

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
SEPTEMBER 13, 2004 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
  - A. August 16, 2004 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC) Report
  - B. Five Forks Committee Report
4. PUBLIC HEARINGS
  - A. Five Forks Area Study - Primary Principles
  - B. Z-11-03 / MP-11-03 Stonehouse Modifications
  - C. Z-02-04 Air Tight Storage / Oaktree Office Park Expansion
  - D. Z-05-04 / MP-05-04 Rezoning and Master Plan  
MP-08-04 New Town Section 3 & 6
  - E. Z-6-04 / MP-06-04 Lightfoot Mixed Use
5. PLANNING DIRECTOR'S REPORT
6. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTEENTH DAY OF AUGUST, TWO-THOUSAND AND FOUR, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III  
George Billups  
Jack Fraley  
Donald Hunt  
Joseph McCleary  
Peggy Wildman

ALSO PRESENT

Leo Rogers, County Attorney  
Mike Drewry, Assistant County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Pat Foltz, Development Management Assistant  
Ellen Cook, Planner  
Matthew Arcieri, Planner  
Jeremy Vaughn, Law Clerk

2. MINUTES

Mr. Poole proposed adding to the DRC report the phrase “as Chairman of the DRC,” so that Mr. McCleary’s response read “And, Mr. McCleary, as Chairman of the DRC, responded...” on the first page.

Mr. McCleary motioned to approve the minutes with corrections.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary delivered the DRC report. The DRC heard three cases at its July 28<sup>th</sup> meeting. The DRC recommended approval for C-085-04, 10101 Sycamore Landing Road Overhead Utility Wavier, and SP-059-04, Norge Neighborhood. The DRC recommended deferral for S-059-04, Greensprings West, Phase 6.

In a separate meeting to review an expedited review case, SP-088-04, Wal-Mart Distribution Center Phase 3, the DRC recommended approval.

Mr. McCleary further explained the criteria for selecting a case for expedited review and the procedures involved.

In a unanimous voice vote the Commission approved the minutes with corrections.

B. OTHER COMMITTEE REPORTS

Mr. McCleary updated the Planning Commission as to the progress of the Five Forks Area Study committee. The object of the committee is to generate a set of development principles for the Five Forks area. Mr. McCleary credited staff members Ellen Cook and Matt Arcieri for their capable work during the process.

4. PUBLIC HEARINGS

A. CASE NO. SUP-14-04 John Tyler Monopole Tower

Ms. Ellen Cook presented the indefinite deferral. Mr. Nathan Holland of T-Mobile, the applicant, has requested indefinite deferral of the case. Staff agrees with the applicant's request.

Mr. Sowers assured the committee that, should this case be resubmitted, that it will be re-advertised.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole indefinitely deferred the case.

B. CASE NO. Z-11-03/MP-011-03 Stonehouse Modifications

Ms. Cook presented the deferral request. The applicant, Mr. Alvin Anderson of Kaufman and Canoles, has requested that the Planning Commission defer the case in order to work out several outstanding issues. Staff concurs with the applicant's request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

C. CASE NO. Z-06-04/MP-06-04 Lightfoot Mixed Use Area

Ms. Cook presented the deferral request. The applicant, Mr. James Bennett of AES Consulting Engineers, has requested deferral of this case to resolve several outstanding issues. Staff concurs with request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

D. CASE NO. Z-2-04. Oaktree Office Park and Airtight Self Storage.

Mr. Arcieri presented the deferral request. The applicant, Ms. Jeannette Brady, has requested a deferral of the case so that the current Five Forks Area Study process can come to completion. Staff concurs with the applicant's request.

Mr. McCleary commended the applicant for the agreeing to work within the County's process.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

E. CASE NO. Z-05-04 / MP-05-04 / MP-08-04 New Town Section 3 & 6

Mr. Arcieri presented the deferral request. Mr. Greg Davis and Mr. Tim Trant of Kaufman & Canoles has applied on behalf of New Town Associates, LLC, to rezone approximately 69.2 acres of land in Section 3&6 that is currently zoned R-8, Rural Residential with proffers to MU, Mixed Used with proffers. The applicant has requested deferral to allow time to resolve outstanding issues. Staff concurs with the request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

F. CASE NO. SUP-13-04 Williamsburg Country Inn

Mr. Arcieri presented the staff report. Mr. Patrick Duffeler has submitted a special use permit application to construct and operate a 36-room inn at 5800 Wessex Hundred Road. The property is further identified as parcel (1-10) on James City County Tax Map (48-4). Staff recommends approval of the application.

Mr. Fraley asked staff if the James City Service Authority had approved the proposed water connection into the main line.

Mr. Duffeler responded that the Service Authority had approved the proposed connection. Further, James City County Fire Department suggested the creation of a water “loop” for emergency situations.

Mr. Fraley asked if the water plan would affect service to neighboring subdivisions.

Mr. Duffeler responded that he was assured that this loop would not affect that water supply.

Mr. Arcieri stated that the use of a “loop” would actually improve overall water service.

Mr. Billups asked, besides the Williamsburg Winery, what other large landowners were located in the immediate area.

Mr. Geddy responded that the Winery was the largest landowner in the immediate area and mentioned the airport, the Williamsburg Land Conservancy, and Gospel Spreading Farms as the other large landowners.

Mr. Billups asked if there were any plans for another hotel.

Mr. Duffeler responded that there were no projects for future hotels or commercial uses.

Mr. Fraley asked if there were any other plans on the original concept plan for the property that would be pending in the future.

Mr. Hunt asked if there were any plan to renovate or expand the Winery.

Mr. Duffeler responded that the overall development plan for the Winery was essentially completed with the exception of the hotel, which had been planned to be built earlier but the timetable has moved it up to now.

Mr. Billups asked whether any plans existed to extend or further expand the Vineyards subdivision.

Mr. Geddy responded that there were no other plans other than the plan brought forward at the July meeting for the AFD withdrawal.

Mr. Billups asked if there were any plans or policies in place addressing land-locked parcels or conservations easements.

Mr. Arcieri responded that there were policies in place contained in the Subdivision Ordinance.

Mr. Poole stated that, while he supported the plan conceptually, that he could not support the application without seeing a master plan for the property placing the winery in a context.

Mr. McCleary asked Mr. Sowers that, if the SUP is approved, whether the site plan would come before the DRC.

Mr. Sowers responded that the case would go to the DRC.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, emphasized the SUP condition designed to control noise. He also introduced Mr. Dexter Williams, the traffic consultant for the case, who made himself available to answer any questions from the commission.

Mr. McCleary asked if VDOT standards, which utilize a level of service scale ranging from “A” to “E,” could be applied to the traffic data presented for Lake Powell Road.

Mr. Williams explained the basis of the traffic study and stated that the data, when converted to the VDOT grading scale, achieved an “A” level of service (“A” being the highest), and that the capacity of the road could absorb additional trips and still provide that level of service.

Mr. Robert Vold of the Vineyards recounted that, when he moved to the area, he had been told that the area of the winery would remain undeveloped in perpetuity. He expressed his concerns about traffic and noise.

Ms. Christine Payne of the Vineyards related her own research and conversations with VDOT with regard to the traffic issue. She pointed out that, though the application limited the size of events to be held at the Winery, that the addition of the Inn would prompt a more frequent event schedule, thus worsening traffic and noise levels. She expressed her opposition to the case.

Mr. McCleary asked if the applicant wished to respond to the citizen comments.

Mr. Geddy stated that the condition limiting large events does not pertain the Inn itself, but rather to the Winery as a whole, which in the past has hosted regularly scheduled large events. If this application is approved, would limit the size of these events in the future.

Mr. Poole closed the public hearing.

Mr. Poole asked Mr. Geddy to clarify the location of the proposed entrance to the inn.

Mr. Geddy indicated the entrance on the map.

Mr. Poole confirmed that this entrance point would not directly affect the adjacent property owners and residents of the Vineyards subdivision.

Mr. Poole expressed his confidence that Mr. Duffeler would satisfy the conditions of Gabriel Archer Tavern SUP by the deadline.

Mr. Geddy stated that applicant would satisfy these deadlines.

Mr. McCleary asked if Mr. Duffeler would be eliminating the larger events, such as the Scottish and Italian festivals, typically held at the Winery.

Mr. Duffeler responded that this was a voluntary decision on his part to limit the size of future events held at the winery.

Mr. McCleary asked if the applicant agreed with the proposed conditions of the application.

Mr. Duffeler responded that he was in agreement.

Mr. Geddy stressed that, though the application was only now coming forward, that the plan for the Winery included that addition of an inn, and that the inn was the final component of that overall plan to be brought before the commission.

Mr. Poole asked Mr. Geddy to summarize the issues discussed by citizens at a recent neighborhood meeting.

Mr. Geddy responded that a wide range of issues, such as traffic and noise, had been discussed at the meeting.

Mr. Hunt commended Mr. Duffeler for bringing the application before the Commission.

Mr. McCleary expressed his support for the application but that he was sympathetic to the concerns of adjacent property owners.

Mr. Hunt observed, from personal experience, that the level of service on Lake Powell Road was currently very good and that he did not think the proposed inn would significantly decrease the service level of the road.

Mr. Fraley expressed his support for the application and recommended that a master plan be included with the site plan.

Mr. Billups expressed his concern that this application would possibly open the surrounding farmland to more intense development and that the County should follow the Comprehensive Plan. He stated that he supported the application.

Ms. Wildman stated that she was comfortable with the application.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 4:2; AYE: (4) Wildman, McCleary, Fraley, Hunt; NAY: (2) Poole, Billups; Not Present: Kale.

G. CASE NO. Z-04-04/MP-04-04 Ironbound Village Proffer Amendment.

Ms. Cook presented the staff report. Mr. James Peters of AES Engineering has applied on behalf of Cutting Edge Development, L.L.C. and George S. Hankins Jr. & Howard B. Hankins to amend the master plan and proffers for approximately 1.4 acres at 5300, 5304, 5320, 5324, and 5340 Palmer Lane currently zoned MU, Mixed Use with proffers. The applicant has proposed to amend the Master Plan by replacing approximately 4,500 square feet of office space with a parking lot, and to update and modify proffers related to development phasing, landscaping and the owners association. No additional residential units are proposed. The property is also known as parcels (13-1a), (13-2B), (13-3), (13-4), and (13-1b) on JCC Tax Map (39-1). The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Staff recommends approval of the application.

Mr. Billups asked if County offices would be included in the development.

Ms. Cook responded that they would.

Mr. Sowers stated that the application also constituted a business “incubator” to help new small business.

Mr. Poole opened the public hearing.

Mr. John Gilliken of 5359 Palmer Lane stated that he did not fully understand the application and asked for more information.

Mr. Bernie Farmer expanded on the proposed office uses. County administrative offices, including Community Services, Youth Services, and Neighborhood Connections would be moved into the offices. Mr. Farmer stressed that the possibility of the County moving into these offices was not planned during the initial consideration of Ironbound Village.

Mr. Poole assured Mr. Gilligan that the County would be very good tenants of the buildings.

Mr. Billups asked if the application replaced public residential units with commercial property.

Mr. Farmer responded that the residential unit count would be reduced.

Mr. Mike Drewry, Assistant County Attorney, related to the Commission that the Board had approved the contract. The application saves County money by removing the need for a new building to house County offices. He also assured the committee that, before closing on the property, the agreements for maintenance and parking lots would be made.

Mr. Billups asked to what extent adjacent residents had been involved in the deliberations for this property.

Mr. Drewry responded that the County had primarily worked with commercial property owners in this matter, but that the homeowner's association was the only body capable of changing the covenants.

Mr. Billups asked how considerations for Ironbound Square and Palmer Lane were being incorporated into the County move.

Mr. Drewry clarified that Ironbound Village was once owned by the Palmer family. He responded that the County proposition only applied to the five commercial lots. Ironbound Square, located further to the south, is a separate project, despite the County involvement.

Mr. Billups asked if low-income homes could be substituted for the commercial property in Ironbound Village.

Mr. Drewry responded that the County was taking advantage of existing shell buildings. Amending the master plan to allow new low-income homes was possible, but the County had been working to revitalize the area through the move. He added that the residents of the area seemed excited by the County's possible move.

Mr. Billups responded that revitalization was a worthy goal but that the government should pay more attention to the needs of low-income housing.

Mr. Poole spoke to the overall effect of the area revitalization. More affordable units were available on Palmer Lane and adding three or four more units would be tough to work.

Missy Gilliken, 5359 Palmer Lane, asked if the amendment to the parking lot was really necessary. She also asked as to the status of the completion of the streets and signs of the development.

Mr. Drewry stated that the County was aware of the problems mentioned by Ms. Gilliken and stated that the County was trying to ensure the completion of the parking area, the completion of Palmer Lane, streetlights, street signs, and stormwater management through the eventual contract.

Mr. Hunt stated that he was not sure how much more the street could be lit and confirmed that the citizen did not have any objections to the lighting of the parking lot.

Ms. Gilliken responded that she would be in favor of lighting the parking lot.



Mr. Drewry assured Ms. Gilliken that the County was conscious of these concerns.

Robert Barlow of Lot 20, Palmer Lane, asked why the conservation easement to the east of Palmer Lane jutted so far into his property. He urged the Commission to look more deeply into the overall zoning.

Mr. Poole referred Mr. Barlow to staff for assistance in that matter.

Mr. Hunt recommended that Mr. Barlow look more closely into legal processes for changing that easement.

Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Drewry asked if the proposed townhouses had been amended in this application.

Mr. Drewry responded that only the apartments that were proposed in commercial buildings had been removed.

Mr. Fraley asked if the Board of Supervisors had adopted a resolution to acquire the five parcels.

Mr. Rogers responded that the Board of Supervisors had authorized the acquisition.

Mr. Fraley stated that, to him, the application required the Commission to consider only the 4500 feet of commercial space.

Mr. McCleary stated that the developer's inability to find tenants for the proposed office buildings slowed the overall development of the neighborhood. The acquisition of this new commercial space would actually accelerate the completion of amenities to the entire subdivision. He expressed his support for the rezoning.

Mr. Poole expressed his support for the rezoning, though he was sensitive to issues of affordable housing.

Ms. Wildman added her support to the rezoning and thought that the County could use that extra space to relocate some of its offices.

Mr. McCleary moved to approve the application.

Mr. Fraley seconded the motion.

Mr. Billups confirmed that the voting on the application would be limited to the five affected parcels.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

G. CASE NO. SO-002-04 Subdivision Ordinance Amendment - Utility Inspection Fee

Mr. Jeremy Vaughn presented the staff report. The application proposes an amendment to Section 19-15(2), Fees; and Section 19-62, Inspection of Public Water and Sewer Systems: to change the time for collecting the JCSA utility inspection fee imposed pursuant to Virginia Code §15.2-5136 from the issuance of the land disturbance permit to the issuance of the certificate to construct. There is no change in the amount of the fee assessed.

Mr. Hunt confirmed that this streamlines the processes.

