROGRAM (VESP) AUTHORITY AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSM) AUTHORITY.
- ALL THE PROVISIONS OF VIRGINIA EROSION AND SEDIMENT CONTROL (EASC) LAW AND REGULATIONS, THE VIRGINIA STORMWATER MANAGEMENT ACT AND REGULATIONS (VSM), THE VIRGINIA BMP GUIDANCE MANUAL, STATE EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT HANDBOOKS, AND ANY ASSOCIATED TECHNICAL BULLETINS AND GUIDANCE DOCUMENTS AS PUBLISHED BY THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), AND THE LOCAL VESP AND VSM AUTHORITY SHALL APPLY TO THE PROJECT.
  - MINIMUM STANDARDS NO. 1 THROUGH NO. 19 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS 8VA25-840 ET SEQ. SHALL APPLY TO THE PROJECT.
  - THE OWNER, APPLICANT, OPERATOR, OR PERMITTEE SHALL BE RESPONSIBLE TO REGISTER FOR CONSTRUCTION GENERAL PERMIT (CGP) COVERAGE, AS APPLICABLE, IN ACCORDANCE WITH THE GENERAL VPDES PERMIT FOR DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES (VAR10) CHAPTER 8B0. THE VIRGINIA STORMWATER MANAGEMENT PROGRAM REGULATIONS CHAPTER 870, AND IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSM), THE STATE WATER CONTROL BOARD, THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, CHAPTER 8 OF THE COUNTY CODE AND THE LOCAL VESCP/VSM AUTHORITY.
  - THE OWNER, APPLICANT, OPERATOR OR PERMITTEE SHALL PROVIDE THE NAME OF AN INDIVIDUAL HOLDING A VALID RESPONSIBLE LAND DISTURBER (RLD) CERTIFICATE OF COMPETENCE WHO WILL BE RESPONSIBLE FOR THE LAND DISTURBING ACTIVITY PRIOR TO ENGAGING IN THE LAND DISTURBING ACTIVITY. THIS WILL BE NECESSARY PRIOR TO ISSUANCE OF A LOCAL LAND DISTURBING AND/OR STORMWATER CONSTRUCTION PERMIT FOR THE PROJECT. THE RLD IS REQUIRED TO ATTEND THE PRECONSTRUCTION CONFERENCE FOR THE PROJECT.
  - THE CONTRACTOR IS RESPONSIBLE TO CONTACT MISS UTILITY (DIAL 811 IN VA OR 1-800-552-7001) PRIOR TO ANY UTILITY OR SITE WORK EXCAVATIONS.
  - ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PLANNED, DESIGNED, IMPLEMENTED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE LATEST EDITION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH). THE CONTRACTOR SHALL MAINTAIN, INSPECT, AND REPAIR ALL EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED THROUGHOUT THE LIFE OF THE PROJECT TO ENSURE CONTINUED ACCEPTABLE PERFORMANCE.
  - A PRECONSTRUCTION CONFERENCE (MEETING) SHALL BE HELD ON SITE AND INCLUDE REPRESENTATIVES FROM THE LOCAL VESCP/VSM AUTHORITY, THE OWNER/APPLICANT/OPERATOR/PERMITTEE, THE RESPONSIBLE LAND-DISTURBER (RLD), AND THE CONTRACTOR, ENGINEER, AND OTHER RESPONSIBLE AGENCIES, AS APPLICABLE. PRIOR TO AUTHORIZATION AND ISSUANCE OF A LOCAL LAND DISTURBING OR STORMWATER CONSTRUCTION PERMIT, THE OWNER, APPLICANT, OPERATOR OR PERMITTEE IS REQUIRED TO COORDINATE SCHEDULING OF THE PRECONSTRUCTION CONFERENCE BETWEEN ALL APPLICABLE PARTIES. THE CONTRACTOR SHALL SUBMIT A SEQUENCE OF CONSTRUCTION AND A REVISED POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF APPLICABLE, TO THE LOCAL VESCP/VSM AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE PRECONSTRUCTION MEETING.
  - A POLLUTION PREVENTION PLAN (P2 PLAN OR PPP), IF REQUIRED, SHALL BE DEVELOPED, IMPLEMENTED AND UPDATED AS NECESSARY AND MUST DETAIL THE DESIGN, INSTALLATION, IMPLEMENTATION, AND MAINTENANCE OF EFFECTIVE POLLUTION PREVENTION MEASURES TO MINIMIZE THE DISCHARGE OF POLLUTANTS FROM EQUIPMENT AND VEHICLE WASHING, WHEEL WASH WATER AND OTHER WASH WATERS, MINIMIZE THE EXPOSURE OF ALL MATERIALS ON THE SITE (SUCH AS BUILDING MATERIALS AND PRODUCTS, CONSTRUCTION WASTE, TRASH, LANDSCAPE MATERIALS, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE, ETC.) TO PRECIPITATION AND STORMWATER; MINIMIZE THE DISCHARGE OF POLLUTANTS FROM SPILLS AND LEAKS; IMPLEMENT CHEMICAL SPILL AND LEAK PREVENTION AND RESPONSE PROCEDURES; AND INCLUDE EFFECTIVE BEST MANAGEMENT PRACTICES TO PROHIBIT THE DISCHARGE OF WASTEWATER FROM CONCRETE WASHOUT AREAS, DISCHARGE OF WASTEWATER FROM WASHOUT AND CLEANOUT OF STUCCO, PAINT, CHIMNEY RELEASE OILS, CLING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS, DISCHARGE OF FUELS, OILS, OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE ACTIVITIES; AND THE DISCHARGE OF SOAPS AND SOLVENTS USED FOR VEHICLE AND EQUIPMENT WASHING. THIS PLAN SHALL BE AVAILABLE ON SITE FOR REVIEW AT REASONABLE TIMES BY THE LOCAL VESCP/VSM AUTHORITY WHEN REQUESTED.
  - THE OWNER, APPLICANT, OPERATOR, OR PERMITTEE IS RESPONSIBLE FOR ALL OPERATOR SELF-INSPECTIONS AS REQUIRED IN THE POLLUTION PREVENTION PLAN (P2 PLAN OR PPP) OR AS REQUIRED AS PART OF A DEVELOPED STORMWATER POLLUTION PREVENTION PLAN (SWPPP). THESE INSPECTIONS SHALL BE MADE AVAILABLE, UPON REQUEST, BY THE LOCAL VESCP/VSM AUTHORITY.
  - ALL PERIMETER EROSION AND SEDIMENT CONTROL (EASC) MEASURES SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UP-SLOPE LAND DISTURBANCE ACTIVITY TAKES PLACE.
  - ADDITIONAL SAFETY FENCE OR DUST CONTROL MEASURES, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.01 AND 3.39 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH), MAY BE REQUIRED TO BE IMPLEMENTED ON THE SITE IN ADDITION TO THAT SHOWN ON THE APPROVED PLAN AND SPECIFICATIONS IN ORDER TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL.
  - EROSION AND SEDIMENT CONTROL MEASURES MAY REQUIRE MINOR FIELD ADJUSTMENTS AT OR FOLLOWING TIME OF CONSTRUCTION TO ENSURE THEIR INTENDED PURPOSE IS ACCOMPLISHED. TO ENSURE ADEQUATE PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, OR IF SITE CONDITIONS CHANGE, BECOME APPARENT OR ALTER SIGNIFICANTLY FOLLOWING THE DATE OF PLAN APPROVAL, LOCAL VESCP/VSM AUTHORITY APPROVAL SHALL BE REQUIRED FOR ANY DEVIATION OF EROSION AND SEDIMENT CONTROL MEASURES FROM THE APPROVED PLAN.
  - OFF-SITE WASTE OR BORROW AREAS SHALL BE APPROVED BY THE LOCAL VESCP/VSM AUTHORITY PRIOR TO THE IMPORT OF ANY BORROW OR EXPORT OF ANY WASTE TO OR FROM THE PROJECT SITE.
  - TEMPORARY SOIL STOCKPILES SHALL COMPLY WITH THE PROVISIONS OF SECTION 24-46 OF THE COUNTY CODE.
  - CULVERT AND STORM DRAIN INLET PROTECTIONS, IN ACCORDANCE WITH THE PROVISIONS OF MINIMUM STANDARDS & SPECS. 3.07 AND 3.08 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH), MAY BE REMOVED AT THE DISCRETION OF THE ASSIGNED LOCAL VESCP/VSM AUTHORITY COMPLIANCE INSPECTOR, SHOULD PLACEMENT OF THE MEASURE RESULT IN EXCESSIVE ROAD FLOODING, TRAFFIC OR SAFETY HAZARD, OR RESULT IN THE REDIRECTION OF DRAINAGE ONTO OR TOWARD EXISTING LOTS, HOMES, DRIVEWAYS, GARAGES OR OTHER STRUCTURES. DECISIONS SHALL BE MADE BY THE VESCP/VSM AUTHORITY ON A CASE-BY-CASE BASIS BASED ON FIELD SITUATIONS ENCOUNTERED.
  - DRAINAGE FACILITIES SHALL BE INSTALLED AND FUNCTIONAL WITHIN 30 DAYS FOLLOWING COMPLETION OF ROUGH GRADING AT ANY POINT WITHIN THE PROJECT.
  - NO MORE THAN 300 FEET OF TRENCH MAY BE OPEN AT ONE TIME FOR UNDERGROUND UTILITY LINES, INCLUDING STORM WATER CONVEYANCES. ALL OTHER PROVISIONS OF MINIMUM STANDARD NO. 16 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS APPLY.
  - PERMANENT OR TEMPORARY STABILIZATION OF DISTURBED SOIL AREAS SHALL COMPLY WITH MINIMUM STANDARD # 1 AND # 3 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS.
  - THE TERM SEEDING, FINAL VEGETATIVE COVER OR STABILIZATION ON THE APPROVED PLAN SHALL MEAN THE SUCCESSFUL GERMINATION AND ESTABLISHMENT OF A STABLE GRASS COVER FROM A PROPERLY PREPARED SEEDBED, IN ACCORDANCE WITH MINIMUM STANDARD # 1 AND # 3 FROM THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, MINIMUM STANDARDS & SPECS. 3.29 THROUGH 3.37 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH), AND ANY TECHNICAL BULLETINS ISSUED BY THE STATE WATER CONTROL BOARD OR VIRGINIA DEQ, AS APPLICABLE. IRRIGATION, IF NECESSARY, SHALL COMPLY WITH ALL APPLICABLE SEASONAL OUTDOOR WATER USE RESTRICTIONS OF THE JAMES CITY SERVICE AUTHORITY.
  - IF DISTURBED AREA STABILIZATION IS TO BE ACCOMPLISHED DURING THE MONTHS OF DECEMBER, JANUARY OR FEBRUARY, STABILIZATION SHALL CONSIST OF MULCHING IN ACCORDANCE WITH MINIMUM STANDARD & SPEC. 3.35 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH). SEEDING WILL THEN TAKE PLACE AS SOON AS THE SEASON PERMITS.
  - TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL NOT BE REMOVED UNTIL ALL DISTURBED AREAS ARE STABILIZED. REMOVAL SHALL NOT OCCUR WITHOUT AUTHORIZATION BY THE LOCAL VESCP/VSM AUTHORITY. DISTURBANCES TO THE REMOVAL OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY STABILIZED.
  - NO SEDIMENT TRAP OR SEDIMENT BASIN SHALL BE REMOVED UNTIL A) AT LEAST 75 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN HAVE BEEN SOLD TO A THIRD PARTY FOR THE CONSTRUCTION OF HOMES (UNRELATED TO THE DEVELOPER); AND/OR, B) 60 PERCENT OF THE SINGLE-FAMILY LOTS WITHIN THE DRAINAGE AREA TO THE TRAP OR BASIN ARE COMPLETED AND STABILIZED. A BULK SALE OF THE LOTS TO ANOTHER BUILDER DOES NOT SATISFY THIS PROVISION. SEDIMENT TRAPS AND SEDIMENT BASINS SHALL NOT BE REMOVED WITHOUT AUTHORIZATION OF THE LOCAL VESCP/VSM AUTHORITY.
  - DESIGN AND CONSTRUCTION OF PRIVATE-TYPE STORM DRAINAGE SYSTEMS, OUTSIDE VDOT RIGHT-OF-WAY, SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT VERSION OF THE JAMES CITY COUNTY, ENGINEERING AND RESOURCE PROTECTION DIVISION, STORMWATER DRAINAGE CONVEYANCE SYSTEMS (NON-BMP RELATED), GENERAL DESIGN AND CONSTRUCTION GUIDELINES (IE. COUNTY DRAINAGE STANDARDS).
  - RECORD DRAWINGS (ASBUILTS) AND CONSTRUCTION CERTIFICATIONS ARE REQUIRED FOR ALL STORMWATER FACILITIES INCLUDING STORMWATER MANAGEMENT BMP FACILITIES AND STORM DRAINAGE CONVEYANCE SYSTEMS. THE CERTIFICATION PROCESS SHALL INCLUDE AN INTERNAL CLOSED-CIRCUIT TELEVISION CAMERA (CCTV) POST INSTALLATION INSPECTION PERFORMED BY THE OWNER IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS DEVELOPED BY THE VSM AUTHORITY. RECORD DRAWINGS AND CONSTRUCTION CERTIFICATIONS MUST MEET ESTABLISHED PROGRAM REQUIREMENTS OF THE COUNTY'S CHAPTER 8 EROSION AND SEDIMENT CONTROL AND VSM ORDINANCE AND THE LOCAL VESCP/VSM AUTHORITY.
  - ALL STORMWATER FACILITIES INCLUDING BMPs, STORM DRAINAGE PIPES, STORMWATER CONVEYANCES, INLETS, MANHOLES, OUTFALLS AND ROADSIDE AND OTHER OPEN CHANNELS SHALL BE INSPECTED BY THE LOCAL VESCP/VSM AUTHORITY. THE OWNER AND THE APPLICANT/OPERATOR/PERMITTEE DESIGNATED GEO-TECHNICAL ENGINEER FOR THE PROJECT IN ACCORDANCE WITH ESTABLISHED COUNTY STORMWATER FACILITY INSPECTION PROGRAM REQUIREMENTS.

