

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING E CONFERENCE ROOM AT 4:00 P.M. ON THE 30TH DAY OF JULY, TWO THOUSAND THREE.

1. ROLL CALL

Mr. John Hagee
Mr. Joe McCleary
Ms. Peggy Wildman

ALSO PRESENT

Ms. Sarah Weisiger, Planner
Mr. David Anderson, Planner
Mr. Matthew Arcieri, Planner
Mr. Sean Gordon, JCSA
Mr. Tim Fortune, JCSA
Mr. Scott Thomas, Environmental
Mr. Mike Woolson, Environmental

2. MINUTES

Following a motion by Mr. McCleary and a second by Ms. Wildman, the DRC approved the minutes from the July 2, 2003, meetings by a unanimous voice vote.

3. Case No. S-57-03. Ford's Colony - Section 34

Mr. Anderson presented the case and stated that Ford's Colony has submitted construction plans for the subdivision of Section 34 of Ford's Colony into 9 lots. This area is designated D-2 on the master plan and could potentially be developed into condominium-style units up to a density of 18 units per acre. According to section 24-276 (b)(4) of the James City County Zoning Ordinance, the designation shown on the master plan shall be the highest and densest use to which such land may be put without amending the master plan. However, where the planning commission finds that the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under section 24-285, the planning commission may approve final plans for projects with lower densities or a lower category of uses than those shown on the master plan without amending the master plan. Since this proposal did not exceed the maximum permitted density and did not vary the basic concept or character of the Ford's Colony planned community, staff recommended approval of this case. There being no further discussion, and following a motion by Mr. McCleary and a second by Ms. Wildman, the Development Review Committee unanimously recommended the plan be found consistent with the Ford's Colony Master Plan.

4. Case No. SP-89-03. Ford's Colony - Country Club Redevelopment/Parking Lot Improvements

Mr. Arcieri presented the case and stated that Ford's Colony has submitted a site plan to expand the Country Club parking lot and to add 28 units in two buildings to provide overnight stays for executive meetings and retreats. Staff recommended that the DRC grant preliminary approval and find the proposal consistent with the Ford's Colony Master Plan. There being no further discussion, and following a motion by Ms. Wildman and a second by Mr. McCleary, the Development Review Committee unanimously recommended the plan be found consistent with the Ford's Colony Master Plan and granting of preliminary approval subject to agency comments.

5. Case No.S-56-03. Colonial Heritage Phase 1, Section 4

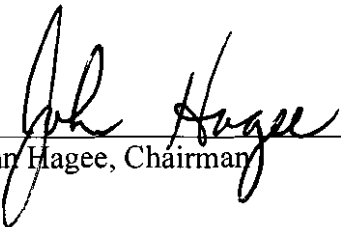
Ms. Weisiger presented the staff report for the proposed 53-lot subdivision. Due to the proposed development's impacts to on-site steep slopes and natural open space areas, staff did not recommend preliminary approval at this time. Mr. Arch Marston, of AES Engineering, requested a list of the specific items that prevented the applicant from receiving a recommendation of preliminary approval. Mr. Scott Thomas of the JCC Environmental staff, indicated that he would show Mr. Marston which comments needed to be addressed after the meeting. There being no further discussion the case was deferred until the next Development Review Committee meeting.

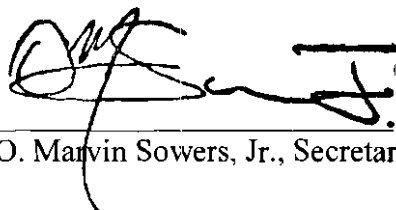
6. Case No. S-55-03. Colonial Heritage Phase 1, Section 5

Mr. Arcieri presented the staff report and stated that Colonial Heritage has submitted a subdivision for 89 lots in Section 5. Although there are significant offsite issues affecting construction of this section, staff recommends approval because there were no onsite issues affecting the layout of the section. Mr. McCleary asked the applicant to clarify the number and types of garages on the units proposed for the section. There being no further discussion, and following a motion by Mr. Poole and seconded by Ms. Wildman, the Development Review Committee unanimously recommended the granting of preliminary approval subject to agency comments and the condition that land disturbing not be released until all permitting issues have been resolved.

7. Adjournment

There being no further business, the July 30, 2003, Development Review Committee meeting adjourned at 4:18 p.m.


John Hagee, Chairman


O. Marvin Sowers, Jr., Secretary

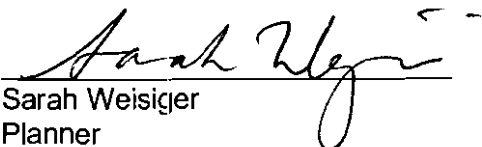
**S-56-03, Colonial Heritage Phase 1, Section 4
Staff Report for September 3, 2003, Development Review Committee Meeting**

SUMMARY FACTS

Applicant: Richard Smith, AES Consulting Engineers
Landowner: Colonial Heritage, LLC
Proposed Use: Approval of 53 lots
Location: 6895 Richmond Road
Tax Map/Parcel No.: (24-3)(1-32)
Primary Service Area: Inside
Parcel Size: 24.28 acres
Existing Zoning: MU (Mixed Use) with Proffers
Comprehensive Plan: Low Density Residential
**Reason
for DRC Review:** The development proposes more than 50 lots.
Staff Contact: Sarah Weisiger, Planner Phone: 253-6685

STAFF RECOMMENDATION:

At the DRC meeting on July 30, 2003, staff recommended denial of preliminary approval due to proposed impacts to steep slope and natural open space areas in the subdivision. Since that time, the Environmental Division staff has met with the applicant. Proposed changes that were submitted directly to the Environmental Division have satisfactorily addressed staff concerns regarding the on-site impacts of the development. At this time, staff recommends that the DRC grant preliminary approval subject to agency comments. This section of Colonial Heritage is not covered under existing wetland permits which prevent the release of land disturbance or any commencement of construction. (Unless otherwise noted, agency comments included in this report are based on subdivision plans that were submitted on June 26, 2003.)


Sarah Weisiger
Planner

Attachments:
1. Agency comments

**Agency Comments for S-056-03.
DRC Meeting September 3, 2003
Colonial Heritage Phase I, Section 4**

Planning:

1. Because this plan proposes more than 50 lots, preliminary approval must be granted by the Planning Commission following review by the Development Review Committee (DRC). The next regular meeting is Wednesday September 3, 2003.
2. Some sheets are oriented with the north arrow pointed at the top and some with a north arrow pointed to the bottom. Unless there is a reason that the plans must be oriented with the North arrow pointed to the bottom of the sheet, change the orientation of the plans on sheets 3, 4, 6, 8, 9, 10, and 20. Also, show the North arrow on sheet 14.
3. On cover sheet, change the number of units in Section 1 to 45.
4. Show ownership of adjacent parcels to the subdivided area if different from owner on cover sheet.
5. Lots 1, 2, and 3 are fronting on roads not shown in the plans, provide enough detail to show the pedestrian or multi-use trail for that segment of Gunlock Road on sheet #6.
6. Clearly show setback lines on drawings. It may be best to add a note that all setbacks are 3' for side and rear yards and 20' for front setbacks unless otherwise shown.
7. Clarify the open space areas. It appears that the shaded areas are labeled as "Undisturbed natural open space easement". What are the adjacent white, non-residential areas?
8. It may be helpful to provide handicapped ramps where the sidewalk and multi-use trail ends on corners and/or in cul-de-sacs.
9. Show and label the bicycle/multi-use trail on all drawings (except preliminary plats, show easements.)
10. Show a detail of the multi-use trail and typical section of trail and Rexford Lane. Also if different, show detail of trail for areas not adjacent to the street.
11. Staff needs more detail of the multi-use trail shown on Sheets 6 and 7. Unlike other areas of the development this part of the trail crosses several

driveways. A solution to possibly hazardous crossings would be to place sidewalks instead of a multi-use trail along Rexford Lane with striping and signage for bicycles down to where the trail continues at the end of the King James cul-de-sac.

12. The note on sheets 6 and 7 regarding security lighting should reference section 24-526(d).
13. Prior to final approval, the water source cash contribution shall be required. This should be made payable to the James City Service Authority.
14. Prior to final approval, the EMS equipment/signalization cash proffer and the community impact cash proffers are required. These should be made payable to Treasurer – James City County.

JCSA:

1. See attached memorandum dated July 30, 2003.

Environmental:

1. See attached memorandum dated July 25, 2003 with comments circled after DRC meeting of July 30, 2003 showing which comments needed to be addressed in order for Environmental recommendation of preliminary approval.
2. See attached email correspondence from Scott Thomas dated August 19, 2003.



MEMORANDUM



Date: July 30, 2003

To: Sarah Weisiger, Planner

From: Timothy O. Fortune, P.E. - Civil Engineer

Subject: S-056-03, Colonial Heritage, Phase 1 Section 4

James City Service Authority has reviewed these plans for general compliance with the JCSA Standards and Specifications, Water Distribution and Sanitary Sewer Systems and have the following comments for the above project you forwarded on June 27, 2003. 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

1. The master water and sanitary sewer plan for the Colonial Heritage development has not been formally submitted nor formally approved.
2. The plans shall be reviewed and approved by the James City County Fire Department.
3. Provide a JCSA Water Data Sheet for review and approval.
4. Add a note to the plans stating "Only JCSA personnel are authorized to operate valves on the existing main".
5. Provide a minimum of 2 feet clearance from the proposed water meter boxes to the sidewalks and bike paths throughout the project.
6. Meter and cleanout locations are currently located out of the proposed Right-of-Way along the right side of Rexford Lane and various locations along King James. Revise locations to either be within the proposed right-of-way or provide an exclusive JCSA utility easement.
7. Clarify impacts of the Archaeological Site #44JC1092 in relation to the existing 20' JCSA Utility Easement (easement extends into site). Boundaries of the Archaeological site were not shown as part of the Phase 1, Section 3/3A (SP-104-02) plan submittal.

8. Due to steep slopes (>25%) along a majority of the proposed offsite sanitary sewer main, a 30 foot minimum width JCSA Utility Easement centered over the proposed sewer main will be required between Sta 10+00 and Sta 25+95. Easement shall not extend into area delineated as 100 year flood or the dam for the BMP facility. Revise plans accordingly.
9. Provide a roadway typical section.
10. Refer to JCC Case No. S-055-03/SP-091-03, Colonial Heritage Phase 1 -Section 5, JCSA memorandum dated July 29, 2003. Revise plans accordingly.

Sheet 3

1. Label the 30' JCSA Exclusive Utility Easement at MH #1-64.
2. Label the existing JCSA Utility Easement at MH's #14-6 and 14-7

Sheet 4

1. For clarity, provide hatching on JCSA easement area(s) being extinguished as part of this development phase.

Sheet 6

1. Sanitary sewer manhole MH #1-75: Verify rim elevation as it contradicts proposed grading shown on Sheet 10. Verify the "invert in" elevation (calculates as 71.07 instead of the 71.64 shown).
2. Sanitary sewer manhole MH #1-74: Verify rim elevation. Currently contradicts the proposed grading shown on Sheet 10.
3. Lot # 8 & 9: Relocate proposed water meters from the 20' JCSA easement to within the right-of-way. Service lines shall extend from Rexford Lane waterline.
4. Sanitary sewer manhole MH #1-69: Label manhole as "60" ID" (depth exceeds 12')
5. Provide joint restraint specifications for the proposed 4" 11-1/4 degree bends.

Sheet 7

1. Sanitary sewer manhole MH # 1-67:
 - a. Clarify MH#1-68 reference for "Invert In". It appears to be improperly labeled.
 - b. Verify Stationing equation for MH #1-67. Sheet 12 profile shows MH #1-67 stationing as 25+10.
2. Lot 36: Show water meter location a minimum of 18" from proposed driveway.
3. Clarify the pipe slope shown between sanitary sewer manhole MH #1-65 and 1-64. Sheet 14 shows the pipe slope as 2.61%.
4. Clarify/correct station label of the 8" 22-1/2 degree waterline bend near MH#1-66
5. Verify offset shown for the 4" 11-1/4 degree waterline bend near MH# 1-76.

6. Lot 24: Switch location of water meter and cleanout to eliminate crossing of lines.
7. Provide driveway locations for lots 23 thru 26 for plan consistency.
8. Revise waterline materials tables as follows:
 - a. Rexford Lane - Verify/correct number of water meters listed
 - b. King James - Verify stationing for which quantities are listed (10+00 or 10+64); verify length of 8" water main (it appears to be 296 LF)
9. Provide water service connections for lots 23, 26, 35, 36 & 37 providing a perpendicular alignment from waterline along King James.
10. Clarify extension of 8" cross country waterline past Sta 13+93. Is service for a future phase? Line is not shown as being extended as part of plan submitted for Phase 1, Section 5 (JCC # S-055-03). If not part of a future extension, line shall terminate within the cul-de-sac.
11. Reduce the JCSA easement width for the offsite water and sewer from 50' to 30'. Switch location of water line with the sanitary sewer (water line to the north side of the easement and sewer to the south). Revise plan and profile accordingly.
12. The proposed water meter locations for lots 33 & 34 shall be located within the right-of way.
13. Lots 25 thru 27: Verify clearances of the sanitary laterals with the proposed water line and storm sewer crossings (18" min clearance shall be provided). It appears there will be a conflict with the profile as shown on sheet 13.
14. The proposed sanitary sewer lateral for lot 17 shall extend perpendicular to the sewer main along King James.

Sheet 12

1. Rexford Lane Profile (Sta 14+50 to Sta 22+00):
 - a. MH #1-74: Verify rim elevation shown with proposed grading shown on Sheet 10. Revise accordingly.
 - b. Show proposed 15" storm sewer crossing at Sta 17+00 (+/-)
2. Rexford Lane Profile (Sta 22+00 to Sta 25+15):
 - a. MH #1-67: Clarify MH# 1-63 reference for "Invert In". Currently contradicts Sheet 7.
3. Sanitary sewer manhole MH# 1-75 to MH# 1-74:
 - a. Verify rim elevation for MH # 1-74 and 1-75. Currently they contradict the proposed grading shown on Sheet 10. Grading indicates elevation 80.
 - b. Show and label the proposed 15" storm sewer crossing at Sta 12+10 (+/-).
 - c. Provide profile for the proposed 6" sewer line serving lots 1 & 2. Show existing storm sewer crossing.
 - d. Provide label for pipe material (PVC or DIP) for consistency among the profiles.

Sheet 13:

1. **King James (Sta 10+00 to Sta 16+81.5):**
 - a. Verify label for the proposed 15" RCP at Sta 11+00 (+/-). Currently it contradicts culvert size shown on Sheet 11.
 - b. Show and label stationing and fittings of all waterline appurtenances for plan consistency.
 - c. Culvert crossing with the proposed water line at Sta 11+82 (+/-) provides less than 18" of vertical clearance. A minimum of 18" of vertical separation shall be provided. Revise accordingly.
 - d. Provide an air release valve at Sta 12+77 (+/-)
 - e. Label fire hydrant assembly at Sta 13+60 (+/-) for profile consistency.
 - f. Label pipe material (PVC or DIP) between MH #1-77 to 1-79 for plan consistency.
 - g. Label blow off valve assembly for plan consistency.

Sheet 14:

1. Verify station label for MH #1-65. It appears to contradict the stationing call-out on Sheet 15.
2. Verify station equation for 8" waterline on King James. It appears to contradict the stationing call-out on Sheet 7.
3. Verify station label for MH# 1-64. Currently contradicts the stationing call-out on Sheet 15.
4. Sanitary sewer manhole MH# 1-62: Provide a 60" manhole in accordance with JCSA Standards.
5. Sanitary Sewer manhole MH# 14-6: Verify and revise the "Invert In" label for existing upstream manhole constructed as part of SP-021-03. Should reference MH #14-7.
6. Provide a north arrow and graphic scale.

Sheet 15:

1. Revise the matchlines for the offsite sanitary sewer profiles.
2. Revise the pipe material for pipe segments MH#1-57 to 1-58 and MH# 1-61 to 1-62 to DIP (depth exceeds 16').
3. Verify the storm sewer crossing invert at Sta 21+25 (+/-). Storm sewer call-out currently contradicts pipe size shown Sheet 11. Revise accordingly.
4. Sanitary sewer manhole MH# 14-6:
 - a. Verify and revise the manhole designation for "Invert In". Currently contradicts manhole call-out shown on SP-021-03 plans.
 - b. Show and label the manhole as existing and provide callout indicating connection required.
 - c. Verify rim elevation. It appears to contradict the rim elevation shown on the SP-021-03 plans.

5. Revise the blow off valve label to correspond with the appurtenance at Sta 25+15(+/-)
6. Offsite Sanitary Sewer Profile (Sta 25+00 to Sta 29+15) - Provide shading of waterline for plan consistency.
7. Offsite Sanitary Sewer Profile (Sta 25+00 to Sta 29+15) - Verify profile elevation labels. Invert elevation call-outs of structures appear to contradict profile elevation labels. Revise accordingly.

Sheet 19:

1. JCSA Standard Utility Installation notes are already provided on Sheet 15. Provide in only one location.
2. Revise HRPDC fire hydrant setting detail to reference WD_06 for curb & guttered street sections.
3. Include HRPDC detail EW_01 "Pipe Bedding Details" with list of details.

Sanitary Sewer Data Sheets

1. Section 5b, Domestic Flow: The 300 gpd per residence contradicts the previously requested and approved flow of 225 gpd per residence due to the age restricted development. Verify and revise accordingly.
2. Section 5d, Total Average Flow: Refer to Sanitary Sewer Data Sheet, Comment #1 above, revise accordingly.
3. Section 5e, Total Peak Flow: The peak flow factor used to calculate the peak flow is not per JCSA standards. Verify and revise accordingly.
4. Section 6: Revise material lengths and quantities based on comments. Check lengths shown for service laterals.
5. Section 7: Verify number shown for standard and 60" manholes.

Water distribution System Analysis:

1. It appears the Section 4 layout and piping system submitted with the hydraulic analysis contradicts the proposed water main layout on the construction plans (pipe lengths to nodes). Revise calculations accordingly. The analysis will be reviewed once the discrepancies have been resolved.
2. Fire + Max Day Scenario: The Fire Flow plus Max Day Demand shall be modeled simultaneously, based on the corresponding velocities, demands (calculated), and discharge columns for this scenario, it appears the max day and fire flow demands were calculated separately. Velocity in any pipe shall not exceed 10 fps. Under any condition. Verify and revise accordingly.

Please call me at 253-6836 if you have any questions or require any additional information.