Mr. Vaughn confirmed that it did.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Mr. McCleary moved to approve the amendment.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

5. PLANNING DIRECTOR'S REPORT

Mr. Sowers highlighted Mr. Rogers' appointment to the post of County Attorney. He also informed the Commission that Senior Planner Tammy Rosario had returned from maternity leave. Mr. Sowers welcomed Mr. Scott Whyte, the new landscape planner, to the James City County staff. Finally, Mr. Sowers proposed a second meeting date, September 15, for the September Planning Commission should September 13<sup>th</sup> meeting run over.

Mr. Poole confirmed that the alternate date would work for the other commissioners.

7. ADJOURNMENT

There being no further business, the August 16, 2004, meeting of the Planning Commission was recessed at approximately 8:58 p.m.

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A. Joe Poole, III, Chairman

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O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 8/1/2004 THROUGH: 8/31/2004**

**I. SITE PLANS**

**A. PENDING PRELIMINARY APPROVAL**

SP-087-01	The Vineyards, Ph. 3
SP-112-02	Ford's Colony Recreation Park
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-131-03	Colonial Heritage Ph. 2, Sec. 1
SP-132-03	Windy Hill Market Gas Pumps & Canopy SP Amend.
SP-006-04	Williamsburg Christian Retreat Center Amend.
SP-014-04	Action Park of Williamsburg Ride
SP-016-04	Richardson Office & Warehouse
SP-025-04	Carter's Cove Campground
SP-047-04	Villages at Westminster Drainage Improvements
SP-050-04	AJC Woodworks
SP-054-04	Milanville Kennels
SP-059-04	Norge Neighborhood
SP-067-04	Treyburn Drive Courtesy Review
SP-072-04	ECC Building
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-082-04	New Town - Sec. 2 & 4 Roadway Improvements
SP-090-04	Colonial Heritage Mass Grading
SP-091-04	Mid County Park Trail
SP-093-04	Powhatan Plantation Ph. 9
SP-098-04	Warhill Green
SP-100-04	Lightfoot Exxon - Shed
SP-101-04	Busch Gardens Ticket Kiosks
SP-102-04	New Town - Blocks 6 and 7
SP-103-04	New Town - Movie Theater
SP-104-04	Williamsburg Community Chapel

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-056-03	Shell Building - James River Commerce Center	3/ 4/2005
SP-086-03	Colonial Heritage Golf Course	5/ 7/2005
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2005
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-108-03	Fieldstone Parkway Extension	2/26/2005
SP-116-03	Kingsmill - Armistead Point	11/19/2004
SP-136-03	GreenMount Industrial Park Road Extension	3/15/2005
SP-138-03	New Town - Prudential-McCardle Office Building	12/29/2004
SP-140-03	Pocahontas Square	3/ 1/2005

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SP-141-03	Colonial Heritage - Ph. 2, Sec. 3	1/12/2005
SP-145-03	Williamsburg National 13 Course Expansion	8/13/2005
SP-150-03	WindsorMeade Marketplace	2/ 3/2005
SP-003-04	WindsorMeade Villas	3/ 1/2005
SP-004-04	WindsorMeade - Windsor Hall	3/ 1/2005
SP-005-04	WindsorMeade - Villa Entrance & Sewer Const.	3/ 3/2005
SP-017-04	Settlement at Monticello - Community Club	4/ 6/2005
SP-023-04	Williamsburg Landing SP Amend.	4/ 2/2005
SP-027-04	Greensprings Condominiums SP Amend.	6/ 7/2005
SP-045-04	Powhatan Co-Location Monopole Tower	4/29/2005
SP-056-04	Michelle Point	7/12/2005
SP-057-04	The Archaearium at Historic Jamestowne	6/15/2005
SP-064-04	Eckerd's at Powhatan Secondary	6/17/2005
SP-069-04	New Town - Block 5, Parcel D & E, Mixed Use Bldgs.	7/12/2005
SP-070-04	Godspeed Animal Care	7/13/2005
SP-074-04	Chesapeake Bank at Lightfoot	7/19/2005
SP-076-04	Stonehouse Recreational Vehicle Storage Area	7/19/2005
SP-078-04	New Town - Block 2, Parcel D, 1st Adv Credit Union	8/ 4/2005
SP-079-04	Norge Railway Station	7/23/2005
SP-088-04	Wal-Mart Distribution Center - Ph. 3	7/29/2005
SP-092-04	Columbia Drive Waterline Extension	8/18/2005
SP-096-04	First Colony Subdivision Clubhouse	9/ 2/2005
SP-099-04	7-Eleven #2516 Fuel System Upgrade	9/ 2/2005

#### **C. FINAL APPROVAL**

#### **DATE**

SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amend.	8/17/2004
SP-143-03	New Town - United Methodist Church	8/ 2/2004
SP-015-04	New Town - Sec. 4, Ph. 2 Infrastructure	8/17/2004
SP-018-04	New Town - Block 8, Ph. 1B	8/12/2004
SP-041-04	Ford's Colony - Country Club Redevelopment SP Amd.	8/16/2004
SP-051-04	Druid Hills, Sec. D - Braddock Court	8/10/2004
SP-060-04	New York Deli Expansion	8/ 4/2004
SP-084-04	Old Chickahominy House - Handicapped Ramp Addition	8/16/2004
SP-085-04	Busch Gardens - Facility Shed	8/ 2/2004
SP-089-04	W-29 Racefield Water Facility	8/ 6/2004
SP-094-04	Kingsmill Marina Improvement	8/ 8/2004

## II. SUBDIVISION PLANS

### A. PENDING PRELIMINARY APPROVAL

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-086-02	The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03	Hicks Island - Hazelwood Subdivision
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-094-03	Brandon Woods Parkway ROW
S-100-03	Colonial Heritage Ph. 2, Sec. 1
S-101-03	Ford's Colony - Sec. 35
S-107-03	Stonehouse Conservation Easement Extinguishment
S-108-03	Leighton-Herrmann Family Subdivision
S-116-03	Stonehouse Glen, Sec. 2
S-003-04	Monticello Ave. ROW plat for VDOT
S-022-04	ROW Conveyence for Rt. 5000 & Rt. 776 Abandonment
S-034-04	Warhill Tract BLE / Subdivision
S-046-04	ARGO Ph. 2
S-047-04	ARGO Ph. 3
S-048-04	Colonial Heritage - Open Space Easement
S-055-04	117 Winston Terrace
S-059-04	Greensprings West Ph. 6
S-062-04	2400 Little Creek Dam Road
S-063-04	123 Welstead Street BLE
S-064-04	Jamestown Hundred Lots 10-41
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-072-04	New Town - Block 8, Parcels D & E
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)
S-075-04	Pocahontas Square
S-076-04	120 Grove Heights BLA
S-077-04	James River Commerce Center
S-078-04	Hogge Land Exchange
S-079-04	New Town - Parcels A & B of Blocks 6 & 7

### B. PENDING FINAL APPROVAL

S-037-02	The Vineyards, Ph. 3
S-076-02	Marion Taylor Subdivision
S-094-02	Powhatan Secondary Ph. 7-C

### EXPIRE DATE

5/ 4/2005
10/ 3/2004
12/30/2004

S-108-02	Scott's Pond, Sec. 3	1/13/2005
S-033-03	Fenwick Hills, Sec. 2	10/31/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2005
S-049-03	Peleg's Point, Sec. 5	7/ 3/2005
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2005
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9/ 8/2005
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/ 6/2004
S-076-03	Wellington, Sec. 4	11/ 3/2004
S-078-03	Monticello Woods - Ph. 2	11/ 3/2004
S-098-03	Stonehouse Glen, Sec. 1	4/ 5/2005
S-099-03	Wellington, Sec. 5	2/ 3/2005
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1/12/2005
S-001-04	Ironbound Village Ph. 2, Parcel 2	2/17/2005
S-002-04	The Settlement at Monticello (Hiden)	3/ 1/2005
S-009-04	Colonial Heritage Public Use Site B	3/18/2005
S-029-04	BLA Lots 1A & 1B Longhill Gate	4/ 8/2005
S-033-04	2011 Bush Neck Subdivision	5/ 4/2005
S-035-04	Colonial Heritage Blvd. Ph. 2 Plat	4/28/2005
S-036-04	Subdivision at 4 Foxcroft Road	6/15/2005
S-037-04	Michelle Point	7/12/2005
S-038-04	Greensprings West Ph. 4B & 5	6/ 9/2005
S-039-04	Governor's Land - Wingfield Lake Lots 27, 28	6/14/2005
S-041-04	6199 Richmond Road Subdivision	6/14/2005
S-042-04	Eckerd's at Powhatan Secondary	6/17/2005
S-045-04	ARGO Ph. 1	6/28/2005
S-051-04	WindsorMeade Marketplace	6/17/2005
S-057-04	Boughsprings Resubdivision of Lot 22B	7/ 6/2005
S-065-04	133 Magruder Avenue - Sadie Lee Taylor Prop.	8/ 4/2005
S-068-04	123 Indigo Dam Road	8/11/2005
S-070-04	Wexford Hills Ph. 2A	8/24/2005
S-071-04	Cowles Subdivision -163 Howard Drive	9/ 3/2005

#### **C. FINAL APPROVAL**

#### **DATE**

S-092-03	Plat of Subdivision and BLA Ford's Colony	8/ 9/2004
S-052-04	The Villages at Powhatan, Ph. 7	8/ 6/2004
S-053-04	The Colonial Heritage Club	8/ 4/2004
S-073-04	Ford's Colony - BLA Lots 121,122 & 123, Sec. 11A	8/24/2004

#### **D. EXPIRED**

#### **EXPIRE DATE**

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 8/1/2004 THROUGH: 8/31/2004**

**I. SITE PLANS**

**A. PENDING PRELIMINARY APPROVAL**

SP-087-01	The Vineyards, Ph. 3
SP-112-02	Ford's Colony Recreation Park
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-131-03	Colonial Heritage Ph. 2, Sec. 1
SP-132-03	Windy Hill Market Gas Pumps & Canopy SP Amend.
SP-006-04	Williamsburg Christian Retreat Center Amend.
SP-014-04	Action Park of Williamsburg Ride
SP-016-04	Richardson Office & Warehouse
SP-025-04	Carter's Cove Campground
SP-047-04	Villages at Westminster Drainage Improvements
SP-050-04	AJC Woodworks
SP-054-04	Milanville Kennels
SP-059-04	Norge Neighborhood
SP-067-04	Treyburn Drive Courtesy Review
SP-072-04	ECC Building
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-082-04	New Town - Sec. 2 & 4 Roadway Improvements
SP-090-04	Colonial Heritage Mass Grading
SP-091-04	Mid County Park Trail
SP-093-04	Powhatan Plantation Ph. 9
SP-098-04	Warhill Green
SP-100-04	Lightfoot Exxon - Shed
SP-101-04	Busch Gardens Ticket Kiosks
SP-102-04	New Town - Blocks 6 and 7
SP-103-04	New Town - Movie Theater
SP-104-04	Williamsburg Community Chapel

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-056-03	Shell Building - James River Commerce Center	3/ 4/2005
SP-086-03	Colonial Heritage Golf Course	5/ 7/2005
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2005
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-108-03	Fieldstone Parkway Extension	2/26/2005
SP-116-03	Kingsmill - Armistead Point	11/19/2004
SP-136-03	GreenMount Industrial Park Road Extension	3/15/2005
SP-138-03	New Town - Prudential-McCardle Office Building	12/29/2004
SP-140-03	Pocahontas Square	3/ 1/2005

Wednesday, September 08, 2004

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SP-141-03	Colonial Heritage - Ph. 2, Sec. 3	1/12/2005
SP-145-03	Williamsburg National 13 Course Expansion	8/13/2005
SP-150-03	WindsorMeade Marketplace	2/ 3/2005
SP-003-04	WindsorMeade Villas	3/ 1/2005
SP-004-04	WindsorMeade - Windsor Hall	3/ 1/2005
SP-005-04	WindsorMeade - Villa Entrance & Sewer Const.	3/ 3/2005
SP-017-04	Settlement at Monticello - Community Club	4/ 6/2005
SP-023-04	Williamsburg Landing SP Amend.	4/ 2/2005
SP-027-04	Greensprings Condominiums SP Amend.	6/ 7/2005
SP-045-04	Powhatan Co-Location Monopole Tower	4/29/2005
SP-056-04	Michelle Point	7/12/2005
SP-057-04	The Archaearium at Historic Jamestowne	6/15/2005
SP-064-04	Eckerd's at Powhatan Secondary	6/17/2005
SP-069-04	New Town - Block 5, Parcel D & E, Mixed Use Bldgs.	7/12/2005
SP-070-04	Godspeed Animal Care	7/13/2005
SP-074-04	Chesapeake Bank at Lightfoot	7/19/2005
SP-076-04	Stonehouse Recreational Vehicle Storage Area	7/19/2005
SP-078-04	New Town - Block 2, Parcel D, 1st Adv Credit Union	8/ 4/2005
SP-079-04	Norge Railway Station	7/23/2005
SP-088-04	Wal-Mart Distribution Center - Ph. 3	7/29/2005
SP-092-04	Columbia Drive Waterline Extension	8/18/2005
SP-096-04	First Colony Subdivision Clubhouse	9/ 2/2005
SP-099-04	7-Eleven #2516 Fuel System Upgrade	9/ 2/2005

#### **C. FINAL APPROVAL**

#### **DATE**

SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amend.	8/17/2004
SP-143-03	New Town - United Methodist Church	8/ 2/2004
SP-015-04	New Town - Sec. 4, Ph. 2 Infrastructure	8/17/2004
SP-018-04	New Town - Block 8, Ph. 1B	8/12/2004
SP-041-04	Ford's Colony - Country Club Redevelopment SP Amd.	8/16/2004
SP-051-04	Druid Hills, Sec. D - Braddock Court	8/10/2004
SP-060-04	New York Deli Expansion	8/ 4/2004
SP-084-04	Old Chickahominy House - Handicapped Ramp Addition	8/16/2004
SP-085-04	Busch Gardens - Facility Shed	8/ 2/2004
SP-089-04	W-29 Racefield Water Facility	8/ 6/2004
SP-094-04	Kingsmill Marina Improvement	8/ 8/2004



## II. SUBDIVISION PLANS

### A. PENDING PRELIMINARY APPROVAL

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-086-02	The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03	Hicks Island - Hazelwood Subdivision
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-094-03	Brandon Woods Parkway ROW
S-100-03	Colonial Heritage Ph. 2, Sec. 1
S-101-03	Ford's Colony - Sec. 35
S-107-03	Stonehouse Conservation Easement Extinguishment
S-108-03	Leighton-Herrmann Family Subdivision
S-116-03	Stonehouse Glen, Sec. 2
S-003-04	Monticello Ave. ROW plat for VDOT
S-022-04	ROW Conveyence for Rt. 5000 & Rt. 776 Abandonment
S-034-04	Warhill Tract BLE / Subdivision
S-046-04	ARGO Ph. 2
S-047-04	ARGO Ph. 3
S-048-04	Colonial Heritage - Open Space Easement
S-055-04	117 Winston Terrace
S-059-04	Greensprings West Ph. 6
S-062-04	2400 Little Creek Dam Road
S-063-04	123 Welstead Street BLE
S-064-04	Jamestown Hundred Lots 10-41
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-072-04	New Town - Block 8, Parcels D & E
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)
S-075-04	Pocahontas Square
S-076-04	120 Grove Heights BLA
S-077-04	James River Commerce Center
S-078-04	Hogge Land Exchange
S-079-04	New Town - Parcels A & B of Blocks 6 & 7