SAFETY FENCE



PERSPECTIVE VIEW



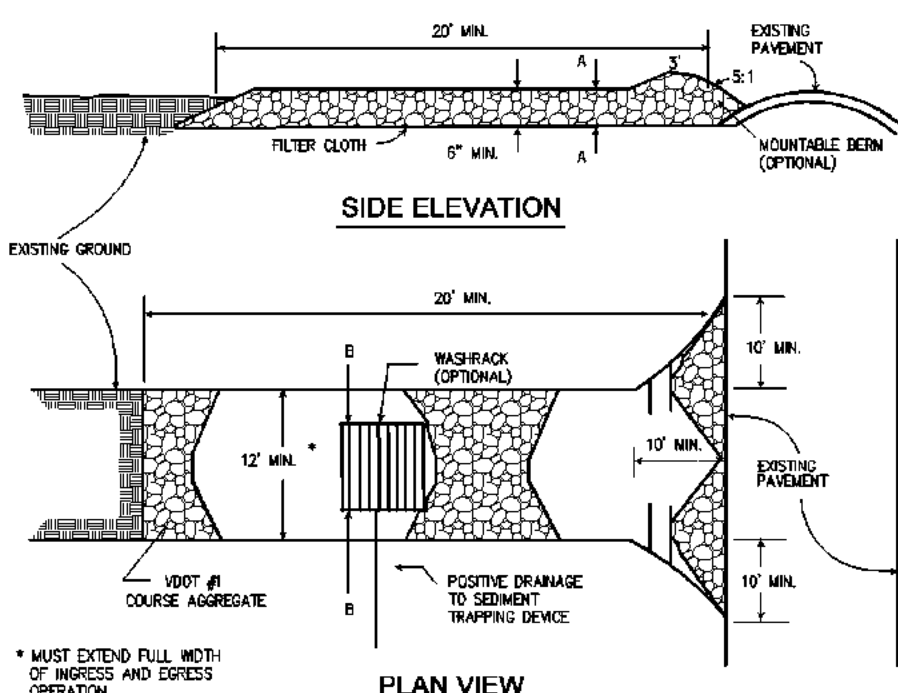
PERSPECTIVE VIEW  
PLASTIC FENCE

PERSPECTIVE VIEW  
METAL FENCE

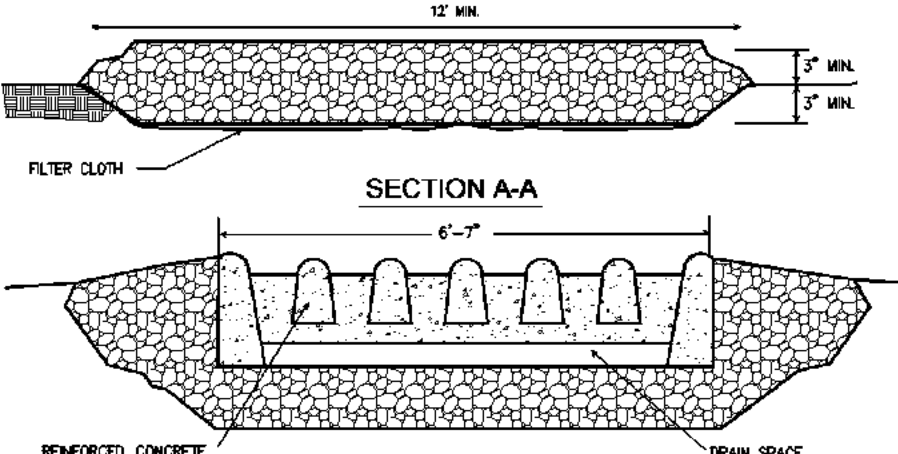
SAF

Plate 3.01-1

STONE CONSTRUCTION ENTRANCE



PLAN VIEW

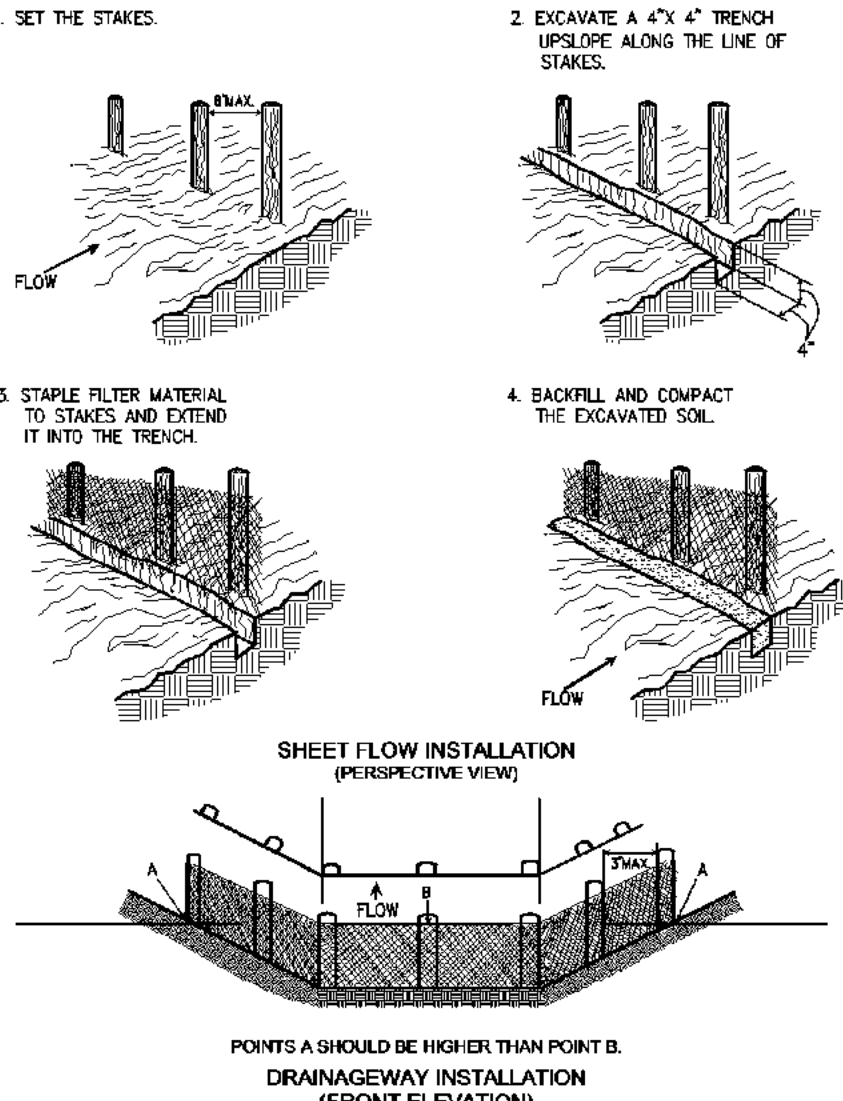


SECTION B-B

CE

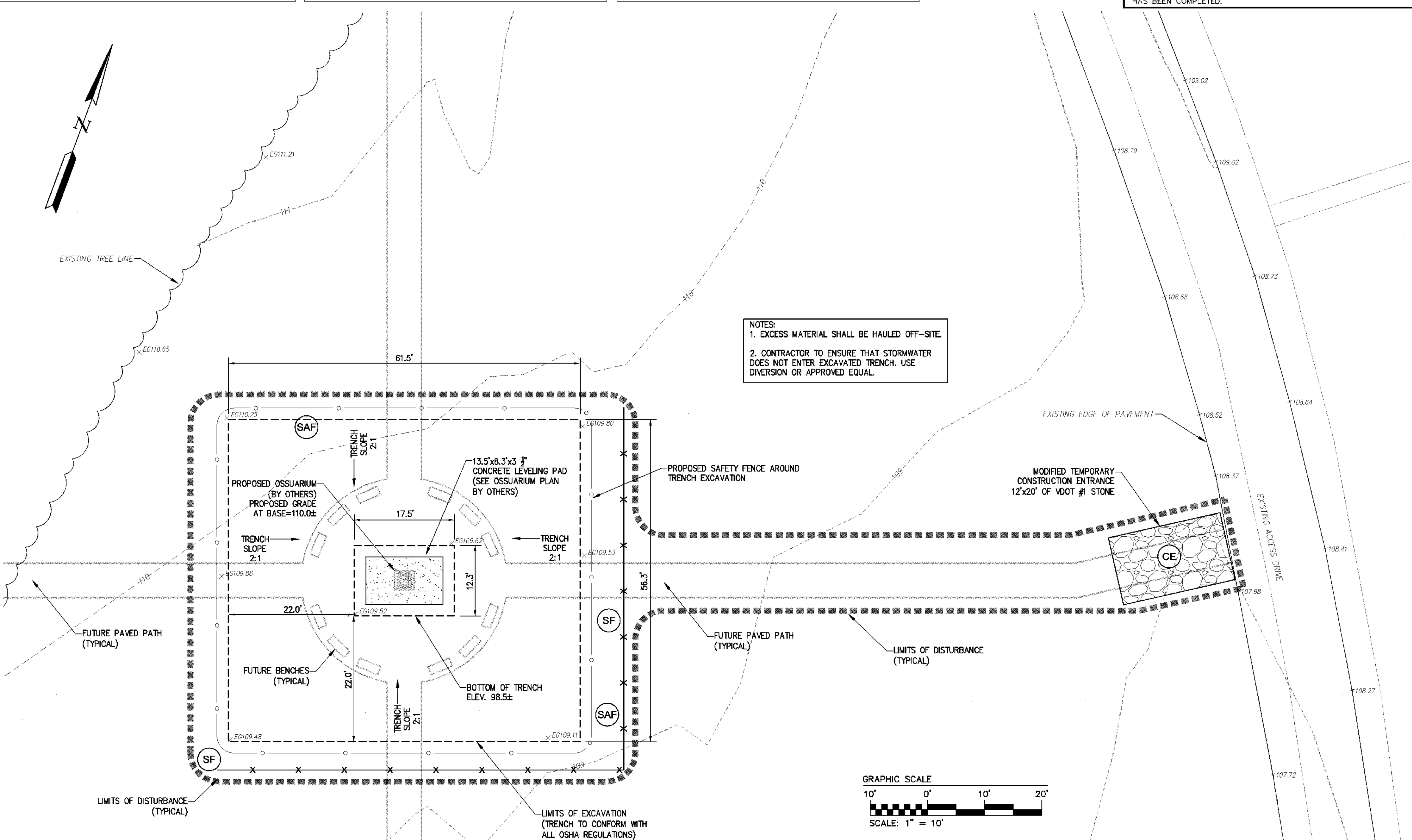
Plate 3.02-1

CONSTRUCTION OF A SILT FENCE  
(WITHOUT WIRE SUPPORT)



SF

Plate 3.05-2



EROSION AND SEDIMENTATION CONTROL NARRATIVE

DESCRIPTION

THE PROJECT SITE IS LOCATED AT 130 KING WILLIAM DRIVE AND IS ZONED B1 (GENERAL BUSINESS). THE OVERALL SITE IS 40.36 ACRES AND THE CURRENT USE IS A CEMETERY. THE PROPOSED AREA OF DISTURBANCE IS 0.15 ACRES. THIS SITE PLAN PROPOSES THE CONSTRUCTION OF AN OSSUARIUM THAT WILL BE PART OF A FUTURE CEMETERY.

EXISTING SITE CONDITIONS

THE EXISTING SITE IS UNDEVELOPED, CLEARED AND RELATIVELY FLAT.

ADJACENT PROPERTIES

THE SITE IS BORDERED BY WILLIAMSBURG PREMIUM OUTLETS TO THE EAST, SCOTT'S POND SUBDIVISION TO THE NORTH AND WEST, AND THE EWE HALL SUBDIVISION TO THE SOUTH.

OFF-SITE AREAS

THERE WILL NO AREAS OF OFF-SITE LAND DISTURBANCE.

CRITICAL AREAS

THERE ARE NO CRITICAL AREAS ON THIS SITE.

SOILS

THE SITE CONSISTS OF KEMPSPVILLE-EMPORIA FINE SANDY LOAMS (SLOPES 2-6%).

EROSION AND SEDIMENT CONTROL MEASURES

FOR MAXIMUM EROSION AND SEDIMENT CONTROL PROTECTION, THE FOLLOWING MEASURES WILL BE UTILIZED AND INSTALLED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK TO MINIMIZE THE TRANSPORTATION OF SEDIMENT.

SAFETY FENCE

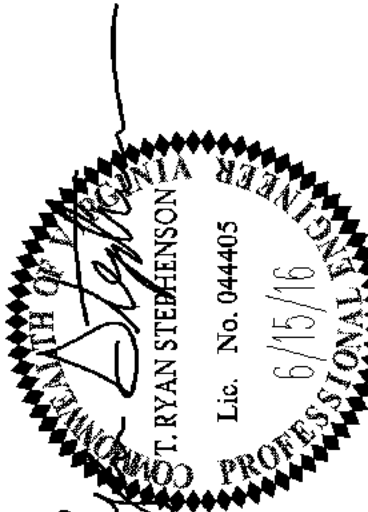
STONE CONSTRUCTION ENTRANCE

SILT FENCE

PERMANENT STABILIZATION

ALL DENuded OR DISTURBED AREAS WHERE PERMANENT, LONG-LIVED VEGETATIVE COVER IS NEEDED TO STABILIZE THE SOIL SHALL BE USED UPON THE AREAS WHERE THE GRADING HAS BEEN COMPLETED.

Revised By	Designation	Date



5246 Old Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Tel: 757-222-8880  
Fax: 757-222-8881  
www.ahs.com

**AHS**  
CONSULTING ENGINEERS

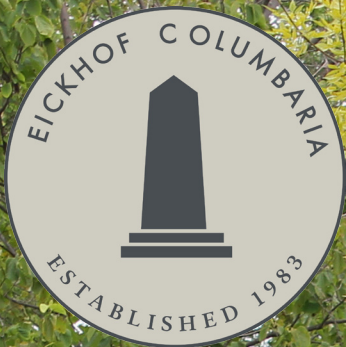
Hampton Roads | Central Virginia | Middle Peninsula

SITE PLAN AMENDMENT  
FOR  
**WILLIAMSBURG MEMORIAL  
PARK  
OSSUARIUM**

POWATOWN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: TRS  
Project Number: W9124-09  
Scale: 1"=10' Date: 6/15/16  
Sheet Title: SITE PLAN  
Sheet Number: 2





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**ITEM SUMMARY**

DATE: 7/27/2016

TO: The Development Review Committee

FROM: Ellen Cook, Principal Planner

SUBJECT: Conceptual review of residential units on Tract 3.

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1 Proffer Set	Backup Material
▣	Attachment 2 Adopted Master Plan	Backup Material
▣	Attachment 3 Proposed Concept Plan	Backup Material
▣	Attachment 4 Agency Comments	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	7/22/2016 - 1:37 PM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 1:37 PM
Publication Management	Burcham, Nan	Approved	7/22/2016 - 1:48 PM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 1:49 PM

## CONCEPTUAL PLAN-0055-2016. Stonehouse Tract 3

### Staff Report for the July 27, 2016, Development Review Committee

#### SUMMARY FACTS

Applicant: Mr. John Zaszewski, Timmons Group

Land Owner: SCP-JTL Stonehouse Owner 2 LLC

Proposal: Development of Tract 3

Development Review Committee (DRC) Review: Proffer 12 states that at least 60 days prior to submission of a development plan for all or any portion of a tract/land bay, the owner shall submit a conceptual development plan for the development of the entire tract/land bay to the Director of Planning for review and comment by the Director of Planning and the Development Review Committee (the full text of the proffer is attached).

Location: 9351 Six Mt. Zion Road

Tax Map/Parcel No.: 0540100015

Project Acreage: +/- 262 acres

Zoning: PUD-R, Planned Unit Development Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Ellen Cook, Principal Planner

#### FACTORS FAVORABLE

1. Staff believes the use and density as proposed is in accordance with the master plan, with the knowledge that should the applicant propose to locate units on the northern portion of the tract in excess of the maximum number specified on the master plan in the future, it would trigger DRC review for master plan consistency and re-review under Proffer 12.
2. Staff also believes that the staff and agency comments can be addressed in order to achieve compliance with the Zoning Ordinance, proffers and other agency comments using the general layout shown on the concept plan.

#### FACTORS UNFAVORABLE

None.

#### STAFF RECOMMENDATION

Staff recommends that the DRC review the plan and provide any comments to the applicant in accordance with Proffer 12.

#### PROJECT DESCRIPTION

The applicant has submitted a conceptual plan proposing development on Stonehouse Tract 3 that would consist of approximately 100 townhouse units on Parcel A, approximately 155 single-family units on Parcel B and approximately 83 single-family units on Parcel C for a total of approximately 338 units. The master plan specifies that all types of residential units (including single-family and townhouses) are permitted on this tract and that the allowed residential unit range is between 150 and 350. The northern portion of this tract does not currently indicate a specific

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

## CONCEPTUAL PLAN-0055-2016. Stonehouse Tract 3

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### Staff Report for the July 27, 2016, Development Review Committee

development proposal, and as noted above, should the applicant propose to locate units here in excess of the maximum number specified on the master plan, it would trigger DRC review for master plan consistency and re-review under Proffer 12.

Staff has provided the applicant with comments (see attached) to be addressed prior to any resubmittal of the concept plan or submittal of the development plan. Per the language of Proffer 12, this case is now being brought forward to the DRC so that the applicant may receive any DRC comments and is then able to revise the plan as a whole with all agency and DRC comments known. Staff would note that with the layout as currently proposed, it appears that this tract would trigger Commission review at the development plan stage due to the plan proposing more than fifty lots (this would also likely be true should the plans be submitted separately for Parcels A, B and C).

### RECOMMENDATION

Staff recommends that the DRC review the plan and provide any comments to the applicant in accordance with Proffer 12.

EC/ab

CP-55-2016StonehouseTract3

#### Attachments:

1. Proffer Set (Proffer 12 is located on page 39: please note that Proffer 3 Transportation Improvements was amended subsequent to 2007 and the current binding proffer language is located in a separate proffer set.)
2. Adopted Master Plan
3. Proposed Concept Plan
4. Agency Comments

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

AMENDED AND RESTATED  
STONEHOUSE PROFFERS

THESE AMENDED AND RESTATED PROFFERS are made as of this 21<sup>st</sup> day of November, 2007, by **GS STONEHOUSE GREEN LAND SUB LLC**, a Delaware limited liability company (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Existing Property") located in James City County, Virginia, more particularly described on Exhibit A attached hereto and made a part hereof which is a portion of the property commonly referred to as the Stonehouse Planned Unit Development.

B. The Existing Property and the balance of the property located within the Stonehouse Planned Unit Development (not owned by Owner) is now zoned PUD-C and PUD-R, with proffers, and is subject to (i) a plan of development entitled "Stonehouse, Virginia, Master Plan, James City County, Virginia and New Kent County, Virginia, Stonehouse Inc./ Stonehouse LLC Owners/Developers" prepared by Langley and McDonald, P.C., dated February 19, 1999, a copy of which is on file with the County Planning Director (the "Existing Master Plan"), and (ii) Second Amended and Restated Stonehouse Proffers, dated August 6, 1999, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as document number 990021231 (the "Existing Proffers").

C. Owner has applied to amend the Existing Master Plan in various respects and to include tracts of land containing approximately 89 acres (Tax Parcels 1310100019 and 1310100008A) and 4.125 acres (Tax Parcel 0630100001), respectively, which property is more particularly described on Exhibit A-1 (the "Additional Property"), to rezone Tax Parcels 1310100019 and 1310100008A of the Additional Property from A-1 to PUD-C, with proffers, and to rezone Tax Parcel 0630100001 of the Additional Property from A-1 to PUD-R, with proffers, to amend the zoning line between the PUD-R and PUD-C portions of the development, and to amend and restate the Existing Proffers in their entirety as set forth below but only to the extent the Existing Master Plan and Existing Proffers apply to the Existing Property. The Existing Property and the Additional Property are hereinafter referred to as the "Property". In connection therewith, Owner has filed rezoning and master plan amendment applications with the County which have been assigned case numbers Z-4-07 and MP-4-07 by the County Planning Department (the "Applications").

D. Owner has submitted to the County an amended plan of development entitled "Stonehouse Master Plan" prepared by Chas. H. Sells, Inc. dated November, 2007 (the "Master Plan") in accordance with Section 24-484 of the County Zoning Ordinance.

E. A traffic impact study entitled "Stonehouse Traffic Impact Analysis" prepared by URS Corporation and dated May 22, 2007 as revised September 12, 2007, and November, 2007 (the "Traffic Study") has been submitted to the County in accordance with Section 24-484 of the

County Zoning Ordinance. The Traffic Study has been reviewed and approved by the County and the Virginia Department of Transportation ("VDOT"). The Traffic Study addresses the requirements of Proffer 3 of the Existing Proffers as provided in Proffer 3(i) thereof.