July 25, 2003

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1. A Land-Disturbing Permit and Siltation Agreement, with surety, are required for this project.
2. A Subdivision Agreement, with surety, shall be executed with the County prior to recordation of lots.
3. Water and sewer inspection fees must be paid prior to the issuance of a Land Disturbing Permit.
4. An Inspection/Maintenance Agreement shall be executed with the County for the storm drainage systems and BMP facilities associated with this project.
5. Wetlands. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetland permits required by federal, state and county laws and regulations shall be obtained and evidence of such submitted to the Environmental Division. Refer to Section 23-9(b)(8) and 23-10(7)(d) of the Chapter 23 Chesapeake Bay Preservation ordinance. *(Note: This includes securing necessary wetland permits through the U.S. Army Corps of Engineers Norfolk District and under the Virginia Department of Environmental Quality non-tidal wetlands program.)*
6. Wetlands. Provide COE permit number for approved, existing impacts.
7. Record Drawing and Construction Certification. The stormwater management/BMP facilities as proposed for this project will require submission, review and approval of a record drawing (as-built) and construction certification prior to release of the posted bond/surety. Provide notes on the plan accordingly to ensure this activity is adequately coordinated and performed before, during and following construction in accordance with current County guidelines.
8. Interim Certification. If for any reason Master Plan Pond No. 2 is to service as a temporary sediment basin during construction of Phase 4, interim construction certification will be required. Refer to current County guidelines for requirements.
9. VPDES. Land disturbance for the project will exceed one (1) acre. Therefore, it is the owners responsibility to register for a General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities, in accordance with current requirements of the Virginia Department of Environmental Quality and 9 VAC 25-180-10 et seq. Contact the Tidewater Regional Office of the DEQ at (757) 518-2000 or the Central Office at (804) 698-4000 for further information.

- * 10. Open Space. There appears to be major discrepancies between provisions for dedicated open space as outlined in the Master Stormwater Plan submitted by Williamsburg Environmental Group and that presented on the construction plan for Section 4 from a stormwater management perspective. Firstly, the locations of proposed Natural Open Space needs to be properly shown on Sheet 2, 3, 4, 5, 8, 10, 11 and 14 to properly assess the affect of the plan of development on proposed open spaces. In general, according to the master plan, everything outside of the right-of-ways and residential lots is basically considered open space, except west of Lots 3 through 9. Secondly, to receive non-

* (CIRCLED ITEMS MUST BE ADDRESSED FOR PRELIMINARY APPROVAL, BASED ON MEETING WITH APPLICANT ON 7/30/03 AFTER DRC MEETING)

structural point credit per the master plan, open space areas are to meet the requirements of the County BMP Manual. The guidelines for natural open space, as defined under Section V of the BMP Manual on page 56, are such that to receive credit under the 10 point system, open spaces cannot be disturbed during project construction (i.e., cleared and graded); must be protected by the limits of disturbance clearly shown on all construction drawings; must be located within an acceptable conservation easement or other enforceable instrument that ensures perpetual protection of the proposed area; and the easement must clearly specify how the natural area vegetation shall be managed and boundaries will be marked. Although some minor (incidental) encroachments or deviations could be expected, the current plan shows quite a different configuration of natural open space as compared to the master stormwater plan and moderate to severe encroachment into NOS for clearing, installation of traps and basins, fill placement, storm pipe outfalls and onsite and offsite sanitary sewers. Reconfigure the plan to reduce impact to natural open space to the greatest extent possible; or alternatively, provide replanting plans for impacted areas.

11. Steep Slope Impacts. It is the general concern of staff that disturbance to 25 percent slope areas associated with this project will have a distinct negative impact on downstream natural streams with the Yarmouth Creek watershed and that minimization of these impacts is consistent with the provisions of the Chesapeake Bay Preservation ordinance. It appears impacts to 25 percent slope areas can be minimized by reconfiguration of the perimeter erosion and sediment control measures, specifically temporary sediment traps and basins and some lot arrangements, which are being filled and resulting toe of grading is impacting adjacent 25 percent slope areas within natural open space areas.
12. Watershed. Provide a note on the cover sheet of the plans indicating which County watershed, subwatershed and/or catchment for which the project is situated in. *(Note: It appears this project is situated in Subwatershed 104 of the Powhatan Creek Watershed).*

Chesapeake Bay Preservation:

13. Transpose the limit of work (including offsite work areas) onto Environmental Inventory Sheet 2.
14. It appears not all steep slope areas and steep slope impact areas have been shown on Environmental Inventory. This includes Lots 46 and 47 and impacts to steep slope areas outside of offsite sanitary sewer easements.
15. Label the archaeological site north of Lot 8 on Environmental Inventory Sheet 2.
16. In general, it is not our policy to allow for filling of lots which subsequently results in impact to adjacent perimeter 25 percent slopes in natural open spaces. One example is at Lots 46 and 47.
17. Relocate sanitary sewer to reduce environmental impact to the natural open space easement and steep slope areas. Use remediation measures and measures similar to the cross-country sewer plan to reduce impact to environmentally sensitive areas.
18. Due to the extensive steep slope disturbances allowed on there entire project, no steep slope impacts will be allowed to occur on single family lots. Therefore, adjust the rear setback line on Lots 36 and 37 to correspond to 5 (five) feet from top of steep slope. This may affect the proposed buildable area footprint as shown.

Erosion & Sediment Control Plan:

19. Show any temporary soil stockpile areas, staging and equipment storage areas.
20. Sequence of Construction. Address the conversion of the sediment basin into the permanent SWM facility.

21. Phase 1 E&SC Plan. Provide a Phase 1 clearing limits on the Phase 1 Erosion and Sediment Control Plan. Areas to be initially cleared include the basins, traps, perimeter diversion dikes, perimeter silt fence and road access. All other areas (lots and roadways) are not to be mass cleared and graded until after the perimeter controls are in place and functional.
22. Phase I E&SC. Diversion dikes converge with no sediment trapping measure at proposed Lots 14 and 15 (Rexford Lane) as shown on the Phase I E&SC plan Sheet 8.
23. Offsite sanitary sewer. Provide accurate clearing limits and limits of steep slope disturbance. This sanitary sewer line cannot physically be built in a 20-foot easement, especially when cut into a 50 to 60% slope. Provide a geotechnical report on the slope stability of all steep slopes impacted by the installation of the sanitary sewer, similar to that presented for the cross-country sewer.
24. Sediment Trap No. 3. Sediment trap # 3 could feasibly be eliminated as the majority of the area going to this trap would naturally drain into the sediment basin at BMP # 9. However, this would result in a few necessary adjustments. An adequate channel must exist to adequately handle increased runoff from land-disturbing operations from the Section 4 limit of work to the sediment basin. A baffle wall would be necessary between the stormwater conveyance outfall location from Section 4 and the Pond No. 9 riser. Adjust clearing limits to the lot lines in this area. This reduces the impacts to the Natural Open Space easement in this area.
25. Sediment Basin 4-1. Move this sediment basin to avoid steep slope impacts in natural open space areas. Adjust diversion dikes on Lots 37, 38, 39, 41, and 42 to direct drainage into the basin. Provide outlet protection on these diversion dikes. Provide baffle walls between each diversion dike and the outlet of the basin. Adjust clearing limits behind Lots 37, 39, 40, 41, and 42 to south of the proposed diversion dikes. This reduces the impacts to the Natural Open Space easement in this area.
26. Sediment Trap 1. Move Sediment Trap #1 to avoid steep slope impacts. Adjust diversion dike on Lot 34 to direct drainage into the trap. Adjust clearing limits behind this diversion dike. Provide a diversion dike on Lots 29 and/or 30 to direct drainage into Trap #1. Remove the diversion dike behind Lots 25 and 26 that continues to the trap. Adjust the clearing limits. Provide super silt fence behind Lots 25, 26, 27, 28, and 29. This reduces impacts to the Natural Open Space easement in this area.
27. Inlet Protection. Show all proposed inlet protection at the inlets.
28. EC-3 Areas. As this area will receive concentrated drainage from yard swales, change matting type from EC-2 to EC-3 for the slope matting area behind Lot 20 as shown on Sheet 11.
29. Grading. Do not grade off-site (behind the rear property lines) behind Lots 11 through 18. Adjust silt fence location to the rear property lines in this location. Adjust clearing limits. This reduces impacts to the natural open space in this area.
30. Offsite storm sewer manholes shown as existing have only been proposed per another plan of development. Reference the appropriate plan of development for all structures not associated with the plan.
31. Master Plan Pond. Provide a note on Sheet 8 near Stormwater Management Pond # 2 (Master Plan Pond No. 2) that this basin is not to serve as a sediment basin for land-disturbing activities.
32. The Environmental Division reserves the right to further comment on the erosion and sediment control plan for the site as the plan is reconfigured or responses to support the design are provided.

Stormwater Management / Drainage:

33. Plan Information. Consistently label Master Plan Pond No. 2 and Master Plan Pond No. 9 on all plan Sheets.
34. Drainage Map. The limits of post-development and limits of pre-development reference the same line. Show Pond 2A on the Post-Development Drainage Area Map. Adjust all calculations as required.
35. Drainage Easements. Provide private drainage easements of adequate width on all pipe systems that traverse proposed lots, centered on the pipe. This appears to affect Lots 48, 49, 50, 51, 52, 53, 37, 39, 40, 31, 32, 33, 34, 24, and 25. Other lots may be affected.
36. Uncontrolled Drainage. Address areas of uncontrolled drainage which are not directed to proposed stormwater management/BMP facilities for water quality or quantity control purposes. Specifically, this includes uncontrolled drainage associated with backlots and "back" draining swales at Lots 17 through 24. Either direct drainage from these units toward the front of the units (to the roadway and storm drain piping system) or submit adequacy analyses for all receiving slopes or natural channels in accordance with VESCH, MS-19 procedure to verify adequacy.
37. Concentrated Drainage. There are several areas associated with the drainage/grading plan which will direct concentrated drainage along or between units onto existing natural (some 25 percent) or graded slopes where no natural or manmade receiving channel exists. These areas include: the swale between Lot 18 through Lot 31; swales on Lots 35 and 36; and swales on Lots 40 through 47. Either direct drainage from these units toward the front of the units (to the roadway and storm drain piping system) or submit adequacy analyses for all receiving slopes or natural channels in accordance with VESCH, MS-19 procedure to verify adequacy.
38. Problem Drainage Areas. The drainage swale between Lots 31 and 32 will direct concentrated drainage directly toward the proposed structure on Lot 33. This must be resolved to eliminate the potential for drainage complaints or damage.
39. Master Plan Pond # 2. It is our understanding the wetland permit approval has not been issued for Master Plan Pond No.2 and based on a joint meeting held between the owner, DEQ, the USACOE, Williamsburg Environmental Group, AES and the County on Wednesday July 2nd 2003, alternatives are being explored to convert this BMP from a wet pond facility to a dry or shallow marsh type BMP with a less invasive impounding structure. Based on a review of plan Sheets 14, 16 and 17 pond design does not appear reflective of current discussions. However, the following preliminary comments will be issued:
 - 39a) Topography. It appears topography within the interior portion of the dry pond on Sheets 2 and 14 is graded, rather than natural topography, perhaps from previous wet extended detention design concepts. Please confirm that the topography shown on the plans from El. 20 through design high water is existing topography.
 - 39b) Provide a note on Sheet 14 that Pond No. 2 is not to be used as a temporary sediment basin during land-disturbing activities.
 - 39c) Address access and stockpile areas for BMP embankment construction purposes. Adjust limit of work and disturbed area estimate to correspond to proposed access routes and stockpile areas.
 - 39d) If the facility is to be converted to a dry pond facility, the County BMP manual recommends use of a timber wall for the impoundment. Other alternatives could be considered due to dual function of the embankment as a golf cart path/crossing.
 - 39e) If use of an earthen embankment is selected, if storage to top of dam exceeds 50 acre-ft, a dam safety permit through the Virginia DCR would be necessary for the BMP.

- 39f) Provide a waiver request in writing if detention time for the water quality or stream channel protection purposes is to be less than the required 24-hours. This would be a variance to the provisions of the County BMP manual.
- 39g) Final review of hydrology and hydraulics of Master Plan Pond No. 2 will not be performed until the final embankment configuration is decided.
40. Storm System. The general alignment/configuration of onsite storm systems 16,17, 18 and 19 appear acceptable, except for outfall situations and conditions as noted. Full review of hydraulic computations associated with the onsite storm drainage system will be performed following completion of the design for Master Plan Pond No. 2 and after steep slope and other issues relative to natural open spaces are resolved.
41. Storm System. Provide plans to show the remainder of Storm System No. 19 from storm structure SS # 19-2 downstream.
42. Storm. Adjust the alignment for storm sewer system # 19 so that the outfall pipe segment runs parallel to the sanitary sewer that will impact the steep slope areas. This reduces impacts to steep slopes and impacts to the Natural Open Space easements in this area.
43. Storm. Adjust the alignment of storm sewer pipe segment between #18-1 and #18-2 to run parallel to the rear property line on lot 53 and outfall into the forebay area provided for with storm sewer system 2. This reduces the impacts to the Natural Open Space in this area.
44. Storm. Adjust the alignment of storm sewer pipe segment between #16-1 and #16-2 to run parallel to the rear property line of lot 37 and outfall down the slope that is less than 25% slope. This reduces impacts to the Natural Open Space.
45. Fence. Due to perimeter steep slope conditions and for general safety purposes, a separation fence between Master Plan Pond No. 2 and Lots 25 through 34 and between Master Plan Pond No. 9 and Lots 36 through 53 is recommended.
46. Level Spreader. Provide a detail for the level spreader as shown to the southwest of Lot 33.
47. Low Impact Development. Environmental inventory Sheet 2 shows a majority of the development site situated on soil group 34C (Uchee loamy fine sand) which is a hydrologic soil group A soil. Use of low-impact development principles and techniques are fully encouraged for implementation in the site design within this soil group complex to reduce and control impacts associated with increased stormwater runoff and promote recharge. This includes disconnection of impervious areas, preserving existing topography and HSG A&B soils, use of flatter site grades, reduced slope heights, increasing time of concentration flow paths, maintaining sheet flow, increasing surface roughness coefficients, use of wide and flat stormwater conveyance channels, minimizing use of storm drain pipe, encouraging infiltration and use of bioretention cells with appropriate landscaping.
48. Future Comments. Due to the extensive nature of these comments, especially those related to disturbance of steep slopes and proposed natural open space areas, uncontrolled drainage (natural channel adequacy), concentrated flow onto slopes, layout/configuration issues associated with the erosion and sediment control plan and final permitting/design issues associated with Master Plan Pond No. 2, the Environmental Division reserves the right to further comment on these items as the plan is reconfigured or responses to support the design are provided. This includes the onsite stormwater conveyance system. A meeting can be arranged if deemed necessary.

Sarah Weisiger

From: Scott Thomas
Sent: Tuesday, August 19, 2003 11:11 AM
To: Sarah Weisiger
Cc: 'Rick Smith'; Darryl Cook; Mike Woolson
Subject: DRC - Preliminary Approval

Based on a meeting conducted last week and a review of changes to plan Sheets 2 and 8 through 11 as submitted to our office by AES transmittal dated August 18th 2003, I now feel comfortable to grant preliminary approval for DRC purposes for Colonial Heritage Phase 1, Section 4, County Plan No. S-56-03.

Considerable changes were made to the plans to address inadequacies which prohibited our division from granting preliminary approval on July 25th 2003. This was mainly due to lack of information and impacts to onsite natural open space areas, impacts to steep slope areas, inadequacies with the site erosion and sediment control plan, concentrated runoff onto steep slopes and uncontrolled drainage issues.

Of course, all Environmental Division comments dated July 25th 2003 will need to be formally addressed for land-disturbing and final site plan approval purposes.

Scott J. Thomas, P.E.
James City County
Environmental Division

8/19/2003

Subdivision 59-03. 2247 Lake Powell Road, Alternative Septic System Waiver Request
Staff Report for the September 3, 2003, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Lamont Meyers, Mid-Atlantic Commercial

Landowner: Colley Avenue Associates, LLC

Proposed Use: 5 single-family residences

Location: 2247 Lake Powell Road; Jamestown District

Tax Map/Parcel No.: (47-4)(1-33)

Primary Service Area: Inside

Project Area: ± 26 acres

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Staff Contact: Christopher Johnson, Senior Planner Phone: 253-6685

Reason for DRC Review: Section 19-60 of the Subdivision Ordinance requires lots inside the Primary Service Area, which are not otherwise required to connect to public sewer, to be served by a conventional septic system. Where conventional septic tank systems are not feasible, and with a positive recommendation from the health department, alternative septic tank systems (Advantex, Ecoflo or Puraflo) may be considered. The Subdivision Ordinance further states that any proposed lots not suitable for the installation of septic tank systems shall be combined with lots that are suitable.

The property owner has proposed to build five single family residences on this property. The Health Department has approved the use of conventional septic tank systems with primary and reserve drainfields for four of the five lots proposed for the property. A conventional septic system will not work for Lot No. 5. The Health Department will allow the use of alternative Puraflo system for Lot 5 provided an exception is granted by the Planning Commission.

Section 19-18 of the Subdivision Ordinance states that the Planning Commission may grant an exception to any requirement of the chapter, but not unless first receiving a recommendation from the DRC and upon finding that:

- a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship;
- b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
- c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance;
- d) No objection to the exception has been received in writing from the transportation

department, health department, or fire chief; and

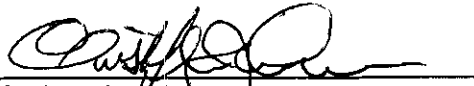
- e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

STAFF RECOMMENDATION

Properties which are designated Low Density Residential on the Comprehensive Plan Land Use Map are located inside the Primary Service Area where public services and utilities exist or are expected to be expanded to serve the properties within the next 20 years. The 26 acre parcel associated with this application is located inside the PSA; however, public sewer is not currently available to the site. Public sewer cannot be extended to the site without extending past a significant amount of land that is not located within the PSA or disrupting environmentally sensitive wetlands.

The applicant examined several alternatives to provide public sewer to the site with County staff prior to submitting this request for an exception. County staff determined that the use of drainfields would have less impact on both the environment and on existing County policies concerning the extension of public utilities.

Strict adherence to the ordinance would require any proposed lot not suitable for a conventional septic tank system to be combined with lots that are suitable. Given that the zoning and Comprehensive Plan Land Use designation for this property would allow development at a considerably higher density than that which is proposed, staff finds that requiring the applicant to combine Lot No. 5 with the remaining four lots does create a hardship which is unique to the property. The Health Department does not object to the use of an alternative septic system for Lot No. 5. Staff recommends that an exception be granted to allow an alternative PuraFlo system on Lot No 5.


Christopher Johnson

Attachments:

- 1. Request Letter
- 2. Location Map

MID ATLANTIC COMMERCIAL



June 30, 2003

Mr. Allen Murphy
Zoning Administrator
Planning Division
James City County
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

Dear Mr. Murphy:

On behalf of my client, Colley Avenue Associates, L.L.C., I am respectfully requesting an exemption from Section 19-60 of the James City County Subdivision Ordinance. The purpose of this request is to allow the installation of an alternative septic system on lot number 5 of the proposed 5-lot minor subdivision known as "Green Cove", located at 2247 Lake Powell Road (PIN # 4740100033).

As indicated in the report from Dr. Michael Newhouse, AOSE (copies of which are included in the subdivision application), four of the proposed five lots can be served by conventional drainfields. Only lot number 5 would require the installation of an alternative system.