### B. PENDING FINAL APPROVAL

S-037-02	The Vineyards, Ph. 3
S-076-02	Marion Taylor Subdivision
S-094-02	Powhatan Secondary Ph. 7-C

### EXPIRE DATE

5/ 4/2005
10/ 3/2004
12/30/2004

S-108-02	Scott's Pond, Sec. 3	1/13/2005
S-033-03	Fenwick Hills, Sec. 2	10/31/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2005
S-049-03	Peleg's Point, Sec. 5	7/ 3/2005
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2005
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9/ 8/2005
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/ 6/2004
S-076-03	Wellington, Sec. 4	11/ 3/2004
S-078-03	Monticello Woods - Ph. 2	11/ 3/2004
S-098-03	Stonehouse Glen, Sec. 1	4/ 5/2005
S-099-03	Wellington, Sec. 5	2/ 3/2005
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1/12/2005
S-001-04	Ironbound Village Ph. 2, Parcel 2	2/17/2005
S-002-04	The Settlement at Monticello (Hiden)	3/ 1/2005
S-009-04	Colonial Heritage Public Use Site B	3/18/2005
S-029-04	BLA Lots 1A & 1B Longhill Gate	4/ 8/2005
S-033-04	2011 Bush Neck Subdivision	5/ 4/2005
S-035-04	Colonial Heritage Blvd. Ph. 2 Plat	4/28/2005
S-036-04	Subdivision at 4 Foxcroft Road	6/15/2005
S-037-04	Michelle Point	7/12/2005
S-038-04	Greensprings West Ph. 4B & 5	6/ 9/2005
S-039-04	Governor's Land - Wingfield Lake Lots 27, 28	6/14/2005
S-041-04	6199 Richmond Road Subdivision	6/14/2005
S-042-04	Eckerd's at Powhatan Secondary	6/17/2005
S-045-04	ARGO Ph. 1	6/28/2005
S-051-04	WindsorMeade Marketplace	6/17/2005
S-057-04	Boughsprings Resubdivision of Lot 22B	7/ 6/2005
S-065-04	133 Magruder Avenue - Sadie Lee Taylor Prop.	8/ 4/2005
S-068-04	123 Indigo Dam Road	8/11/2005
S-070-04	Wexford Hills Ph. 2A	8/24/2005
S-071-04	Cowles Subdivision -163 Howard Drive	9/ 3/2005

#### **C. FINAL APPROVAL**

#### **DATE**

S-092-03	Plat of Subdivision and BLA Ford's Colony	8/ 9/2004
S-052-04	The Villages at Powhatan, Ph. 7	8/ 6/2004
S-053-04	The Colonial Heritage Club	8/ 4/2004
S-073-04	Ford's Colony - BLA Lots 121,122 & 123, Sec. 11A	8/24/2004

#### **D. EXPIRED**

#### **EXPIRE DATE**

**DEVELOPMENT REVIEW COMMITTEE ACTION REPORT**  
**Meeting of Sept. 8, 2004**

**Case No. SP-98-04**

**Warhill Green**

Mr. Charles Records, of AES Consulting Engineers, submitted a site plan proposing twenty-nine condominium units to be located at 5450 Centerville Road. The property is further identified as parcel (1-34) on James City County Tax Map (31-3). Since the development proposes buildings whose total floor area exceeds 30,000 square feet, the plan requires DRC review.

**DRC Action:** The DRC deferred the case to its Sept. 29 meeting.

**Case No. S-059-04**

**Greensprings West - Phase 6**

Mr. Ryan Stephenson of AES Consulting Engineers, on behalf of Jamestown Development, LLC, submitted a subdivision plan proposing 57 lots on 31.09 acres. The site is located at 4001 Centerville Road and is further identified as parcel (1-22) on James City County Tax Map (36-3). Section 19-23 of the Subdivision Ordinance specifies that the DRC review any subdivisions proposing more than fifty lots.

**DRC Action:** The DRC deferred the case to Monday, Sept. 13, at 6:45 p.m.

**Case No. C-007-03**

**New Town – Town Center Parking Overview**

Mr. Larry Salzman of New Town Associates submitted a plan for parking for New Town, Sections 2 & 4. The plan specifically proposes changes to Blocks 3, 5, 6, 7, and 8. The property is further identified as parcel (1-50) on James City County Tax Map (38-4). Because the plan proposes general off-site parking and shared parking for all of the blocks listed above, it requires DRC review.

**DRC Action:** The DRC unanimously approved the case.

**Case No. SP-102-04. New Town – Movie Theater and Case No. SP-103-04. New Town – Blocks 6 & 7 parking.**

Mr. Bob Cosby of AES Consulting Engineers submitted two site plans for a movie theater and parking in New Town, located at Blocks 6 & 7. The property is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is necessary as the case proposes a total building area of over 30,000 square feet.

**DRC Action:** The DRC approved the case.

## MEMORANDUM

**Date:** September 13, 2004  
**To:** The Planning Commission  
**From:** Matthew Arcieri, Planner  
Ellen Cook, Planner  
**Subject:** Primary Principles for Five Forks

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Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area. On June 8, 2004 the Board of Supervisors created the Five Forks Area Study Committee to conduct a comprehensive study of the area and develop a set of guiding principles for future development. The members of the committee were:

Henry Branscome II  
David Fuss  
Hampton Jesse  
Gerald Johnson, Chair  
Jon Nystrom  
Tom Tingle  
Kay Thorington  
Jay T. Harrison Sr.  
Joe McCleary, Vice-Chair

The committee held four meetings, all of which were open to the public. The entire first meeting was dedicated to gathering public input while the subsequent meetings had public comment periods held at the beginning and end of each meeting. At its final meeting on August 25, 2004 the committee unanimously adopted the attached primary principles for Five Forks.

Staff recommends the Planning Commission recommend adoption of the attached principles.

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Matthew D. Arcieri

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Ellen G. Cook

### Attachments:

1. Primary Principles

## **Primary Principles for the Five Forks Area of James City County**

### **Recommended for approval by the Five Forks Area Study Committee on August 25, 2004**

Five Forks is an area with a unique village character. Bounded to the east by Mill Creek and to the west by the Powhatan Creek, Five Forks is within a significant natural area. Five Forks also supports a thriving commercial center and boasts a quality elementary school at its southern edge. Five Forks is generally understood to encompass the area that lies within three quarters of a mile of the intersection of John Tyler Highway and Ironbound Road.

Five Forks has grown and changed. With new growth, however, come questions about traffic levels, housing capacity, and preservation of the village qualities that make the area unique.

The Five Forks Area Study Committee was created by the Board of Supervisors to listen to the views of County citizens, particularly those who live and work in Five Forks. The committee's purpose was to recommend principles that preserve and build upon the many positive qualities of Five Forks. These principles seek to protect the watersheds and safeguard the village character of the area. The principles will address residential growth, commercial development, traffic concerns, and alternative transportation. The principles will be incorporated into the next regularly scheduled update of the County's Comprehensive Plan. Until that time, these principles, when approved, serve as an addendum to the 2003 Comprehensive Plan.

The committee thanks the citizens of Five Forks, many of whom shared their own visions with the Committee

### **Vision Statement**

Five Forks has a rich heritage and a community character unique to James City County. By cooperating with citizens and with local government we will preserve these qualities for future generations. Through these principles the committee envisions that Five Forks will be a place where future redevelopment or development:

- ◆ Improves or maintains water quality and other environmental features;
- ◆ Preserves Five Forks' unique village character;
- ◆ Does not overburden the road network beyond capacity;
- ◆ Provides adequate facilities for pedestrians and cyclists;
- ◆ Provides goods and services needed by citizens; and
- ◆ Ensures housing opportunities for all citizens.

## **Primary Principles for the Five Forks Area of James City County**

### **I. Transportation Principles**

#### **1. Capitalize on and Enhance Existing Roadway Network<sup>1</sup>**

##### Recommended Actions

- ✕ Inventory/validate existing pavement and right-of-way width.
- ✕ Reconfigure pavement markings/lane delineations to accommodate 150' full-width exclusive right-turn lane for southbound Ironbound Road (i.e., north leg).
- ✕ Construct a 150' full-width right-turn lane along the northbound approach of Ironbound Road (i.e. south leg).
- ✕ Reduce the speed limit to 35 mph approximately ½ mile from the intersection of Ironbound Road and John Tyler Highway.
- ✕ Implement AM, Noon, PM and Off-Peak signal timing modifications to best process traffic, maximize available and enhanced capacity, and to sustain acceptable level of operations for the isolated signalized intersection of Ironbound Road and John Tyler Highway.

#### **2. In Conjunction with any Development Proposals Using Ingram Road West for Access, Encourage Developers to Make Road Improvements<sup>2</sup>**

##### Recommended Actions

- ✕ Developers using Ingram Road West for access should rebuild this road as a two-lane roadway in accordance with current VDOT street requirements. Improvements could include:
  - ◆ 12' – 14' lanes to include roadway as well as curb and gutter
  - ◆ 4' buffer between curb and sidewalk on one side of roadway
  - ◆ Street trees and other aesthetic improvements
  - ◆ 25 mph posted speed limit

#### **3. Promote pedestrian and bicycle facility interconnectivity within Five Forks Area<sup>3</sup>**

##### Recommended Actions

- ✕ Utilize available funds in the Sidewalk Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the phasing plan listed below.
- ✕ Ensure that new development either provides sidewalks along public road frontage in accordance with the recommendations of the sidewalk inventory, or contributes funds to the Sidewalk Capital Improvement Program.
- ✕ Coordinate the design and construction of roadway improvement projects with bicycle and pedestrian facilities. Bicycle and pedestrian facilities should be designed with an emphasis on safety, adequate lighting, signage, and Americans with Disabilities Act (ADA) compliant features.

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<sup>1</sup> See the Environmental Principles for relevant information related to these recommended actions.

<sup>2</sup> Reopening access from Ingram Road East from John Tyler Highway was considered but was not recommended. Such re-opening might prove to be unsafe and possible benefits appear to be minimal. The initiative might prove to be beneficial at some time in the future depending on future development on Ingram Road East.

<sup>3</sup> See the Land Use and Environmental Principles for relevant information related to these recommended actions.

Phase I

- ✘ Using the Five Forks Area sidewalk inventory and considering existing and potential development and existing sidewalk connections as a guide, develop an implementation plan to extend sidewalks to serve pedestrian activity within the businesses at the Ironbound Road/John Tyler Highway intersection.
- ✘ Stripe crosswalks and provide crossing ramps and pedestrian signals for each approach to the Ironbound Road/John Tyler Highway intersection.
- ✘ Provide paved shoulders on John Tyler Highway west of the Ironbound Road intersection during the next VDOT repaving to decrease road maintenance and provide more travel space for bicycles and pedestrians.

Phase II

- ✘ Using the Five Forks Area sidewalk inventory, existing and potential development and existing sidewalk connections as a guide, develop an implementation plan to construct sidewalk segments that provide greater connectivity between the central business area and Clara Byrd Baker Elementary School, neighborhoods, and recreational areas.
- ✘ In accordance with the Greenway Master Plan, construct a multi-use path along John Tyler Highway that can connect to Jamestown High School and the Greensprings Trail.
- ✘ Construct shoulder bikeways along Ironbound Road using federal grants. In accordance with the Greenway Master Plan, construct a multi-use path along Ironbound Road that can connect to Mid-County Park/Monticello Marketplace Shopping Center.
- ✘ Utilize Greenway Funds in the Capital Improvement Program budget and other sources of funding such as grants to support the construction of the above multi-use paths.

**4. Promote opportunities for bus service in Five Forks**

Recommended Actions

- ✘ Work with Williamsburg Area Transport (WAT) to investigate areas and routes with the highest ridership and potential for enhanced service (e.g., to serve activity/employment centers).
- ✘ Work with WAT and Traffix to promote public transportation incentives and the use of alternative commuting modes (park-and-ride, ride sharing, express routes, etc.) to both employers and employees.
- ✘ Investigate opportunities to increase ridership to/from centers of activity, businesses, residential areas and special event attractions.

**5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process**<sup>4</sup>

Recommended Actions

- ✘ Without Geometric Improvements
  - ◆ AM peak should not exceed 350 new trips
  - ◆ PM peak should not exceed 500 new trips

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<sup>4</sup> Trip levels above the thresholds result in the Level of Service decreasing from C to D. These new trip generation threshold numbers are on top of projected 2008 background trips.

- ✘ With Geometric Improvements recommended by principle I.1
  - ◆ AM peak should not exceed 500 new trips
  - ◆ PM peak should not exceed 650 new trips
- ✘ New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in principle I.1 are either constructed or fully funded in the VDOT Six Year Road Plan.
- ✘ New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

## II. Environmental Principles

### 1. Maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek watersheds by minimizing the amount of additional impervious cover and treating existing and additional stormwater runoff

#### Recommended Actions

- ✘ Develop a coordinated stormwater master plan for Five Forks. The stormwater master plan should address possibilities for regional treatment or other treatment approaches for new and existing development as well as opportunities to reduce and/or treat runoff from the existing roadway into Powhatan Creek and Mill Creek.
- ✘ Minimize drainage of new sidewalks, multiuse paths or other transportation improvements. Encourage drainage of these improvements into a treatment facility such as a grassy swale, regional and structural Best Management Practices (BMP), or other appropriate options.
- ✘ For new or modified residential or commercial development in the Powhatan Creek and Mill Creek watershed, encourage the use of Low Impact Design (LID) and Better Site Design (BSD) techniques such as, but not limited to, those listed in the 2003 Comprehensive Plan; the Builders for the Bay James City County Local Site Planning Roundtable consensus document (expected to be completed in Fall 2004); and the booklet entitled "Better Site Design: An Assessment of the Better Site Design Principles for Communities Implementing Virginia's Chesapeake Bay Preservation Act."
- ✘ Work with the Village Square Homeowners Association to ensure maintenance of the Village Square BMP and encourage the community to improve the existing BMP by pursuing a grant through the County PRIDE mini-grant program. Explore options for retrofitting and/or maintaining other Five Forks area BMPs.
- ✘ Investigate options for and encourage the undertaking of stream restoration projects in the Powhatan Creek and Mill Creek watershed.