F. Owner has submitted to the County (i) a listing of all previous archaeological studies performed on the Stonehouse development, including on the Property, entitled "Previous Archaeological Excavations, Dated May 23, 2007" compiled by Carol Tyrer of Circa~Cultural Resource Management, LLC, (ii) a table listing all identified archaeological sites at the Stonehouse development, including the Property, entitled "Archaeological Sites at the Stonehouse Development, Dated March, 2007" compiled by Carol Tyrer of Circa~Cultural Resource Management, LLC, and (iii) a map identifying the approximate location of each of the identified archaeological sites entitled "Stonehouse Archaeological Exhibit" made by Chas. H. Sells, Inc. and dated April 3, 2007 (together, the "Archaeological Documents"). The Director of Planning has reviewed and approved the Archaeological Documents and each of the studies listed therein.

G. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned PUD-R and PUD-C for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property in accordance with Section 15.2-2296 *et seq.* of the Virginia Code and Section 24-16 of the Zoning Ordinance.



NOW, THEREFORE, in consideration of the approval by the County of the Applications and the Master Plan and the acceptance of the Amended Proffers, the Existing Proffers are hereby amended and restated insofar as they relate to the Property as set forth below. The Existing Proffers and Existing Master Plan shall continue to govern the portion of the Stonehouse Planned Unit Development not included within the Property. Owner agrees that the following conditions shall be met and satisfied in the development of the Property.

#### CONDITIONS

1. **Community Association.** Owner, with the concurrence of the Association at Stonehouse, Inc., shall subject Land Bays 1, 3, 5, 8 (other than BMP#6) and 14 to the existing Declaration of Covenants, Restrictions, Affirmative Obligations and Conditions for Stonehouse recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 970015414, including without limitation, the architectural review process and guidelines. Owner shall organize a community association or associations (the "Community Association") in accordance with Virginia law in which all property owners in the development on the Property other than in Land Bays 1, 3, 5, 8 and 14, by virtue of their property ownership, shall be members, provided, however, Owner may subject by the recordation of supplemental declaration(s) portions of the Property to existing property owners association(s) and restrictive covenants. The Community Association shall own and maintain BMP#6 located in Land Bay 8. Owners of property within the existing Stonehouse Glen subdivision shall have

the right to subject their property to the Governing Documents (as hereinafter defined) and become members of the Community Association on the same terms and conditions as other owners within the Property. There shall be one master Community Association for all residential portions of the Property other than in Land Bays 1, 3, 5, 8 and 14. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Community Association shall be submitted to and reviewed by the County Attorney. The Governing Documents shall (i) require that the Community Association adopt an annual maintenance budget and assess all members for the maintenance of all properties owned or maintained by the Community Association and (ii) shall grant the Community Association the power to file liens on members' properties for non-payment of such assessments and for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall also provide for one or more Design Review Committee(s) with the power to review and approve all site development and architectural plans within the development. Owner may organize separate neighborhood or commercial associations and impose supplemental or different restrictive covenants on individual sections of the Property.

2. **Density.** There shall be no more than 3,646 residential units and no more than 2,900,000 square feet of non-residential uses, excluding recreational uses, permitted on the Property. Of the 3,646 residential units no more than 1,200 residential units shall be B – attached structures containing two to four dwelling units, C – attached structures less than three stories

and containing more than four dwelling units or D - attached structures of three or more stories and containing more than four dwelling units as those terms are defined in section 24 - 484 of the County Zoning Ordinance. Owner shall provide on each site plan or subdivision plan for any development within the Property a then current accounting of the number of residential units, unit type and square footage of non-residential development that have previously been approved by the County and are proposed by the plan in question in form acceptable to the Director of Planning to permit the accurate tracking of the progression of the development of the Property.

3.     **Transportation Improvements.**     This proffer sets forth external and internal road and intersection improvements recommended in the Traffic Study and the phasing of their construction.

3.1     **Periodic Traffic Counts.**     Owner shall have traffic volume counts conducted annually beginning not less than one year from the date of final approval of the requested rezoning by the Board of Supervisors and on or about each anniversary of the initial count thereafter ("Annual Counts"). With the approval of VDOT and the Director of Planning, the Annual Counts shall be conducted at a time of year such that no adjustment factor will need to be applied to the raw count data to estimate annual average daily traffic. The Annual Counts shall be conducted at (i) Fieldstone Parkway at its intersection with State Route 30, (ii) La Grange Parkway at its intersection with State Route 30, (iii) Ware Creek road at its intersection with Mount Laurel Road and (iv) Bridge Road at its intersection with Rochambeau Drive

(collectively, the “Entrances”) and submit the results of such counts to the Director of Planning and to VDOT. The Annual Counts shall include counts of left turn movements at each intersection where there is a vehicle per hour threshold in these Proffers for triggering additional left turn lane improvements.

3.2 Initial Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 947 vehicles as shown by the Annual Counts (the “Initial Trigger”) until the following improvements have been completed or such improvements have been commenced (as used herein with respect to construction or installation of improvements, “commenced” shall mean all necessary plan approvals and permits have been obtained and actual physical construction activity, e.g. land disturbing, has begun) and guarantees in accordance with ' 15.2-2299 of the Code of Virginia, as amended, and the applicable provisions of the County Code in form and amount reasonably satisfactory to the County Attorney ("Guarantees") for their completion have been posted with the County:

(a) Install a 4-lane roadway (Bridge Road) connecting the Property to State Route 30 (Rochambeau Drive) generally as shown on the Master Plan. The intersection of Bridge Road with State Route 30 shall include separate turn lanes (eastbound left turn, westbound left turn and westbound channelized right turn) on State Route 30 and southbound turn lanes (left turn and

right turn) on the Bridge Road approach to State Route 30 and shall include a median in Route 30 of sufficient width to accommodate a westbound left turn lane on Route 30 to be installed in the future by others. A traffic signal shall be installed when VDOT signal warrants ("Warrants") are met. Install a second left turn lane to the southbound Bridge Road approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour; and

(b) Widen the segment of State Route 30 from two lanes to four lanes between the intersection with Bridge Road/Route 30 intersection and the Route 30/State Route 607 (Croaker Road) intersection; and

(c) At the intersection of State Routes 30 and 755 with State Route 607, add dual left turn lanes and a channelized right turn lane to the eastbound approach to Croaker Road; and

(d) Install a traffic signal at the intersection of State Route 30 and Fieldstone Parkway when Warrants are met; and

(e) Install a traffic signal at the intersection of State Route 30 and the westbound Interstate 64 Exit 227 exit ramps when Warrants are met; and

(f) Install a traffic signal at the intersection of the State Route 1045 and State Route 30 when Warrants are met; and

(g) Install a traffic signal at the intersection of the eastbound I-64 Exit 227 off-ramp and State Route 30 when Warrants are met.

3.3 Level 1 Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 2,135 vehicles as shown by the Annual Counts (“Level 1 Trigger”) until the following improvements have been completed or such improvements have been commenced and Guarantees for their completion have been posted with the County and Guarantees for the design and construction of the Level 2 Transportation Improvements have been posted with the County:

(a) Modify the pavement markings on southbound Fieldstone Parkway to add a second left turn lane to the southbound Fieldstone Parkway approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour; and

(b) Add a second left turn lane to the westbound I-64 off-ramp at Exit 227 to southbound State Route 30. Add a second left turn lane to the northbound State Route 30 approach to the westbound I-64 on-ramp at Exit 227. Widen the westbound I-64 on-ramp to two lanes; and

(c) Install an exclusive left turn lane, a dual left/thru lane and an exclusive right turn lane on the southbound State Route 607 (Croaker Road) approach to U.S. Route 60 (Richmond Road); and

(d) Install a second left turn lane and a separate right turn lane to the northbound State Route 607 approach to State Routes 30 and 755; and

(e) Add a left and right turn lane and a second through lanes to westbound State Route 755 (Rochambeau Drive) approach to Route 607 (Croaker Road); and

(f) Owner shall have posted Guarantees for the design and completion of the Level 2 Transportation Improvements with the County.

3.4 Level 2 Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 2,793 vehicles as shown by the Annual Counts (“Level 2 Trigger”) until the following improvements have been completed or such improvements have been commenced and Guarantees for their completion have been posted with the County:

(a) Add a second left turn lane to the southbound State Route 1045 approach to State Route 30 when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour; and

(b) Extend by 200 feet the length of the on-ramp to eastbound I-64 at Exit 231 from northbound State Route 607 (Croaker Road); and

(c) Add a second left turn lane to the eastbound State Route 30 approach to Bridge Road when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour

3.5 Design of Improvements. The Initial Trigger, Level 1 Trigger and the Level 2 Trigger are hereinafter called an "Improvement Trigger". The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Annual Counts reflect the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances equals or exceeds a total of 80% of an Improvement Trigger until such time as Owner has submitted evidence satisfactory to the Director of Planning that the design of the improvements associated with the Improvement Trigger has commenced.

3.6 Commencement of Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Annual Counts reflect the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances equals or exceeds a total of 90% of an Improvement Trigger until such time as Owner has submitted evidence satisfactory to the



Director of Planning that the construction of the improvements associated with the Improvement Trigger has commenced or Guarantees for such construction have been posted with the County.

3.7 Traffic Signal Warrant Analyses. Anything to the contrary herein notwithstanding, Owner shall not be obligated to install or post Guarantees for any traffic signal until such time as VDOT determines Warrants for that signal have been met. The Annual Counts shall include turning movement counts at the intersections listed in Sections 3.2, 3.3 and 3.4 for potential signalization. If based on the Annual Count VDOT determines any intersection at which a traffic signals is proffered is approaching meeting Warrants for installation of the traffic signal then at the request of VDOT, Owner shall have a Warrant analysis of that intersection conducted and submitted to the County and VDOT.

3.8 VDOT Standards. All improvements proffered in this Section 3 shall be designed and constructed in accordance with applicable VDOT standards and guidelines. All traffic signals proffered hereby shall be designed and installed to accommodate future proffered traffic improvements. Traffic signal timing equipment will be modified and signal timing plans updated as\required by VDOT concurrently with capacity improvements at the intersection in question. All traffic signals proffered hereby shall include signal coordination equipment if required by VDOT.

3.9 FHWA Approvals. The proffered modifications to Interstate 64 interchanges will require the approval of the Federal Highway Administration ("FHWA"). If FHWA approval

of a modification is not granted after submission through and with the approval of VDOT of all appropriate and required interchange modification applications and supporting documentation, Owner shall propose to the County and VDOT substitute improvements and provide VDOT and the County with a traffic study showing the impact of the proposed substitute improvements, commensurate in traffic benefit and costs with the proffered interchange modifications for the review and approval of the County and VDOT. If such substitute improvements are approved by the County and VDOT, the completion or posting of Guarantees for their completion with the County shall satisfy the obligation of Owner with respect to the proffered interchange modification for which FHWA approval was not granted.

3.10 Updated Traffic Study. (a) Owner may have the Traffic Study updated, amended or supplemented from time to time by an independent traffic consultant and shall submit any such updated, amended or supplemented Traffic Study to the County and VDOT for approval. The schedule of road and intersection improvements and the phasing thereof set forth above may be amended by the Owner based on such updated, amended or supplemented Traffic Study with the approval of the Board of Supervisors. Owner shall convey, without charge, to VDOT or the County, as appropriate, all right of way owned by it that is necessary for such improvements and, when completed, shall dedicate all such improvements to VDOT or the County, as appropriate.

(b) The County shall not be obligated to grant final subdivision or site plan approval for

any additional development on the Property after such time as the Level 2 Trigger is reached until the Owner, at its expense, has submitted to the VDOT and the Director of Planning for their review and approval an updated traffic study of the Stonehouse development performed by a traffic consultant acceptable to the County. The consultant shall submit the proposed methodology for the study to VDOT for approval before initiation of the study, however, the methodology shall include forecasted background traffic volumes (including traffic volumes from approved developments other than Stonehouse) as identified in the current traffic study. If the updated study indicates changes in the improvements proffered hereby and/or the triggers for such improvements are necessary as a result of an increase traffic generated by the development on the Property compared with that projected in the approved Traffic Study, Owner shall submit to the County an updated improvement and trigger plan which shall be subject to approval by the Director of Planning. Further development of the Property shall be in accordance with the approved, updated improvement and trigger plan.

3.11 Internal Road and Intersection Improvements. To ensure adequate service at major internal intersections and along roadway segments within the Property, Owner shall install the following improvements at the time of roadway and intersection construction in the area of the specified intersection unless another trigger is specified herein:

- (a) Install eastbound left turn lane and right turn lane on the Fieldstone Parkway approach to La Grange Parkway and install a southbound right turn lane and a northbound left

turn lane on the La Grange Parkway approach to Fieldstone Parkway; and

(c) Install a traffic signal at the LaGrange Parkway/Fieldstone Parkway intersection when Warrants are met; and

(b) Add a second northbound left turn lane on the La Grange Parkway approach to Fieldstone Parkway when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour; and

(c) Install a southbound left turn lane and a northbound right turn lane on the La Grange Parkway approach to Mount Laurel Road and install a westbound left turn lane and a right turn lane on Mount Laurel Road; and

(d) Install a traffic signal at the LaGrange Parkway/Mount Laurel Road intersection when Warrants are met; and

(e) Add a second westbound left turn lane to the Mount Laurel Road approach to La Grange Parkway when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour. Concurrent with the installation of the second left turn lane on westbound Mount Laurel Road, La Grange Parkway will be widened from 2 lanes to 4 lanes from Mount Laurel Road south to the existing 4-lane section; and

(f) Extend the 4-lane section of Bridge Road from State Route 30 to Ware Creek Road.

3.12 Bicycle Accommodation Improvements. The improvements made by Owner to

Route 30 and the Route 607/Route 30 intersection shall include shoulder bike lanes provided such bike lanes can be installed within the existing right of way. All improvements to Route 600 within the Property shall include a shoulder bike lane except, with the approval of the Director of Planning, no bike lane shall be required where Route 600 passes under Interstate 64 if such a bike lane is not feasible due to pavement width restrictions under the bridge.

3.13 External Road Connections. There shall be no road connection directly from the Property onto Croaker Road. Within one year from the date of approval of the requested rezoning by the Board of Supervisors, Owner shall petition VDOT to permit the disconnection of Ware Creek Road immediately west of its intersection with Mount Laurel Road from the portion of Ware Creek Road that extends through the Property and, if VDOT approval is obtained, physically disconnect the road, to prevent traffic from the Property from using Ware Creek Road to access Croaker Road. If VDOT refuses to allow this disconnection, Owner shall not improve a segment of Ware Creek Road between its intersection with Bridge Road and the eastern boundary of the Property and shall not improve Ware Creek Road west of its intersection with Mount Laurel Road to the first subdivision road in the Property and through the use of signage and other measures as approved by VDOT shall attempt to de-emphasize Ware Creek Road as a means of ingress and egress to and from the Property.

4. Economic Development. (a) As and when segments of the roads shown on the Master Plan within or adjacent to areas designated E, F, G or H on the Master Plan are

constructed, water and sewer lines shall be installed adjacent to or within the road right-of-way or otherwise extended to such areas with capacity to serve the areas described above. Within 12 months from the date of approval of the requested rezoning by the Board of Supervisors, (i) design plans for water and sewer lines along Mount Laurel Road from its intersection with Six Mount Zion road to its intersection with Bridge Road with capacity to serve Tract 11 shall be submitted to the County and JCSA and (ii) design plans for the improvement of Mount Laurel Road to meet applicable VDOT subdivision street standards shall be submitted to the County and VDOT. Such water and sewer lines and road improvements shall be installed within 18 months of approval of such design plans.

(b) Owner, upon request, shall provide the County's Office of Economic Development ("OED"), any state or regional economic development agency and/or any prospective user identified by the OED or such state or regional agency with a marketing information package for the areas of the Property designated E, F, G or H on the Master Plan containing relevant information about the property such as size and configuration of available sites, surveys, topographic information, utility availability and capacity, road access, stormwater management plans and similar information.

(c) In Tracts 10B and 11A there shall be no more than 70,000 square feet of retail development and no single retail use shall exceed 7,500 square feet. If and when mixed use buildings are permitted by applicable zoning ordinances, no more than 10% of the floor area of

any mixed use building in Tracts 10B and 11A shall be devoted to retail use.

**5. Public Sites.**

5.1 School Site and Public Use Site. (a) Owner shall convey to the County, without consideration, a site containing approximately gross 179 acres (the "School Site") in the location shown on the Master Plan as "School" for use by the County only as a site for schools and a public athletic field/tennis court complex. If the County desires to locate any other public use on the School Site, the use, location and architectural design of any improvements shall be subject to the prior approval of Owner.

(b) Owner shall convey to the County or the James City Service Authority ("JCSA"), without consideration, a site located in Tract 9 containing approximately ten acres for use only as a police, fire or emergency medical services station, public library, County or JCSA office building, park, park and ride lot, recycling center, community building or any combination thereof.

5.2 Timing of Conveyances. All conveyances of public sites to the County pursuant to this Condition 5 shall be upon the request of the County Administrator after the County has adopted a capital improvements program including funding for facilities on the sites. Within 45 days of the receipt of such a request Owner shall cause to be prepared and submitted to the County any required subdivision plat. The actual conveyance shall be made within five business days of final approval of the subdivision plat. If no subdivision is required, such conveyance

shall be made within 30 days of the receipt of the request from the County Administrator.