While this property is located within the PSA, public sewer cannot be extended to the property without crossing either wetlands or land that is not in the PSA.

The James City County ordinance specifically requires applicants seeking such exemptions to the following five (5) criteria, as follows:

1. ***Strict adherence to the ordinance requirement will cause substantial injustice or hardship*** – Strict adherence to this requirement will cause a significant portion of this property to be unusable. Alternative systems have been permitted within the PSA in this immediate area, and strict adherence to this requirement would create an injustice whereby this property would be held to a different standard.

1730-F George Washington Memorial Hwy.
Yorktown, Virginia 23693
(757) 867-8777 • FAX (757) 867-9597

2. ***The granting of the exemption will not be detrimental to public safety, health or welfare, and will not adversely affect the property of others*** – Alternative septic systems provide the same level of wastewater treatment as conventional systems, albeit at a higher cost to the applicant. The proposed subdivision includes only 5 lots on over 26 acres of land, which constitutes a very low-density project that is well within the carrying capacity of the land.
3. ***The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter*** – The facts of this case are unique due to the fact that while the property is located within the PSA, public sewer cannot be extended to it without disrupting environmentally-sensitive areas or extending public sewer past a significant amount of land that is not within the PSA.
4. ***No objection to the exemption has been received in writing from the transportation department, health department, or fire chief*** – The applicant cannot address this condition until staff solicits comments from these departments.
5. ***The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of the property*** - As can be seen on the attached map, while this property is located within the PSA, it is surrounded by water and/or properties that are not within the PSA. This unique situation prevents the applicant from extending public sewer either across this body of water or across non-PSA property. The applicant has examined these alternatives with County staff and has determined that the use of drainfields would have less impact on both the environment and on existing County policies concerning extensions of public sewer.

Please advise as to the date and time of the Development Review Committee (DRC) meeting when this request will be considered so that I may submit any additional information that the DRC may need to consider this request.

Thank you for your ongoing assistance.

Best regards,



Lamont D. Myers

enclosure

cc: Principals, Colley Avenue Associate, L.L.C.

**C-087-03. 7270 Osprey Drive
C-088-03. 7274 Osprey Drive
C-106-03. 7264 Osprey Drive
Subdivision Ordinance Exception Requests – Septic Waivers
Staff Report for September 3, 2003, Development Review Committee Meeting**

SUMMARY FACTS

Applicant: Aaron Small, AES Consulting Engineers

Landowners: Paul E. Small for 7270 and 7274 Osprey Drive
James Harold Timberlake, Jr. for 7264 Osprey Drive

Proposed Use: Residential lots

Location/ Tax Map No./ Size

C-087-03. 7270 Osprey Dr. - residential / (19-1)(8-6) / 0.466 acres
7265 Osprey Dr. - remote lot / (19-1)(8-21) / 0.919 acres

C-088-03. 7274 Osprey Dr. - residential / (19-1)(8-8) / 0.482 acres
7267 Osprey Dr. - remote lot / (19-1)(8-20) / 0.461 acres

C-106-03. 7264 Osprey Dr. - residential / (19-1)(8-3) / 0.534 acres
7265 Osprey Dr. - remote lot / (19-1)(8-21) / 0.919 acres

Primary Service Area: Outside

Existing Zoning: R-2

Comprehensive Plan: Rural Lands

Reason for DRC Review: The applicant is requesting an exception to the Subdivision Ordinance, Section 19-60 – Individual Sewer, in order to use off-site, low pressure distribution (LPD) septic systems to provide sewer service to lots which are outside of the Primary Service Area.

Staff Contact: Sarah Weisiger, Planner Phone: 253-6685

HISTORY OF THE SITE:

C-087-03. The lot at 7270 Osprey Drive in Chickahominy Haven was platted in 1977. The remote drainfield lot at 7265 Osprey Drive, which has a single family home on it, was platted in 1994. The owner also recorded a pipeline and drainfield easement connecting the two parcels in 1994. The present owner of the lot for proposed residential structure received a building permit from James City County on July 24, 2003; all Health Department requirements, therefore, have been satisfied.

C-088-03. The lot at 7274 Osprey Drive was platted in 1977. The remote drainfield lot at 7267 Osprey Drive was also platted in 1977. In 1994, the owner recorded a pipeline and drainfield easement connecting the two parcels. The present owner of the lot for the proposed residential structure received a building permit on July 24, 2003.

**C-087-03. 7270 Osprey Drive
C-088-03. 7274 Osprey Drive
C-106-03. 7264 Osprey Drive
Page 1**

C-106-03. The lot at 7264 Osprey Drive was platted in 1977. The remote drainfield lot at 7265 Osprey Drive, which has a single family home, was platted in 1994. The owner recorded a pipeline and drainfield easement connecting the two parcels in 1994. The present owner of the lot for the proposed residential structure received a building permit from James City County on August 1, 2003.

REASON FOR DRC REVIEW:

Because the soils on the lots at 7264, 7270, and 7274 Osprey Drive do not allow for any kind of septic drainfield, the applicant wishes to use a remote site for a low pressure distribution (LPD) septic system at 7265 or 7267 Osprey Drive. For lots outside of the Primary Service Area, low pressure distribution systems may be used with approval of the Health Department and in situations where conventional septic tanks are failing. As these are not cases of remediation, but for proposed new residential dwellings, an exception to the ordinance is required. In addition, the Subdivision Ordinance requires drainfields to be located on-site, therefore the use of remote sites also require waivers from the DRC.

CRITERIA FOR CONSIDERATION:

Section 19-18 of the Subdivision Ordinance states that the Planning Commission may grant an exception to any requirement of the chapter, but not unless first receiving a recommendation of the DRC and upon finding that:

- a) strict adherence to the ordinance requirement will cause substantial injustice or hardship;
- b) the granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
- c) the facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;
- d) no objection to the exception has been received in writing from the transportation department, health department, or fire chief; and
- e) the hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

STAFF RECOMMENDATION:

- a.) Because these are existing lots, staff concurs with the applicant that strict adherence to the Subdivision Ordinance will cause substantial injustice and hardship. An off-site system is necessary for residential use of these lots;
- b.) The use of remote low pressure distribution systems would not be detrimental to the public safety, health, or welfare and will not adversely affect the property of others;

C-087-03. 7270 Osprey Drive

C-088-03. 7274 Osprey Drive

C-106-03. 7264 Osprey Drive

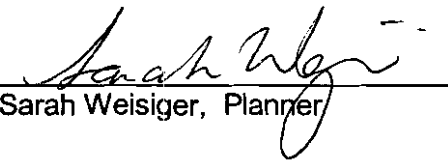
Page 2

- c.) While other lots in Chickahominy Haven are being reviewed for similar waivers, staff believes that because these are existing unbuilt lots, the facts are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to Subdivision Ordinance;
- d.) The applicant notes that the Virginia Department of Transportation and the Health Department have not objected to the use of the remote LPD and that each department has issued permits allowing for the system and transmission pipelines;
- e.) Staff concurs with the applicant that the hardship or injustice is created by the unusual character of the property due to soil type, water table levels, and topography.

Staff recommends that the Development Review Committee recommend approval of the use of a remote LPD septic system to serve the lot at 7274 Osprey Drive.

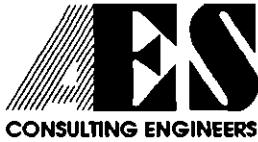
Staff also recommends that the Development Review Committee recommend approval of the use of a remote LPD septic system to serve the lot at 7270 Osprey Drive.

Staff also recommends that the Development Review Committee recommend approval of the use of a remote LPD septic system to serve the lot at 7264 Osprey Drive.


Sarah Weisiger, Planner

Attachments:

1. Applicant letter requesting exception to Subdivision Ordinance dated August 15, 2003.
2. Location map
3. Pipeline and Drainfield Easement for Lot 6, Section 7, dated May 16, 1994.
4. Pipeline and Drainfield Easement for Lot 8, Section 7, dated May 8, 1994.
5. Pipeline and Drainfield Easement for Lot 3, Section 7, dated May 16, 1994.



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

August 15, 2003



Mr. Allen Murphy
Zoning Administrator
James City County
101-E Mounts Bay Road
Williamsburg, Virginia 23185

**RE: C-987-03, Waiver of Subdivision Ordinance
7270 Osprey Drive (Lot 6, Section 7), Chickahominy Haven (19-1)(8-6)
James City County, Virginia
AES Project No. 7178**

Dear Mr. Murphy:

On behalf of my client, Mr. Paul E. Small, I am writing to ask for an exception to Section 19-60 of the James City County Subdivision Ordinance. As you are aware, the section in question refers to individual residential septic disposal systems. The subdivision is located outside the Primary Service Area (PSA); therefore the Subdivision Ordinance requires the lot be served by an individual conventional septic tank system (tank, distribution box, and drainfield).

Due to State Health Department regulations, a conventional septic tank system will not work at this location. The existing soils on the lot do not allow for the installation of a septic drainfield of any type. The Health Department has permitted the use of a low pressure distribution system on a remote site across the street (Lot 21, Section 7). Remote LPD septic systems are not directly allowed under the Subdivision Ordinance, so the owner is requesting that the Development Review Committee (DRC) consider an exception to the Subdivision Ordinance to allow for this installation of the remote system to serve the subject lot.

The Subdivision Ordinance states that the Planning Commission may grant an exception to any requirement of the chapter, but not unless first receiving a recommendation from the DRC and upon finding that:

- (a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship;
- (b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
- (c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance;
- (d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and

- (e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

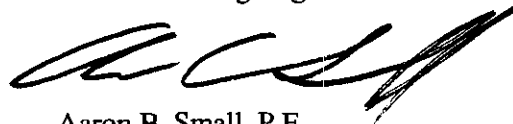
In light of the above requirements, I offer the following:

- (a) Substantial injustice or hardship would be caused because a conventional septic system is not permitted due to poor soils on the subject parcel.
- (b) The use of a remote system would not be detrimental to the public safety, health, or welfare and will not adversely affect the property of others. The pipelines, drainfield, and reserve area has been placed within a perpetual easement on the remote lot. This easement has been recorded at the Courthouse of Williamsburg and James City.
- (c) While the use of a remote septic field would not be unique to the property, allowing the use of the system for the intended purpose does not set precedence.
- (d) No objection has been raised by the Department of Health or VDOT. Each department has issued permits allowing for the construction of the system and transmission pipelines.
- (e) Hardship or injustice is created by the unusual combination of soil characteristics, water table levels, and topography found on the property. The request is not a personal, financial or self-inflicted hardship.

I trust that the information provided herein is adequate to apply for the exception. If you have any questions regarding this request or desire additional information, please do not hesitate to contact me at your convenience.

Sincerely,

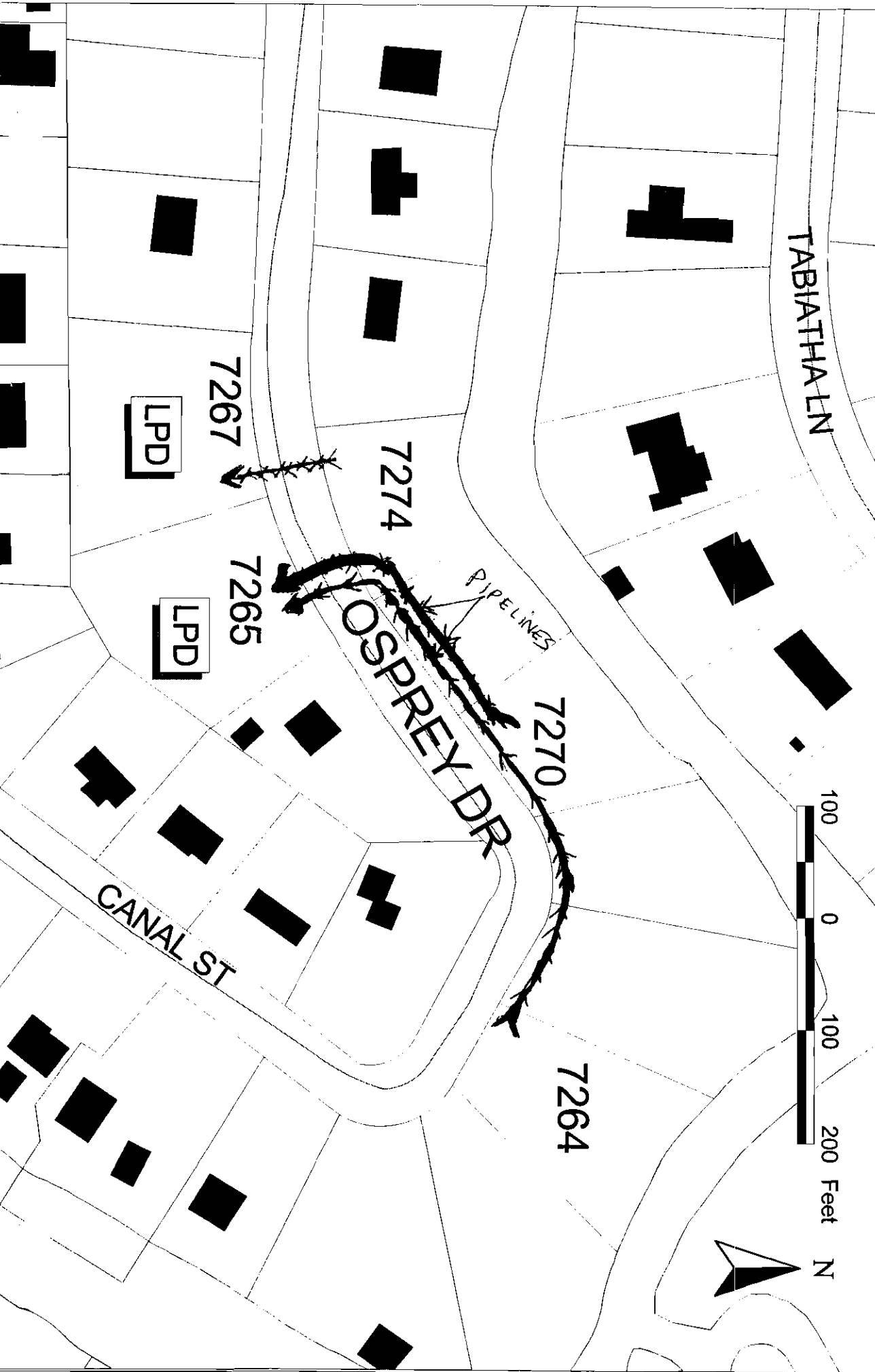
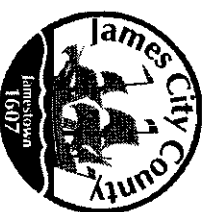
AES Consulting Engineers



Aaron B. Small, P.E.
Project Manager

Cc: Mr. Paul E. Small

C-087-03. 7270 Osprey Drive Subdivision Exception
C-088-03. 7274 Osprey Drive Subdivision Exception
C-106-03. 7264 Osprey Drive Subdivision Exception



SUBDIVISION 58-03
FORD'S COLONY-- SECTION 10, LOTS 171 & 172
Staff Report for the September 3, 2003, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Charles Records – AES Consulting Engineers

Land Owner: Drew Mulhare – Realtec, Inc.

Proposed Use: 2 single-family residential lots in Section 10

Location: Ford's Colony, St. Andrew's Drive and Highland

Tax Map/Parcel No.: (31-3)(1-140A)

Primary Service Area: Inside

Parcel Size: .951 acres

Existing Zoning: R-4, Residential Planned Community District, with proffers

Comprehensive Plan: Low Density Residential

Reason for DRC Review: Section 24-279 of the James City County Zoning Ordinance requires the DRC to determine if the proposal is consistent with the approved master plan for Ford's Colony.

Staff Contact: Karen Drake Phone: 253-6685

SUMMARY & STAFF RECOMMENDATION

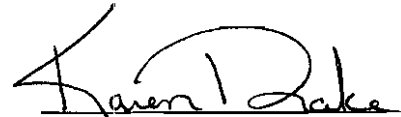
At the intersection of St. Andrew's Drive and Highland on the 1998 adopted Ford's Colony Master Plan (Z-04-98/MP-03-98) a recreation area has been designated where a swimming pool facility was proposed. Instead of building the swimming pool facility, the applicant is proposing to subdivide the property into two residential lots averaging 16,905 square feet or .38 acre. In lieu, the applicant proposes additional recreation amenities for the Westbury Park recreation area improvements that are discussed further in JCC Case SP-92-03, which is also to be reviewed at the September 3rd DRC meeting.

A twenty foot wide greenway is proposed that would separate the two new residential lots on Highland from the existing homes on Hollinwell. Staff has asked that the greenway is further labeled on the plat as to who would own and maintain this area. Mr. & Mrs. Pulliam, adjacent property owners, (Lot 136, 108 Hollinwell), have submitted the attached letter dated July 30, 2003 that details their concern about the proposed residential subdivision. In the June 26, 2003 attached letter, Mr. Drew Mulhare of Realtec notes that the Ford's Colony Home Owner Association has reviewed the proposed change to the approved Ford's Colony Master Plan.

The Ford's Colony Master Plan allows for 3,250 lots/units to be approved and platted. According to Realtec, 3,029 lots/units have been approved and platted, leaving 221 units to be developed. The two proposed lots will count against the 221 remaining lots/units, leaving 219 units for future development.

In summary, although the proposal is not technically consistent with the adopted Ford's Colony Master Plan, staff recommends approval of the proposed deviation from the approved Master Plan as the proposal is essentially a minor relocation of residential lots and recreational amenities within Ford's Colony. Since Ford's Colony has consistently developed at densities lower than permitted under its master plan, this additional property is necessary to allow these lots/units to be developed.

It should be noted that if the DRC renders a decision of consistency in this case that preliminary approval will not be issued administratively until all engineering comments; in particular Environmental Comment #1 is satisfactorily addressed.



Karen Drake
Senior Planner

Attachments:

1. Agency Review Comments
2. June 26th Letter from Drew Mulhare to Chris Johnson
3. Adjacent Property Owner letter dated July 30th from the Pulliams
4. Preliminary Subdivision Plat (separate)

Agency Review Comments
S-58-03 Ford's Colony Section X, Lots 171 & 172

Planning:

1. According to the approved Ford's Colony Master Plan (JCC Case No. MP-3-98), the site where lots 171 and 172 are proposed to be located is the site of a recreational area. This change to the Ford's Colony Master Plan must be approved by the Development Review Committee (DRC) and preliminary approval of the plat cannot be issued at this time. This case will be scheduled for the September 3rd DRC meeting if staff receives documentation by August 8th detailing the proposed change to the Ford's Colony Master Plan. Information should include current statistics about how many residential units have been developed versus what is permitted by the Master Plan, if and how the two new lots will affect the permitted residential density, current statistics about existing recreational amenities versus what is proposed on the master plan; and how the proposed change in recreation amenities will satisfy the proffered recreational amenities. Please note that the DRC staff report will be forwarded at a later date and if approved, a note must be added to the final plat noting the Planning Commission's decision.
2. Per Proffer #11 of the Amended and Restated Ford's Colony Proffers dated January 24, 1999, within three years from approval by the County of the applied for rezoning and amendment of the Master Plan, a soft surface nature trail is to be constructed within the Conservation Area to connect Recreation Park #10 as shown on the Amended Master Plan with John Pott Drive and a bird watching tower shall be constructed within the portion of the Conservation Area south of Williamsburg West Drive. It is my understanding that this proffer has not yet been satisfied. Please provide an anticipated construction schedule for the trail and tower.
3. Clarify who will own, maintain and enforce the Natural Buffer Space. Additional documentation and/or a note added to the plat may be required.
4. In accordance with Section 19-29 (j) of the Subdivision Ordinance, the plat shall include a private street declaration in accordance with Section 19-14.
5. Prior to final approval the owner must sign and date the plat with his signature duly notarized.