### 2. Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan

#### Recommended Actions

- ✘ Watershed Management Plan Recommendations:
  - ◆ Non-tidal mainstem (West of Ironbound and North of Ingram Road): Encourage the use of expanded buffers along the Powhatan Creek mainstem (not endorsed by the Board and subject to individual project discussions with applicants).
  - ◆ Tidal mainstem (West of Ironbound Road and South of Ingram Road): Encourage the use of expanded buffers along the Powhatan Creek mainstem (not endorsed by the Board and subject to individual project discussions with applicants); Stormwater management with an added focus on fecal coliform removal.
- ✘ Stormwater Recommendations: Use of Special Stormwater Criteria; Specialized onsite BMP design with emphasis on removal of nutrients and bacteria; Minimize stormwater outfalls on steep slopes.



**3. Explore options for land conservation in Five Forks**

Recommended Actions

- ✘ Through the rezoning and special use permit process, encourage developers to set aside land as permanent open space.
- ✘ Continue to target County Green Space Acquisition Funds to acquire properties that are environmentally sensitive or preserve the John Tyler Highway Community Character Corridor.

**III. Land Use Principles**

**1. Promote mixed-use, pedestrian-friendly land use patterns**<sup>5</sup>

Recommended Actions

- ✘ Pursue regulatory and investment strategies that promote a safe and healthy mix of uses (e.g., retail, residential, office, and public facilities).
- ✘ Continue to promote Five Forks as a center of community activity with complementary mixed uses.
- ✘ Promote development patterns that support compact development, interconnected streets (connections to existing neighborhoods should be permitted only where practical and desired by those residents), sidewalks, etc. in an effort to encourage walkable neighborhoods within the Five Forks Area.

**2. Identify and reutilize vacant buildings and properties that are no longer utilized**

Recommended Actions

- ✘ Encourage master planning of available land for redevelopment or new uses in order to promote shared parking, fewer entrances onto arterial roads, better utilization of land and increased open space.
- ✘ Promote reuse and redevelopment of blighted and no longer utilized properties
- ✘ Target capital investments by James City County (e.g., infrastructure, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
- ✘ Through the Office of Housing and Community Development, investigate ways to renovate and rehabilitate the existing housing stock in the Five Forks area where appropriate. Work with private nonprofit groups such as Habitat for Humanity, the Community Action Agency and Housing Partnerships, Inc. to improve the condition and availability of the existing housing stock and assist residents that may be displaced by new development.

**3. Reduce conflicts between incompatible land uses**

Recommended Actions

- ✘ Promote transitional uses between different land uses.
- ✘ Through the rezoning/special use permit process and standards in the subdivision and zoning ordinance, reduce the impacts of higher intensity on lower intensity uses (requirements for landscaping, buffering, signage, screening, noise, odor, light, traffic, etc.).

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<sup>5</sup> See principle III.6 for land use recommendations, including recommendations on moderate and low income housing.

**4. Connect the land use pattern to a supportive, multi-modal transportation system**

Recommended Actions

- ✘ Establish compact, mixed-use development patterns that create a walkable environment and reduce the need to use the automobile by local residents.
- ✘ Provide convenient pedestrian access from outlying residential areas to the Five Forks community activity center in accordance with principle I.4.

**5. Establish guidelines to define and maintain the historic, cultural and aesthetic character of the Five Forks Area**

Recommended Actions

- ✘ As part of the 2008 Comprehensive Plan update, designate Five Forks as a Community Character Area and incorporate the following guidelines as part of the Community Character element:
  - ◆ Building architecture, scale, materials, spacing, height and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines and cornices.
  - ◆ Buildings that are traditional in character, massing and detailing are preferred. Contemporary interpretations of traditional architecture are acceptable, if based on the scale and proportions of traditional architecture, and compatible with the context of the Five Forks village character.
  - ◆ Building façade materials and architectural treatment should be consistent on all sides of buildings, including side and rear elevations.
  - ◆ Where possible, parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees. Shared access and parking should be pursued before constructing new access breaks and parking facilities.
  - ◆ Existing specimen trees and shrubs should be preserved to the extent possible. New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
  - ◆ Signage should be of a scale, size, color, and materials to complement the village character of the area. Monument style signs, rather than pole signs, are the preferred type.
  - ◆ All mechanical equipment should be screened from view with architectural elements, fencing or landscaping.
  - ◆ In addition to the above standards, residential buildings should have varied roof lines, wall articulations, window placements, and other features to reduce building mass and unbroken building lines. Arrangement and siting of buildings should preserve the buffers along the community character corridor and complement existing structures such as the historic schoolhouse and maintain the village character of Five Forks.
- ✘ Develop and maintain defining traits that can be reflected through landscaping or streetscape design.
- ✘ Protect and enhance the visual character of John Tyler Highway and Ironbound Road. Transportation improvements and new development should be carefully sited to minimize loss to the existing tree canopy over the roads.

**6. Ensure that future residential and non residential development/redevelopment is compatible with the vision and principles for the Five Forks Area**

Recommended Actions

- ✘ Ensure new trip generating developments do not exceed new trip thresholds in accordance with principle I.5 through the rezoning/special use permit process.
- ✘ Ensure proposed land uses are in compliance with the land use section of the 2003 Comprehensive Plan. The following descriptions provide additional guidance on acceptable land use proposals:
  - ◆ Low Density Residential: Recommended gross densities are 1 to 3 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low and moderate cost housing developments; low and moderate income<sup>6</sup> housing; mixed cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan.
  - ◆ Moderate Density Residential: Recommended gross densities are 4 to 10 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low and moderate cost housing developments; low income housing (including persons earning less than 30% of area median income); moderate income housing; mixed cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan. Recommended housing types include townhouses, apartments or attached cluster housing.
  - ◆ Mixed Use: The recommended mix of uses includes offices and community commercial uses serving residents of the Five Forks area. Moderate density housing may be a secondary use provided it is designed in accordance with these principles.
- ✘ As part of the 2008 Comprehensive Plan update, incorporate the above guidance into the Land Use element.

**IV. Economic Development Principle**

**1. Promote and facilitate economic growth through development/redevelopment**

Recommended Actions

- ✘ Facilitate the location of a new anchor tenant in Governor's Green Shopping Center should Winn-Dixie close.
- ✘ Support the development of remaining undeveloped commercial land and vacant buildings in Five Forks to provide goods and services desired by residents of the Five Forks area.
- ✘ Advise the Economic Development Authority on the outcomes of the Five Forks Study so that they may capitalize on future economic opportunities.

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<sup>6</sup> Low income housing is defined as housing for persons earning less than 50% of area median income. Moderate income housing is defined as housing for persons earning 50% to 80% of the area median income.

**Z-11-03 & MP-11-03. Stonehouse Planned Community Rezoning Amendment  
Staff Report for the September 13, 2004, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

**7:00 p.m.; Building F Board Room; James City County  
Government Complex unless otherwise noted:**

Planning Commission: December 8, 2003, 5:30 p.m. Building C Board Room (Deferred)  
January 12, 2004, 5:30p.m. (Deferred)  
February 2, 2004, (Deferred) June 7, 2004 (Deferred)  
March 1, 2004, (Deferred) July 12, 2004 (Deferred)  
April 5, 2004, (Deferred) August 16, 2004 (Deferred)  
May 3, 2004, (Deferred) September 13, 2004

Board of Supervisors: October 12, 2004 (Tentative)

**SUMMARY FACTS**

Applicant: Mr. Greg Davis, Kaufman & Canoles

Land Owner: Ken McDermott of Stonehouse Capital, LLC and Stonehouse at Williamsburg, LLC for Stonehouse Glen, LLC, Fieldstone Investment, LLC, Mount Laurel, LLC, Fairmont Investment, LLC, Six Hundred North, LLC, Tymar Capital, LLC and Commerce Park at Stonehouse, LLC.

Proposal: To amend the master plan and proffers for the Stonehouse Planned Community by realigning Fieldstone Parkway, shifting residential densities and rezoning some landbays to residential. There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community.

Location: 9235 Fieldstone Parkway, 9760 Mill Pond Road,  
9186 & 9600 Mount Zion Road and 9501 Sycamore Landing Road  
Stonehouse District

Tax Map/Parcel: (4-4)(1-25), (4-4)(1-26), (4-4)(1-27), (4-4)(1-28), (4-4)(1-29)  
(5-3)(1-10), (6-3)(1-1), (6-4)(1-1), (7-4)(1-20) and (12-1)(1-47)

Primary Service Area: Inside

Parcel Sizes: 4,684 Acres

Existing & Proposed Zoning: Planned Unit Development Residential & Commercial with Proffers

Comprehensive Plan: Low Density Residential & Mixed Use

Staff Contact: Karen Drake - Phone: 253-6685

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until the October 4, 2004 Planning Commission meeting to allow more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurs with the request.

Attachment: 1.) Deferral Request Letter

**KAUFMAN & CANOLES**

— | A Professional Corporation | —  
**Attorneys and Counselors at Law**

Timothy O. Trant, II  
 757 / 259-3823  
 tottrant@kaufcan.com

757 / 259-3800  
 fax: 757 / 259-3838

*Mailing Address:*

P.O. Box 6000  
 Williamsburg, VA 23188

4801 Courthouse Street

Williamsburg, VA 23188



September 7, 2004

Via Hand Delivery & Facsimile (757) 253-6850

Karen Drake  
 Senior Planner  
 James City County  
 101-E Mounts Bay Road  
 Williamsburg, VA 23185

Re: *Stonehouse at Williamsburg, LLC*  
*Application for Rezoning and Master Plan Amendment of a portion of Stonehouse*  
*James City County Case No's. Z-11-03 & MP-11-03*  
*Our Matter No. 100281*

Dear Ms. Drake:

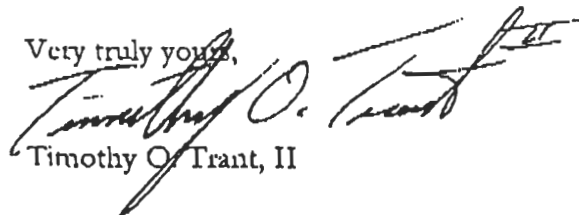
The above referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on September 13, 2004. The applicant and its consultants have been diligently working to respond to the issues raised by the James City County Department of Development Management ("Staff"). On March 26, 2004, the applicant submitted to Staff a revised set of proffers and a revised master plan. Staff has provided the applicant with a number of detailed comments on both submissions aimed at bringing the documents towards a final, presentable form.

Given the detailed nature of Staff's comments and in preparation for the presentation of these materials to the Planning Commission, the applicant and its consultants are undertaking a thorough review of the proffers and master plan before resubmitting to Staff. The applicant is not likely to have completed its review and to have prepared the documents for resubmission in time for the Staff to present the application at the September 13, 2004 Planning Commission meeting. Accordingly, the applicant recognizes that Staff will not be prepared to make a complete staff report nor make a recommendation to the Planning Commission regarding the case at the September 13, 2004 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the October 4, 2004 Planning Commission meeting.

Karen Drake  
September 7, 2004  
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy O. Trant, II". The signature is fluid and cursive, with a large initial "T" and a long horizontal stroke extending to the right.

Timothy O. Trant, II

xc: Kenneth G. McDermott (via facsimile 908-234-9508)  
Mark Rinaldi (via facsimile 757-229-0049)  
Alvin P. Anderson, Esq. (via hand delivery)  
Gregory R. Davis, Esq. (via hand delivery)  
Susan B. Tarley, Esq. (via U.S. mail)

#6060354 v1

**REZONING CASE NOS. Z-2-04 & Z-9-04. Oaktree Office Park and Airtight Self Storage  
Expansion and Proffer Amendment**  
Staff Report for the September 13, 2004, Planning Commission Public Hearing

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

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**PUBLIC HEARINGS** Building F Board Room; County Government Complex

**Planning Commission:** July 12, 2004 7:00 p.m. (Deferred)  
August 2, 2004 7:00 p.m. (Deferred)  
**Board of Supervisors:** October 12, 2004 7:00 p.m. (Tentative)

**SUMMARY FACTS**

**Applicant:** Ms. Jeanette Brady

**Land Owner:** Jeanette Brady Descendants Trust

**Proposed Use:** Construction of approximately 6,400 square feet of office space and approximately 60,000 square feet of warehouse mini-storage adjacent to the existing Oaktree development; amendment of the adopted Proffers to allow a portion of the proposed warehouse mini-storage building footprint to be constructed on the existing Oaktree site

**Location:** 3292 and 3356 Ironbound Road; Berkeley District

**Tax Map/Parcel No.:** (47-1)(1-24) and (47-1)(1-26)

**Primary Service Area:** Inside

**Parcel Size:** " 1.4 acres and " 5.7 acres

**Existing Zoning:** R-8, Rural Residential and B-1, General Business, with Proffers

**Proposed Zoning:** B-1, General Business, with Proffers

**Comprehensive Plan:** Mixed Use

**STAFF RECOMMENDATION:**

Staff finds the proposed expansion consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff also finds the proposed expansion generally consistent with the proposed Primary Principles for Five Forks. Staff recommends that the Planning Commission recommend approval of the proposed rezonings and acceptance of the voluntary proffers for the expansion and amended proffers for the existing Oaktree development.

**Staff Contact:** Christopher Johnson Phone: 253-6685

Following the public hearing on July 12, 2004, the Planning Commission deferred consideration of Case No. Z-2-04 due to questions raised regarding traffic impacts created by the proposed expansion and the pending Five Forks Area Study. The applicant subsequently requested deferral at the August 16, 2004 Commission meeting to allow the Five Forks Area Study Committee to complete their review and forward guiding principles to the Commission for their consideration. The applicant submitted a second application seeking to amend the adopted proffers for the existing Oaktree development. This application, Case No. Z-9-04, has been incorporated into this staff report to allow both cases to be considered concurrently.

## **PROJECT DESCRIPTION**

Ms. Jeanette Brady has applied to rezone approximately 1.4 acres from R-8, Rural Residential, to B-1, General Business, with proffers, and rezone approximately 5.7 acres from B-1, General Business, with proffers, to B-1, General Business, with amended proffers. The applicant proposes to develop approximately 6,400 square feet of office space and approximately 60,000 square feet of warehouse mini-storage adjacent to the existing Oaktree development just north of the Five Forks intersection. The properties are located at 3292 and 3356 Ironbound Road and are further identified as Parcels (1-24) and (1-26) on James City County Tax Map (47-1).

The proposed offices would be in a two-story building located at the front of the parcel parallel to Ironbound Road. The mini-storage units would be located behind the office building at the rear of the parcel and housed in a four-story building, with the first floor located below ground. Both the office and mini-storage buildings would be constructed with architectural materials similar to the existing Oaktree development.

The existing Oaktree development was rezoned in 1997. The adopted proffers limit the building footprint for any mini-storage buildings on the site to 40,000 square feet. The existing Oaktree development includes approximately 39,000 square feet of mini-storage warehouse building footprint. The conceptual master plan submitted by the applicant for the proposed expansion (Case No. Z-2-04) shows a portion of the mini-storage warehouse to be constructed on the site of the existing Oaktree development. The applicant has submitted a rezoning application (Case No. Z-9-04) to amend the existing proffers and raise the development limitation from 40,000 to 55,000 square feet to accommodate the proposed mini-storage warehouse.