5.3 Reversion. If (i) the Board of Supervisors makes a formal determination by resolution not to use any of the sites conveyed to the County, the School Board or the Service Authority for the aforesaid public purposes before construction of any improvements on such sites or (ii) construction of improvements has not been commenced within fifteen years from the date of conveyance to the County, the School Board or the Service Authority, at the option of Owner title to such site or sites shall revert to the Owner or an entity designated by Owner, if as of the date of the resolution Owner owns any of the Property, or if Owner does not then own any of the Property, to the master Community Association. The County, at the request of the Owner or Community Association, shall deliver deeds to the Owner or Community Association, as appropriate, evidencing such reversion of title.

## **6. Community and Recreational Facilities**

6.1 Facilities and Phasing. Owner shall construct the community and recreational facilities described below (subject to obtaining all required permits) generally in the locations shown on the Master Plan. The facilities listed in paragraph (a) of this Section shall be commenced before the County is obligated to grant building permits for more than 800 residential units on the Property and shall be completed within 30 months of the date of commencement. Design plans for the facilities listed in paragraphs (b) through (g) and in paragraph (i) of this Section and in Section 6.2(b) shall be submitted to and approved by the



County Planning Director and construction of such facilities shall have started, or Guarantees in an amount and form reasonably acceptable to the County Attorney for such construction shall have been posted with the County, before the County is obligated to grant final subdivision of site plan approval for more than 50% of the mid-point of the range of residential lots or units permitted in the Tract or Land Bay in which the facilities are to be located and in any event the facilities shall be installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question. Design plans for the facilities listed in paragraph (h) of this Section shall be submitted to the County within one year of the commencement of construction of the Bridge Road from Route 30 into the Property and the facilities shall be installed within one year from the date of final approval by the County of the design plans. Design plans for the facilities listed in paragraph (j) of this Section shall be submitted to and approved by the County Planning Director and construction of such facilities shall have started, or Guarantees in an amount and form reasonably acceptable to the County Attorney for such construction shall have been posted with the County, before the County is obligated to grant final subdivision or site plan approval for any residential lots or units permitted in Tract 2 or Tract 3 and in any event design plans for the facilities shall be submitted to the County within one year of the date of final approval of these Amended and Restated Proffers and the Amended Master Plan and the facilities shall be installed within one year from the date of final approval by the County of the design plans. Each Amenity Area shall contain

approximately the gross and net acreage set forth on the Master Plan.

(a) Tract 1, Amenity Area D. A major recreation facility including an 18,000 square foot building with an indoor basketball court, one outdoor junior Olympic pool with a water surface area of at least 5,000 square feet, one children's fun pool, two unlit softball fields, two unlit soccer fields, play areas for both toddlers and older children, open space of at least one acre for unstructured play, and one sand volleyball court.

(b) Tract 4, Amenity Area G. A canoe launch site with dock (subject to permitting) and benches accessed by a pedestrian path connecting to the internal pedestrian system.

(c) Tract 4, Amenity Area E. Passive park of at least seven acres accessed by a pedestrian path connecting to the internal pedestrian system. An appropriate interpretive historical sign shall be installed at the site.

(d) Tract 6, Amenity Area C. Playground with at least five apparatus and/or activities, unstructured play area of at least one acre, a gazebo and a community garden area of at least 2,500 square feet with a water source.

(e) Tract 6, Amenity Area F. A canoe launch site with dock (subject to permitting) and benches accessed by a pedestrian path connecting to the internal pedestrian system.

(f) Tract 8, Amenity Area A. Passive park of at least two acres accessed by a pedestrian path connecting to the internal pedestrian system. An appropriate interpretive historical sign shall be installed at the site.

(g) Tract 8, Amenity Area B. A marina (subject to permitting), trails to waterfront, benches. Commercial uses at the marina such as a restaurant, ships store or tackle/bait shop shall be open to the public.

(h) Tract 9. Three acre boat and RV storage area for residents.

(i) Land Bay 14. Park of at least two acres.

(j) Tract 3. A recreation facility of at least three acres to include a community building with a minimum area of 3,000 square feet, a swimming pool with a minimum water area of 4,500 square feet, a minimum 20 foot by 20 foot wading pool, outdoor seating areas and an open lawn of 30,000 square feet for gathering and play.

(k) Playgrounds. In addition to the facilities proffered in paragraphs (a) through (i) above, eleven playgrounds/pocket parks placed throughout the Property. Pocket parks will not be located primarily or exclusively in a single Tract. Each playground will be at least 3,000 square feet in area and include five activities and/or apparatus as well as benches for seating. Pocket parks will include benches for seating, gazebo or other gathering area.

(l) School Site. Owner shall construct four lighted softball fields and an eight court tennis complex on the School Site prior to or within one year of the conveyance of the School Site to the County. These facilities shall be open to the public and shall be conveyed to the County upon completion.

The Amenity Areas listed in paragraphs (b), (c) and (e) shall upon completion be

dedicated to the County and shall be open to the public. Owner shall provide public parking adjacent to a public road as close as reasonably possible to those three amenity areas given applicable environmental, topographic and regulatory constraints. If the marina listed in paragraph (g) is constructed, Owner shall reserve two boat slips for use by the U.S. Coast Guard and/or the County Police or Fire Departments, if such use is requested by those agencies at the time of development plans for the marina being submitted to the County.

The exact facilities to be provided at each site may be varied by Owner, with the consent of the Director of Planning based on, among other things, the demographics and expressed preferences of the residents of the development. There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan to dollars for the year the contributions are made using the formula in Section 8(g)) or some combination thereof. All cash contributions proffered by this Proffer shall be used by the County for recreation capital improvements and shall be paid at the time of final site plan or final subdivision plat approval for the final phase of the development.

## 6.2 Trail System.

(a) Multi-Use Paths. An asphalt multi-use path approximately 15 miles in length and designed in accordance with applicable County greenway standards shall be installed on the Property along Six Mount Zion Road (except, with the approval of the Director of Planning, no multi-use path shall be required where Six Mount Zion Road passes under Interstate 64 if such a multi-use path is not feasible due to width restrictions under the bridge), Mount Laurel Road, the new parkway over I-64 and out to the marina site and along Ware Creek Road. In lieu of the multi-use path along Ware Creek Road, Owner may install a shoulder bike lane. The multi-use path shall be installed at the time the adjacent road is constructed or widened or if no construction or widening will take place at the time of development of adjacent parcels.

(b) Pedestrian Paths. Pedestrian paths along Ware Creek and internally along stream buffers to connect pedestrian system in individual Tracts to Amenity Area D in Tract 1 and to Amenity Area B in Tract 8, all subject to permitting. Pedestrian paths located within the net developable areas of the Property shall be asphalt. Pedestrian paths located outside net developable areas shall have a surface approved by the County Environmental Director and any other regulatory body with jurisdiction. Design plans for the path within a Tract shall be submitted to the County with the first development plan for the Tract and construction of such path shall begin or Guarantees for such construction shall be posted before the County is obligated to grant final subdivision of site plan approval for more than 50% of the mid-point of the range of residential lots or units permitted in the Tract and in any event the path shall be

installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question.

(c) Greenway Connections. Owner shall provide connections at the boundaries of the Property from the internal trail system to a County wide greenway system, when and if implemented by the County.

**7. Archaeological Sites.**

7.1 Stone House Site. Owner shall preserve the site of the foundations of the "Stone House" located within Tract 4, Amenity Area E.

7.2 Other Archaeological Sites. (a) Archaeological sites listed in the Archaeological Documents (defined in Recital F) that are potentially eligible for the National Register of Historic Places that can be avoided by the development will be clearly marked on site plans or subdivision construction plans ("development plans"). In addition, if ground clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing near the area. If potentially eligible sites cannot be avoided by the development, then a Phase II evaluation will be completed on the site prior to any ground disturbance activity in the site area. The Phase II evaluation will be submitted to the County Planning Director for review.

(b) At the conclusion of the Phase II evaluation, if a site is determined not eligible for listing on the National Register of Historic Places, then development may occur in the site area.

If the determination is made that the site is eligible for listing on the National Register of Historic Places, then several mitigation options are available:

(i) Avoidance. The site may be avoided by the development by setting aside the site in a park, RPA buffer, or vegetative area. National Register eligible archaeological sites that can be avoided by the development will be clearly marked on project development plans. In addition, if ground clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area.

(ii) Partial Avoidance/Data Recovery. The site may be partially located within a RPA or vegetative buffer and partially within a development area. In this case, data recovery will be limited to the site area to be impacted. The site area that remains within the buffer will be clearly marked on project development plans. In addition, if ground clearing or construction activities take place near the site area, then the remaining site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area. A Treatment Plan will be completed and submitted to the County Planning Director for review.

(iii) Data Recovery. If the site cannot be avoided, then a Treatment Plan will be completed and submitted to the County Planning Director for review.

(c) If the Phase II or Phase III study of a site determines the site is eligible for inclusion on the National Register of Historic Places and such site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places. All approved

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

7.3 Unexpected Archaeological Discoveries. Should previously unidentified historic properties be identified during development of the Property, the applicant will halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur and notify the Director of Planning and the Virginia State Historic Preservation Officer (“SHPO”) of the discovery. The Director of Planning and the SHPO will be allowed to immediately inspect the work site and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by Director of Planning and the SHPO, or their designated representative. Within 14 working days of the original notification of discovery, the Director of Planning, in consultation with the SHPO, will determine the National Register eligibility of the resource based on information provided by Owner’s archaeologist recovered from the field, site type, artifacts, and historic research. If the resource is determined eligible for the National Register, the applicant will prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. The plan shall be approved by the Director of Planning, in consultation with the SHPO, prior to implementation. Work in the affected area shall not proceed until either (i) the development and implementation of appropriate data recovery or other recommended mitigation



procedures, or (ii) the determination is made that the located remains are not eligible for inclusion on the National Register.

7.4 Qualifications and Standards. The archaeological excavations will be conducted under the direct supervision of an archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards*. All work and resulting reports will meet the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* and the Virginia Department of Historic Resource's (VDHR) guidance entitled, *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Section's 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments and Guidelines for Archaeological Investigations in Virginia June 1996*. All field and laboratory methodology, as well as the final report, will be conducted in accordance with standards set forth in the VDHR's *Guidelines for Preparing Archaeological Resource Management Reports* and will meet the qualifications set forth in the Secretary of Interior's *Professional Qualification Standards*.

8. Cash Contributions for Community Impacts. (a) Owner shall make a one-time contribution to the County of \$2,000.00 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the County for the school uses.

(b) Owner shall make a one-time contribution to the County of \$1,000.00 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the

County for the provision of affordable housing within the County.

(c) A one-time contribution of \$42.00 for each single family dwelling unit, \$35.00 for each multi-family dwelling unit and an amount equal to \$0.14 per gallon per day of average daily sanitary sewage flow as determined by JCSA for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-5 shall be made to the JCSA.

(d) A one-time contribution of \$93.00 for each single family dwelling unit, \$77.50 for each multi family dwelling unit and an amount equal to \$0.31 per gallon per day of average daily sanitary sewage flow as determined by JCSA for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-7 shall be made to the JCSA.

(e) A one-time contribution of \$16,240 for use by the County in purchasing monitoring equipment and establishing monitoring stations on the Property for the County's Water Quality Monitoring Program shall be made to the County at the time of the submittal of the initial development plan for development on the Property and a contribution of \$4,840 shall be made to the County on each of the following nine anniversary dates of the initial payment for ongoing maintenance and sampling costs.

(f) The contributions described in paragraphs (a) through (d) above shall be payable at the time of final subdivision or site plan approval for the residential unit or non-residential

building unless the County adopts a policy calling for the payment of cash proffers at a later time in the development process, in which case the contributions described in paragraphs (a) through (d) above shall be payable at the time specified in the policy. In the event dwelling units, such as townhouse units, require both a site plan and subdivision plat, the contributions described above shall be paid at the time of final subdivision plat approval.

(g) The per unit contribution amounts shall consist of the amounts set forth in the above paragraphs plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2007 to the year a payment is made if payments are made after on or after January 1, 2009. 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.

(h) The County, JCSA and Owner acknowledge and agree that the obligations of Owner to make cash contributions for water system improvements is governed by the Water Facilities Agreement dated April 29, 2005 among JCSA and the predecessors in title to Owner to the

Property.

9. **Water Conservation.** (a) The JCSA and the Hampton Roads Sanitation District (“HRSD”) are undertaking a joint feasibility study of a reclaimed water system to supply irrigation water for the Stonehouse development, including a satellite treatment plant, storage facility and distribution lines (“Reclaimed Water System”). Owner shall participate in and cooperate with HRSD and JCSA in the feasibility study. If HRSD, JCSA and Owner agree that the Reclaimed Water System is feasible and HRSD and JCSA determine to undertake the project and all necessary permits and approvals for the project are obtained, (i) Owner shall install the pipe system for the distribution of the reclaimed water within the Property in accordance with HRSD/JCSA specifications, (ii) Owner shall convey without charge to HRSD a site of up to three net developable acres within the Property in a location acceptable to Owner and HRSD for the location of the treatment and storage facilities, and (iii) Owner shall require in the Governing Documents that property owners within the Property connect to and utilize the Reclaimed Water System for irrigation. Owner’s approval of the feasibility of the project shall not be unreasonably withheld.

(b) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the JCSA. The Community Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as (i) the requirement to use the Reclaimed Water System for irrigation if the system is constructed, (ii)

limitations on the installation and use of irrigation systems (other than the Reclaimed Water System) and irrigation wells, (iii) if the Reclaimed Water System is not constructed, the use of approved landscaping materials such as warm season turf in appropriate growing areas and drought tolerant native plants and (iv) 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 for development on the Property.

(c) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing the reclaimed water system if it is constructed or otherwise from recycled water or surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation from recycled water or in the surface water impoundments, and the Owner may apply for a waiver for shallow (less than 100 feet) wells to supplement the recycled water supply or surface water impoundments. Owner acknowledges a waiver will be required for each well requested.

**10. Environmental Protection.**

10.1 Special Stormwater Criteria. The Property shall be subject to the County's

Special Stormwater Criteria (“SSC”) as a SSC Type 1 as if the Ware Creek watershed was subject to a management plan adopted by the Board of Supervisors so long as the SSC continue to be applicable to the Powhatan and Yarmouth Creek watersheds or are generally applicable in the County. If the County repeals its SSC program, Owner shall no longer be bound by this Proffer. The County acknowledges that the stormwater management inventory system proffered by Section 10.3 will qualify for an SSC unit per Tract under SSCP#22, the additional 25 foot RPA setback proffered by Section 10.5 will qualify for an SSC unit per Tract under SSCP#23 and provision of as-built drawings for the entire storm drainage system will qualify for one-half of an SSC unit per Tract under SSCP#39.

10.2 Stormwater Management Plans. At least 60 days prior to submission of development plans for a Tract as designated on the Master Plan within the Property, Owner shall submit to the County a conceptual master stormwater management plan for that Tract (“Stormwater Plan”). Each Stormwater Plan shall include the following: (i) narrative providing information about specific site plans including proposed land use, significant environmental constraints, and proposed method for meeting stormwater management requirements; (ii) preliminary site plan with conceptual layout of road network and utilities; (iii) completed Significant Design Consideration Checklist; (iv) identification of proposed location and type of each stormwater management device; (v) mapping of existing conditions drainage areas and environmental constraints; (vi) identification of stream crossings including proposed type of

crossing and summary of environmental impacts and mitigation requirements; (vii) 10-Point System worksheets showing preliminary calculations to verify compliance within each site; and (viii) SSC Checklist identifying the required unit measures and the menu items for which credit will be requested towards compliance. The submittal will not include calculations or detail sheets representing the design of stormwater management devices.

10.3 Stormwater Management Inventory System. Owner shall create a comprehensive inventory of all stormwater management devices within the Property. This inventory shall include data sheets for every device that will include basic information including location, type, and size of device. Additionally, a digital picture and other design information such as required storage volume and general operations and maintenance requirements shall be included. The goal of the system is to provide an interactive means by which the Community Association can maintain the stormwater management system and work proactively with the County. The database will be designed in accordance with any existing James City County stormwater management inventory standards. The initial version of the system shall be submitted with the first conceptual Stormwater Plan for the Property and the inventory system shall be updated as each Tract develops.

10.4 Conservation Easements. Owner shall grant a conservation easement to the Williamsburg Land Conservancy or some other County approved land conservation organization over all portions of the Property over which the Owner has granted a natural open space

easement to the County for Chesapeake Bay Preservation Ordinance purposes. The terms of the conservation easement shall be consistent with the terms of the County standard natural open space easement required for Chesapeake Bay Preservation Ordinance purposes.

10.5 Building RPA Setback. A 25 foot setback from the defined RPA buffer will be established so that no building will be erected within 25 feet of the RPA.