County Engineer:

1. No Comments on the plat.

Environmental:

1. Preliminary approval is not recommended for this proposed subdivision as proposed. The existing elevation change on the site is approximately 15 feet and all the drainage from these two lots will be directed at the corner of the existing homes located off the southeast corner of lot 171. Runoff from these two proposed lots will drain across two existing developed properties, Lot 136 (built in 2000) and Lot 138 (built in 1999), with no provision for drainage and offering no available solution to the future drainage problem. A revised subdivision plan will need to be provided to address this issue before approval can be recommended.
2. A Subdivision Agreement would be required prior to the recordation of lots if a drainage system is proposed to address this issue.

Fire Department:

1. The plat is approved as submitted.

JCSA:

No comments on the subdivision plan, but have the following engineering comments on the submitted Water and Sewer Layout Plan (not included in the DRC report):

1. Provide developer/contact information on the plan.
2. The 6-inch water main stub in front of Lot 171 shall be removed in its entirety. Remove the existing 6-inc gate valve and box at the water main along Highland. Provide a blind flange on the existing tee. Add notes on the plan to contact the JCSA Inspector 48 hours prior to abandonment and to coordinate the abandonment inspection prior to backfilling. Revise plans accordingly.
3. Add a note to the plans stating "Only JCSA personnel are to be authorized to operate valves on the existing water main."

Mr. Christopher Johnson
Senior Planner
James City County
P.O. Box
Williamsburg, Va. 23187

June 26, 2003

Re: Ford's Colony at Williamsburg
Discussion of Master Plan

Dear Mr. Johnson:

The purpose of this letter is to frame a discussion of the recent subdivision and site plan submittals as they relate to the Ford's Colony at Williamsburg Master Plan (Master Plan) and Realtec's considerations of how best to complete the remaining parcels in the current Master Plan, and Realtec's plans for the 430 acres of property acquired across Centerville Road (Gordan-Gray). This discussion includes the parcels currently designated on the Master Plan as A-10, Westbury Park, D-2, Country Club, and Commercial.

The following represents the current status of Ford's Colony at Williamsburg (FCW). 2748 single family lots and 80 townhomes have been recorded for a total of 2828 residential units. Marriott Vacation Ownership owns and operates 201 condominium hotel units that are non-residential. The Marriott unit owners are not members of the Ford's Colony at Williamsburg Homeowners Association (FCHOA), may only use Ford's Colony Drive for access to the Marriott and Commercial Area, and do not have use of the recreational amenities owned by the FCHOA. Marriott owners and guests have use of their own amenities. FCHOA members have access to the Marriott's tennis courts, spa, and convenience store. While the FCHOA members benefit from the use of the Marriott's amenities, the Marriott has no impact on the residential issues in the FCW Master Plan.

The FCHOA recreational amenities include The Swim and Tennis Club with a community building of 8480 square feet with a commercial kitchen and rooms for up to five meetings held simultaneously, a championship size swimming pool, four hard surface tennis courts, a half basketball court, memorial garden, 121 parking spaces on 7.72 acres. This homeowner's association facility is the largest on the Peninsula. Ten miles of asphalt walking trails border the collector roads. A 1.5 miles nature trail winds through the nature preserve and includes interpretive markings for plants and other wetland habitat. 14 ponds of a total of 40 ponds are used for fishing and boating. Benches and gazebos are available throughout for leisure. Westbury Park includes a grass field for soccer or other ball games, a full basketball court, four soft surface tennis courts, parking for 100 (62 in lot, 38 on street), and a sand volleyball court on 6.36 ac. Additional facilities planned for Westbury Park are a subject of this letter. Subdivision planning presently includes 142 areas of green open area to buffer homes and to provide small parks and pedestrian ways. More greenways will be conveyed at a later date. The FCHOA has been named the National Community Association of the Year and is a

The projected build-out population in the year 2006 was based on County averages in 1986. In the year 2003, using the 1986 County population ratio of 2.94 persons per single family unit and 1.74 persons per townhouse unit, the population would be 5134. The 1986 impact statement predicted 7559 people in the year 2003 and 7718 people total. The population in FCW in 2003 with 1749 residences is 3529 or 2.01 persons per household. This number is consistent with a development primarily marketed to retirees or pre-retirees. 91 percent of FCW owners are aged 54 years or older. The number of single adults nearly offset the number of children.

The number of school children per household predicted in 1986 was based on the County average at that time of 0.65 school children per household in single family and 0.3 in town homes. The number of school children at build-out in the year 2006 was predicted to be 1366. The actual total number of children age 0-18 in FCW in the year 2003 is 384. The number of children in the public school system in the year 2003 is 264. 264 school children is an average of 0.15 children per household. The current factor used by the County is 0.55 per household. The small number of public school children is a significant factor in the economic development story of FCW. It should be noted that if the ratio of public school children should increase unusually, the average real estate assessment value of homes in FCW still will exceed \$400,000.00, a value far exceeding the cost-revenue break-even point for the County services.

The total economic value of real estate assessed in FCW was predicted to 722 million dollars in the year 2006. This value included the hotel convention center considered at that time and at a value of 25 million dollars. In 2003, the real estate assessment value of property within FCW is estimated to be 875 million dollars. With 120 homes under construction per year, new commercial construction, cost index inflation, and market inflation, the assessment values are predicted to continue to increase at an average rate of 90 – 100 million dollars per year through 2006 or a total of 1.145 billion dollars. In the year 2002, Realtec and FCCC paid \$676, 592.00 in real estate, food and beverage taxes. \$142, 051.00 was paid to the state for retail sales tax. Realtec and FCCC are among the top five tax revenue generators to the County. Updated data will be needed after 2006 to adjust for the above factors.

Realtec Incorporated has not completed the planning for all of the remaining parcels in FCW. However, the subdivision and site plans being prepared for approval would result in the following additions:

- Two single family lots added in section A-10.
- Nine single family lots in section 34 to replace the potential 100 condominiums in the parcel formerly noted as D-2 with a potential density of ten units to the acre.
- Forty-nine single family lots in new section 33, replacing 24 of the 34 acres reserved for commercial.
- Twenty-eight new condominium hotel units on FCCC property, owned and operated by FCCC, for golf vacation packages.
- A site plan amendment to the FCCC to double its parking.
- Increased capacity submitted for pool and tennis use at Westbury Park.

	Residential Units	Non-residential Units
Previously approved:	3250	400
Current status:	2828	201
Additions:	60	28
Balance remaining:	362	171

The proposed addition of two lots to Section X and the proposed site plan amendment to Westbury Park are related. One will not be finalized without the other. The FCHOA approached Realtec with the request to expand and increase the recreational assets at Westbury Park in lieu of the plan for a small swimming pool designated to be at the corner of St. Andrew's Drive and Highland. Realtec agreed to the request with the condition that Realtec could plat two single family lots on the property currently designated as a future recreation site. Realtec will use funds generated by the sale of the lots to help offset the increased costs of Westbury Park. The FCHOA surveyed the property owners and received a favorable response of 9 out of 10 approving the proposal to make the lot exchange for enlarging the swimming pool at Westbury Park from six lanes to eight and including a zero-depth entry ramp. The tennis facilities would be increased from four courts to six. This exchange provides more pool and tennis capacity overall than originally planned, consolidated at two facilities for better use and reduced maintenance expense.

Realtec is proposing to submit a subdivision plan of nine single family lots on ten acres designated as D-2. D-2 has a permitted density of 10 units per acre for stacked condominium type residential units. These large lots are part of Realtec's estate lot planning process. There will be a private entrance and enhanced landscaping. The down-zoning of this parcel on Ford's Colony Drive will significantly reduce the impacts to the natural tree cover, site grading, and impervious surfaces. Residential impacts of traffic and population in this area, with direct access to Longhill Road, will be significantly reduced. This down-zoning is consistent with a number of similar parcel designation changes since 1987, all of which were approved by the Planning Commission.

The Ford's Colony Country Club (FCCC) is considering a site plan amendment to essentially double its parking and include an area for two small buildings to serve as condominium style hotel units to be owned and operated by the FCCC. As discussed earlier, FCCC has expanded its operating capacity to include multiple banquet and golf operations. The FCCC operates two golf courses for its members and one for public golf and charity tournaments. The original concept was for the convention hotel to operate the third golf course and provide the associated catering. Parking was planned in the convention hotel layout to handle both direct hotel accommodations and the third golf course. The Marriott provides the tourist golf flow through week long and half week long vacation packages to its network of owners and guests and also provides overnight stays to fill in expected vacancies. The two additional buildings to be operated by the

FCCC is targeted to the overnight stays for executive meetings and retreats. Dining, catering and meeting space are available within the Clubhouse.

Realtec also is considering a subdivision of approximately 49 lots on 22 acres to partially replace the area reserved for a convention hotel. An area of ten acres will remain for future commercial development consistent with the current planning designation. The expansion in operations and parking at the Club and the substitution of these lots are proposed to replace the concept of a convention hotel. Realtec has determined that the market in the greater Williamsburg area for a full scale resort convention hotel is limited and is further limited by the internal location in Ford's Colony and its distance from major road travel ways and primary tourism destinations. Realtec's investments in the Marriott condominium hotel plan, the expansion of operations within the Club for both members and tourists, and the additional executive retreat plans are sufficient for its golf resort needs. Again, the down-zoning effects of the combination of the above plans in the commercial core area will greatly reduce the following: site impacts of tree clearing, grading, and drainage; imperious surfaces; the use of water for hotel use and fire flow; sanitary sewer demand; traffic within the development and Longhill Road; and other general nuisance type impacts to the Ford's Colony residents.

Lastly for this discussion, Realtec turns its attention to the 430 acre Gordon-Gray tract. Realtec plans to develop this property as single family homesites at a density not to exceed one lot per three acres, consistent with the intent of the Comprehensive Plan for large rural homesites. With the exception of that area within the Primary Service Area along Centerville Road, Realtec is planning on the use of a public water supply through the use of a well, storage, and distribution system conveyed to James City Service Authority, outside the Primary Service Area. The sewer system is assumed to be private septic systems for each lot. A recreational area is planned. The future relationship between the FCHOA and the new subdivision has yet to be determined. The new property may be annexed into the FCHOA as permitted by the Ford's Colony Governing Documents as a sub-association or the new homeowner's association may be independent. Realtec will propose that the streets in the Gordon-Gray tract be privately owned and maintained. The streets would be designed, constructed, and certified as provided in the County's private streets ordinance with appropriate surety and a provision for the financial reserves necessary for the homeowner's association. If a re-zoning is necessary to accommodate private streets, Realtec would proffer to maintain the same lot count of less than one unit per three acres.

Attached for your use is a letter I wrote as a story of the economic development that Ford's Colony represents to the County.

The subdivision plan for Section XXXIV (formerly D-2, 9 lots) and the site plan amendment for the Country Club are prepared for immediate submittal. The subdivision plans for Section X (2 lots) and Section XXXIII (49 lots) and the site plan amendment for Westbury Park are prepared for a September DRC submittal date. The submittals of the site plan for Westbury Park and the subdivision plan for Section X were delayed by two days to allow the FCHOA Board of Directors an opportunity to review the plans prior to

the submittal to JCC Planning. Members of the FCHOA Board of Directors have now seen all four of the plans submitted to JCC Planning. I look forward to sitting down with you to discuss the above at your earliest convenience. The above plans are consistent with our discussion in your office on May 5, 2003. Thank you for your consideration. Please call me at 757-258-4230 or email dmulhare@fordscolony.com. Thanks again.

Sincerely,

Drew R. Mulhare
V.P. Operations
Realtec Incorporated

Proposal for Greenspace

An equitable solution to accommodate present and future homeowners

Prepared by:
William and Anne Pulliam
108 Hollinwell
St. Andrew's Village
Ford's Colony

July 30, 2003

Proposal:

A minimum of 40 feet of green space between new lots #171 and # 172 and the already existing lots behind them

Rationale:

1. On average, proposed lots 171 and 172 are 48% larger than the average lot in St. Andrew's village.
2. Proposed lots 171 and 172 will directly abut the lot at 108 Hollinwell. Only 8% of lots in St. Andrew's Village are back to back.
3. Residents and lot owners of St. Andrew's Village purchased their lots in good faith with the promise that the area comprising proposed lots 171 and 172 would remain as a common area/recreation area. If Realtec insists now on breaking these covenants and developing this space, we propose a minimum of 40 feet of greenspace as an equitable compromise to the property owners.
4. Realtec's proposed 20 foot "natural buffer space" is inadequate, as it can be altered by the Ford's Colony Environmental Control Committee which is under Realtec's authority. The St. Andrew's Village property owners have lost faith in Realtec to adhere to this promise.

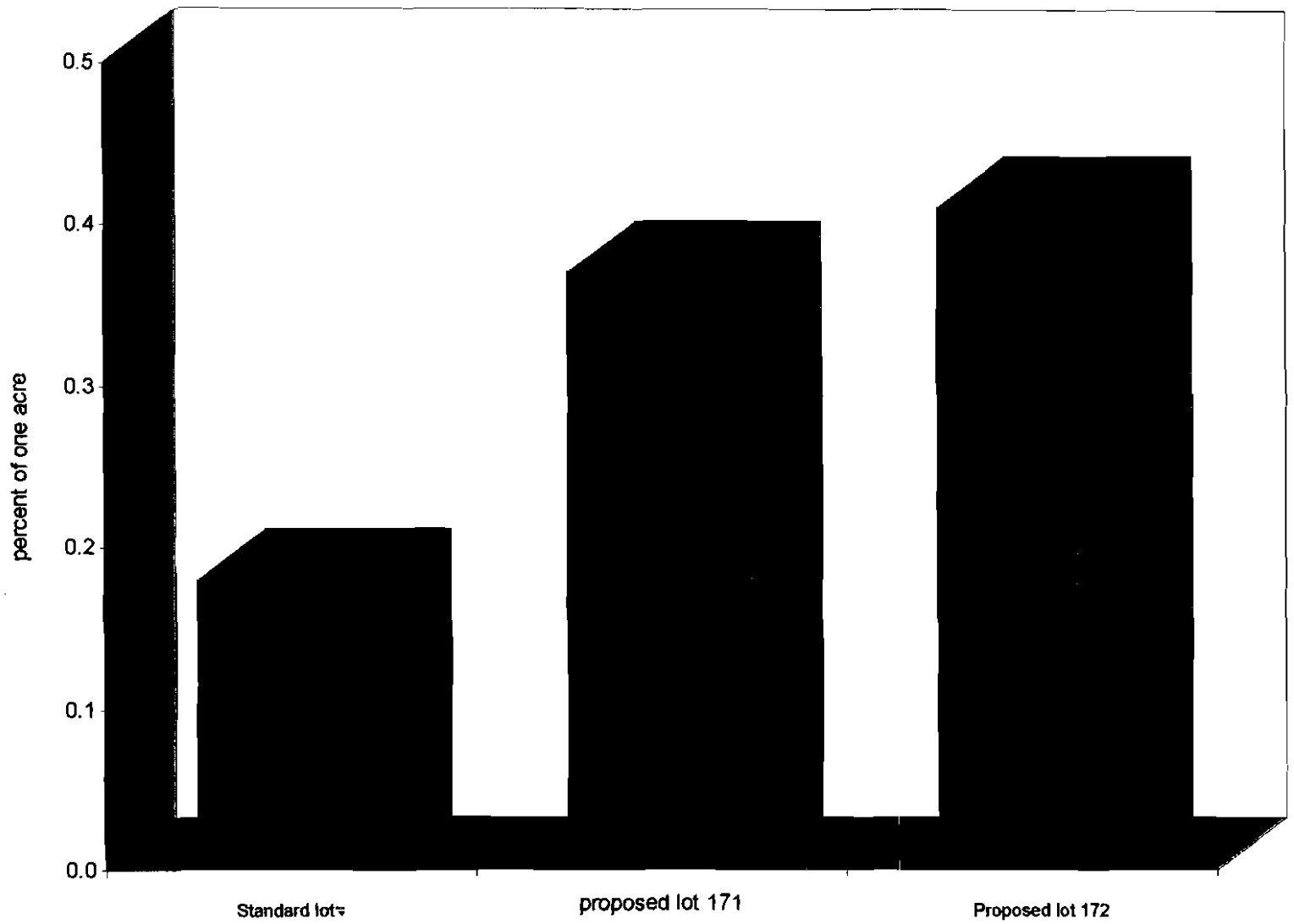
Background Information on St. Andrew's Village

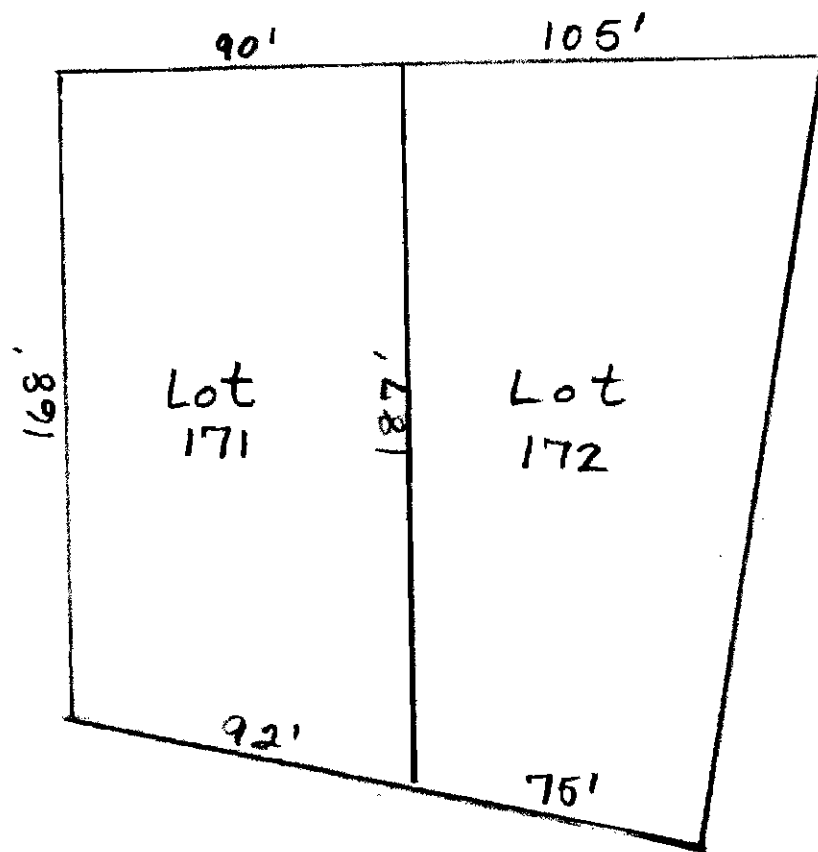
St. Andrew's Village, section X of Ford's Colony contains smaller lots than most other sections in Ford's Colony. The overall market appeal of St. Andrew's village is superior to many of the other sections due to conformity and quality guidelines that the dwellings must adhere to which give the look and feel of a small village.