## **PUBLIC IMPACTS**

### **Environmental Impacts**

**Watershed:** Mill Creek

**Environmental Comments:** The conceptual plan submitted with this application proposes a dry swale BMP in the southeast corner of the parcel which appears to be an acceptable BMP for the site. Minimal improvements to the existing and downstream storm drainage systems may be necessary pending further review of the capacity of the BMP's outfall at the east end of the site and the accepting storm drainage system. Staff encourages the use of low-impact development principles and techniques for use in site design to reduce and control impacts associated with increased stormwater runoff.



## **Public Impacts**

<b>Utilities:</b>	The site is served by public water and sewer.
<b>JCSA Comments:</b>	No comments.
<b>Staff Comments:</b>	The applicant has submitted a proffer which states that the site will be developed in accordance with water conservation standards which will be approved by the JCSA prior to site plan approval.

## **Traffic Impacts**

<b>2003 Traffic Counts:</b>	11,183 vehicle trips per day on Ironbound Road from John Tyler Highway (Route 5) to News Road (Route 613) (12,959 VTD prior to completion of Monticello Avenue)
<b>2026 Volume Projections: Road Capacity:</b>	13,000 - "Watch" Category in the 2003 Comprehensive Plan A two lane collector road with turn lanes has a capacity of 14,000 vehicle trips per day
<b>VDOT Comments:</b>	VDOT reviewed the traffic impact study submitted with the application and concurred with the analysis.
<b>Staff Comments:</b>	<p>The County's consultant for the Five Forks Area Study, Kimley-Horn and Associates, Inc., completed a traffic study which defined new trip generation thresholds and necessary traffic improvements to maintain an acceptable level-of-service (LOS) "C" for Ironbound Road. The County asked Kimley-Horn to review the traffic impact study submitted by the applicant for this project to determine if the proposed expansion would have any impacts on the Five Forks Area Study findings and recommendations.</p> <p>Kimley-Horn concurred with the findings that queuing southbound left-turning traffic using the existing left-turn lane will not interfere with through traffic continuing southbound along Ironbound Road toward the Ironbound Road and John Tyler Highway intersection. The proposed expansion will only require a right-turn taper for northbound Ironbound Road traffic accessing the site from the south at Powhatan Springs Road. Right turn volumes are low and only warrant a right turn taper and not a right turn lane with storage.</p> <p>Trip generation associated with the proposed expansion introduces approximately 28 new AM peak hour vehicle trips and approximately 96 new PM peak hour trips. Trip generation thresholds presented in the Five Forks Area Study indicate the maximum number of vehicle trips that should be</p>

allowed within the Five Forks Area during either the AM or PM peak hours with or without geometric improvements. Trip generation thresholds assume that VDOT and the County will accept some lane groups operating at a LOS “D” during peak hours while the overall signalized intersection LOS continues to achieve LOS “C.” The introduction of 28 new trips during the AM peak results in the use of approximately 8% of the new trip threshold without geometric improvements and approximately 5.6% with geometric improvements. Under the PM peak scenario, approximately 96 new trips results in the use of 19% of the new trip threshold without geometric improvements and 14.7% with geometric improvements. In both cases, the new trips result in no change to the previously determined LOS and delay for the southbound and northbound lane groups as well as the Ironbound Road and John Tyler Highway intersection as a whole.

## **COMPREHENSIVE PLAN**

The site is located on Ironbound Road just north of Five Forks. Ironbound Road is listed as a suburban Community Character Corridor (CCC) in the Comprehensive Plan.

1. The predominant visual character of the suburban CCC should be a balance of the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.

**Staff Comments:** The applicant has submitted proffers which give the Director of Planning authority over the building materials and architectural design, and landscaping within the 50-foot CCC landscape buffer along Ironbound Road. The CCC designation and proffers will enable staff to recommend desirable design elements to help compliment and enhance the visual quality of the corridor and compatibility with the existing Oaktree development.

The conceptual plan submitted with the application proposes a single mini-storage warehouse building at the back of the site that would be four-stories tall (48.5'). While staff generally does not believe that a building of this height is consistent with the surrounding development in the Five Forks area, the proposed warehouse will take advantage of topography on the site, which slopes away from the front of the site along Ironbound Road, and construct the building with a first floor basement and a flat roof. The top of the warehouse building will only be eight feet above the height of the roofline of the office building at the front of the site. Staff is confident that the warehouse building will be effectively screened by the office buildings along Ironbound Road and the existing natural open space

easement on the Colonial Veterinary Clinic to the south of the site. In addition, the approval authority granted by the proffers to the Planning Director for building materials, architectural design and landscaping will allow staff to work with the applicant to minimize the appearance of the warehouse building from adjacent properties in the surrounding area.

The property is designated Mixed Use

2. The developed area in the immediate vicinity of the intersection of John Tyler Highway (Route 5) and Ironbound Road primarily serves nearby residential development. Limited commercial development of this nature may continue so long as the resulting land use mix of the area is limited primarily to community-scale and neighborhood commercial and office uses. Moderate density residential development is encouraged as a secondary use.

The property on the east side of Ironbound Road, northeast of Powhatan Springs Road, south of the Colonial pipeline easement, and northwest of the Ingram Road Office Park is envisioned for mixed uses limited to community-scale office development and moderate density residential development. New development should tie into the larger Five Forks area with complimentary building types and connections to surrounding commercial and residential development.

**Staff Comments:** The proposed office development is consistent with the Mixed Use designation for the Five Forks area and this site specifically.

### **Primary Principles for Five Forks**

The applicant has not made any revisions to their voluntary proffers since the original application was presented to the Commission at the July 2004 meeting. Should the Board of Supervisors adopt the Primary Principles for Five Forks in advance of their consideration of these applications, it is staff's expectation that the applicant address their pro-rata share of costs associated with implementing the geometric and signal improvements necessary to maintain a LOS "C" for traffic conditions in the Five Forks area by amending their proffers. The binding conceptual plan for the expansion and the proffers previously submitted by the applicant address several of the proposed primary principles for Five Forks including protection of the CCC buffer, location of parking, sidewalks and compatible architectural features.

### **RECOMMENDATION:**

Staff finds the proposed expansion consistent with surrounding zoning and development and consistent with the Comprehensive Plan.. Staff also finds the proposed expansion generally consistent with the proposed Primary Principles for Five Forks. Staff recommends that the Planning Commission recommend approval of the proposed rezonings and acceptance of the voluntary

proffers for the expansion and amended proffers for the existing Oaktree development.

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Christopher Johnson

CONCUR:

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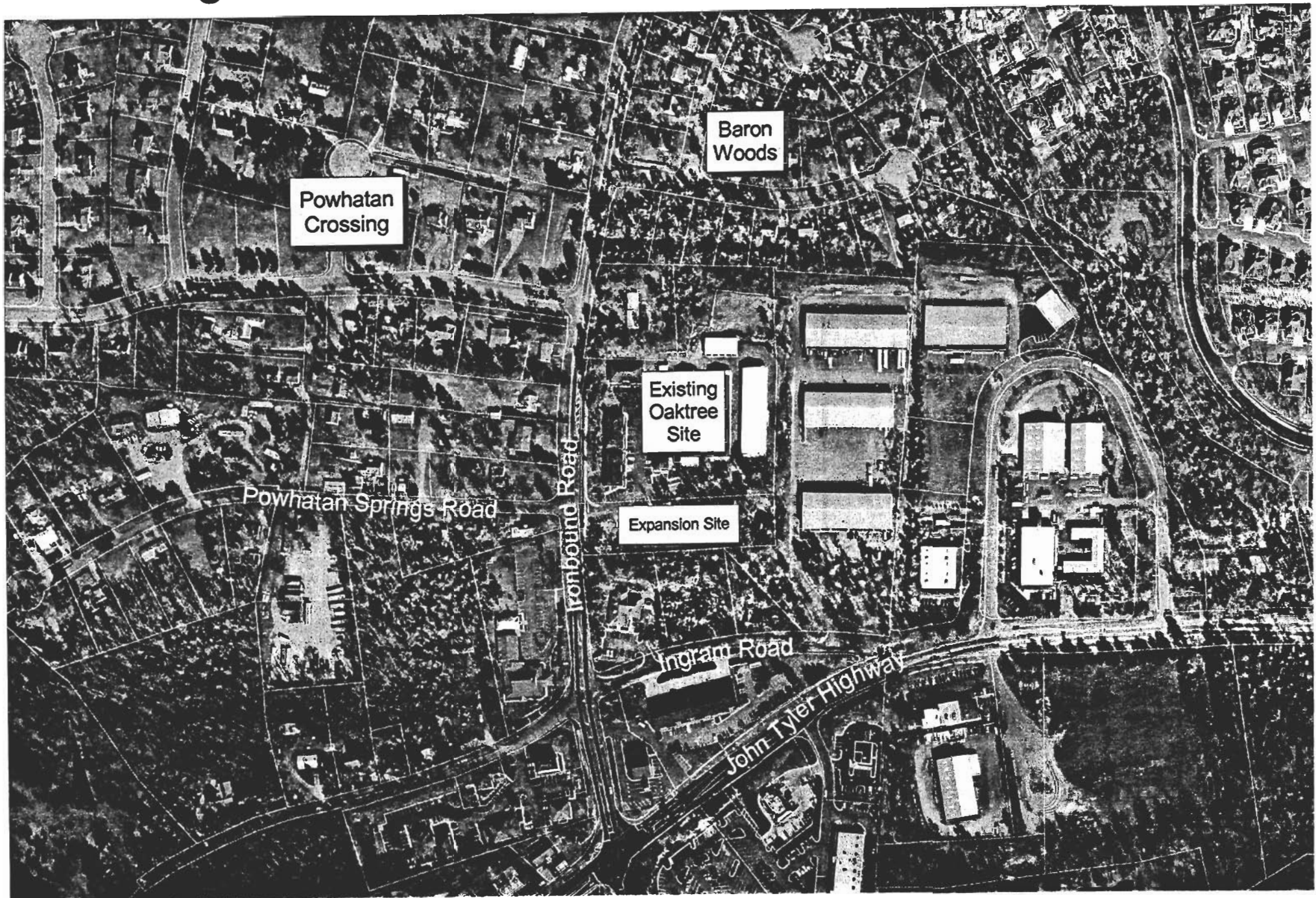
O. Marvin Sowers, Jr.

Attachments:

3. Location Map
4. Proffers for the proposed expansion (Z-2-04)
5. Portion of the adopted Proffers establishing development limitations for mini-storage warehouse
6. Amended Proffers for the existing Oaktree development (Z-9-04)
7. Kimley-Horn and Associates Traffic Analysis Letter

# Case No. Z-2-04. Oaktree Office Park and Airtight Self Storage Expansion

Photo Copyright 2002 State of Virginia



OAKTREE OFFICE PARK AND  
AIRTIGHT SELF STORAGE  
PROFFERS

These proffers are made as of this 21 day of May 2004, by JEANETTE BRADY DESCENDENTS TRUST, Jeanette Brady Trustee. (Together with their successors and assigns, the "Owner").

RECITALS

- A. Owner is the owner of certain real property (the "Property") in James City County, Virginia containing approximately 1.5 acres and being more Particularly described as 3292 Ironbound Road, tax parcel (47-1)(1-0-0024) hereto and made a part thereof.
- B. The Property is now zoned R-8 and is designated Mixed Use on the James City County Comprehensive Plan Land Use Map. Owner has applied for a rezoning of the Property to B-1, General Business, with Proffers. Owner has submitted to the County a conceptual plan entitled "Oaktree Office Park and Airtight Self Storage" prepared by Mitchell-Wilson Associates, Inc. dated 4-12-04 (the "Conceptual Plan").
- C. Owner agrees to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1. Therefore, and in consideration of the approval by The Board of Supervisors of the rezoning, and pursuant to Section 15.2-2296, et sec of the Code of Virginia, 1950, as amended, and Section 24-16, of the Zoning Ordinance. Owner agrees that in developing the Property, all of the following conditions shall be met and satisfied. If the requested rezoning is not granted by the County, these Proffers shall be null and void

CONDITIONS

- 1. Conceptual Plan. The property shall be developed generally in accordance with the Conceptual Plan, which such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
- 2. Community Character Corridor Landscape Area Buffers. (a) The Owner shall designate a landscape buffer of 50 feet in width along the Property's Route 615 frontage. The landscape buffer shall be landscaped liberally as shown on the Conceptual Plan.
- 3. Architectural. The office buildings and the mini-storage building on the Property shall be developed in a harmonious and uniform manner with an architectural design and color scheme approved by the Director of Planning. Owner shall design the office building and the mini-storage on the Property in a manner compatible with the architectural style of the

- existing office development located at 3356 Ironbound Road and further identified Tax Parcel(47-1)(01-0-0026). With each site plan for office development or mini-storage building within the Property, the Owner shall submit architectural plans, including architectural, elevations, proposed building materials and colors, to the Director of Planning for his review and approval for consistency with the intent of this Proffer. The intent of this Proffer is to insure the office building and the mini-storage building constructed on the Property are of high quality and are compatible with (but not necessarily of the same design), as the surrounding development and to minimize the visual impact from Route 615 of the min-storage buildings, to the greatest extent possible.
4. Landscaping. Enhanced landscaping (as defined below) shall be provided within the 50 foot landscape buffer along Route 615 and in the area between the office development and the mini-storage development on the Property as shown on the Conceptual Plan. The enhanced landscaping shall be shown on the site plan for development within this portion of the Property and shall be subject to the approval of the Director of Planning. As used herein "enhanced landscaping" means landscaping that exceeds the numerical requirements of the Landscaping Ordinance by at least 25%, with credit given for the preservation of existing trees in accordance with the Landscaping Ordinance.
  5. Sidewalk. A five foot wide sidewalk shall be installed across the Route 615 frontage of the property.
  6. Lighting. All exterior site lighting on the Property shall have recessed fixtures with no lens bulb, or globe extending below the casing. The covers shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, as defined as 0.1 foot candle or higher, shall extend outside the Property line.
  7. Severability. Each condition, or portion thereof, is severable. The invalidity of any particular Condition, or portion thereof, shall not affect the validity of the remaining conditions, or portions thereof.
  8. Definitions. All terms used herein and defined in the County Zoning Ordinance shall have the meaning set forth therein unless otherwise specifically defined herein.
  9. Water Conservation. Water conservation standards shall be submitted to and approved by the James City Service Authority and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measure as limitations on the installation and use of irrigation systems and irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final site plan or subdivision approval.

Witness the following signature and seal:

Jeanette Brady Descendants Trust (Jeanette Brady Trustee)

Jeanette Brady

State of Virginia

City/County of James City to wit:

The foregoing instrument was acknowledged before me this

6<sup>th</sup> Day of June, 2004, by Jeanette Brady

J. Ann Ritt  
Notary Public

My commission expires:

My Commission Expires September 30, 2005

Prepared by:

Jeanette Brady



widens Route 615 to a four lane road adjacent to the Property, Owner shall install or cause to be installed contemporaneously with construction of the widening project curb and gutter, including necessary drainage improvements, in accordance with VDOT standards and as approved by VDOT in the approved plans for the widening project.