10.6 Low Impact Development (LID) Educational Field Center. To support the use of LID practices within Stonehouse an educational field center shall be established at the main amenity center to be located within Tract 1. This educational center will include the construction of a covered recreational amenity, in the vicinity of one of the corners of the parking area, such as a gazebo or other gathering space. The structure will incorporate numerous elements of LID including the use of a section of a green roof through complete or terraced coverage, the use of a rain barrel to provide reuse water for irrigation in the immediate vicinity of the structure, a rain garden, and the use of small sections (2-3 parking spaces) of multiple types of permeable pavement for a total of 12 spaces. The intention of the LID educational field center is to provide residents and perspective residents with a working example of applications they could implement on their lots. While the impacts of LID on a lot by lot basis can not be counted on or quantified, it is expected that applications throughout Stonehouse will serve as additional stormwater management water quantity and quality treatment above and beyond the minimum required standards. An educational component will include information explaining the elements of the



LID and providing reference information for interested residents. Prior to construction of the educational field center, educational materials will be located at the project sales office.

10.7 Rain Water Reuse Cistern. A large-scale cistern (rain barrel) shall be used at the main amenity center to be located within Tract 1 as a means to collect roof runoff to be used for irrigation around the amenity center and other uses not requiring potable water.

10.8 Natural Resources. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources as defined in the County's Natural Resources Policy 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 exists, 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 Virginia Department of Conservation and Recreation's Division of Natural Resources ("DCR/DNH") 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. This proffer shall be interpreted in accordance with the County's Natural Resources Policy adopted by the County

on July 27, 1999.

10.9. Nutrient Management Plan. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and for the single family lots shown on each subdivision plat of the Property. The Plans shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of the building permits for more than 25% of the units shown on the subdivision plat. Upon approval, the Owner so long as it controls the Community Association and thereafter the Community Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Community Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within five years after issuance of the Certificate of Occupancy for the first dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

10.10 LEED Certification of Amenity Center. The amenity center building proffered by

Section 6.1 (a) shall achieve a certification level of Certified under U.S. Green Building Council's Leadership in Energy and Environmental Design certification program. Owner shall furnish evidence of certification to the Director of Planning.

10.11 Water Quality Monitoring Program. In addition to the cash contributions provided for by Section 8(e) of these Proffers, Owner shall cooperate with the Environmental and Stormwater Divisions in establishing three water quality monitoring stations on the Property in locations approved by Owner. These stations will be located to operate in conjunction with any other stream monitoring conducted by Owner pursuant to permit or regulatory requirements.

11. Development Phasing. The County shall not be obligated to issue building permits for more than the number of units on a cumulative basis set forth beside each anniversary of the date of the final approval of the applied for rezoning by the Board of Supervisors:

<u>Anniversary of Rezoning</u>	<u>Maximum Number of Units</u>
1	200
2	450
3	750
4	1,100
5	1,450
6	1,800

7	2,150
8	2,500
9	2,850
10	3,200
11	3,550
12	3,646

12. **Conceptual Review.** At least 60 days prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the entire Tract to the Director of Planning for review and comment by the Director of Planning and the Development Review Committee. The conceptual development plan shall show the layout of lots/units or commercial buildings, density in units or square footage, road locations, amenity areas and improvements, trails and pedestrian paths, common and natural open space, required or proffered buffers, proposed clearing limits and any archaeology or natural resource preservation areas within the tract. Such review shall be for the purposes of determining general consistency with zoning ordinance requirements, the Master Plan, these proffers and other applicable County policies.

13. **Work Force Housing.** A minimum of 125 of the residential units shall be

reserved and offered for sale at an average price at or below \$250,000 (“Workforce Units”) subject to adjustment as set forth herein. The Workforce Units shall be shown and designated as such on the development plans for the area in question. The maximum prices set forth herein shall be adjusted annually, on January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Index annual average change for the period from January 1, 2008 until January 1 of the year in question. The Director of Planning shall be provided with a copy of the settlement statement for each sale of a Workforce Unit and a spreadsheet prepared by Owner showing the prices of all of the Workforce Unit that have been sold for use by the County in tracking compliance with the price restrictions applicable to the Workforce Units.

**14. Water and Sewer Master Plans.** Owner shall submit to the JCSA for its review and approval an overall master water and sanitary sewer plan for the Property prior to the submission of any development or subdivision plans for the Property. The overall Master Plan will be submitted as a skeletized layout reflecting the major pressure lines of the system with calculations justifying the line sizes. The purpose of the overall water master plan is to be sure the “system backbone” is appropriately sized for total build-out and not handled on a section-by-section submittal basis. The overall Master Water Plan shall also identify at what point in the development a future water source/facility may be required. JCSA will not require lift station locations and gravity sewer layout to be shown as part of the overall Master Sewer Plan. These

items will be included on sub-Development Area master plan submittals when more detail can be provided (i.e. lift station locations, gravity sewer layout, looping of waterlines, etc). It is understood the Reclaimed Water System if implemented will impact the overall Master Sewer Plan. Assuming that the project will be moving forward with sections of the development prior to this determination, notes/disclaimers will be added to the overall Master Sewer Plan stating the water re-use facility is not included. If the Reclaimed Water System does happen, then revised overall Master Sewer Plans will have to be submitted.

15. **Strip Shopping Centers Prohibited.** No retail development in Tracts 10 or 11 shall consist of an unbroken row or line of building fronts which are one unit deep and parallel or principally oriented to either Fieldstone Parkway, Six Mount Zion Road, Bridge Road or Mount Laurel Road with the parking field for such buildings located between the building and Fieldstone Parkway or Mount Laurel Road. It is the intent of this proffer to prohibit retail development commonly known as “strip retail/commercial development.” Development plans for retail development in Tracts 10 and 11 shall be subject to approval by the Director of Planning as to their compliance with this proffer.

16. **Tract 9 Height Limit.** No building in Tract 9 shall exceed 35 feet in height.

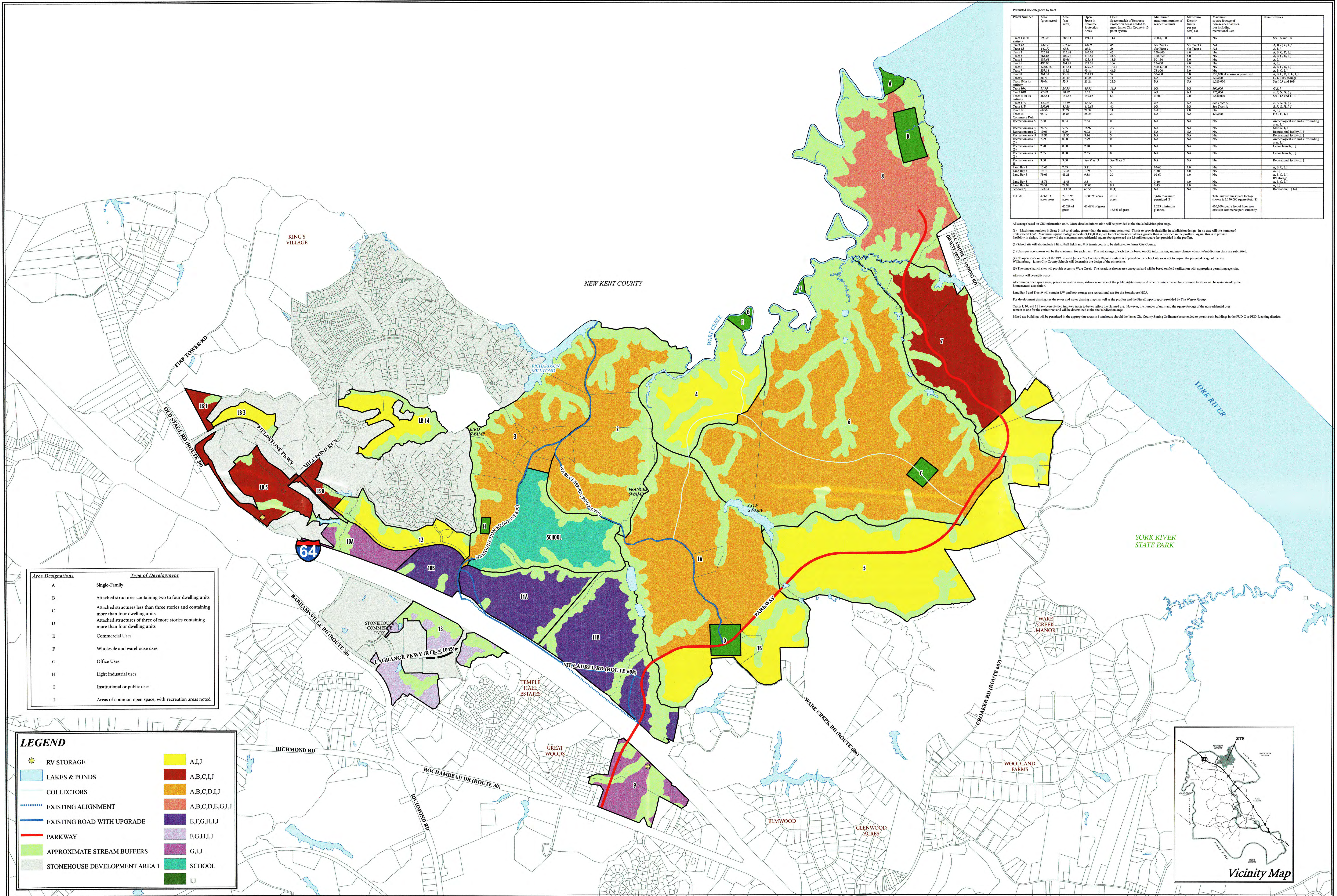
17. **Design Review.** Owner shall prepare and submit design review guidelines for each Tract of the Property to the Director of Planning setting forth design and architectural standards consistent with the Section entitled “Architectural Criteria” of the Community Impact

Statement on file with the Planning Department for the development of the Tract prior to the County being obligated to grant final approval to any development plans for the Tract (the "Guidelines"). Owner shall establish one or more Design Review Board(s) to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans.

18. **Headings.** All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

19. **Severability.** If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in these Proffers.





Permitted Use categories by tract											
Parcel Number	Area (gross acres)	Area (net acres)	Open Space in Resource Protection Area	Open Space outside of Resource Protection Area needed to meet James City County's 10 point system	Minimum/maximum number of residential units	Maximum number of residential units (per acre)	Maximum square footage of non-residential uses, not including recreational uses	Permitted uses			
Tract 1 in its entirety	596.25	285.14	191.11	114	200-1,100	4.0	NA	See 1A and 1B			
Tract 2 in its entirety	427.07	215.57	142.17	80	See Tract 1	NA	NA	See Tract 1			
Tract 3 in its entirety	427.07	215.57	142.17	80	See Tract 1	NA	NA	See Tract 1			
Tract 4 in its entirety	115.48	65.16	46.27	20	See Tract 1	NA	NA	See Tract 1			
Tract 5 in its entirety	264.83	137.57	113.53	44.5	150-300	4.0	NA	See Tract 1			
Tract 6 in its entirety	189.58	97.28	113.53	44.5	150-300	4.0	NA	See Tract 1			
Tract 7 in its entirety	450.50	264.59	123.53	108	200-400	4.0	NA	See Tract 1			
Tract 8 in its entirety	1,861.50	417.54	429.27	189.55	200-400	4.0	NA	See Tract 1			
Tract 9 in its entirety	257.14	115.15	95.15	46.5	70-300	3.0	NA	See Tract 1			
Tract 10 in its entirety	1,861.50	417.54	429.27	189.55	200-400	4.0	NA	See Tract 1			
Tract 11 in its entirety	48.73	33.49	41.26	14	NA	NA	NA	See Tract 1			
Tract 12 in its entirety	99.51	55.5	21.5	22.5	NA	NA	NA	See Tract 1			
Tract 13 in its entirety	21.58	24.54	19.58	11.55	NA	NA	NA	See Tract 1			
Tract 14 in its entirety	42.59	38.75	33.7	11	NA	NA	NA	See Tract 1			
Tract 15 in its entirety	307.54	150.62	150.12	60	NA	NA	NA	See Tract 1			
Tract 16 in its entirety	115.48	65.16	46.27	20	NA	NA	NA	See Tract 1			
Tract 17 in its entirety	137.57	77.72	77.72	21	NA	NA	NA	See Tract 1			
Tract 18 in its entirety	215.57	113.53	113.53	40	NA	NA	NA	See Tract 1			
Tract 19 in its entirety	48.73	33.49	33.49	10	NA	NA	NA	See Tract 1			
Tract 20 in its entirety	95.15	48.66	26.56	20	NA	NA	NA	See Tract 1			
Commerce Park	7.88	0.54	7.34	0	NA	NA	NA	Archaeological site and surrounding area, L1			
Recreation area A	24.73	5.55	16.97	3.3	NA	NA	NA	Recreation facility, L1			
Recreation area B	10.01	4.99	10.01	3	NA	NA	NA	Recreation facility, L1			
Recreation area C	19.97	11.33	5.44	5	NA	NA	NA	Recreation facility, L1			
Recreation area D	7.99	0.00	7.99	0	NA	NA	NA	Archaeological site and surrounding area, L1			
Recreation area E	2.30	0.00	2.30	0	NA	NA	NA	Canebrake, L1			
Recreation area F	2.35	0.00	2.35	0	NA	NA	NA	Canebrake, L1			
Recreation area G	3.00	3.00	See Tract 3	See Tract 3	NA	NA	NA	Recreation facility, L1			
Recreation area H	13.45	7.35	5.11	3	10-20	2.0	NA	A, B, C, L1			
Land Bay 1	19.13	12.40	1.69	5	5-20	4.0	NA	A, L1			
Land Bay 2	79.69	49.11	4.88	20	10-20	4.0	NA	A, B, C, L1			
Land Bay 3	18.73	11.43	3.3	4	0-40	4.0	NA	RV storage			
Land Bay 4	70.51	27.98	33.05	9.5	0-45	2.0	NA	A, L1			
School 1	178.94	115.38	65.56	21.0	NA	NA	NA	Recreation, L1 (4)			
TOTAL	4,666.14 acres gross	2,015.96 acres net	1,888.98 acres	761.5 acres	3,646 maximum permitted (1)	1,222 minimum planned	Total maximum square footage shown is 3,190,000 square feet. (1) 600,000 square feet of that area exists in commerce park currently.				

All acreage based on GIS information only. More detailed information will be provided at the site/subdivision plan stage.

(1) Maximum numbers indicate 3,145 total units, greater than the maximum permitted. This is to provide flexibility in subdivision design. In no case will the number of units exceed 3,646. Maximum square footage indicates 3,190,000 square feet of non-residential use, greater than is provided in the profiles. Again, this is to provide flexibility in design. In no case will the maximum non-residential square footage exceed the 2.9 million square feet provided in the profiles.

(2) School site will also include 4 1/2 softball fields and 8 1/2 tennis courts to be dedicated to James City County.

(3) Units per acre shown will be the maximum for each tract. The net acreage of each tract is based on GIS information, and may change when site/subdivision plans are submitted.

(4) No open space outside of the RPA to meet James City County's 10 point system is imposed on the school site as to not impact the potential design of the site. Williamson, James City County Schools will determine the design of the school site.

(5) The canoe launch sites will provide access to Ware Creek. The locations shown are conceptual and will be based on field verification with appropriate permitting agencies.

All roads will be public roads.

All common open space areas, private recreation areas, sidewalks outside of the public right-of-way, and other privately owned but common facilities will be maintained by the homeowners' association.

Land Bay 3 and Tract 9 will contain RV and boat storage as a recreational use for the Stonehouse HOA.

For development phasing, see the sewer and water phasing maps, as well as the profiles and the Fiscal Impact report provided by The Wessex Group.

Tracts 1, 10, and 11 have been divided into two tracts to better reflect the planned use. However, the number of units and the square footage of the non-residential uses remain as one for the entire tract and will be determined at the site/subdivision stage.

Mixed use buildings will be permitted in the appropriate area in Stonehouse should the James City County Zoning Ordinance be amended to permit such buildings in the PUD-C or PUD-R zoning districts.



**STONEHOUSE TRACT 3**

SCALE 1"=500'

0 500' 1000'

NAD 83

FIELDSTONE PKWY

DUNDAS ST

SIX MOUNT ZION RD.

PARCEL "A"

PARCEL "B"

PARCEL "C"

PARCEL "D"

FUTURE AMENITY

FUTURE AMENITY

SHEET NUMBER	SHEET TITLE
C1.0	COVER SHEET
C1.1	OVERALL TRACT 3 LAYOUT
C1.2	PARCEL "A" LAYOUT
C1.3	PARCEL "B" LAYOUT
C1.4	PARCEL "C" LAYOUT
C1.5	PARCEL "D" LAYOUT
C1.6	PARCEL "D" LAYOUT
C2.0	TYPICAL SECTIONS

PROPERTY ADDRESS:	9351 SIX MOUNT ZION RD. TOANO, VA 23168
TAX MAP PARCEL ID:	0540100015
LRSN:	31964
ZONING:	PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-R)
TRAFFIC PROFFER NO.:	Z-0009-2014
REZONING & MASTER PLAN CASE NUMBERS:	Z-0004-2007/MP-0004-2007, Z-0006-2012, Z-0009-2014

Stonehouse-Tract 3 Lot Yield/Density								
Parcel	Area (gross acres) <sup>1</sup>	Area (net acres)	28' Lots	51' Lots	75'/80'/90' Lots	Open Space in RPA <sup>2</sup> (acres)	Open space outside RPA needed to meet JCC's 10 pt system <sup>2</sup> (acres)	Permitted Uses
A	25.71	18.22	100			6.98	0.51	A, B, C, D, I, J
B	71.26	45.85		155		23.04	2.37	
C	82.58	43.24			83	36.88	2.46	
Total A, B, C	179.55	107.32	100	155	83	66.89	5.34	

Parcel	Area (gross acres) <sup>1</sup>	Area (net acres)	28' Lots	51' Lots	75'/80'/90' Lots	Open Space in RPA <sup>2</sup> (acres)	Open space outside RPA needed to meet JCC's 10 pt system <sup>2</sup> (acres)	Permitted Uses
D	65.59	TBD			TBD	40.30	TBD	A, B, C,
Future Amenity	19.26	TBD				7.55	TBD	D, I, J
Total	84.85	TBC			TBD	47.85	TBD	

Total Tract 3 Area:	264.40								
Total No. of Lots:	338								
Density (units/acre)	1.28								

Notes:


1. Area (gross acres) approximated from updated alignment of Siz Mount Zion Road
2. Areas indicated above for Open Space in RPA and outside the RPA are approximate and are based on preliminary design data and will be finalized upon field verification of the RPA buffer.