- 170 lots.
- The average lot size is 7,422 SF or 0.179 AC.
- Total area of greenways is 177,849 F or 4.0829 AC.
- Total area of recreation area is 41,111SF or 0.9514 AC.
- Average length of lots is 116 feet.
- Average width of lots is 70 feet.

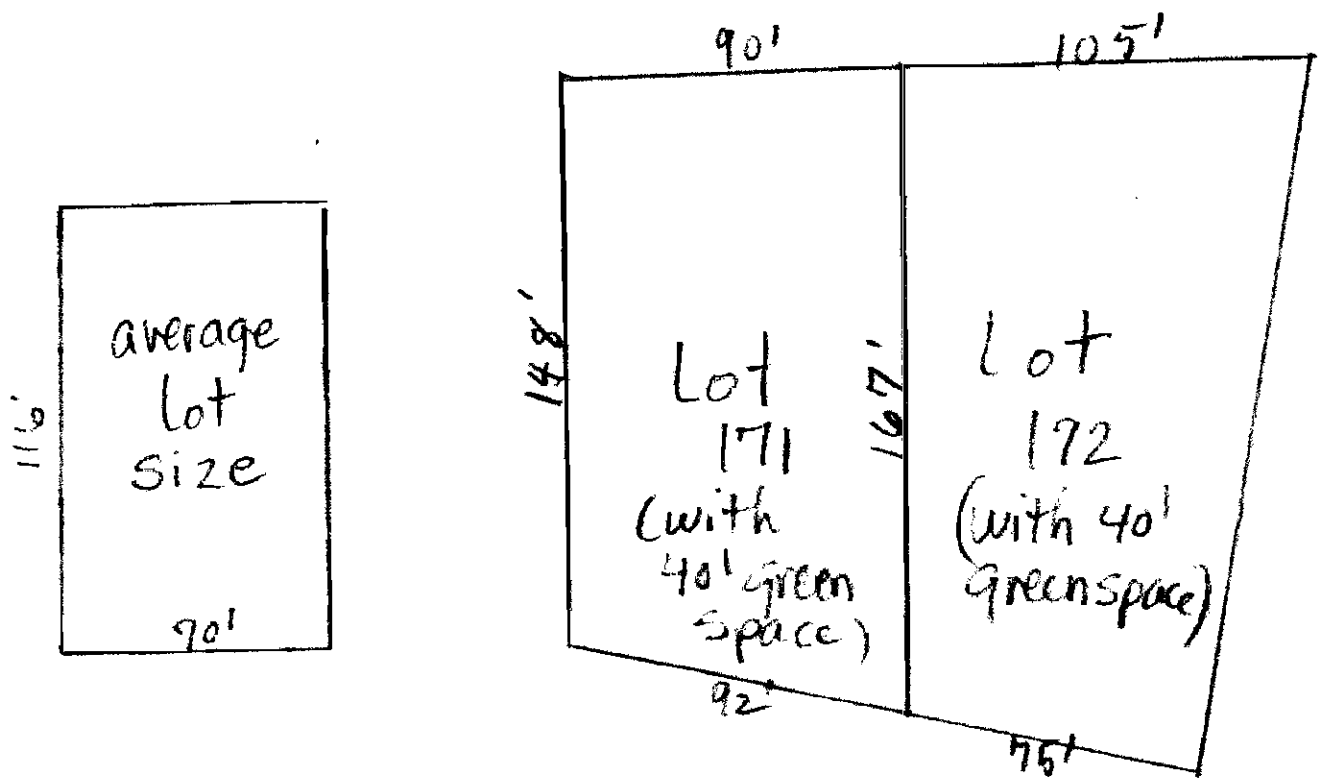
Information taken from Plat of Ford's Colony Williamsburg Section X

Acreage of proposed and standard lots
in St. Andrew's Village



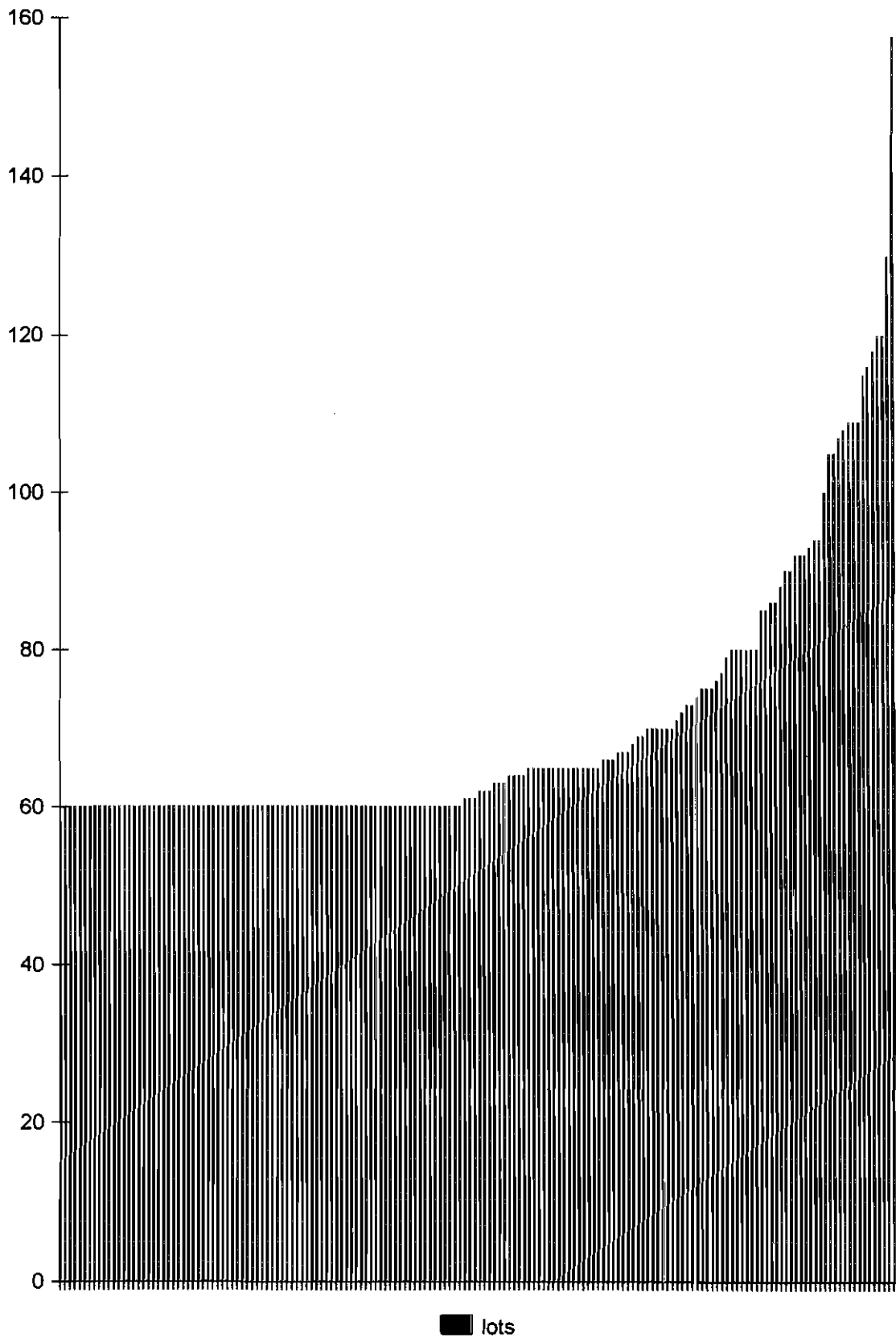


LOT SIZE COMPARISON

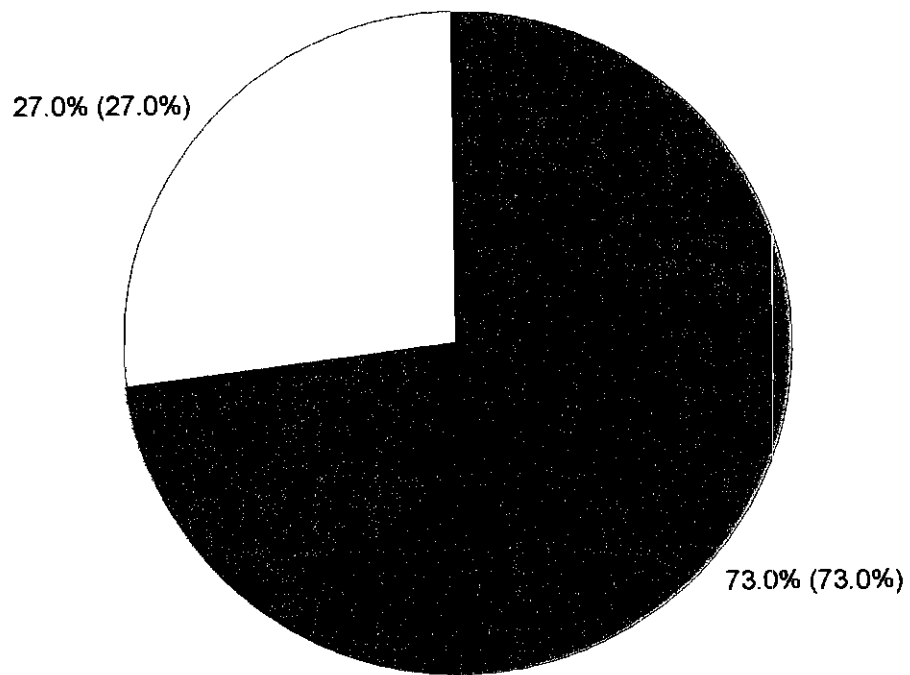


1 centimeter = 20

Width of Lots in St. Andrew's Village

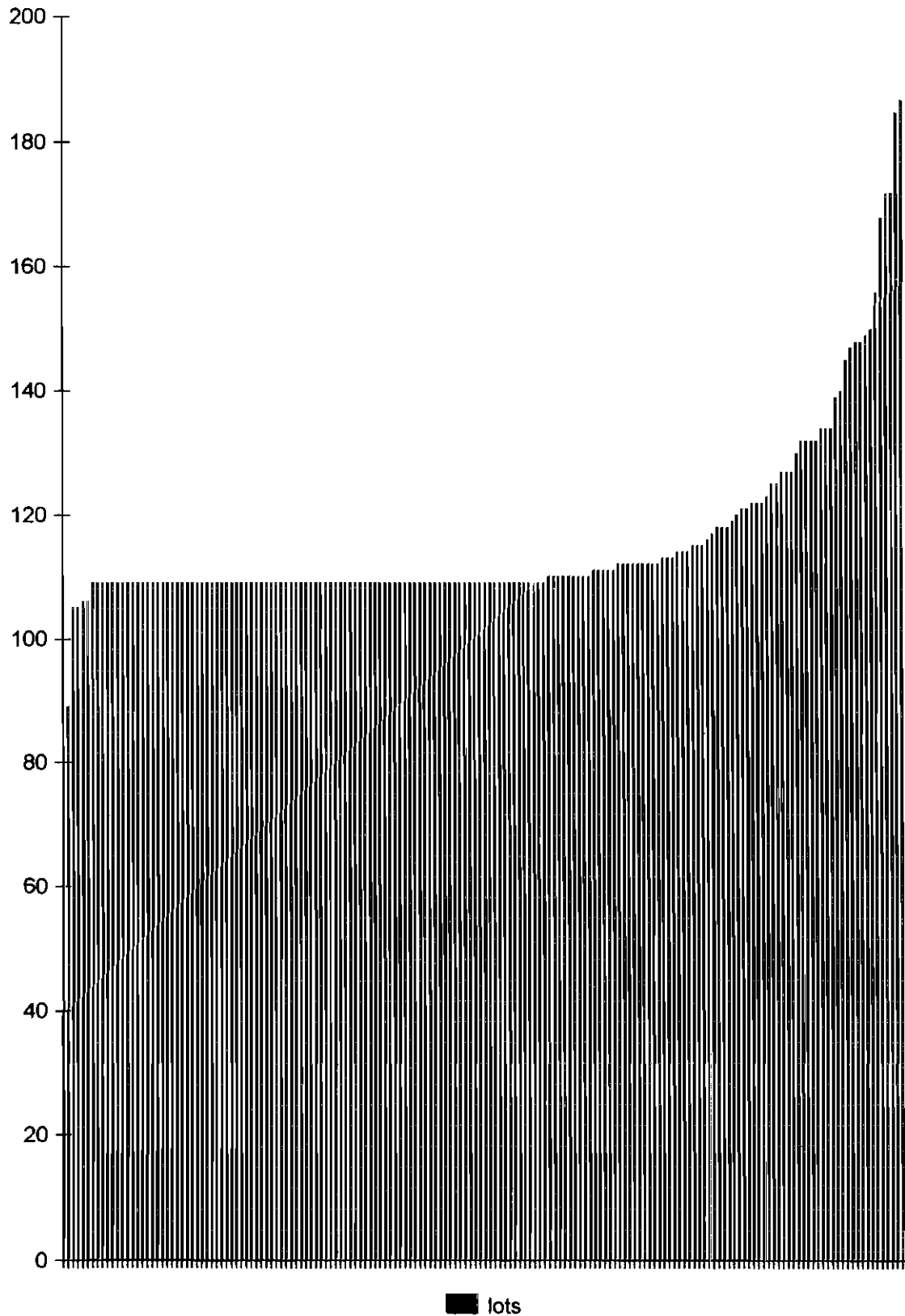


73 % of Lots are 70 ft Wide or Smaller
in St. Andrew's Village

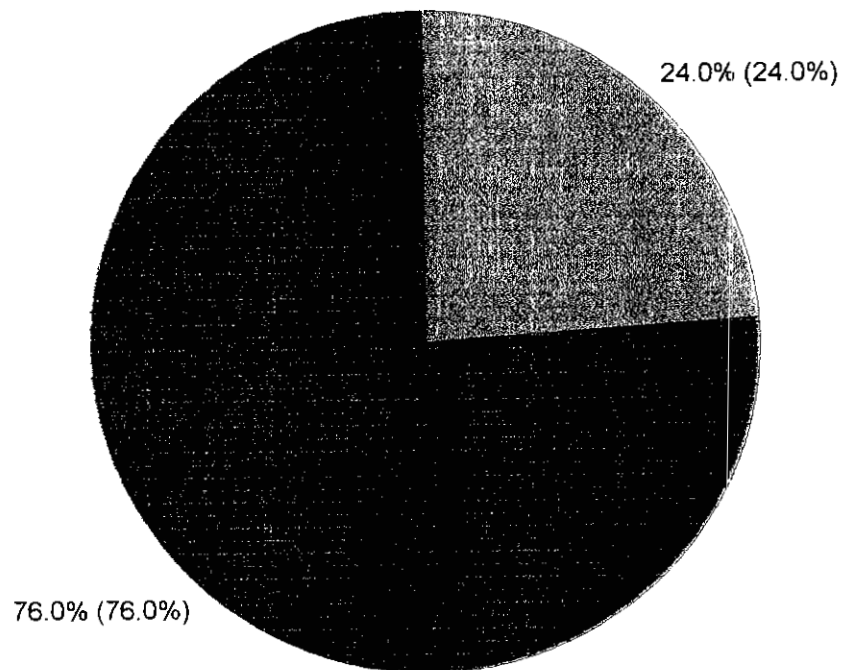


Length of Lots in St. Andrew's Village

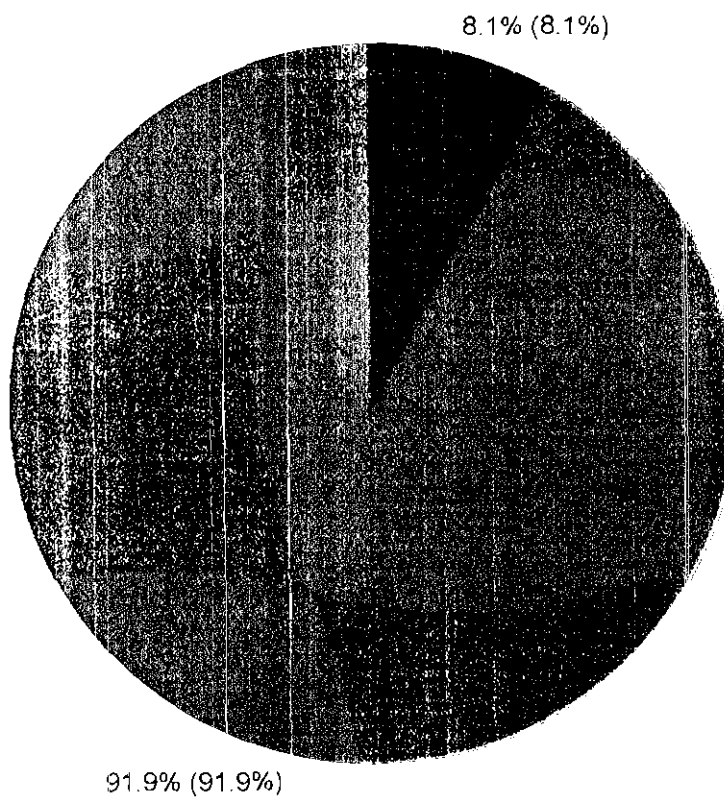
Longest are proposed #171 and #172



76% of Lots are 116 ft or Smaller
in St. Andrew's Village



Only 8% of lots are Back to Back
in St. Andrew's Village



ROAD D-1

N00°42'45"E
108.12

N35°18'33"W 21.63'

N00°00'00"E 194.10'

137
0.15 AC ±

136
0.15 AC ±

135
0.15 AC ±

134
0.16 AC ±

590°00'00"E
121.50'

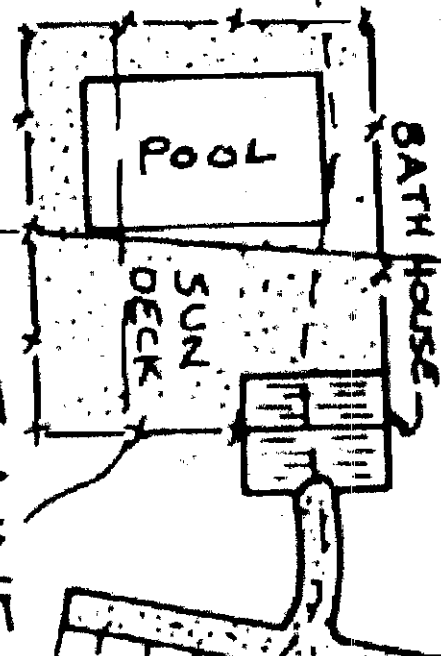
138
0.15 AC ±

139
0.15 AC ±

140
0.15 AC ±

N00°00'00"E 500.00'

PICNIC GROUNDS
GATHERING #1
AREA
CLEARING (24' x 21' ±)
ONLY PAVILION



LOT LINE TO BE
NOTED

S12°07'00"W 110.08'

N12°07'00"E

ARCA

We, the residents of St Andrews Village, do not support the use of St Andrews recreation by Realtec for the purpose of developing lots in exchange for monies to enhance the facilities in the Westbury Park area. The continuous effort by Realtec to modify the master Plan when residents purchased their properties in good faith is unacceptable. We want the master Plan left unchanged. It is our recommendation that the recreation area in St Andrews remain as is with the possible exception of Realtec adding landscaping such as Crype Myrtle trees (as on the other side of the street) or enhancing the area with benches and/or a gazebo.