7. Development Limitations. Until such time as the commencement of construction of the office buildings shown on the Conceptual Plan, the sites for such office buildings shall remain undisturbed and in their natural states, provided that Owner may construct the parking lot shown on the Conceptual Plan at the time of construction of the first office building constructed. The mini-storage buildings on the Property shall have building footprints of no more than 40,000 square feet. Owner shall construct at least the exterior shell of all 12,000 square feet of office building at or before the time of construction of the mini-storage buildings.

8. Sidewalk. A four foot wide sidewalk shall be installed by Owner across the Route 615 frontage of the Property.

9. Conceptual Plan. The Property shall be developed generally in accordance with the Conceptual Plan showing 12,000 square feet of office development and 40,000 square feet of building footprint for the mini-storage buildings, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

10. Lighting. All exterior light fixtures on the Property

## AMENDED AND RESTATED PROFFERS

These AMENDED AND RESTATED PROFFERS are made as of this 9 day of August, 2004 by JEANETTE BRADY, Trustee of the Jeanette Brady Descendants Trust, under the provisions of a Trust Agreement dated December 9, 1997 (the "Owner:").

### RECITALS

A. Owner is the owner of certain real property (the "Property") located in James City County, Virginia containing approximately 5.7 acres and being more particularly described on Exhibit A attached hereto and made a part hereof.

B. The Property is now zoned B-1, General Business and is subject to proffered conditions set forth in Proffers dated as of December 4, 1997 which proffers are recorded in the Clerk's Office for the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 980000546 (the "Existing Proffers").

C. Owner now desires to amend and restate the Existing Proffers set forth below. If the requested proffered amendment is not approved by James City County, these amended and restated proffers shall be void and the Existing Proffers shall remain unchanged and in full force and effect.

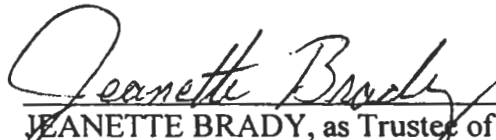
### AMENDMENT AND RESTATEMENT

1. Amendment. The second sentence of condition 7 of the Existing Proffers is hereby amended to read as follows:

"The mini-storage buildings on the Property shall have building footprints of no more than 55,000 square feet."

2. Restatement. Except as specifically amended in Section 1 above, the Existing Proffers are hereby restated and incorporated herein by reference and remain in full force and effect.

WITNESS the following signatures.

  
JEANETTE BRADY, as Trustee of the  
Jeanette Brady Descendants Trust under  
Trust Agreement dated December 9, 1997

STATE OF VIRGINIA  
CITY/ COUNTY OF James City, to wit:

This instrument was acknowledged before me this 9<sup>th</sup> day of August,  
2004 by JEANETTE BRADY, as Trustee of the Jeannette Brady Descendants Trust under Trust  
Agreement dated December 9, 1997

  
NOTARY PUBLIC

My commission expires: My Commission Expires September 30 2005





**Exhibit A**  
**Property Description**

All that certain parcel of land in the present Berkeley Magisterial District (formerly part of Jamestown Magisterial District) of James City County, Virginia, which is a part of what is known as "Pine Hill", and which contains approximately 5.7 acres, more or less, described by metes and bounds on January 29, 1996, as follows:

Commencing with the intersection of the eastern boundary of the right of way of Ironbound Road, with the Southern boundary of Baron Woods, as described in Plat Book 48, at page 69, as the point of beginning: Thence easterly with the line of Baron Woods to its intersection with the western boundary of Thomas W. and Maria D. O'Rourke, as described in Deed Book 520 at page 196; Thence southerly with the line of O'Rourke to its intersection with the northern boundary of Elizabeth N. Vaiden, as described in Deed Book 352 at page 219; Thence westerly on the line of Vaiden to the eastern boundary of the right of way for Ironbound Road; thence northerly with the right-of-way for Ironbound Road to the point of beginning.

Excepting from such metes and bounds that parcel of real estate heretofore conveyed by the said Annie Armstead to Phil Stanley Armistead and Roselee Armistead, husband and wife, by deed of gift, dated August 5, 1970, and recorded in James City County Deed Book 127, at page 432.

MARK R. & AMY L. SULLIVAN  
70NFD "R-1"

	TYPE	QTY
	DECIDUOUS TREE	30
	EVERGREEN TREE	26
	ORNAMENTAL TREE	37
	SHRUB	313



Kimley-Horn  
and Associates, Inc.

Suite 300  
501 Independence Parkway  
Chesapeake, Virginia  
23320

June 29, 2004

Mr. Christopher Johnson  
James City County Planning Division  
101-E Mounts Bay Road  
Williamsburg, VA 23187

Re: Traffic Analysis for Expansion of Oaktree Office Park & Airtight Self Storage

Dear Mr. Johnson:

Per the direction of the James City County Planning Division, Kimley-Horn and Associates has conducted a review of the traffic analysis (TA) materials prepared for James City County regarding the proposed expansion of the existing Oaktree Office Park and Airtight Self Storage, located along the east side of Ironbound Road and north of the Ironbound Road/John Tyler Highway intersection. It is noted that Kimley-Horn has recently completed the Five Forks Area Study and within that study defined new trip generation thresholds and necessary intersection improvements to maintain an acceptable level-of-service (LOS C). The review of the Oaktree Office Park and Airtight Self Storage expansion was conducted to determine if the expansion would have any impacts on the findings and recommendations outlined in the Five Forks Area Study. KHA reviewed the analysis prepared for the site's main site access driveway (Powhatan Springs Road at Ironbound Road), trip generation of the proposed expansion, and level-of service (LOS) impacts at the Ironbound Road/John Tyler Highway intersection to the south.

The information provided to Kimley-Horn includes the following:

- Traffic Analysis Report (April 25, 2004) – prepared by DRW Consultants, Inc.
- Conceptual site layout plan (May 17, 2004).

This memorandum summarizes Kimley-Horn's review and evaluation of the above information.

### General Comments

It is our understanding that the TIA submitted by DRW Consultants, Inc. includes the proposed expansion of the existing Oaktree Office Park and Airtight Self Storage. The proposed land uses in the TIA include general office space totaling 6,400 ft<sup>2</sup>, and additional mini-storage space resulting in 346 new units.

Trip generation characteristics are consistent with the ITE Trip Generation, 7<sup>th</sup> Edition (2003). Trip distribution for the development is consistent and reflective of surrounding area residential development and commercial development. Trip assignment for the proposed expansion by itself is consistent with the trip distribution presented.

Traffic projections reflect the general application of a 2% annualized growth rate for the area over the next 5 years. Socio-economic data reflect an annualized growth rate for this area of the County closer to 3% when taking into account population, households, and employment variables versus simply historic traffic volumes. The reduction in volumes is attributable to roadway network improvements along Monticello Avenue to the north and Route 199 in the east. However, for purposes of this review 2% is acceptable.

Kimley-Horn concurs with the left-turn storage length analysis. The *VDOT Road Design Manual and the Minimum Standards of Entrances to State Highways* indicates that the left-turn traffic volume (i.e., the southbound Ironbound Road traffic entering the site) associated with the development warrants an exclusive left-turn lane with a minimum 100' storage length. This is based on an existing design speed of less than 50 mph and 60 or fewer vehicles turning left during the peak hour. This analysis also indicates that the right-turn traffic volume associated with the development warrants only a right-turn taper.

Trip generation associated with the proposed expansion reflects the introduction of approximately 28 new trips during the AM peak hour and approximately 96 new trips during the PM peak hour. Trip generation thresholds presented in the Five Forks Area Study indicate the maximum number of new trips that should be allowed within the Five Forks Area during either the AM or PM peak hours without and with geometric improvements. Additionally, the trip generation thresholds assume that VDOT and the County will accept some lane groups operating at LOS D during peak hours while the overall signalized intersection LOS continues to achieve LOS C.

- Without Geometric Improvements

- AM peak should not exceed 350 new trips
- PM peak should not exceed 500 new trips

- With Geometric Improvements

- AM peak should not exceed 500 new trips
- PM peak should not exceed 650 new trips

The introduction of 28 new trips during the AM peak results in the use of approximately 8% of the new trip threshold without geometric improvements and approximately 5.6% of the new trip threshold with geometric improvements. In both cases the new trips result in no change in the previously determined LOS (i.e., LOS D) for the intersection of Ironbound Road and John Tyler Highway. Under the PM peak hour scenario, approximately 96 new trips are introduced to the area resulting in the use of 19% of new trip threshold without geometric improvements and 14.7% of the new trip threshold with geometric improvements. Of the 96 new trips introduced during the PM peak hour it is estimated that 38 of those trips will be oriented southbound toward the Ironbound Road/John Tyler Highway intersection.

This results in minor impacts on level of service and delay for the southbound and northbound lane groups as well as the intersection as a whole. With no geometric improvements, the intersection under all scenarios will remain at a LOS D. With geometric improvements, the previously attained LOS C for scenarios 1A and 1B is reduced to LOS D. The introduction of the additional trips into scenario 2 has some minor impacts on delay but a LOS C is maintained for the Ironbound Road/John Tyler Highway intersection.

#### Summary

KHA concurs with DRW Consultants, Inc. traffic operations at the Powhatan Springs Road/Ironbound Road intersection. Queuing southbound left-turning traffic will not interfere with through traffic continuing southbound along Ironbound Road toward the Ironbound Road/John Tyler Highway intersection based on volumes, queue length analysis, and the maintaining of a 100' full-width left-turn lane.

KHA concurs with DRW Consultants, Inc. with the needs of only a right-turn taper for northbound Ironbound Road traffic accessing the site from the south at Powhatan Springs Road. Right-turn volumes are low and only warrant a taper and not a right turn-lane with storage.

As previously noted, Kimley-Horn has completed the Five Forks Area Study and within that study defined new trip generation thresholds and necessary intersection improvements to maintain an acceptable level-of-service (LOS C). Kimley-Horn was asked to determine if the Expansion of the Oaktree Office Park and Airtight Self Storage would have any impacts on the previous analysis and recommendations.

In reviewing the trip generation impacts associated with the expansion, there are minimal impacts to existing level of service (i.e., LOS D with no geometric improvements at the Ironbound Road/John Tyler Highway intersection) and a LOS C for the Ironbound Road/John Tyler Highway intersection can be maintained under Scenario\_2. The reduction in LOS for two of the scenarios will play a role in defining the best mix of land uses for the area during the public participation process.



Because such changes in delay and LOS are minimal, neither the additional analysis of the Five Forks Area traffic impacts study nor the redefining of new trip thresholds is determined necessary at this time. However, further refinement of the land use scenarios, densities, and a mixture of such will be addressed during the public participation process to ensure adequate land use mix and maintenance of acceptable level-of-service.

Thank you for the opportunity to be of service. If there are any questions, if we can provide additional analysis, or further guidance is necessary, please don't hesitate to contact us.

Sincerely,  
**KIMLEY-HORN AND ASSOCIATES, INC.**

Carroll E. Collins, AICP  
Transportation Planner

**Case No. Z-05-04 & MP-05-04. New Town Section 3&6 Rezoning and Master Plan and MP-08-04 New Town Section 2&4 Master Plan Amendment.**

**Staff Report for the September 13, 2004, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

**7:00 p.m.; Building F Board Room; Government Complex**

August 16, 2004 (Deferred)

September 13, 2004

Board of Supervisors:

October 12, 2004 (Tentative)

**SUMMARY FACTS**

Applicant:

Mr. Greg Davis and Mr. Tim Trant of Kaufman & Canoles

Land Owner:

New Town Associates, LLC

Proposal:

To amend Design Guidelines and rezone approximately 69.2 acres to Mixed Use (MU) with proffers to construct a maximum of 470 dwelling units with an overall density cap of 4.5 dwelling units per acre and construct a maximum of 220,000 non-residential square feet. The New Town Section 2&4 Master Plan will be amended by transferring 150 dwelling units and 70,000 non-residential square feet from Section 2&4 to Section 3&6. There is no proposed change to the overall New Town permitted residential units and non-residential square footage.

Location:

Adjacent to the Ironbound Road and located west of the intersection of Ironbound Road and Monticello Avenue.  
Berkeley District

Tax Map/Parcel:

(38-4) (1-50), (38-4) (1-57), (38-4) (24-6), (38-4) (24-1A)

Primary Service Area:

Inside

Parcel Sizes:

160.4 Acres

Existing & Proposed Zoning: Rural Residential (R-8), with proffers and an approved Master Plan and Mixed Use (MU) with proffers to MU with proffers.

Comprehensive Plan:

Mixed Use

Staff Contact:

Karen Drake - Phone: 253-6685

**STAFF RECOMMENDATION**

Staff finds this proposal for New Town Section 3&6 generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. The proposed development is compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts. Staff recommends the Planning Commission approve this rezoning and master plan application with the voluntary proffers contingent upon VDOT final approval of the New Town traffic study addendum.

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy.

## **BRIEF HISTORY AND DESCRIPTION OF NEW TOWN**

In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the "Casey" Property. The winning town plan, chosen from among 99 entries worldwide, was submitted by Michel Dionne, Paul Milana and Christopher Stienon of New York City.

The program included several civic facilities, 600,000 square feet of regional and community retail, 400,000 square feet of office space and 2,000 residential units of varying types. The plan locates a civic green at the southeast corner of the site where it becomes central to the larger Williamsburg region and a gateway to the town. A retail square is the focus of the mixed-use town center with research and development corporations along Discovery Boulevard. The neighborhoods are composed of a simple street and block pattern that accommodates alleys, and permits a variety of lot sizes and housing types. The public spaces of the plan connect to the regional system of public open space so that the new town becomes an urban extension and center for the region.

Using the winning town plan as a launching pad, on December 22, 1997, the Board of Supervisors approved rezoning applications (Case Nos. Z-4-97 & Z-10-97) that set forth the New Town binding master plan and Design Review Guidelines by rezoning 547 acres of the Casey Tract to R-8 with proffers. The purpose of the R-8 zoning was to bind the property to the Proffers and Master Plan, which set maximum densities, major roads, major open spaces and types of uses. Under the proffers, the R-8 area could not actually be developed until further rezoning to MU. The purpose for this was to gradually implement the full development. Also, by rezoning areas separately, the Planning Commission and Board will have the opportunity to gauge proposed development against current situations (in an attempt to best mitigate impacts) and to evaluate the proposed development against the Master Plan, the proffers and the design guidelines.

To allow for initial and immediate construction, 27.5 acres of the Plan (Section 1) was rezoned to Mixed Use in 1997. Section 1 approved uses included 146,000 square feet for institutional and public use (80,000 square feet for the Courthouse and 66,000 square feet for the Williamsburg United Methodist Church); 60,000 square feet for office space, Institutional/Office Mixed Use, or Office/Commercial Mixed Use; and 3.5 acres for Open Space.