<b><u>Area Designations</u></b>	<b><u>Type of Development</u></b>
A	Single-Family
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units
D	Attached structures of three or more stories containing more than four dwelling units more than four dwelling units
E	Commercial Uses
F	Wholesale and warehouse uses
G	Office Uses
H	Light industrial uses
I	Institutional or public uses
J	Areas of common open space, with recreation areas noted

**TIMMONS GROUP**  
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FAX: (757) 340-1415  
EMAIL: john.zaszewski@timmons.com

SCP-JTL STONEHOUSE OWNER 2 LLC  
C/O 20ROCK DEVELOPMENT LLC  
40393 BROWNS CREEK PLACE  
LEESBURG, VA 20175  
CONTACT: MIKE ETCHEMENDY  
EMAIL: metchemendy@megfp.com

## NON BINDING

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		DESIGNED BY	
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SCALE			
NTS			
STONEHOUSE TRACT 3 CONCEPTUAL PLAN			
JAMES CITY COUNTY, VIRGINIA			
COVER SHEET			
JOB NO.	34549		
SHEET NO.	C1.0		



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LEGEND:

UNDISTURBED NATURAL OPEN SPACE

GENERAL NOTES:

- THE IRRIGATION DEMAND SHALL NOT EXCEED 8 GPM PER LOT.
- ALL SEWER DEPTHS SHALL BE LESS THAN 25'.
- THE MAXIMUM NUMBER OF GRINDER PUMP LOTS SHALL NOT EXCEED 5%.
- ALL PROPOSED JCSA UTILITY EASEMENTS SHALL HAVE A MINIMUM WIDTH OF 20'.
- PURSUANT TO PROFFER 7.2, ARCHAEOLOGICAL SITES SHOWN WITHIN TRACT 3 OF THIS CONCEPTUAL PLAN THAT ARE LISTED IN THE ARCHAEOLOGICAL DOCUMENTS (DEFINED IN RECITAL F) ARE SUBJECT TO ADDITIONAL EVALUATION AND SATISFACTION OF THE REQUIREMENTS CONTAINED IN PROFFER 7.2 PRIOR TO ANY GROUND DISTURBANCE ACTIVITY IN THE SITE AREA.
- ROAD AND LOTTING GEOMETRY SHOWN HEREON IS SUBJECT TO MODIFICATION WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN



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DATE


DATE

7/20/2016

DRAWN BY

R.KISS

DESIGNED BY

R.KISS

CHECKED BY

J.ZASZEWSKI

SCALE

1"=400'

**TIMMONS GROUP**

STONEHOUSE TRACT 3 CONCEPTUAL PLAN  
JAMES CITY COUNTY, VIRGINIA  
OVERALL TRACT 3 LAYOUT

JOB NO.

34549

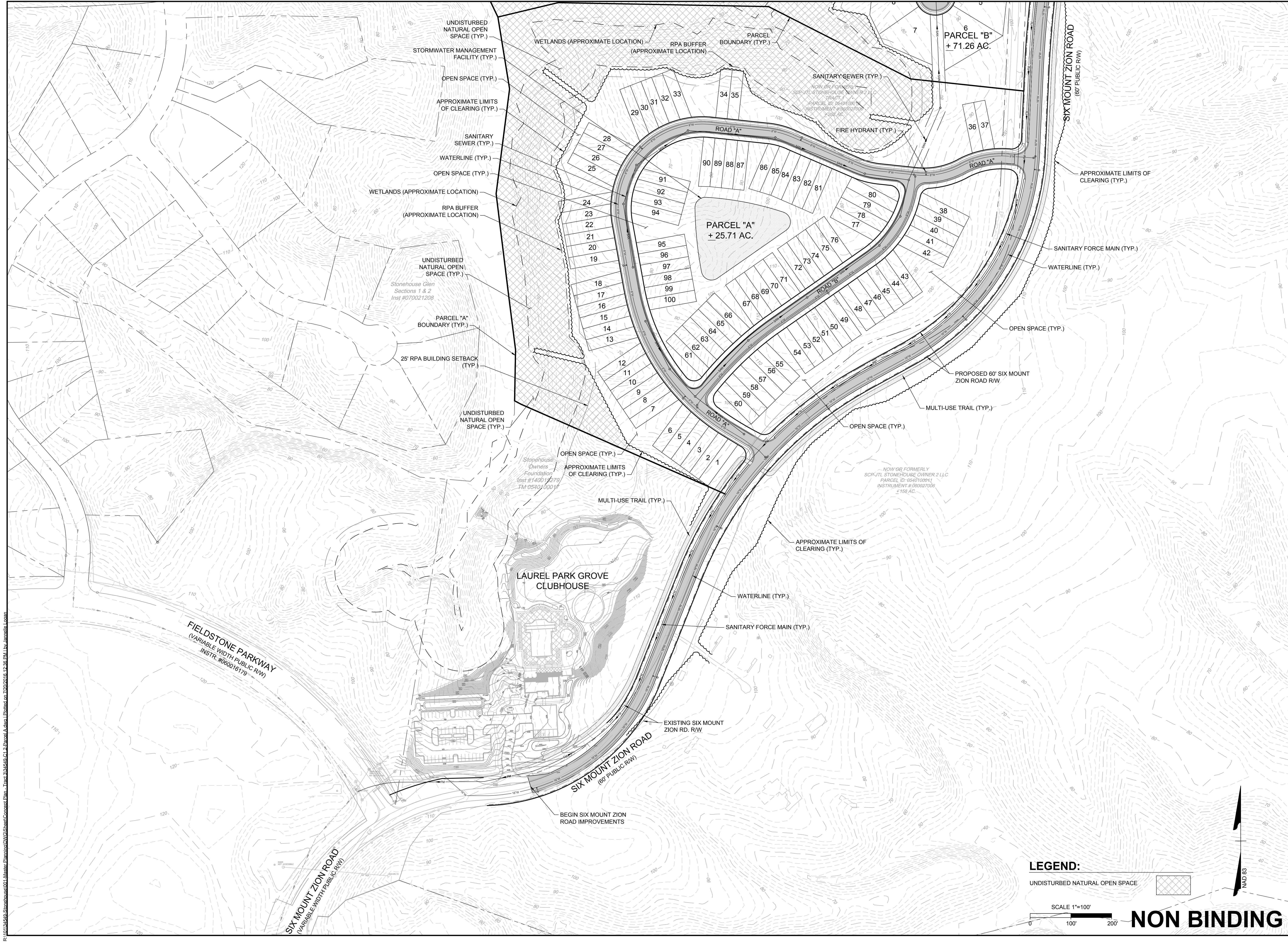
SHEET NO.

C1.1

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**R. KISS**

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**J. ZASZEWSKI**

SCALE  
**1"=100'**

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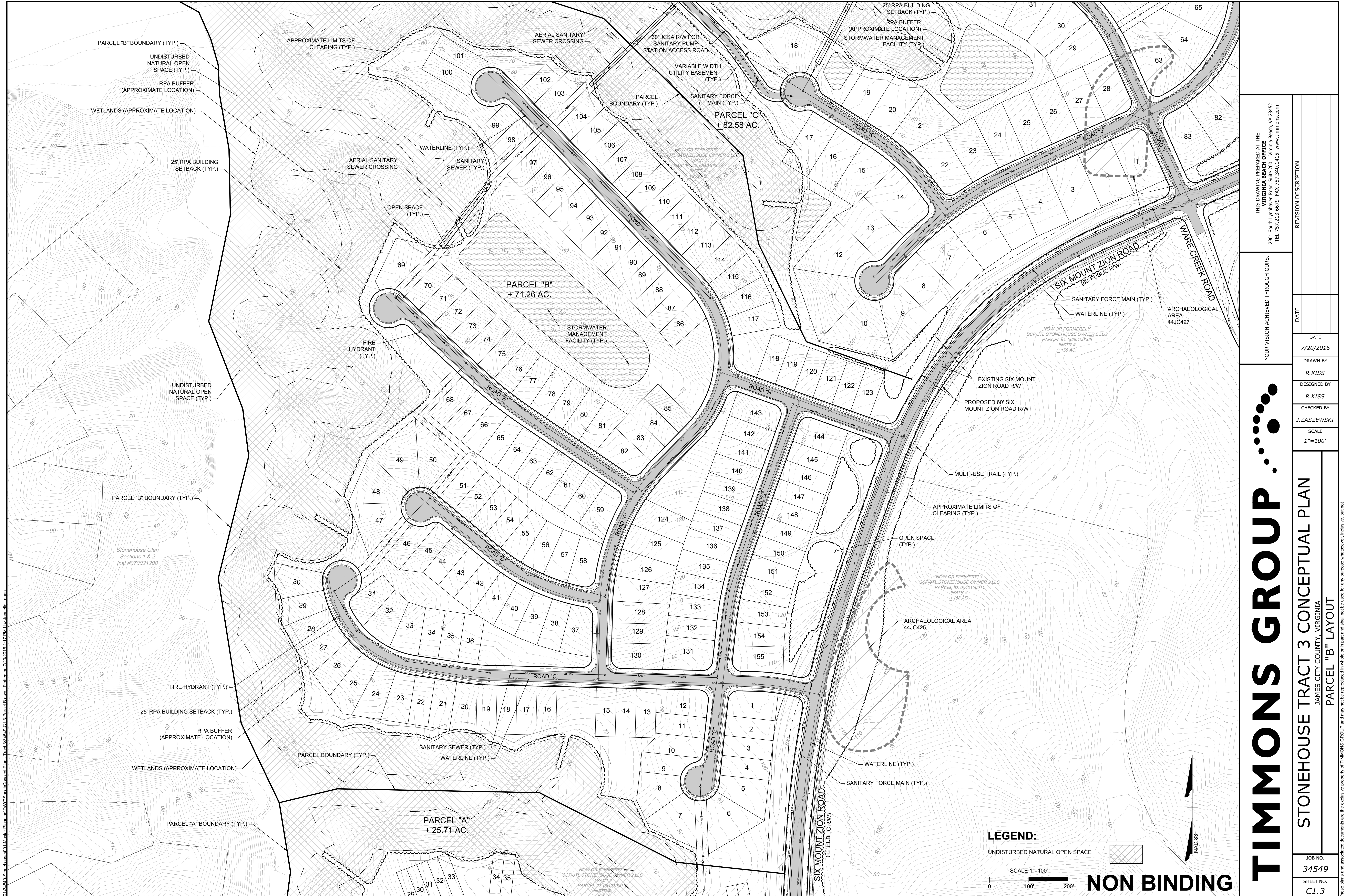
STONEHOUSE TRACT 3 CONCEPTUAL PLAN  
JAMES CITY COUNTY, VIRGINIA  
PARCEL "A" LAYOUT

JOB NO.  
**34549**

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**C1.2**

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DESIGNED BY  
**R.KISS**

CHECKED BY  
**J.ZASZEWSKI**

SCALE  
**1"=100'**

REVISION DESCRIPTION

**STONEHOUSE TRACT 3 CONCEPTUAL PLAN**  
JAMES CITY COUNTY, VIRGINIA  
**PARCEL "B" LAYOUT**

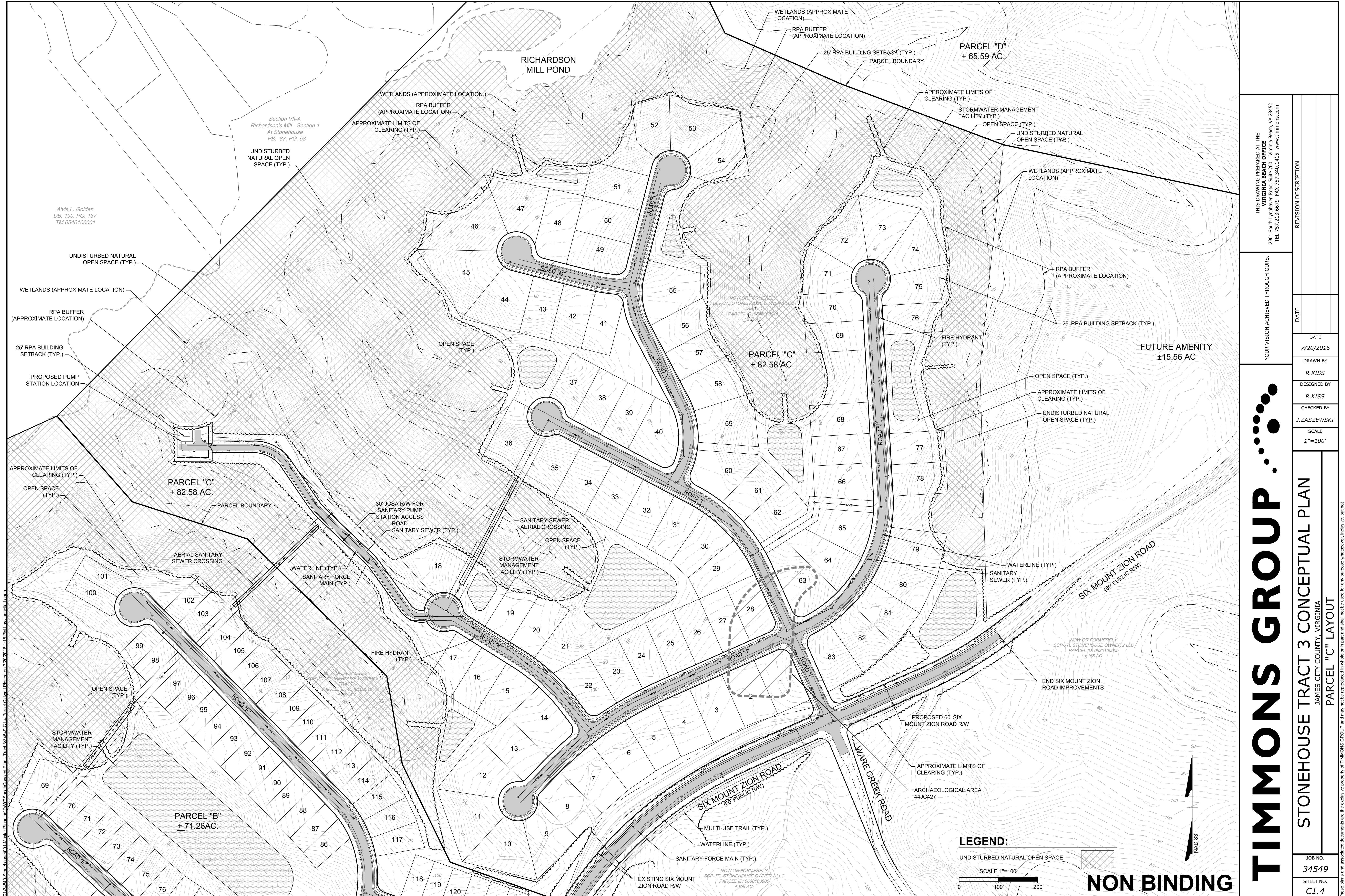
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	7/20/2016
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DESIGNED BY	R.KISS
CHECKED BY	J.ZASZEWSKI
SCALE	1"=100'

**TIMMONS GROUP**

STONEHOUSE TRACT 3 CONCEPTUAL PLAN  
JAMES CITY COUNTY, VIRGINIA  
PARCEL "C" LAYOUT

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C1.4

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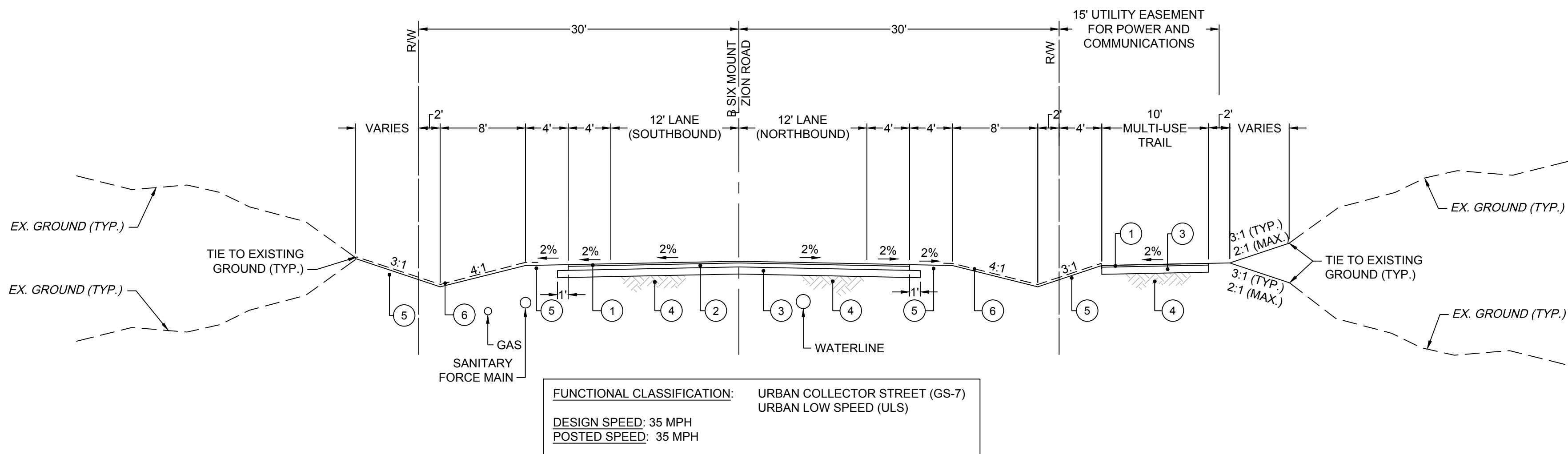