	DATE	SIGNATURE	PRINT NAME	ADDRESS
1	10/8/02	Anne Pulliam	Anne Pulliam	108 Hollinwell Wmby ²³¹⁸⁸
2	10/8/02	Billy Pulliam	Billy Pulliam	108 Hollinwell Wmby ²³¹⁸⁸
3	10/8/02	Robert E. Arvidson	ROBERT E. ARVIDSON	120 Hollinwell
4	10/8/02	PAT ARVIDSON	PAT ARVIDSON	120 Hollinwell Wmby ²³¹⁸⁸
5	10/8/02	JEAN HAMPEL	JEAN HAMPEL	118 " "
6	10/8/02	ROBERT HAMPEL	ROBERT HAMPEL	118 Hollinwood
7	10/8/02	Charles Rude	CHARLES RUDE	117 Hollinwell
8	10/8/02	MARY T. BATES	MARY T. BATES	117 Hollinwell
9	10/8/02	Paul W. Power	PAUL W. POWER	136 "
10	10/8/02	Barbara H. Power	BARBARA H. POWER	136 Hollinwell
11	10-8-02	BETTY GRAY	BETTY GRAY	135 "
12	10-8-02	Robert O Carboni	ROBERT O CARBONI	104 Hollinwell
13	10-8-02	M. J. CARBONI	M. J. CARBONI	104 Hollinwell
14	10-8-02	LEO P. MAYNES	LEO P. MAYNES	105 Hollinwell
15	10-8-02	NANCY MAYNES	NANCY MAYNES	105 Hollinwell
16	10-8-02	Kenneth E. Moore	Kenneth E. Moore	184 Highland
17	10-8-02	PAT M. MOORE	PAT M. MOORE	184 Highland
18	10-9-02	JEROME P. TREHY	JEROME P. TREHY	134 Hollinwell
19	10/9/02	CAROLYN TREHY	CAROLYN TREHY	134 Hollinwell
20	10/9/02	Joseph C. Gray	JOSEPH C. GRAY	135 Hollinwell

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564-1934

	DATE	SIGNATURE	PRINT NAME	ADDRESS
21	10-9-02	William Forloine	WILLIAM FORLOINE	112 HIGHLAND
22	10/9/02	Gail Forloine	GAIL FORLOINE	112 Highland
23	10/9/02	Bob Amen	ROBERT AMEN	114 Highland
24	"	Marge Amen	MARGE AMEN	" "
25	10/09	Marilyn August	Marilyn August	124 Highland
26	10-9	Marie Mason		134 Highland
27	10-9	Norma Helliwell	Norma Helliwell	152 Highland
28	10-9	Sammy Fowler	SAMMIE FOWLER	154 Highland
29	10-9	Carol Grant	Carol Grant	158 Highland
30	10-9	Ward Grant	Ward Grant	158 Highland
31	10-9	Henry Santulli	Henry Santulli	174 Highland
32	10-9	Val Wirt	WALDE WIRT	108 HIGHLAND
33	10-9	Val Wirt	Val Wirt	108 Highland
34	10-9	Bob Bisbee	Bob BISBEE	104 WORKSHOP
35	10-9	Dolores Bisbee	Dolores Bisbee	104 Workshop
36	10/9	J.G. Sosnicki	J.G. Sosnicki	106 Workshop
37	10/9	Joy Sosnicki	Joy Sosnicki	"
38	10/13	Anne Marie Tierney	ANNE MARIE TIERNEY	140 HOLLINWELL
39	10/13	Paul Yates	Paul Yates	128 Hollinwell
40		Judith Yates	Judith Yates	128 Hollinwell

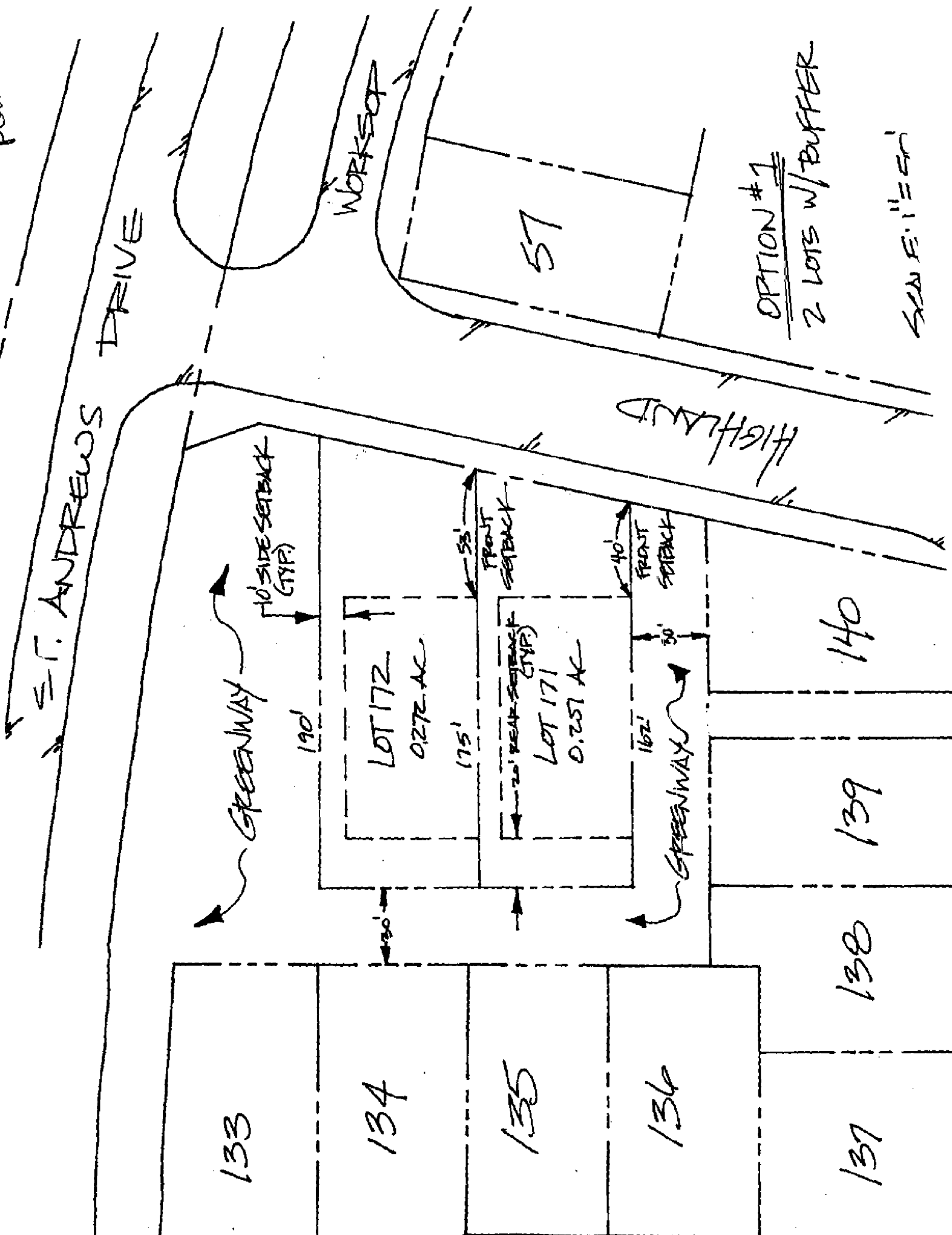
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	DATE	SIGNATURE	PRINT NAME	ADDRESS
41	10/13/02	[Signature]	Robert + Rivers	184 Highland
42	10/13/02	[Signature]	Gavin + Rosemar	166 Highland
43	10/13/02	David Harman	DAVID HARMAN	114 WOLZKOP
44	10/13/02	Barbara Harman	Barbara Harman	114 WOLZKOP
45	10/13/02	Doris H. Pin	DORIS H. PIN	111 WOLZKOP
46	10/13/02	Jean Igoe	Jean Igoe	106 Alwoodley
47	10/13/02	George Gorlick	George Gorlick	126 Alwoodley
48	10/13/02	Sandra Gorlick	Sandra Gorlick	126 Alwoodley
49		[Signature]	[Signature]	112 Alwoodley
50	10/13/02	R.E. Rodgers	117 ALWOODLEY	R.E. Rodgers
51	10/13/02	[Signature]		111 ALWOODLEY
52	10-13-02	Margie Caldwell	171 Alwoodley	
53	10-13-02	Betty Caldwell	178 Alwoodley	
54	10-13-02	[Signature]	" "	
55	10-13-02	Wm H. Hinrichs, Jr	176 "	WM H. HINRICHS, JR
56	10/13/02	Ethel Hinrichs	176 Alwoodley	ETHEL "
57	10/13/02	Gail Ward	174 "	GAIL WARD
58	10/13/02	[Signature]	172 Alwoodley	JERRY TEXAZZO
59	10/13/02	Alan Karb	166 Alwoodley	ALAN KARB
60	10/13/02	Meg Karb	" "	Meg Karb

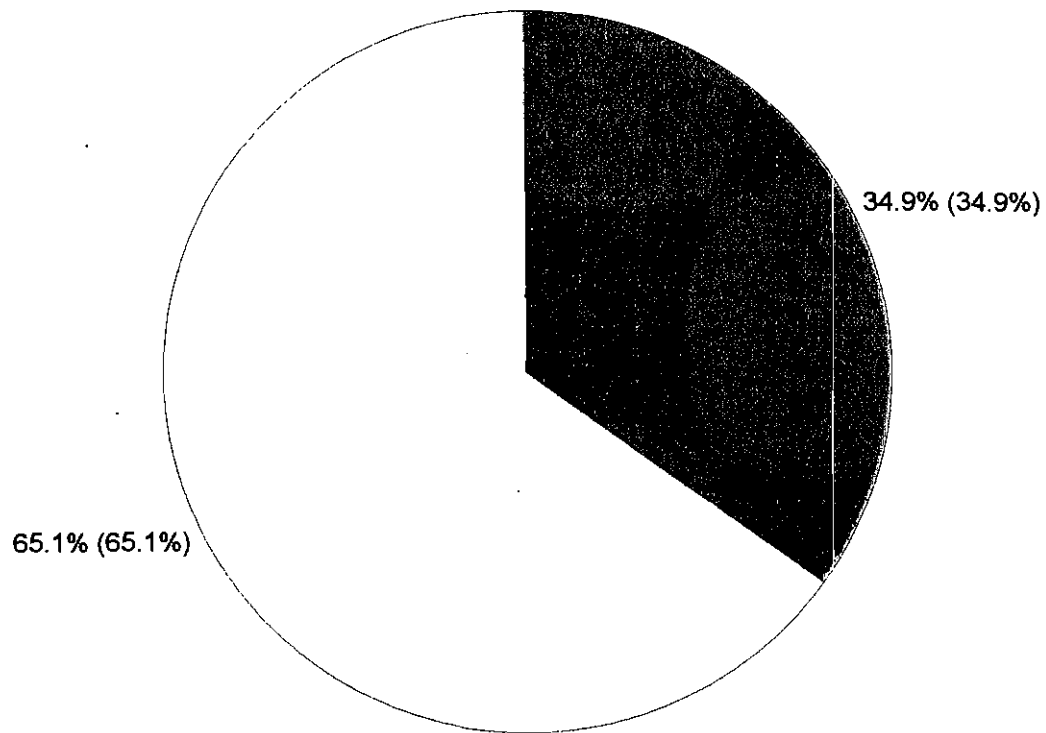
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	DATE	SIGNATURE	PRINT NAME	ADDRESS
61	10/13/02	Ken Allison	Ken Allison	164 Alwoodley
62	10/13/02	Betty Allison	Betty ALLISON	164 Alwoodley
63	10/13/02	Kingsley Stevens	KINGSLEY STEVENS	152 ALWOODLEY.
64	10/13/02	Virginia Stevens	Virginia Stevens	152 Alwoodley
65	10/13/02	Carol A Goff	CAROL A GOFF	146 Alwoodley
66	10/13/02	David B. Goff	DAVID B. GOFF	146 Alwoodley
67	10/13/02	Donald W. Harper	DONALD W. HARPER	138 Alwoodley
68	10/13/02	Marijane Harper	Marijane Harper	138 Alwoodley
69	10/13/02	Joan Emerson	JOAN EMERSON	108 ALWOODLEY
70	10/13/02	Burt Emerson	BURT EMERSON	108 Alwoodley
71				
72				
73				
74				
75				
76				
77				
78				
79				
80				

plan



65 % of Lots are 63 ft. Wide or Less
in St. Andrew's Village



Hollinwell

247'

60'

GREENSPACE

137'

LAND FOR
TWO LOTS

183'

60'

155'

225'

127'

10' setback

187'

St. Andrew's

Highland

Two lots

63' X 127'

63' X 155'

Smallest

86% of lots in
section 10
are smaller



February 2003

DIRECTOR'S COLUMN

By Art Fort

By now, all homeowners should have received a Ballot for the election of two Directors to the Board and a Limited Proxy/Ballot to allow you to vote on the authority to roll over any excess revenues and on a plan whereby Realtec, Inc. is to provide enhanced recreational facilities at Westbury Park in exchange for a plot of just under one acre in St. Andrews Village now designated as a recreational area. **It is important that you vote on the two proposals and cast your Ballot for two Directors. Please follow the directions in the package which has been mailed out to you and send in your ballots in the envelope provided by February 10. Also, plan to attend the Annual Meeting of the Association at 10 a.m. on February 22, at Lafayette High School.**

At its January 16 meeting, the Board set a special requirement that two-thirds of those voting must approve the Westbury Park Plan for it to move forward. Realtec is currently committed to completing the Master Plan at Westbury Park, with a six-lane pool and deck similar in size to the one at the Swim & Tennis Club and a pavilion yet to be built. It is also committed to building a smaller pool at the St. Andrews site. The plan we are recommending to the FCHOA membership for approval would provide at Westbury Park an eight-lane pool with zero-depth entry; two more tennis courts to match those already there; and expanded decking around the pool. In our evaluation of the options, we estimated that these enhancements at Westbury Park are worth \$197,000. In reaching our decision, the Board gave full consideration to all the facilities recommended by the Facilities Committee and an ad hoc committee appointed to study the issue. Upon reviewing current and projected usage data, the Board concluded that it makes good sense to build a pool now to meet our forecasted needs and to expand the already overtaxed tennis facility. Those items recommended but not in the plan, such as a snack bar, gas grills, and more playground equipment, can be added in the future much more easily than additional lanes in the pool. Perhaps annual budgets can add these items one by one, or a future Board may opt for a Special Assessment or take out a construction loan for them.

Realtec will gain two building lots on the St. Andrews Village plot. The Board and the Developer have agreed that these building footprints will be no larger than currently permitted in St. Andrews Village, with appropriate setbacks recorded on the subdivision plats; that home construction will maintain the unique character and architecture of St. Andrews Village; and that screening plantings, to be approved by the Board, will be placed in the greenway between the proposed and existing lots. Upon approval by the Homeowners' vote, the Master Plan must be amended accordingly.

It is clear that there are many opinions on the fairness, balance, and equity of the plan we are recommending to the membership. Earlier "opinion polls" taken by the Board have shown overwhelming support for the plan across Ford's Colony. The Board honestly believes that it is acting in the overall best interest of all Ford's Colony residents in this matter. Faced with the reality that Realtec has already delayed completion of the Westbury Park Master Plan facilities at our request, we on the Board consider it vital to accept the planned enhancements and to move forward now. **Whether you agree or disagree, now is the time to exercise your vote. The next step is up to you.**

Feb. 2003

Talk of the Board

The ad hoc committee formed to evaluate the Westbury Park/St. Andrews pool proposal made its recommendation to the Homeowners Association Board at the directors' December 19 meeting. The committee has concluded that the HOA would best be served by accepting Realtec's offer to build an enhanced eight-lane pool, additional decking, two more tennis courts and fencing, with a total value of about \$197,000, in exchange for conversion of the St. Andrews common area to two residential lots. The committee also urged the board to ask Realtec to begin the process of submitting a Master Plan amendment as soon as possible to enable construction to begin this year.

The board unanimously approved the recommendations with the provisos that the size of the two homes be restricted and that Realtec plant Leland cypress screening between the new and the existing lots.

After some discussion, the board then decided that the land-transfer plan, if it is to be carried out, must be approved by Ford's Colony lot owners.

Fran Dunleavy, the treasurer, said the road-paving expenses last fall were not as great as anticipated. She reported a \$15,250 surplus through November, mostly due to the timing of expenses. She also recommended, and the board approved, a motion that Raymond James Financial Services, the board's investment advisor, be instructed to establish two separate accounts: one for short-term investment of operating-equipment reserve funds and one for longer-term operating contingency funds. The two accounts will be completely separate from the HOA's capital reserve funds. In addition, the 2002 budget was amended to reflect the previously enacted elimination of all revenues and expenses applicable to the Environmental Control Committee, which is operating as a separate financial entity. The auditing firm of Schutumpf & Koren was reappointed for 2003.

Ms. Dunleavy also reported that, as of December 18, a total of 586 households gave an average of \$56.21 to the holiday gift fund for Ford's Colony employees. The number of donations, and the total of \$32,941 given, were less than in 2001. (Note: final #'s are 657 households, an average of \$54.61, and a total of \$35,881.)

An ad hoc committee was established to review the covenants and to report its recommendations in a year. In addition, the board approved the Communications Committee's proposed changes in its policy statement. The changes reflected current practices. For example, the Management Agent now is the publisher of the *Talk of the Colony*, not the editor, and members of the committee do the editing electronically rather than on hard copy.

The Bylaws Ad Hoc Committee will make its report by mid-March. Any changes to the bylaws will require the approval by the homeowners.

Amendments to the Property Management Agreement are being negotiated with the Management Agent and are due to be discussed at the January board meeting. A program to evaluate the Management Agent's performance, on the basis of six criteria, is being developed.