On what is commonly referred to as the west side of New Town due to its location west of Route 199, the Windsor Meade Retirement Community rezoning application (Case Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. Windsor Meade Retirement Community will provide 300 residential units of various levels of continuous health care and have a maximum of 19,500 square feet of commercial office space. Windsor Mead Marketplace (Case Z-05-03/MP-06-03) was approved on October 14, 2003 and will include approximately 200,000 square feet of commercial and retail space fronting Monticello Avenue.

On the east side of New Town, Section 2 & 4, or the New Town Center, was rezoned to Mixed Use with proffers on December 11, 2001 (Case No. Z-03-01) and amended when approximately 3 acres were added on October 14, 2003. (Case No. Z-06-03/MP-4-03) Section 2 & 4 borders both Ironbound Road and Monticello Avenue and contains the initial development opened in New Town: the Corner Pocket and the SunTrust Building. Proposed, featured architectural and design highlights of Section 2 & 4 include Court Square, the Civic Green, the Village Square, the Village Green and Pecan Square.

Accessed from Tewning Road and separated by wetlands from the core of New Town East, Section 5 was rezoned to M-1, Limited Business/Industrial with proffers on June 8, 2004. (Case Z-1-04/MP-2-04.)

## **DESCRIPTION OF THE CURRENT REZONING PROPOSAL**

The current request is to rezone approximately 70 acres in Section 3&6 from R-8, with proffers, to MU, with proffers. The following description of Section 3&6 is an excerpt from the introduction of the attached *New Town Discovery Park Section 3&6: Design Guidelines*:

Section 3&6, also known as Discovery Park is located on a lobe of land adjacent to and north of the mixed-use town center. The site is bounded by Ironbound Road to the east, Discovery Boulevard to the south and west, the lands of Eastern State Hospital to the north and east and an industrial neighborhood (Section 5 and Tewning Road) directly to the north. Within the Discovery Park neighborhood, two primary land uses are proposed, although a mixture of office and research, residential, civic uses are allowed and encouraged. An office/research district runs along Discovery Boulevard from Ironbound Road to New Town's boarder with Eastern State Hospital. A multi-family residential area is nestled to the north among wetland "fingers" and ravines.

At Discovery Park's eastern edge along Ironbound Road are two important open spaces within New Town. Pecan Square serves as a gateway to both the Town Center and Discovery Park at the Intersection of Discovery Boulevard and Ironbound Road. Further north, the Northern Focal Open Space serves as an entry to the new neighborhood and New Town, as well as an amenity for the existing neighborhood and surrounding community.

The proposed plan leaves open the possible extension of Discovery Boulevard to both the lands of Eastern State Hospital to the northwest and those of the College of William & Marty to the east.

Discovery Park is linked directly to New Town's commercial center via New Town Avenue, Courthouse Street and Casey Boulevard. This proximity and direct linkage will enable office workers and residents to easily walk to shops, restaurants and other activities within the town center during the day and into the evening. This district should function as a visual and physical extension of the town center.

### **Plan Flexibility**

When New Town was originally rezoned in 1997, rather than set finite square footages and dwelling uses for each use in each section, the adopted master plan establishes certain uses for each section and then describes in tables the maximum square footages and dwelling units which would occur under two market scenarios.

The first scenario assumes the residential uses are built out to the maximum extent, whereas the second scenario assumes non-residential uses are built out to the maximum extent. This system is intended to provide flexibility in determining the mix of residential and non-residential uses in each section. The 1997 results for the entire east side of New Town development (Sections 1-10) is summarized below:

<b>EAST SIDE OF NEW TOWN, SECTIONS 1-10</b>		
	<b>Maximum Residential Scenario</b>	<b>Maximum Non- Residential Scenario</b>
<b>Residential</b>	1,972 dwelling units	1,171 dwelling units
	4.5 du/acre overall cap	4.5 du/acre overall cap
<b>Non-residential</b>	1,361,157 square feet	2,008,657 square feet

To achieve the current development proposed in Section 3&6, the approved Master Plan for Section 2&4 governing approximately 86 acres currently zoned Mixed Use with Proffers is being amended in conjunction with this rezoning by transferring 150 dwelling units and 70,000 square feet from Section 2&4 to Section 3&6. **It should be noted that the overall limits on total number of**

**residential units and non-residential square footage for New Town is not being changed with this application nor is the size of the sections being changed.** The revised land use tabulations for Section 2&4 and Section 3 & 6 are proposed as follows:

<b>PROPOSED SECTION 3&amp;6</b>		
	<b>Maximum Residential Scenario</b>	<b>Maximum Non- Residential Scenario</b>
<b>Residential</b>	470 dwelling units	150 dwelling units
<b>Non-residential</b>	220,000 square feet	550,000 square feet

<b>PROPOSED SECTION 2 &amp; 4</b>		
	<b>Maximum Residential Scenario</b>	<b>Maximum Non- Residential Scenario</b>
<b>Residential</b>	803 dwelling units	375 dwelling units
<b>Non-residential</b>	357,500 square feet	655,000 square feet

The other change in land use calculations proposed with this rezoning is that Section 2&4 and Section 3&6 are now treated officially as only two different sections instead of four separate sections. This change to the land use calculations better reflects the proposed physical development and land use patterns since development in New Town Center in Sections 2&4 are intertwined and are being constructed simultaneously. Please refer to the attached Exhibit A: New Town Density, which was submitted by the applicant to illustrate combining these New Town Sections and the associated density transfers. Staff supports this request from New Town Associates.

### **The Design Guidelines**

Design guidelines were implemented with the original rezoning to ensure the vision of the winning town plan and establish the Design Review Board and a process from which to review and approve proposed developments. The Design Guidelines for Section 3&6 address street design, streetscape, parking, block design, architecture and landscaping. The New Town Design Review Board has reviewed the proposed Master Plan and revised Design Guidelines for Sections 3 and 6 and has approved them for conformance with the adopted Master Plan and original New Town design guidelines.

### **Staff Comments on the Master Plan**

Staff believes that the proposed Master Plan is compatible with surrounding zoning and development and is consistent with the approved 1997 New Town Master Plan. In general, nonresidential development is located internally along Discovery Boulevard with residential areas located appropriately between the Northern Focal Open Space and existing wetlands. In addition, staff supports the alignment of Discovery Boulevard with optional connections to Eastern State Hospital and to property owned by the College of William & Mary.

## **PUBLIC IMPACTS**

### **1. Archaeology:**

Proffers: The County Archaeological Policy is proffered.

Staff Comment: The applicants have performed a Phase I study with the appropriate treatment plans for the appropriate areas. Phase II & III studies will be performed as necessary and reviewed by the Virginia Department of Historic Resources. The proffer is in compliance with the 1997 policy and current County Policies.

### **2. Environmental Impacts**

Watershed: Powhatan Creek

Proffers: The binding master plan shown a variable width buffer around environmentally sensitive areas and other areas. A 15 foot setback from these buffers shown on the master plan is proffered.

#### Environmental Staff Comments:

The proposed land use development plan is based on the assumption that two regional stormwater management ponds will be constructed in the ravines located within Section 3&6. Construction of the regional stormwater management ponds is monitored by the Army Corps of Engineers who issued a letter on July 28<sup>th</sup> denying New Town's wetland permit application. New Town now has the chance to revise their application. The complete review process by the Army Corps of Engineers will extend through the next couple of months and if approval is granted, any conditions will be taken into consideration as development plans for specific buildings are engineered. If New Town's revised wetland permit application is denied again, the proposed master land use plan will be impacted and could prompt a revision to the Master Plan that would require a second public hearing.

New Town has proffered that no building shall be closer than 15' to any Resource Protection Area (RPA) area in order to protect the entire RPA during construction. This is to provide space for clearing and grading without impinging on the RPA. This proffer is a precursor of a policy that is currently being considered by staff and will be presented shortly to the Planning Commission Policy Committee.

Detailed stormwater management plans will be engineered along with development plans. Staff encourages the use of Low Impact Development practices (LID) where possible. For example, shared parking is one such technique used in Section 2&4 that is resulting in less impervious surface, with approximately 17% less parking spaces being constructed than would be required with free standing buildings.

### **3. Fiscal Impact**

Proffers: Cash contributions for various public facilities have been proffered to offset the project's fiscal impact. In addition, a Fiscal Impact Study has been submitted in accordance with Zoning Ordinance Requirements.

Staff Comments: Overall fiscal impact is generally positive. Transferring 70,000 square feet of commercial space and 150 dwelling units from Sections 2 and 4 to Sections 3 and 6 has no net effect from a fiscal standpoint. However, the timeline of actual construction has not been as rapid as was projected by previous studies. Based on the 1997 study, 400,000 square feet of commercial and 150 dwelling units should be in place. Thus, New Town is not having the fiscal impacts on the County's real estate books as projected. By constructing only commercial first, New Town is "stockpiling" positive gains since later rezonings will be predominately residential. With the approval of the 1997 master plan and the subsequent rezonings of each section, an informal phasing plan of New Town has been adopted. Staff notes that there is not a proffered phasing construction plan that requires residential and non-residential buildings to be built simultaneously. Instead, New Town's construction schedule is responding to market demands. Staff does not believe that a formal phasing plan is needed at this time due to the current market. However, when the next sections of New Town are submitted for rezoning, staff will undertake a very close review of what has been built to date to determine whether a balance of residential dwelling units and non-residential buildings will continue to be constructed.

### **4. Housing**

Proffers: Sixteen units of the possible 150 to 470 dwelling units in Section 3 and 6 will initially be sold as affordable or lower cost housing. Six units will initially be sold at or below \$109,034 and ten units will initially be sold between \$109,034 and \$145,989. New Town Associates will work with the James City County Housing and Community Development office for referrals.

Staff Comments: Section 2&4 proffers require that 40 dwelling units of the 375 to 803 possible units be sold at the same price ranges as above (15 units at the lower range, 25 units at the higher range). Of the potential 1,273 housing units in Section 2&4 and Section 3&6 to be constructed, 4% or 56 units will initially be sold as affordable housing units. No guarantee is proffered that when the affordable housing units are resold, the units will be sold at an affordable price or at the market price. Sixteen units in Section 3&6 to be sold initially as affordable housing will somewhat

adequately mitigate the affordable housing shortage issue within the County, and considering Sections 7, 8, 9 & 10 of New Town have yet to be rezoned there will be future affordable housing opportunities. Staff will be closely monitoring the proffered affordable housing ratio with future New Town rezonings.

## 5. Public Utilities

Proffers. Water Conservation measures will be developed and approved by JCSA in conjunction with development plans for residential areas and for the non-residential areas. A contribution of \$780 for each residential unit is proffered to JCSA for development of water supply alternatives or other projects deemed necessary by JCSA.

JCSA Comments. The site is served by public water and sewer. The proffered dollar amount is consistent with the need indicated by JCSA, other recent rezonings with adjustments made for inflation.

## 6. Schools

Proffers: A contribution of \$295 per residential unit for the initial 155 units is proffered.

Staff Comments: Per the “Adequate Public School Facilities Test” policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. In regards to the test, staff finds the following:

<u>Schools serving New Town</u>	<u>2003 enrollment</u>	<u>Design capacity</u>	<u>Program capacity</u>
Clara Byrd Baker Elementary	722	804	691
Berkeley Middle	816	725	828
Jamestown High	1,331	1,250	1,250

The Adequate Public Facilities Test policy uses design capacity to determine if a project passes the test.

Assuming that all of the units developed in Sections 3 & 6 are rental apartment units, the project will generate the following numbers of school students (based on the master plan low of 150 units and high of 470 units):

22-70 elementary school students

10-31 middle school students

8-25 high school students

40-126 total students

Since both the middle and high schools are already over design capacity, this proposal fails the test at both the higher and lower student projection ranges. The proposal passes the elementary school test at both the higher and lower student projection ranges. Please note that the fiscal impact study projects 225 units will be constructed.

To offset project-wide impacts, the 1997 proffers state that New Town and the County “acknowledge that it is the expectation of the County that at the time of approval of rezoning for residential development that significantly contributes to the need for a new public school, New Town will either contribute an elementary school site, or make cash contributions to the County in the amount and upon terms agreed to.”

New Town has chosen to make cash contributions. Therefore, the proffered amount is based on the number of units likely to be constructed in all of New town and the cost needed to acquire a new elementary school site off-site (approximately \$240,000 based on the 1997 Comprehensive Plan standards for acreage and the cost per acre of acquiring the Stonehouse elementary site). Most specifically, as reflected in the current proffers, this formula result in a \$147.50 per unit contribution for all the units within New Town, including the units in Sections 3 and 6 for the average number of



units to be potentially constructed, or 310 units. In an effort to provide the County with funding in a more expeditious manner, the developer proffered to double the per unit contribution to \$295 per unit for the first half of the average of the number of allowable units within Section 3&6 or 155 units, for a total of \$45,725 towards acquisition of school sites and/or school construction.

## **7. Libraries**

Proffers: A cash contribution of \$60 for each residential unit is proffered for library needs.

Library Comments: In the near future, another library facility will need to be considered to adequately service demands. The proffered amount helps offset building construction costs but does not provide sufficient funds for the opening day collection needs.

## **8. Fire & EMS**

Proffers: A cash contribution of \$70 per residential unit is proffered for fire and rescue equipment and facilities.

Staff Comment: This figure is consistent with the need indicated by the Fire Department and consistent with other recent rezonings.

## **9. Parks & Recreation**

Proffers: The proffers provide for community spaces referred to as “Northern Focal Open Space” and “Neighborhood Community Spaces” and which are also shown on the master plan. The proffers also provide for one playground, one urban park (which may also serve as one of the community spaces previously mentioned) and pedestrian/jogging paths as shown on the master plan, all in accordance with the County’s Parks and Recreation master Plan. Further, the proffers provide for a cash contribution of \$67 per residential unit above 294 units and a cash contribution of \$74 per unit applied to all units.

Staff Comments: In addition to these items the master plan also calls for pedestrian connections throughout the development and the Design Guidelines call for sidewalks along most roads and bikeways along Discovery Boulevard and Ironbound Road.

The Parks and Recreation Master Plan contains proffer guidelines which address the need for recreation in new developments. The proffer guidelines, which were established for more traditional suburban development, are based on recreation standards for neighborhood parks and recreation facilities. Each development should, however, be considered on the basis of its own needs.

The Parks and Recreation Master Plan allows both the provision of facilities and/or cash in lieu of the provision of facilities. The applicant has chosen to do a combination of both. Given the facilities and cash provided by the proffers, pedestrian connections shown on the master plan and the bikeways depicted in the Design Guidelines, staff finds that the Park and Recreation standards are adequately addressed.