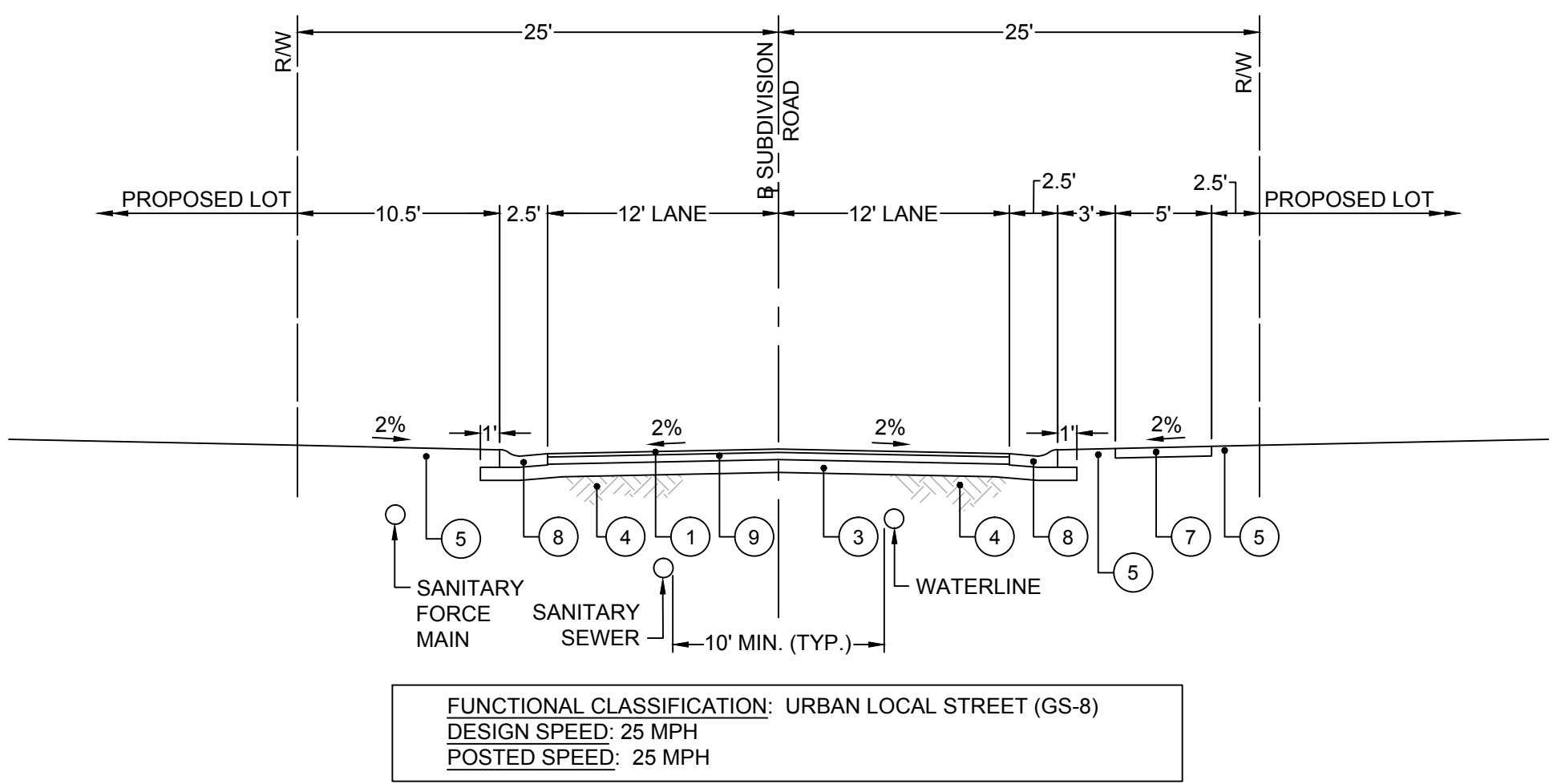




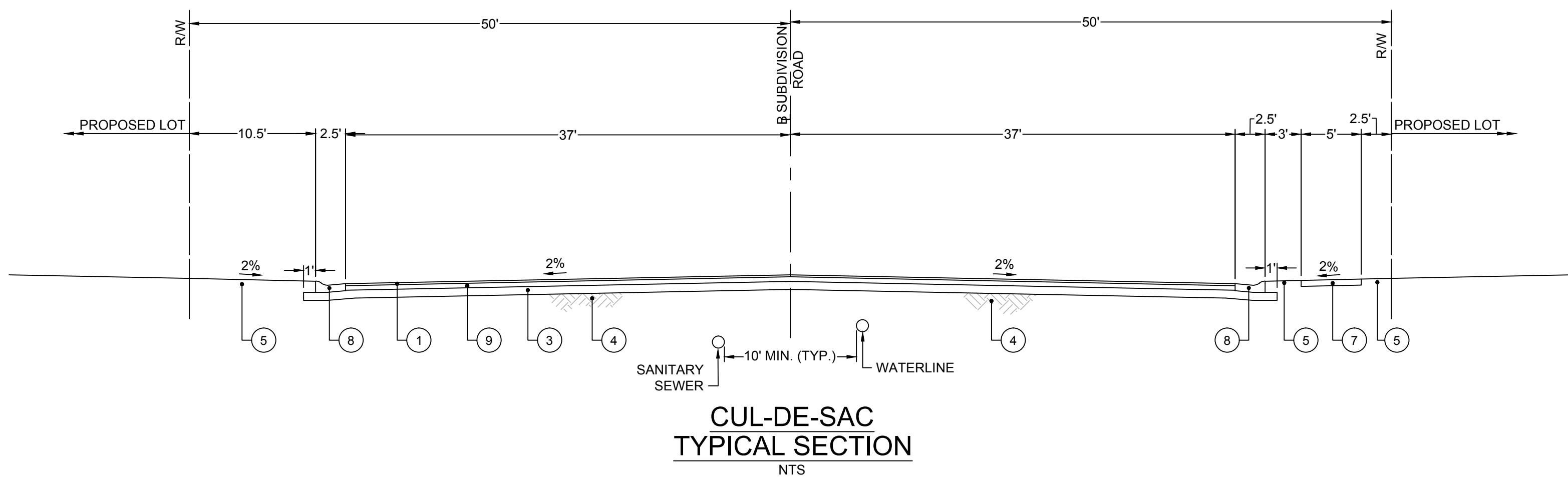
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SIX MOUNT ZION ROAD  
TYPICAL SECTION  
NTS



SUBDIVISION ROAD  
TYPICAL SECTION  
NTS

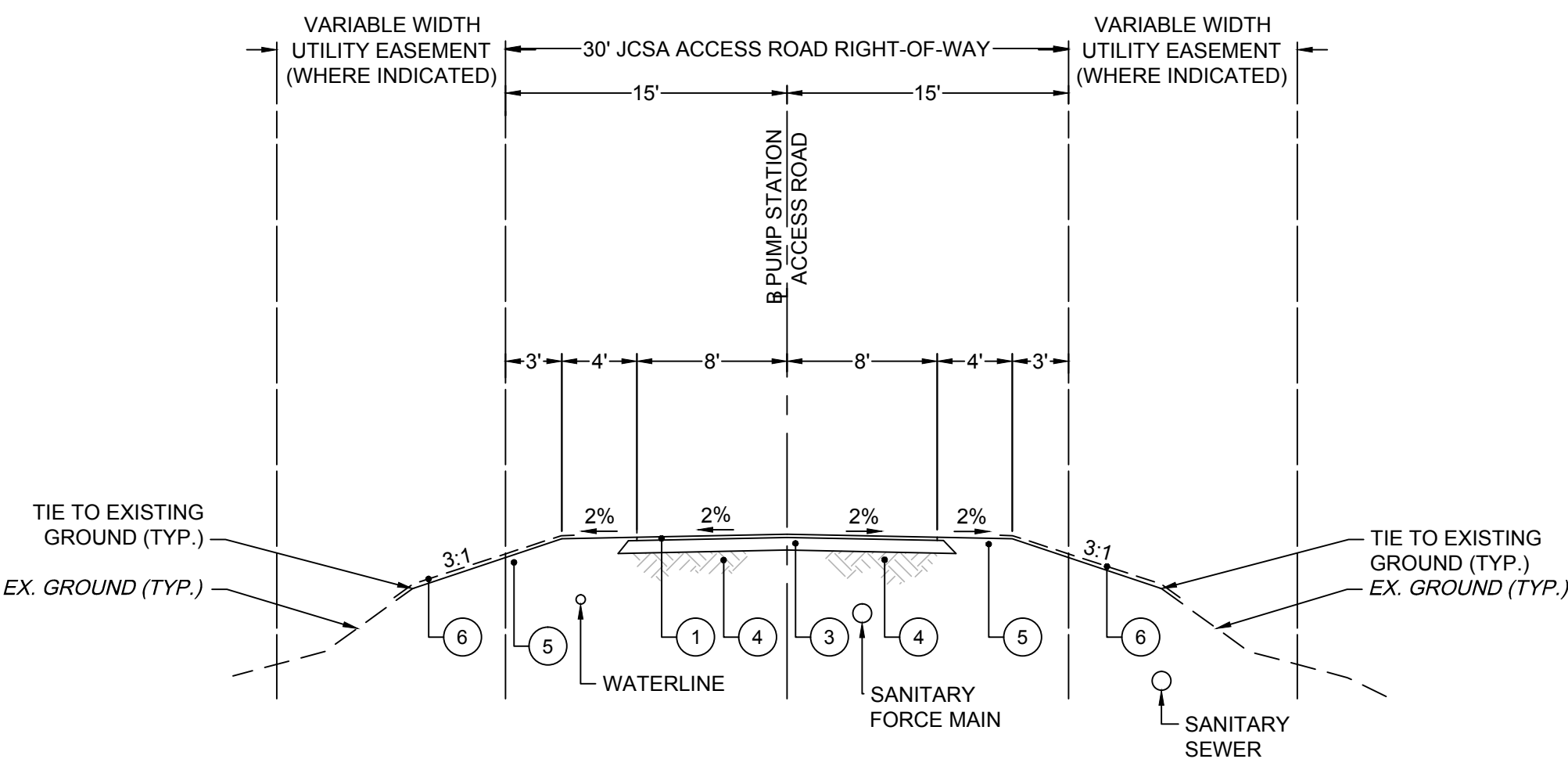


CUL-DE-SAC  
TYPICAL SECTION  
NTS

NOTE: TYPICAL SECTIONS, AS SHOWN, ARE FOR CONCEPTUAL PURPOSES ONLY. FINAL TYPICAL SECTIONS WILL BE DETERMINED UPON FINAL DESIGN AND COUNTY REVIEW.

TYPICAL SECTIONS KEYNOTES

- 2" VDOT STD. SM-9.5A ASPHALT CONCRETE SURFACE COURSE
- 4.5" VDOT STD. BM-25.0A ASPHALT CONCRETE BASE COURSE
- 8" VDOT STD. TYPE 21A/B AGGREGATE BASE COURSE
- APPROVED COMPACTED SUBGRADE. REMOVE UNSUITABLE MATERIAL AND REPLACE WITH APPROVED SELECT MATERIAL, AS REQUIRED. COMPACTED TO 100% OF THE THEORETICAL MAXIMUM DRY DENSITY (VTM-1).
- 4" TOPSOIL, SEED, FERTILIZER, MULCH
- VDOT STD. EC-2 SOIL STABILIZATION MATTING (TYP. ALL SLOPES 4:1 OR GREATER)
- 5' WIDE CONCRETE SIDEWALK
- 2.5" MODIFIED ROLL-TOP CURB AND GUTTER
- 3" VDOT STD. BM-25.0A ASPHALT CONCRETE BASE COURSE



PUMP STATION ACCESS ROAD  
TYPICAL SECTION  
NTS

NON BINDING

TIMMONS GROUP

STONEHOUSE TRACT 3 CONCEPTUAL PLAN  
JAMES CITY COUNTY, VIRGINIA  
TYPICAL SECTIONS

JOB NO.  
34549  
SHEET NO.  
C2.0

THIS DRAWING PREPARED AT THE  
VIRGINIA BEACH OFFICE  
2901 South Lynnhaven Road, Suite 200 | Virginia Beach, VA 23452  
TEL 757.213.6679 FAX 757.340.1415 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE	DRAWN BY	DESIGNED BY	CHECKED BY	SCALE
	7/20/2016	J. LOGAN	R. KISS	J. ZASZEWSKI	NTS

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## **AGENCY COMMENTS**

### Planning:

1. Per Proffer #10.2, at least 60 days prior to submission of a development plan, a conceptual master stormwater management plan for the tract shall also be submitted. Please include the items noted by ERP staff at the 7.11.16 Roundtable.
2. An archaeological site requiring further work was indicated in this area on the Master Plan. Please provide an update on the status of this work (see Proffer #7.2 for additional information).
3. Please keep in mind that per Proffer #2, each site plan or subdivision plan that is submitted shall include a current accounting of the number of residential units, unit type and square footage of non-residential development that have been previously approved by the County and are proposed by the plan in question in order to facilitate accurate tracking of the development.
4. Per Section 19-54 of the Zoning Ordinance, cul-de-sac streets shall not exceed 1,000 feet in length. Please ensure that the cul-de-sac streets in Parcels B and C meet this requirement.
5. Any proposed signs will need to comply with Article II, Division 3 of the Zoning Ordinances and Section 19-71 of the Subdivision Ordinance.
6. Lighting for this project will need to comply with Article II, Division 7 of the Zoning Ordinance, and/or Section 19-66 of the Subdivision Ordinance.
7. Landscaping will need to be provided in accordance with Article II, Division 4 of the Zoning Ordinance – this includes standards for landscaping of multi-family units, stormwater facilities, parking and buffers.
8. Staff notes that sidewalks are shown on the conceptual plan. Staff looks forward to more detail on the measures for safety traversing the roads between sidewalk segments throughout the development, but also particularly along Six Mount Zion Road. Please note that at a minimum, sidewalks will need to meet the requirements listed in Section 24-35 of the Zoning Ordinance.
9. Please ensure that the configuration of Six Mount Zion and its intersections comply with the specifications and timing listed in Proffer 3.8 (a) – (g).

### Fire Department

1. Please see attached memorandum dated June 30, 2016.

### Zoning Administrator

1. Please see attached memorandum dated July 8, 2016.

### JCSA:

1. Please see attached memorandum dated July 11, 2016.

### VDOT:

1. Please see attached memorandum dated July 15, 2016.

### Environmental:

1. Please see attached memorandum dated July 20, 2016.

C-0055-2016, Stonehouse-Tract 3

Fire

Greg Thompson

Need to indicate size of waterline

Need hydrants on Six Mount Zion Road

No hydrants at the very end of cul-de-sacs (better if no closer than 100' from end)

Hydrant spacing shall be 400' in Parcel A

June 29, 2016



## MEMORANDUM

**TO:** Ellen Cook, Principal Planner

**From:** Christy Parrish, CZA, Zoning Administrator (Proffers / Flood)

**Date:** 7/8/2016

**Re:** C-0055-2016, Stonehouse Tract 3

---

I have reviewed C-0055-2016 and offer the following preliminary comments:

1. This project is associated with cases Z-0004-2007/MP-0004-2007 and Z-0009-2014.
2. This project must comply with all proffers. Many proffers will be addressed with the applicable County Division. Please take note of the following:
  - a. Proffer 8 – As a reminder, cash contribution for Community Impacts will be collected after each final building inspection but before any certificate of occupancy is issued.
  - b. Proffer 9 – Water conservation standards shall be developed and approved by JCSA.
  - c. Proffer 10.11 – Please coordinate with Engineering and Resource Protection and Stormwater Divisions regarding establishing any quality monitoring stations on Tract.
  - d. Proffer 13 – Please indicate if any of the units will be reserved and offered for sale as Workforce Units as described in the proffer.
  - e. Proffer 17 – Design guidelines for each tract shall be submitted and reviewed by the Director of Planning.



## MEMORANDUM

Date: July 11, 2016

To: Ellen Cook, Senior Planner

From: Dion Walsh, JCSA Civil 1

Subject: C-0055-2016 Stonehouse Tract 3

James City Service Authority has reviewed these plans for general compliance with the JCSA Standards and Specifications, Water Distribution and Sanitary Sewer Systems and has the following comments for the above project you forwarded on June 27, 2016. Quality control and back checking of the plans and calculations for discrepancies, errors, omissions, and conflicts is the sole responsibility of the professional engineer and/or surveyor who has signed, sealed, and dated the plans and calculations. It is the responsibility of the engineer or surveyor to ensure the plans and calculations comply with all governing regulations, standards, and specifications. Before the JCSA can approve these plans for general compliance with the JCSA Standards and Specifications, the following comments must be addressed. We may have additional comments when a revised plan incorporating these comments is submitted.