*** continued on bottom of page 5**

March 2003

Talk of the Board

At the Jan. 16 meeting of the Homeowners Association Board, the directors approved three resolutions offered by Treasurer Fran Dunleavy. The first resolution amended an earlier policy on the HOA capital reserve fund in two ways: Except for direct U.S. Treasury obligations, investments will be limited to \$100,000 per each issue by agency, institution or municipality; and the total holdings of any one agency, institution or municipality shall not exceed 67% of the entire portfolio. The other two investment policy resolutions follow from Board approval, at the December 19 meeting, of two separate investment accounts for the operating equipment and operating contingency reserve funds.

Art Fort then offered an amended resolution on membership approval of the Westbury Park Plan. He explained that the Board voted at the last meeting to submit the plan with a requirement that two-thirds of all lot owners must vote affirmatively for the plan to be implemented. Concerned that this requirement bestow undue influence on owners who don't vote, Mr. Fort proposed that the plan must be approved by two-thirds of Association members voting, in person or by proxy, at a meeting where a quorum is present. The resolution was approved by a vote of 4 to 1.

Don Wrobel presented a motion to amend one previously approved regarding the size of homes that can be built on Lots 171 and 172 in St. Andrews Village. He noted that the December motion said the homes could be no larger than those currently in the Village and added that some lots have allowable building footprints larger than that of current homes. In fairness, he said the proposed limitation should be that the Lot 171 and 172 footprints should be no larger than that currently permitted there. His motion also specified that the homes should maintain the unique character of St. Andrews Village and that the number and placement of Leyland Cypress plantings between the proposed and existing lots shall be determined by the HOA Board. The motion was approved.

The Board also approved a resolution of thanks to Anthony C. Berg for his many efforts in maintaining the Bluebird Trail in Ford's Colony. The resolution noted that he maintains 24 nest boxes on the trail and that his efforts have resulted in annual increases in the bluebird population of 80 to 100 birds plus an average of 14 tufted titmice. The Board also approved the appointment of Jim Bielstein and Ivan Gavrilovic to the Ad Hoc Covenants Committee.

Mr. Wrobel gave an update on the proposed performance evaluation program for the Management Agent. He said he and Strategic Planning Committee members have incorporated Advisory Committee comments on key measurement indices. The document has been provided to Board members for comment, with the goal of completing the process in late February or early March.

Steve Hein said the deer-control program is continuing, with the count now at eight. He also said road reflectors would be placed on Williamsburg West when weather permits. A brief discussion of alternatives to reflectors ensued. The Roads and Maintenance Committee was asked to report on this matter at the next Board meeting.

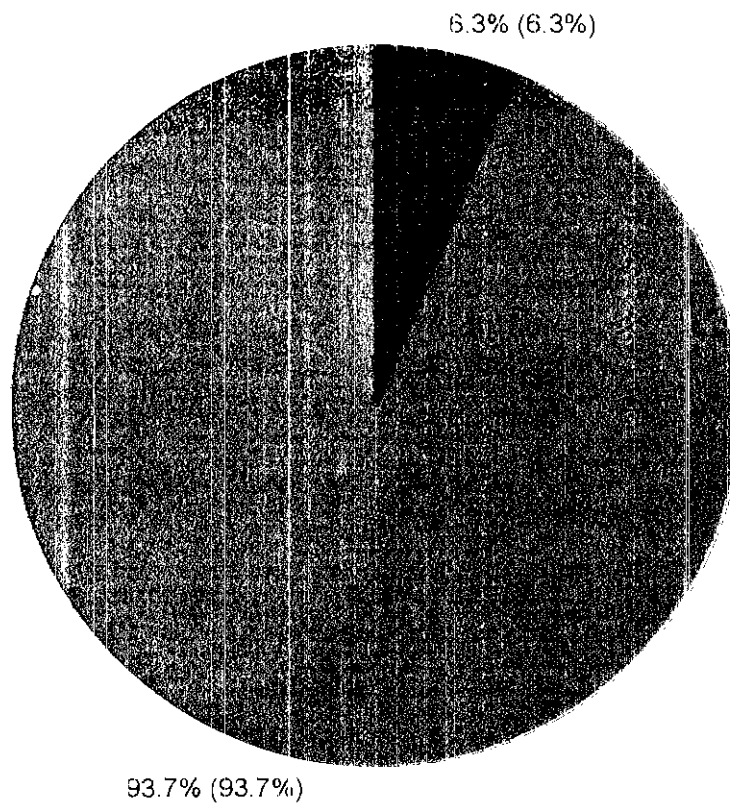
Drew Mulhare offered several development updates. In Section A-12, he said, Realtec is awaiting James City County comments on the site plan for Country Club Drive and the landscaping plan. In Section 30, Phases 1 and 2 are open; utilities should be completed soon and roads are expected to be finished by early summer. In Section 31, Phases 1 and 2 are complete, and Mr. Mulhare hopes to have Phase 3 roads completed in the spring.

Mr. Fort said the 2002 Holiday Gift Fund totaled \$35,881 from 647 households (an average of \$55.46), compared with \$36,198 from 703 households (an average of \$51.49) in 2001.

--Hank Myers

FORD'S COLONY SINGLE FAMILY & TOWNHOMES

6 % are in St. Andrew's Village



data from July 2003 Talk of the Colony

Anne,
Thought you would want this e-mail.
Brenda

----- Original Message ----- **From:** Drew Mulhare **To:** bkail@earthlink.net **Cc:** Karen Leach; Sabb, Melyssah **Sent:** 3/3/2003 7:47:37 AM **Subject:** Re: information on St. Andrew's Village

Good Morning,

I gave my office staff a copy to re-produce for property owners. You may come by anytime between 9 and 5, M-F. There will be a plat created by our engineers to meet James City County requirements. You may have a copy of that when it is prepared.

I hope I have succeeded in sufficient buffering and lot restrictions to meet your needs. I know that you would have preferred this whole thing to not have happened, but I do hope that you are satisfied with the results. After you have had a chance to review the lot plan, please let me know if you will oppose the plan at the County or legal levels. I would like to give the County planning Department a heads up if there will be formal opposition.

Best to you and your husband, Drew

----- Original Message ----- **From:** Brenda Kail **To:** communityservices@fordscolony.com **Sent:** Friday, February 28, 2003 11:11 AM **Subject:** information on St. Andrew's Village

Anne Pulliam

aelizp@widomaker.com

108 Hollinwell

Feb. 27, 2003

I would like to have a copy of the drawing/map which Mr. Mulhare displayed at the board of director's meeting on Dec. 1, 2002. This drawing showed to the two lots which are to be developed on the St. Andrew's Village recreation area. The drawing had modified the size of the lots as shown in the map included in the ad-hoc committee report. It also included some type of shaded area along the rear line of the lots which was indicated to offer more privacy for established lots.

I have been working on the number of Leland Cypress and hope this sounds reasonable. I am not sure which measurement is boundary on the current drawing I have, so I went with 217 feet. I would like to see the trees place 8 feet apart in a zigzag fashion (as along 199 between Longhill Rd. and Monticello) within the 40 foot greenspace. This would require about 27-28 trees.

——Original Message——

From: Drew Mulhare <dmulhare@fordscolony.com>

To: Anne Pulliam <aelipz@widomaker.com>

Date: Thursday, March 06, 2003 11:53 AM

Subject: Re: to Mr. Mlhare from Anne Pulliam

I will take another look at the lot plan. Please state the number of Leylands that you feel would be sufficient. With that number and the 40 ft greenspace, would you support the proposal? Drew

----- Original Message ----- **From:** Anne Pulliam **To:** communityservices@fordscolony.com
Sent: Wednesday, March 05, 2003 7:52 PM **Subject:** to Mr. Mlhare from Anne Pulliam

Thank you for your email and for the copy of the lots. When the plat is created, I would be interested in a copy.

Unfortunately, we are not satisfied with the the lots planned. We feel the lack of green space invades our privacy and will lower the value of our home and others bordering the new lots. Greenspace, at this point, is our concern. At the Jan. FCHOA board meeting the "footprints" of the homes planned for the new lots was altered. Also, stating that Leland Cypress would be planted between existing and proposed lots as determined by the HOA board is not sufficient I am sure you can understand that; not knowing who would be on the board, not knowing if the board members at the appropriate time would have any idea of the issue and its impact on our property, and not knowing if trees will be determined as needed leaves us in a rather precarious position.

We will be opposing the plan, again on the basis of greenspace. We would like at least 40 feet of greenspace, within which a definite number of Leland Cypress **would** be planted-not might be. Seeing as approximately 94% of the lots in St. Andrew's Village are smaller than the proposed lots 171 and 172, I do not feel this is asking too much. (I realize that the 5% of lots in St. Andrews Village which are back to back have smaller greenspaces-but those property owners knew that when they purchased their lots.)

It would be great if this matter of greenspace could be resolved here within our community. We take pride in Ford's Colony, selecting it for our home site after looking over many communities in James City County. We do not want to bring bad press to our community. Hopefully, you and others involved in the planning and layout of these new lots will be able to work out some type of compromise.

PS I was unable to download the minutes of the board meetings on my computer and so used a friends. It was this friend who received your original email. My email address is aelipz@widomaker.com.

I look forward to hearing from you concerning this issue, Anne Pulliam

Yes Sir, I certainly would!

-----Original Message-----

From: Drew Mulhare <dmulhare@fordscolony.com>

To: Anne Pulliam <aelipz@widomaker.com>

Date: Thursday, March 06, 2003 11:53 AM

Subject: Re: to Mr. Mluhare from Anne Pulliam

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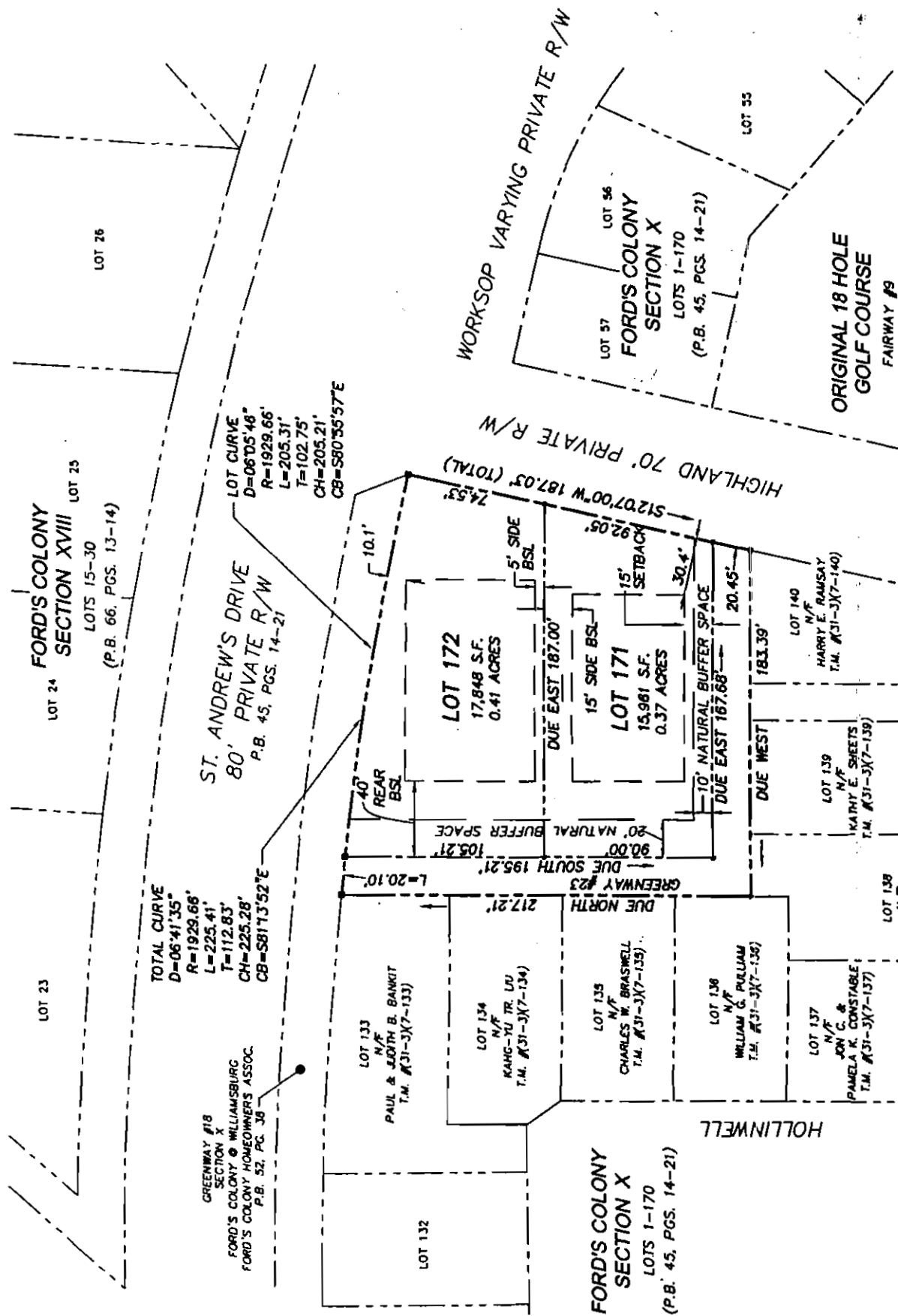
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I look forward to hearing from you concerning this issue, Anne Pulliam

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Site Plan 92-03. Ford's Colony Recreation Park

Staff Report for the September 3, 2003, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Charles Records, AES Consulting Engineers

Landowner: Realtec, Inc.

Proposed Use: Community Recreation Park with revised pool layout and additional tennis courts

Location: 230 Westbury; Powhatan District

Tax Map/Parcel No.: (32-2)(1-11A)

Primary Service Area: Inside

Project Area: ± 6.36 acres

Existing Zoning: R-4, Residential Planned Community, with Proffers

Comprehensive Plan: Low Density Residential

Reason for DRC Review: Section 24-518 of the Zoning Ordinance requires that all development plans be consistent with the approved master plan for Ford's Colony. Development Plans may deviate from the master plan if the Planning Commission 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 the rezoning.

Staff Contact: Christopher Johnson, Senior Planner Phone: 253-6685

STAFF RECOMMENDATION

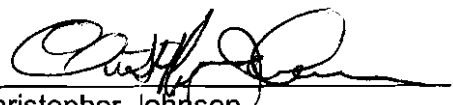
The Ford's Colony Master Plan was amended in 1993 to delete a 3-acre recreation area adjacent to Route 199 and the Casey Property. Realtec proffered to combine and relocate the recreation facilities originally planned for this area with the recreation facilities originally planned for Section 16. These two recreation facilities were combined into one recreation park (Recreation Park # 2) in 1995 with the approval of cases Z-8-94 and MP-3-93. The Amenity Plan adopted as part of the Master Plan amendment approved the following facilities for Recreation Area # 2:

- 25 meter swimming pool
- 4 tennis courts
- basketball court
- soccer field
- playground
- bath house
- parking area

Subsequently, development plans for the recreation park (SP-116-95) were approved by the County and a portion of the above referenced facilities have been constructed.

In response to a request from the Ford's Colony HOA, the applicant has proposed to add an additional two tennis courts to recreation park #2 and enlarge the swimming pool planned for the park from six to eight lanes and add a zero-depth entry ramp. The enlarged pool would account for the proposed elimination of the pool in Section 10 (Case No S-58-03). The exchange provides additional pool and tennis capacity for Ford's Colony residents consolidated at two facilities and reduces maintenance expense by reducing the number of recreational facilities in the community.

Staff finds the proposed revisions and additions to the Westbury Recreation Facility consistent with the originally approved plans for the park and finds that the expanded facilities pose no additional negative impacts to the residents in Williamsburg West. Staff recommends that the DRC approve the proposed deviations from the adopted Ford's Colony Master Plan. Upon a positive determination of consistency by the Planning Commission, staff will extend preliminary approval for this site plan subject to the attached agency comments.


Christopher Johnson

Attachments:

1. Agency Comments
2. Site Plan (separate attachment)

ENVIRONMENTAL DIVISION REVIEW COMMENTS
Ford's Colony Section 15 Recreation Park SP Amendment
SP-092-03
July 23, 2003

MDW/DEL



General Comments

As this is a site plan amendment to the original recreation park (SP-116-95), portions of the recreation park have been built, Section 15 has been built, and State and County requirements have changed periodically, the following comments are made for this specific site plan amendment:

1. Provide and label the limits of disturbance on the plan.
2. Label all features as either existing or proposed, including the storm structures in the tennis courts and the riprap outlet protection.
3. Provide an environmental inventory.
4. Provide a Responsible Land Disturber.
5. Provide a Narrative Plan specific for this siteplan amendment.
6. Provide a construction sequence specific to this siteplan amendment.
7. Provide an accurate portrayal of the Resource Protection Area.
8. Provide evidence from the U. S. Corps of Engineers that the original wetlands delineation for this project is still valid.
9. Provide a disturbed area estimate.
10. Provide a stone construction entrance at the entrance to the project.
11. It appears land disturbance for the project may exceed one (1) acre. Therefore, it is the owners responsibility to register for a General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities, in accordance with current requirements of the Virginia Department of Environmental Quality and 9 VAC 25-180-10 et seq. Contact the Tidewater Regional Office of the DEQ at (757) 518-2000 or the Central Office at (804) 698-4000 for further information.
12. "X" out all erosion and sediment control details that would not be applicable to this site plan amendment.
13. As the only erosion and sediment control measures employed on this project are silt fence and the site is located near wetlands and the RPA, upgrade the silt fence to super silt fence.
14. Verify the outlet protection on the storm system is adequate. The original site plan showed Class A-1 riprap. This is no longer acceptable and will need to be upgraded.
15. Provide calculations for the outfall from the swimming pool area. EC-3 is proposed as the lining for the outfall channel but information is needed to verify its adequacy.
16. Direct the drainage from the tennis court area and the basketball court to the pipe downstream of SS-2-1 and provide an inlet to prevent water from going over the fill slope located to the west of the site.



MEMORANDUM

Date: August 25, 2003

To: Christopher Johnson, Senior Planner

From: Timothy O. Fortune, P.E. - Civil Engineer

Subject: SP-092-03, Fords Colony Recreation Park, Section 15
(Amendment to SP-116-95)



James City Service Authority has reviewed these plans for general compliance with the JCSA Standards and Specifications, Water Distribution and Sanitary Sewer Systems and have the following comments for the above project you forwarded on July 1, 2003. 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.

1. All professional seals on the plans must be signed and dated, with current date, before final site plan approval can be granted.
2. Provide street names (i.e. Road "A" is not acceptable).
3. Revise the site plan to reflect the as-built conditions for the sanitary sewer, water main and water meter location/size per AES record drawing dated 2/3/99.
4. Provide verification that fixture units/water usage requirements will remain the same as the original approved site plan submittal (JCC Case #SP-116-95).

Please call me at 253-6836 if you have any questions or require any additional information.

Subdivision 67-03

Ford's Colony Section 33, Lots 1-49

Staff Report for the September 3, 2003, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Charles Records, AES Consulting Engineers

Land Owner: Drew Mulhare, Realtec, Inc.

Proposed Use: Approval of 49 lots in Section 33

Location: Ford's Colony and St. Andrews Drive

Tax Map/Parcel No.: (31-3)(1-53)

Primary Service Area: Inside

Parcel Size: 32.7 acres

Existing Zoning: R-4, Residential Planned Community, with Proffers

Comprehensive Plan: Low Density Residential

Reason for DRC Review: Section 24-518 of the James City County Zoning Ordinance requires the Development Review Committee to determine if the proposal is consistent with the approved master plan for Ford's Colony.

In addition, the applicant has requested an exception to Section 19-52 of the Subdivision Ordinance which requires that streets terminate in a circular turnaround. In Section 33, one end of road "F" is proposed to not terminate in a circular turnaround.

Staff Contact: Matthew Arcieri Phone: 253-6685

STAFF RECOMMENDATION

The 1998 Master Plan for Ford's Colony designates this section of Ford's Colony as "Conference Center and Resort Hotel with Restaurant". Realtec has determined that a full scale hotel (310 rooms according to the most recent traffic study) is not economically viable for this property and wants to develop 49 single family lots on 22 acres of the property. The 10 remaining acres would be reserved for future commercial development.

The Ford's Colony Master Plan allows for 3,250 lots/units to be approved and platted. According to Realtec, 3,029 lots/units have been approved and platted leaving 221 units/lots to be developed. The proposed 49 lots will count against the 221 remaining lots/units, leaving 172 units for future development. Since Ford's Colony has consistently developed at densities lower than permitted under its master plan, this additional property is necessary to allow these lots/units to be developed.

Staff believes that going from a non-residential (310 room hotel/restaurant) to a residential use (single family lots) represents a significant deviation from the approved master plan. It would convert 22 acres of a 32 acre commercial area to residential use. Therefore, staff believes the proposal requires a master plan amendment to be reviewed and approved by the Planning Commission and Board of Supervisors. Although the proposal

does not expand the boundaries of Ford's Colony, it does propose expanding onto property not designated for residential use. The master plan amendment process will allow staff, the Planning Commission and Board of Supervisors to determine if an appropriate balance between residential and non-residential uses is being maintained and if mitigating proffers are necessary. Although the Ford's Colony Homeowner's Association Board of Directors has reviewed and approved these plans, staff does not believe that this should substitute for a full public hearing before the Planning Commission and Board of Supervisors.

Staff recommends that the DRC find the proposal inconsistent with the Ford's Colony master plan. Staff recommends that the DRC defer action on the cul-de-sac exception request until the master plan amendment for this property has been completed.


Matthew D. Arcieri

Attachments:

1. Plan (separate)
2. Agency Comments
3. Letter from Charles Records dated August 18, 2003

AGENCY COMMENTS

Planning:

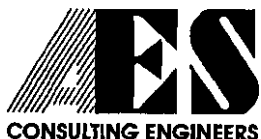
1. In accordance with Section 24-518 of the James City County Zoning Ordinance this plan will be reviewed by the Development Review Committee on September 3, 2003 to determine if the proposal is consistent with the approved master plan for Ford's Colony and to consider the request for an exception to Section 19-52 of the Subdivision Ordinance.
2. Please provide names for all streets in Section 33.
3. On sheet one, under property information, please provide the JCC Case No. "S-67-03".
4. On sheet two add the following note: "New monuments shall be set in accordance with Sections 19-34 thru 19-36 of the James City County Subdivision Ordinance."
5. On sheet two add the following note: "All roads shall be private and shall not be maintained by the County or the Virginia Department of Transportation."
6. Provide handicapped ramps at the terminus of sidewalks and provide appropriate ramp details.
7. It would be helpful to provide handicapped ramps at the northern terminus of sidewalks on Road "F".
8. Is a separate subdivision entrance feature proposed for this section? If so, the Planning director must review and approve per Section 19-69 of the Subdivision Ordinance.

JCSA:

1. Comments are outstanding and will be forwarded when received.

Environmental:

1. Comments are outstanding and will be forwarded when received.



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

August 18, 2003

Mr. Matthew Arcieri, Planner
James City County Planning Division
101-E Mounts Bay Road
Williamsburg, VA 23187-8784

**RE: C-98-03, Ford's Colony – Section 33
AES Project No. 5652-33**

Dear Mr. Arcieri:

In response to your letter dated August 6, 2003, AES Consulting Engineers, on behalf of Realtec, Incorporated, respectfully requests that the referenced case be presented at the September 3, 2003 Development Review Committee (DRC) meeting. We believe this Master Plan Amendment is minor in nature, and we request the Planning Commission's participation in this determination.

It is important to note, that of the original 32.7-acre parcel which is designated as a non-residential, hotel/convention center on the Ford's Colony Master Plan, the current proposed plan still reserves a 10-acre site of future commercial development, reserving the possibility of developing hotel-type improvements. The immediate issue to resolve is whether the 22-acre portion of the original site, which is now proposed for single-family detached units, can be considered a minor Master Plan Amendment.

If the Master Plan Amendment is deemed minor and subsequently approved by the DRC and the Planning Commission, copies of the amended master plan will be submitted to the Planning Department for record keeping purposes and shall reflect, in addition to changes to the Core Property, the proposed parking lot expansion at the Country Club and the proposed estate lots in Section 34. Additionally, it is not necessary to have agency comments for the 49-lot subdivision in time for the DRC Meeting.

If you have any questions or you are in the need of any additional information, please feel free to call.

Sincerely,
AES Consulting Engineers

A handwritten signature in black ink, appearing to read 'C. B. Records', is written over a horizontal line.

Charles B. Records, P.E.
Project Manager

cc: Drew R. Mulhare

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of Sept. 3, 2003

Case No. S-58-03 Ford's Colony – Section 10, Lots 171 & 172

Mr. Charles Records, on behalf of Realtec, Inc., submitted a subdivision proposing two single-family residential lots in Section 10 of Ford's Colony. The parcels are located near St. Andrew's Drive and Highland and are further identified as parcel (1-140A) on James City County Tax Map (31-3). DRC review is necessary to determine if the proposal is consistent with the approved master plan for Ford's Colony.

DRC Actions: Due to the tie vote, the DRC further requested a report from Mr. Drew Mulhare on September 8th at 6:30 pm to determine if a resolution had been reached between Realtec and the adjacent property owners. The DRC determined they would review the case again on the 8th and if there was still a tie vote; the DRC would present the case to the full Planning Commission at their regularly scheduled meeting on the 8th.

Case No. SP-092-03 Ford's Colony Recreation Park

Mr. Charles Records, on behalf of Realtec, Inc., submitted a site plan for a community recreation park with revised pool layout and additional tennis courts. The site is located at 230 Westbury in the Powhatan District and is further identified as parcel (1-11A) on James City County Tax Map (32-2). DRC review is necessary as the Zoning Ordinance requires that all development plans in Ford's Colony be consistent with the approved master plan for Ford's Colony. Development Plans may deviate from the master plan if the Planning Commission 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 the rezoning.

DRC Action: The DRC deferred consideration of this case until the October 1st meeting.

Case No. S-067-03 Ford's Colony Section 33, Lots 1-49

Mr. Charles Records, on behalf of Realtec Inc., submitted a site plan proposing the approval of 49 single-family residential lots in Section 33 of Ford's Colony. The proposed new parcels are located at Ford's Colony and St. Andrews Drive and are further identified as parcel (1-53) on James City County Tax Map (31-3). DRC review is required to determine if the proposal is consistent with the approved master plan for Ford's Colony.

DRC Action: The DRC found the proposal not consistent with the Ford's Colony Master Plan by a vote of 4-0. The DRC deferred action on the cul-de-sac street exception request until a Master Plan Amendment has been approved by the Board of Supervisors.

Case No. S-56-03. Colonial Heritage Phase 1, Section 4

Mr. Richard Smith, on behalf of Colonial Heritage LLC, submitted a subdivision plan proposing the creation of fifty-three new residential lots. The parcel is located at 6895 Richmond road and is further identified as parcel (1-32) on James City County Tax Map (24-3). DRC review is

required for subdivisions proposing over fifty lots. The case was deferred from the DRC's July 30th meeting.

DRC Action: The DRC recommended approval of the subdivision.

Case No. S-059-03 2247 Lake Powell Road, Alternative Septic System Waiver Request

Mr. Lamont Myers, on behalf of Colley Avenue Associates, LLC, submitted a subdivision plan proposing five new single family residences at 2247 Lake Powell road and requesting an alternative septic system waiver. The parcel is located at 2247 Lake Powell Road in the Jamestown District and is further identified as parcel (1-33) on James City County Tax Map (47-4). DRC review is necessary because the Subdivision Ordinance requires lots inside the Primary Service Area, which are not otherwise required to connect to public sewer, to be served by a conventional septic system.

DRC Action: The DRC recommended that an exception be granted to allow an alternative septic system on Lot No. 5 of the proposed subdivision.

**Case Nos. C-087-03 Osprey Drive Septic Waivers
C-088-03
C-106-03**

Mr. Aaron Small, on behalf of Paul E. Small and James Harold Timberlake, Jr., submitted three applications for septic waivers at 7270, 7274, and 7264 Osprey Drive. These parcels are further identified as parcels (8-6), (8-8), (8-3) respectively, on James City County Tax Map (19-1). These parcels would be served by drainfields on the parcels (8-21) and (8-20). DRC review is necessary because the applicant has requested an exception to the Subdivision Ordinance in order to use off site, low-pressure distribution (LPD) systems to provide sewer service.

DRC Action: The DRC recommended approval for the septic waivers.

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 8/1/2003

THROUGH: 8/31/2003

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-144-98	Williamsburg Pottery Warehouse/Retail Building
SP-116-99	New Town, Wmbg./JCC Courthouse SP Amendment
SP-087-01	The Vineyards Ph. 3 at Jockey's Neck
SP-089-01	Ewell Station Storm Water Management Fac. Mod.
SP-109-01	Monticello Avenue Extended - SP Amendment
SP-116-01	Powhatan Secondary - Ph. 7, Sanitary Sewer Ext.
SP-009-02	Hairworks Beauty Salon Parking Space Addition
SP-112-02	Ford's Colony Recreation Park
SP-001-03	Colonial Heritage 13th Hole Irrigation Pond
SP-009-03	Energy Services Group Metal Fabrication Shop
SP-030-03	Old Capitol Lodge Site Plan Amendment
SP-033-03	The Colonies at Williamsburg Entrance Road
SP-045-03	Noah's Ark Vet Hospital SP Amendment
SP-051-03	Ford's Colony Country Club Golf Academy
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-056-03	Shell Building - James River Commerce Center
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-065-03	Historic Jamestown Collection Building
SP-077-03	JCC Courthouse Bioretention Demonstration Project
SP-079-03	Tequila Rose Walk-in Cooler
SP-082-03	Williamsburg Winery-Gabriel Archer Tavern
SP-086-03	Colonial Heritage Golf Course
SP-087-03	Busch Gardens Maintenance Storage Building
SP-088-03	Marketplace Shoppes Phase 4
SP-091-03	Colonial Heritage Ph. 1, Sec. 5
SP-092-03	Ford's Colony - Recreation Park Amendment
SP-093-03	New Town - WindsorMeade Way
SP-095-03	KTR Stonemart
SP-097-03	Colonial Heritage Boulevard, Phase 2
SP-105-03	Colonial Heritage Construction Office
SP-106-03	Williamsburg Christian Retreat Center-Pavilion
SP-107-03	Colonial Heritage Golf Maintenance Facility
SP-108-03	Fieldstone Parkway Extension
SP-110-03	Colonial Heritage Ph. 1, Sec. 2 Parking Amendment
SP-111-03	Busch Gardens - Drachen Fire Group Area SP Amend.

SP-112-03	Faith Baptist Recreation Building
SP-113-03	Penske Maintenance and Service Center
SP-114-03	Thayer-Smith Self Storage
SP-115-03	Shouse-Manning Construction Shed Amendment
SP-116-03	Kingsmill - Armistead Point

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-027-02	120' Stealth Tower--3900 John Tyler Highway	6/13/2004
SP-061-02	Powhatan Plantation Recreation Bldg Amd	6/18/2004
SP-104-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/ 2/2003
SP-110-02	Ewell Station - Ph. 2	10/ 7/2003
SP-144-02	J.W. Crossing, Ph. 2	2/20/2004
SP-005-03	Hankins Farm Water and Sewer Extension	5/27/2004
SP-015-03	Monticello Woods Community Center	4/10/2004
SP-020-03	Jolly Pond Veterinary Hospital	6/30/2004
SP-021-03	Colonial Heritage, Cross Country Sewer Mains	8/22/2004
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4/30/2004
SP-049-03	James River Commerce Center Columbia Drive	5/19/2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7/29/2004
SP-053-03	George Nice & Sons Fill Project	8/ 8/2004
SP-066-03	Colonial Heritage Ph. 1, Sec. 1, SP Amendment	6/20/2004
SP-075-03	James City County Fire Station No.2	7/14/2004
SP-076-03	JCSA Five Forks WTF Concentrate Main	7/ 3/2004
SP-089-03	Ford's Colony - Country Club Redevelopment Plans	8/ 4/2004
SP-100-03	Kingsmill East Rivers Edge Phase 4 SP Amend.	8/25/2004
SP-101-03	Alltel Williamsburg 2	8/14/2004
SP-103-03	CoreSix Precision Glass	8/27/2004
SP-104-03	Colonial Heritage 10th Hole Amendment	8/28/2004

C. FINAL APPROVAL

DATE

SP-100-01	Williamsburg Crossing Frontage Road	8/11/2003
SP-002-03	Colonial Heritage, Massie Farm Pond Rehabilitation	8/ 7/2003
SP-010-03	The Colonial Heritage Club	8/ 5/2003
SP-025-03	New Town Block 2	8/11/2003
SP-034-03	Colonial Heritage Sewer Lift Station & Force Main	8/26/2003
SP-044-03	Longhill Grove Apartments	8/ 7/2003
SP-047-03	JCSA Well Facilities Erosion Repairs	8/28/2003
SP-062-03	Patriots Colony, Alzheimer Unit Addition	8/18/2003
SP-078-03	Amend. To Powhatan of Williamsburg Recreation Site	8/ 6/2003
SP-096-03	Water Production Facility W-4 Upgrade	8/19/2003
SP-098-03	Governor's Land - Golf Facility SP Amendment	8/13/2003
SP-102-03	Busch Gardens Photo Awning	8/14/2003
SP-109-03	Williamsburg Plantation Golf Cart Storage	8/29/2003

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-062-98	Ball Metal Conservation Easement
S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Sec. 2B
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-032-01	Subdivision and BLE Plat of New Town AssociatesLLC
S-008-02	James F. & Celia Ann Cowles Subdivision
S-031-02	Bruce's Super Body Shop, Lot 2 subdivision
S-086-02	The Vineyards Ph. 3 BLA Lots 1, 5-9, 52
S-008-03	Norge-Fenton Mill BLA
S-029-03	Wexford Hills Ph. 3B
S-033-03	Fenwick Hills, Sec. 2
S-034-03	Green Mount Associates Lots 3A, 3B & 3C BLA
S-052-03	Hickory Neck Church BLA
S-056-03	Colonial Heritage Ph. 1, Sec. 4
S-058-03	Ford's Colony - Sec. 10, 171-172
S-059-03	Colley Avenue Associates, LLC (Green Cove)
S-062-03	Hicks Island - Hazelwood Subdivision
S-063-03	102 Lands End BLA + BLE
S-065-03	903 Penniman and 700 Maupin BLA
S-066-03	Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03	Ford's Colony Sec. 33, Lots 1-49
S-068-03	Williamsburg Farms
S-070-03	Colonial Williamsburg Parcels BLA
S-071-03	Fire Station 2 BLE
S-073-03	Colonial Heritage Ph. 2, Sec. 2
S-075-03	Penske Maintenance and Service Center
S-076-03	Wellington, Sec. 4

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-058-00	Powhatan Secondary, Ph. 7-A	10/ 2/2003
S-101-01	Greensprings West, Ph. 4A	12/17/2003
S-037-02	Village Housing at the Vineyards, Ph. 3	5/ 5/2004
S-039-02	Powhatan Secondary, Ph. 6-C	5/ 8/2004
S-045-02	The Pointe at Jamestown Sec. 2-A	5/30/2004
S-052-02	The Retreat--Fence Amendment	6/18/2004
S-073-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/ 2/2003
S-076-02	Marion Taylor Subdivision	10/ 3/2003
S-094-02	Powhatan Secondary Ph. 7-C	12/30/2003

S-101-02	Sheldon Properties, L.L.C.	12/13/2003
S-103-02	Alex Harwood Subdivision BLA	12/15/2003
S-107-02	Greensprings West, Ph. 3-C	4/18/2004
S-108-02	Scott's Pond, Sec. 3	1/13/2004
S-112-02	Kensington Woods	2/ 6/2004
S-015-03	Season's Trace Winter Park Lots 51-74	4/15/2004
S-021-03	Stonehouse Sec. 2-C Easements	5/ 2/2004
S-039-03	Ford's Colony - Golf Academy BLA	6/18/2004
S-041-03	Williamsburg Physicians Center - Parcel D	6/25/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2004
S-047-03	Greensprings West Ph. 4C	8/ 6/2004
S-049-03	Peleg's Point, Sec. 5	7/ 3/2004
S-051-03	The Villages at Powhatan, Ph. 5	7/ 7/2004
S-053-03	Hollinger Family Subdivision	6/18/2004
S-054-03	James River Commerce Center, Parcel 10B	8/ 8/2004
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
S-057-03	Ford's Colony - Sec. 34	8/19/2004

C. FINAL APPROVAL

DATE

S-068-02	Forrest Lee Hazelwood BLA	8/20/2003
S-091-02	Williamsburg Landing BLA	8/19/2003
S-046-03	Drewry Family Subdivision	8/28/2003
S-048-03	Powhatan Plantation Ph. 10	8/ 5/2003
S-050-03	New Town - Sec. 3, 5, 6, Lot 13	8/15/2003
S-060-03	Garrett Family Subdivision	8/ 1/2003
S-061-03	P.W. Development, Inc., Sec. 2	8/21/2003
S-069-03	Old Capital Lodge BLE	8/18/2003

D. EXPIRED

EXPIRE DATE

AGENDA

DEVELOPMENT REVIEW COMMITTEE

September 3, 2003

4:00 p.m.

JAMES CITY COUNTY GOVERNMENT COMPLEX

Conference Room, Building E

1. Roll Call
2. Minutes
 - A. Meeting of July 30, 2003
3. Cases
 - A. S-056-03 Colonial Heritage Phase 1, Sect. 4
 - B. S-059-03 2247 Lake Powell Road Septic Waiver
 - C. C-087-03/C-88-03 Osprey Drive Septic Waivers
 - D. S-058-03 Ford's Colony Section X, Lots 171 + 172
 - E. SP-092-03 Ford's Colony Recreation Park
 - F. S-067-03 Ford's Colony Section 33
- 4 Adjournment