### General Comments:

1. Water and sewer inspection fees are required for this project and shall be paid in full to JCSA prior to issuance of a Certificate to Construct Utilities.
2. Record drawings prepared in accordance with the JCSA Standards and Specifications must be submitted to JCSA and approved prior to JCSA's acceptance of the proposed water and sewer facilities.
3. All proposed JCSA utility easements shall have a minimum of 20' width.
4. Per the Water Conservation Agreement for this area, the irrigation demand shall not exceed 8 GPM per lot.
5. On the conceptual plan, add the rim and inverts of the manholes. Manholes shall be less than 25' deep.
6. Label the lots that will have grinder pumps with a "GP" label. No more than 5% of the lots shall be on grinder pumps.
7. Prior to initiating any review of site plans for this development, JCSA will require the Applicant to formally submit an updated Water and Sanitary Sewer Master Plan with associated hydraulic modeling for JCSA review and approval. Master plan shall list pipe sizes, structure rims/inverts, etc. as part of the plan.

8. Water cash contributions may apply for this project.
9. JCSA may have more comments about sanitary sewer layout during site plan phase.

During the design process:

10. As part of the 2011 JCSA Criteria, a site plan checklist has been developed to aid in plan development and review of the plans submitted. The Applicant can download a copy of the Checklist from JCSA's website at <http://www.jamescitycountyva.gov/jcsa/jcsa-design.html>
11. All water and sanitary sewerage facilities to be dedicated to JCSA shall be designed and constructed in accordance with HRPDC Regional Standards, Fifth Edition dated December 2010, and the JCSA "Design and Acceptance Criteria for Water Distribution and Sanitary Systems" dated May 2011. All details shall be in accordance with the above referenced standards.
12. The Applicant shall provide Water and Sewer Data Sheets with the design plans of this project. A downloadable version of the forms is available at <http://www.james-city.va.us/jcsastandards>.

Please call me at 757-259-5457 if you have any questions or require any additional information.



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF TRANSPORTATION

1700 North Main Street  
SUFFOLK, VIRGINIA 23434

**Gregory A. Whirley**  
Commissioner

July 15, 2016

Ellen Cook, Planner  
James City County Planning  
101-A Mounts Bay Road  
Post Office Box 8784  
Williamsburg, Virginia 23187

**RE: Stonehouse Tract 3 Subdivision**  
**Six Mount Zion Rd** (Route 600, adt 180 )  
**County Plan C-0055-2016**  
**James City County** (lat, long 37.421803, -76.797517)

VDOT has completed its review of the plan received by the VDOT Land Development Office on 27 June 2016. The following comments are provided.

1. This proposal meets the threshold for requiring a traffic impact analysis. I understand one has already been performed and approved.
2. Internal road connections are recommended to meet VDOT connectivity standards. The current proposal appears to be three separate subdivisions on Six Mount Zion Rd.
3. VDOT has agreed to a 35mph design speed and a local road classification for the new Six Mount Zion Road.

#### General Comments;

- A) For resubmittals, approvals and with the Land Use Permit, an electronic PDF file of the plan and supporting documents must be provided. Please include a detailed narrative which addresses each specific comment listed above. Any revisions beyond those necessary to address the review comments should be clarified.
- B) Where work will be necessary within existing state maintained right of way, please provide an engineer's cost estimate with final plans. This will be used to set the surety amount for the required Land Use Permit to work within the right-of-way.
- C) Upon final plan approval, a Land Use Permit will be required prior to construction of any work within state maintained right of way limits or easements (including for temporary or permanent

driveways and entrances). Additional information about Land Use Permitting as well as the required forms can be found on the VDOT website at: <http://www.virginiadot.org/business/business/landUsePermits.asp>

If you have any questions, please contact me at [Glenn.Brooks@vdot.virginia.gov](mailto:Glenn.Brooks@vdot.virginia.gov).

Sincerely,

Glenn Brooks, P.E.  
Area Land Use Engineer  
Virginia Department of Transportation  
Hampton Roads District



**ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS  
STONEHOUSE – TRACT 3 (BIRD SWAMP/SIX MOUNT ZION ROAD)  
COUNTY PLAN NO. C-055-16**

*July 20, 2016*

**General:**

1. Meetings. A roundtable meeting was held at the County for this conceptual development plan application on July 11, 2016. This followed a general meeting held between the applicant, developer, plan preparer, and County staff on June 21, 2016 relative to stormwater management and the failed Richardson's Mill Pond.
  
2. Richardson Mill Pond. The County's position relative to development of this and other intended future land bays as it pertains to the issue of failed Richardson Mill Pond (County BMP ID Code WC059) is outlined in a letter issued by the County dated July 10, 2012 and also based on two meetings held by Virginia DCR dam safety personnel. The two meetings held by DCR dam safety were in May 2014 and June 2015, respectively. Based on a general meeting held between the applicant, developer, plan preparer and County staff on June 21, 2016, it is our understanding that the County will allow this conceptual plan application to continue to move forward per proffer condition requirements as long as there is consistency with email responses provided by the County, VDOT and DCR dam safety on June 10, 2016. These responses generally would include compliance with one of the following: 1) compliance with the terms of the July 10, 2012 County letter; 2) adhering to an alternative stormwater management method (ie. no net increase for the peak flow rate from design storms up to and including the 100-year frequency storm event); or 3) completion of a comprehensive watershed hydrologic study for the drainage area to Richardson Mill Pond to show 100-year peak design flow contributions in the form of flow rates or percentages resulting from development of the three parcels associated with this land bay which drain to Richardson Mill Pond. The hydrologic analyses must compare peak flow rate comparisons between developed conditions and predevelopment conditions of these parcels in order to determine if any increases in peak flow rate to the dam are apparent and if so could the increases be detrimental to the structural integrity and stormwater function of the already failed dam structure. The same analyses would be needed for any additional intended future land bays – either now or as their respective conceptual development plan applications come forth. The hydrologic study, such as a HEC-1 or HEC-HMS or similar analyses, could be done to show effects from individual proposed land bays or all intended future land bays collectively.
  
3. Site Information. Add to the site data on the cover sheet of the conceptual plan drawing set information that the project is situated in the Upper Ware Creek Subwatershed of the County's Ware Creek watershed and provide reference to hydrologic unit code HUC YO62. In addition, provide preliminary estimates of impervious cover acreage and percent impervious and land disturbing activity (disturbance) for each of the development sections (parcels). Lastly, as the cover sheet of the concept plan set references traffic proffers under approved rezoning application Z-09-14, then there should also



be references to approved rezoning case Z-06-12 and Z-04-07 which have additional proffers applicable to this land bay.

4. Labels. On the conceptual plan cover sheet, provide a label to indicate Richardson Mill Pond with County BMP ID Code WC059. On conceptual plan drawing Sheets C1.1 and C1.2, label the Laurel Park Grove Clubhouse (ie. Amenity Center H) with text to identify approved County Plan No. SP-08-09. On Sheets C1.1 through C1.4 include text to indicate VDOT State Route number, as applicable, for Six Mount Zion/Holly Forks Road (ie. SR600, etc.).
5. Floodplain. Provide a note on the cover sheet of the conceptual plan drawing set to reference current FEMA FIRM map and panel and any designated special flood hazard areas or zone designations associated with this land bay, as applicable.
6. Trails. For durability and erosion resistance, all community-level trail systems and multi-use paths shall be pavement rather than gravel.

**Proffer Conditions:**

7. SSC. Per proffer condition #10.1, the property shall be subject to the County's Special Stormwater Criteria (SSC). In accordance with adopted SSC (page 3) for legislative cases detailed design is not necessary, but the applicant needs to identify if it is believed that SSC will apply to the site in whole or in part. Therefore, provide a note on the cover sheet of the conceptual plan set to indicate SSC will apply to the project.
8. MSWMP. Per proffer condition #10.2, at least 60 days prior to the submission of development plans for a tract as designated on the master plan within the property, owner shall submit to the County a conceptual master stormwater management plan for that tract (ie. "stormwater plan"). This master stormwater management plan requirement was discussed at the roundtable meeting held for this conceptual development plan application on July 11, 2016. As it is expected that each land bay will develop it's own individualized stormwater management plan and not rely on a master or regional stormwater management plan arrangement, in order to meet this proffer condition a submittal must be made under cover letter/transmittal which outlines the intent to follow the sixteen (16) "stormwater management design considerations" and individual "Worksheet for BMP Point System" which were provided during the time of the rezoning case Z-04-07. The County would then review, and provide comment or approve, this submittal to serve as the submittal to meet the master stormwater management plan proffer. The final plan of development would then need to follow the master stormwater management plan arrangement. Please provide all requested information at least 60 days prior to the plan of development submittal for this land bay.
9. SW Inventory. Per proffer condition #10.3, provide the initial version of the stormwater management inventory system with the first conceptual Stormwater Plan. The definition of Stormwater Plan in this context is taken to be that as required in proffer condition #10.2 and this land bay conceptual development plan application.

10. RPA Setback. Per proffer condition #10.5, ensure the conceptual development plan will meet the condition that no building will be erected within 25 feet of the RPA/RPA buffer. This will be a requirement of the plan of development; however, looking at it at the conceptual plan level may avoid major changes to lot or road layouts during the plan of development submittal stage.
11. NMP. Ensure the plan of development for this land bay adheres to the nutrient-turf management plan requirements on common areas and single-family lots in accordance with proffer condition #10.9. This condition must be satisfied by issuance of building permits for 25 percent of the units shown on the subdivision plat for this land bay. It is preferred that the cover sheet of the conceptual plan drawing set have a simple note that this land bay will be subject to nutrient-turf management plan provisions of the approved proffer conditions.
12. NRI. Per proffer condition #10.8, a Natural Resources Inventory will be required to be submitted to the Planning Director for his review and approval prior to land disturbing for this tract. This is related to the plan of development and issuance of a local land disturbing/stormwater construction (VESCP/VSMP authority) permit.

**Chesapeake Bay Preservation:**

13. Lot Layout. As mentioned at the roundtable meeting on July 11, 2016 due to the extremely small size of proposed lots in Parcel A, no RPA or natural open space/conservation easement should be present on proposed platted lots.
14. Wetlands. The non-tidal wetland system will need to be re-verified by the U.S. Army Corps of Engineers and surveyed prior to plat recordation. The wetland delineation may also affect location of Resource Protection Area (RPA) for the environmental inventory requirements as part of the plan of development..
15. Steep Slopes. Impacts to steep slopes are not allowed per Section 23-5 of the County's Chesapeake Bay Preservation Ordinance. Please revise lot layout accordingly if large pockets of steep slopes are affected. Otherwise waivers will be required at the time of plan of development or during the single family building permit process.
16. Trails. Community level trails or multi-use paths proposed within RPA need to follow Chapter 4 requirements from the state *Riparian Buffers Modification & Mitigation Guidance Manual*, reprinted 2006. Those that do not may not meet administrative exemption requirements and may need to go through the formal exception process.
17. CBEs. RPA and/or RPA buffer impacts for the project may result in the need to obtain administrative and/or formal Chesapeake Bay Exceptions (CBE's). Formal exceptions are through the County's Chesapeake Bay Board. Based on the preliminary layout, storm outfalls (controlled or uncontrolled) are administratively processed and proposed sewer lift/pumping stations must go through the formal exception process.

**Erosion and Sediment Control Plan:**

18. E&SC. Because of peripheral steep topography, the presence of Bird Swamp wetland/floodplain, the downstream location of failed Richardson Mill Pond and potential presence of highly erodible soils, an important aspect of the plan of development for this land bay will be the site erosion and sediment control plan (E&SC) component of the Stormwater Pollution Prevention Plan (SWPPP). Ensure highly erodible soil areas are mapped and identified accordingly per the County Soil Survey and the Virginia Erosion and Sediment Control Handbook (VESCH) requirements and the presence of such highly erodible soils are considered in development of the phased E&SC plan for the three parcels in the land bay.

**Stormwater Management/Drainage:**

19. BMPs. On detailed conceptual development plan Sheets C1.2 through C1.4 label the type of stormwater management/BMP facilities as proposed consistent with County BMP manual designations (ie. wet extended detention, dry detention, timber walls, dry swale, bioretention, etc.).
20. VSMP. The approved rezoning from Z-04-07 would not necessarily grandfather this land bay project in accordance with state VSMP regulations, Chapter 8 of the County Code, and associated DCR/DEQ guidance memorandums. However, consistent with previous recent meetings and County email responses from June 10, 2016 certain grandfathering provisions exist to the current Virginia Stormwater Management Program (VSMP) for the stormwater management plan for this land bay because it drains to Richardson Mill Pond and is within the previously master planned drainage area labeled as "Drainage to R.M.P" and "Total Development Area One". Refer to Attachment 1 from the County letter dated July 10, 2012. Part IIC technical criteria as outlined in current regulations and Chapter 8 of the County Code would defer back to the County's previously approved water quality criteria which was the County BMP manual, the 1999 version of the Virginia Stormwater Management Handbook, and the County's 10-point BMP system for water quality. For quantity control, previous Stream Channel Protection requirements would apply to stormwater management facility designs. The stream channel protection requirement was 24 hour detention of inflow from the postdevelopment condition 1-year, 24 hour storm event. (Note: *Grandfathering does not include the need to properly register land disturbing activities for the project and obtain construction general permit coverage under current VSMP and VPDES construction general permit programs.*)
21. Outfalls. Consistent with the provisions of Minimum Standard #19 from the Virginia Erosion and Sediment Control regulations, storm drainage pipe and BMP outfalls must be to natural, well-defined receiving channels. They will not be allowed to discharge on the side or top of slopes or on uniform topography.

**ITEM SUMMARY**

DATE: 7/27/2016

TO: The Development Review Committee

FROM: Ellen Cook, Principal Planner

SUBJECT: The applicant requests comments or questions on a potential 67,000 square foot self storage building.

---

**ATTACHMENTS:**

	Description	Type
▣	staff rep	Cover Memo
▣	Attachment 1 Concept Plan	Backup Material
▣	Attachment 2 Concept Building Images	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	7/22/2016 - 12:11 PM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 1:12 PM
Publication Management	Burcham, Nan	Approved	7/22/2016 - 2:05 PM
Development Review Committee	Secretary, DRC	Approved	7/22/2016 - 2:06 PM

## CONCEPTUAL PLAN-0061-2016. 4501 News Road Self Storage Building

### Staff Report for the July 27, 2016, Development Review Committee

#### SUMMARY FACTS

Applicant: Mr. Myrl Hairfield

Land Owner: Powhatan Enterprises

Proposal: An Interior Storage Facility

Development Review Committee (DRC) Review: The applicant requests DRC comments or questions as they prepare to move forward with a potential rezoning application.

Location: 4501 News Road

Tax Map/Parcel No.: 3830100031

Project Acreage: 2.36

Zoning: Current Zoning is R-4, Residential Planned Community

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Ellen Cook, Principal Planner

#### PROJECT DESCRIPTION

The applicant has submitted a conceptual plan for the construction of a 67,000 square foot single entrance interior storage facility. The concept plan indicates that the building would be approximately 136 feet by 164 feet and consist of three stories of storage space. The subject parcel is currently zoned R-4, Residential Planned Community, is designated for commercial or office on the Powhatan Secondary Master Plan and is subject to traffic generation limits and other proffers associated with Case No. Z-0014-2003. The Powhatan Secondary Master Plan also includes the parcels on either side of the subject parcel (residential units to the west and pharmacy to the east). Self-storage buildings that would be open to the general public (as proposed by the applicant) are not a permitted use in R-4.

Therefore, for the proposal to move forward the parcel would need to be rezoned to a Commercial Zoning District.

Staff has not yet had an opportunity to evaluate the proposal with respect to Zoning Ordinance requirements (parking, setbacks, landscape buffers, etc.) or to provide the applicant detailed feedback on consistency with the Comprehensive Plan.

#### RECOMMENDATION

The applicant requests DRC comments or questions as they prepare to move forward with a potential rezoning application.

EC/nb  
SelfStorageDRCReport

#### Attachments:

1. Concept Plan
2. Concept Building Images

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



**SITE INFORMATION**

4501 News Road  
Parcel ID: 383-01-00031  
Zoning: R-4  
Total Acres: 2.36

Stormwater compliance provided by PC141.

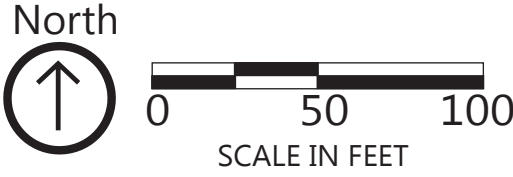
**EASEMENTS**


- E1 - 20' SEWER EASEMENT
- E2 - 64.2' INGRESS, EGRESS, UTILITY AND DRAINAGE EASEMENT
- E3 - 20' PRIVATE SEWER EASEMENT
- E4 - 27' INGRESS AND EGRESS EASEMENT



**Proposed Storage Facility**

Parcel B-1 - 4501 News Road, Williamsburg, Virginia  
July 20, 2016





351 McLaws Circle, Suite 3  
Williamsburg, VA 23185-5797  
Engineers | Scientists | Planners | Designers  
[www.vhb.com](http://www.vhb.com)