## **10. Transportation**

Proffers: The following transportation-related items are proffered: two bus pull-offs with shelters along Discovery Boulevard and/or New Town Avenue; right-of-way for the widening of Ironbound Road; a maintenance fund for the property owners association responsible for the maintenance of any private streets; and road improvements to the intersection of Ironbound Road/Watford Lane on the New Town side of Watford and on Ironbound Road. Specific proffered intersection improvements include: On Ironbound Road at Watford, a northbound left turn lane and a southbound right turn lane; on Watford, two lanes approaching Ironbound and two lanes departing Ironbound; and a signal and signal coordination. Right turn in and out driveways along Ironbound Road are also anticipated which may require turn tapers or full width right turn lanes at the development plan stage. The master plan also shows a left turn lane only and crossover into Section 2.

The following information pertains to Ironbound Road:

2003 Traffic Counts:	10,287
1999 Traffic Count:	17,353
2026 Projected Volumes:	14,000
Proposed Road Improvements:	Widen from 2 to 4 lanes with bikeways and sidewalks

VDOT Comments were first issued on August 9th with a revised addendum submitted by the traffic engineer to VDOT on August 24<sup>th</sup>. At the time of writing this report, staff has not received verification from VDOT that the revised addendum is acceptable. However based on the nature of the outstanding VDOT comments and the staff comments detailed below regarding traffic proffers, staff is comfortable at this time with the Planning Commission reviewing this application in its entirety and making a recommendation contingent upon VDOT approval of the traffic addendum prior to consideration by the Board of Supervisors. Staff will continue working with VDOT and the applicant to reach a final resolution with an update to be provided at the Planning Commission meeting on September 13<sup>th</sup>.

Staff Comments: Street design within all of New Town is based on street design cross sections contained in the Design Guidelines. The cross sections include street trees, medians, lighting and pedestrian/bicycle facilities. All streets within Sections 3 and 6 have the potential to be privately owned and maintained (non-gated); however, the intention is that most all streets will be publicly owned, maintained, and constructed to VDOT standards, unless VDOT will not approve the streets as substantially described in the Guidelines. The proffers provide an acceptable mechanism for the maintenance of any private streets.

The 1997 proffers require an updated traffic impact study to be submitted with the rezoning of each section from R-8 to MU. These proffers also specify the methodology and criteria for the studies. The 1997 proffers require the provision of road improvements to maintain an overall level of service (LOS)C for the design year of 2015 at all New Town intersections. Of note, however, is a relaxed level of service standard in the 1997 proffers that permits lane groups to have LOS D if they are part of a coordinated traffic signal system and the overall intersection maintains LOS C. Although LOS C is the accepted standard for roads in the County by both staff and VDOT, it is a very suburban type standard that produces very wide roads. LOS D is an accepted urban standard and produces more pedestrian-friendly design and is used in most cities. In an effort to reduce the scale of the road network and the related improvements (i.e., dual left-turns), the relaxed standard was accepted given New Town's unique character.

The updated traffic impact study evaluates all nine New Town intersections on Ironbound Road and Monticello Avenue. The updated study concludes that an overall level of service LOS C is achieved at all intersections 2015 in accordance with the 1997 proffer requirements. It also points out that LOS C is not achieved for some lane groups at some intersections. Finally, the study concludes that the four-laning of Ironbound Road is not required to maintain LOS C. *Staff is currently waiting for final VDOT approval of this information in light of the entrance/exit discussed below.*

As noted above, the applicant intends to construct an entrance/exit from Section 2 on Ironbound Road. As required by VDOT, left turns out of Section 2 will not be permitted. Left turns into Section 2 will be permitted as well as right turns in and out. Channelization will be required to ensure the entrance/exit functions as intended. The developer will be expected to pay for a left turn lane on Ironbound Road to accommodate the entrance/exit. *Staff is currently waiting for VDOT approval of this improvement.*

### **Comprehensive Plan**

Proffers. The proffers address a number of issues in the Comprehensive Plan, many of which are also addressed above. In regard to other Comprehensive Plan issues, the proffers also require

development to be developed generally in accordance with the master plan, and adherence to design guidelines, New Town Design Review Board recommendations and streetscape standards.

Underground Utilities. The applicant has provided the attached letter to the County agreeing to pay to have the utilities placed underground along the New Town Section 3&6 property fronting on Ironbound Road. The utilities will be relocated due to the Ironbound Road widening project. Please note that the letter is not legally binding, a concern of the County Attorney. Staff had recommended that the applicant proffer the utilities be placed underground to guarantee the applicant would incur the cost and not the County. No proffer has been provided to date and the attached letter does not provide an enforceable agreement.

Staff Comments. The 2003 Comprehensive Plan shows the entire New Town master planned area, which includes all the property requested for rezoning, as Mixed Use on the Land Use Plan map. The Comprehensive Plan states that mixed use areas:

- are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of use is encouraged;
- are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial uses when located at or near the intersections of major thoroughfares;
- are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area; and
- require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity to large population centers.

The mixed-use land designation further states that moderate to high-density residential uses could be encouraged in the Mixed Use area where such development would compliment and be harmonious with existing and potential development. The timing and intensity of commercial development at a particular site is controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the areas infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

During the 2003 Comprehensive Plan Update, the New Town Mixed Use area description was reviewed to ensure it continues to generally support the implementation of the winning town plan from the design competition and now states:

For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

The other primary consideration in the Comprehensive Plan for this master planned area is its location in the New Town Community Character Area (CCA) and along the Monticello Avenue, Ironbound Road, and Route 199 Community Character Corridors (CCC). The CCA generally calls for a superior design which provides a balanced mixture of businesses, shops, and residences in close proximity to one another in an urban environment. It also describes more specific design standards to which development in that area should adhere. The Ironbound Road CCC and

Monticello Avenue CCC are primarily suburban/urban in nature along the New Town borders, and as such, the built environment, formal landscaping, and pedestrian amenities should dominate the streetscapes in these corridors.

Staff finds that Section 3&6 is consistent with the Comprehensive Plan land use and CCC and CCA designations, given the uses and densities proposed in the master plan, the proposed proffers and the standards set forth in the design guidelines. Moreover, the design guidelines establish land uses and streetscape standards for the Monticello Avenue and Ironbound Road corridors which meet the intent of the CCC and CCA language in the Comprehensive Plan.

**Recommendation:**

Staff finds this proposal for New Town Section 3&6 generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. The proposed development is compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts. Staff recommends the Planning Commission approve this rezoning and master plan application with the voluntary proffers contingent upon VDOT final approval of the New Town traffic study addendum.

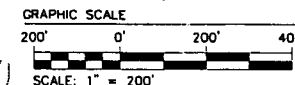
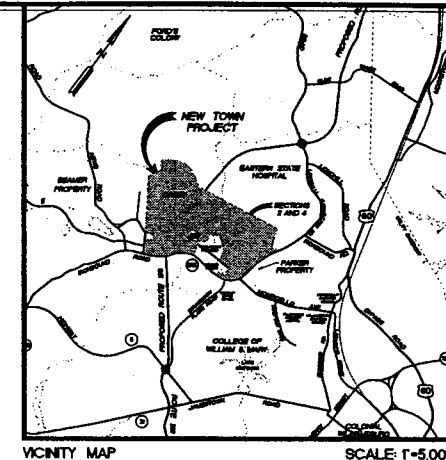
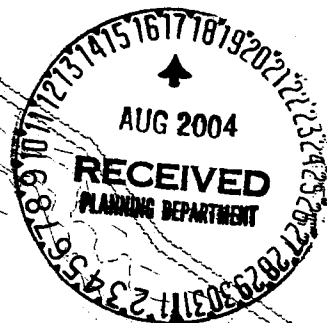
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Karen Drake, Senior Planner

**Attachments:**

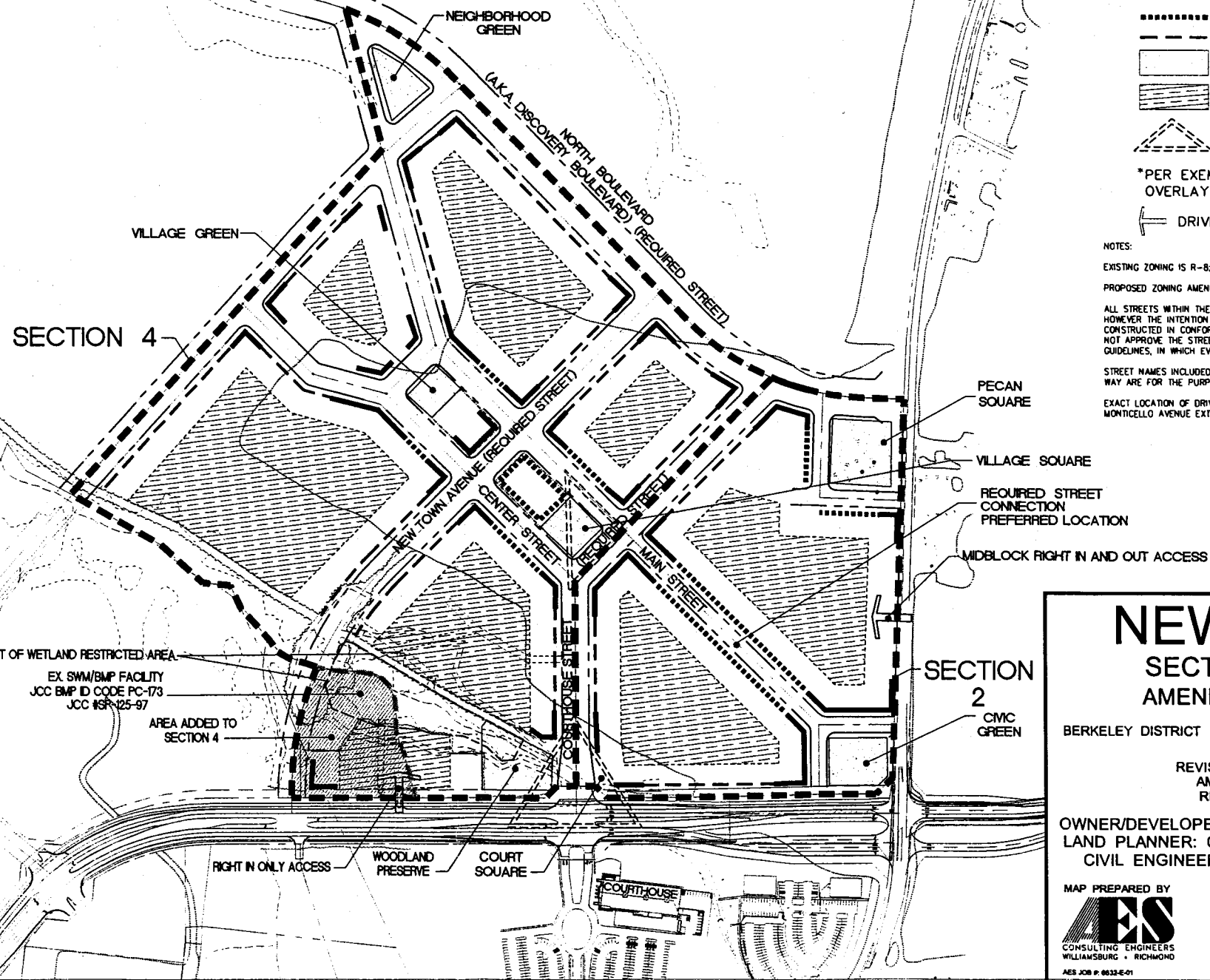
1. Section 2&4 Master Plan
2. Section 3&6 Master Plan
3. Exhibit A: New Town Density
4. September 2, 2004 approval letter from the New Town Design Review Board.
5. New Town Discovery Park Sections 3&6 Design Guidelines, August 3, 2004.
6. August 25, 2004 letter from New Town Associates regarding Underground Utilities
7. Proffers

2-06-03  
mp-08-04



- AREA ADDED TO SECTION 4
- OLD SECTION LINE
- SECTION LINE
- BUILD TO ZONE (100% FRONTAGE)
- FRONTAGE ZONE (80% FRONTAGE)
- FRONTAGE ZONE (60% FRONTAGE)
- REQUIRED OPEN SPACE
- PARKING PLACEMENT ZONE\*
- VIEW TRIANGLE (NO BUILDING)
- DRIVEWAY ACCESS

NOTES:  
EXISTING ZONING IS R-8, M-1, AND MU WITH PROFFERS.  
PROPOSED ZONING AMENDMENT TO THE MU WITH PROFFERS.  
ALL STREETS WITHIN THE SECTION 2 AND 4 PROPERTY HAVE THE POTENTIAL TO BE PRIVATE; HOWEVER THE INTENTION IS THAT ALL STREETS WITHIN THE PROPERTY BE PUBLIC AND CONSTRUCTED IN CONFORMANCE WITH DOT CONSTRUCTION STANDARDS. UNLESS NOT WILL NOT APPROVE THE STREETS AS SUBSTANTIALLY DESCRIBED IN THE SECTION 2 AND 4 GUIDELINES, IN WHICH EVENT SUCH STREETS NOT APPROVED AS PUBLIC SHALL BE PRIVATE.  
STREET NAMES INCLUDED ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES ONLY AND IN NO WAY ARE FOR THE PURPOSE OF PERMANENTLY IDENTIFYING THE NAMES OF STREETS.  
EXACT LOCATION OF DRIVEWAYS FOR VEHICULAR ACCESS TO IRONBOUND ROAD AND MONTICELLO AVENUE EXTENDED TO BE DETERMINED AT FINAL ENGINEERING.



# NEW TOWN SECTIONS 2 AND 4 AMENDED MASTER PLAN

BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA  
JUNE, 2001  
REVISED: SEPTEMBER 14, 2001  
AMENDED: JUNE 23, 2003  
REVISED: AUGUST, 2004  
OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.  
LAND PLANNER: COOPER, ROBERTSON & PARTNERS  
CIVIL ENGINEER: AES CONSULTING ENGINEERS

MAP PREPARED BY  
**AES**  
CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND  
AES JOB # 0632-E-01

S:\Jobs\6632\01\Rezon\Sec2 4\dwg\Planning\Sec 2-4 MU PLAN\663201M02-MU-PLAN-sh2-24X36.dwg, 8/12/2004 8:56:08 AM, cmb

LAND USE AND DENSITY TABULATIONS									
RESIDENTIAL DENSITY APRIL 2004									
SECTION	PERMITTED USES	Total Area (ac)	Devel. Area (ac)	Master Planned Open Space (ac)	Master Planned Open Space (% of Dev. ac)	Max. du at Max. Non-Res. Density	Max. du at Max. Res. Density	Max. du/ac at Max. Non-Res. Density	Max. du/ac at Max. Res. Density
1	I, G, M(G), M(GE), J	22.1	21.8	1.5	6.9%	0	0	0	0
2, 4	E, G, C, D, M(CE), M(CG), M(GE), M(GI), A, B, I, J	86.5	81.1	3.4	4.2%	375	803	4	9
3, 6	B, I, G, C, D, M(CE), M(CG), M(GE), J	89.2	83.6	2.2	3.5%	160	470	2	7
5	H, F, J	8.9	6.9	0.0	0.0%	0	0	0	0
7	A, B, C, D, I, J	56.7	52.3	0.0	0.0%	317	317	6	6
8	A, B, C, D, I, J	61.4	52.9	12.8	24.2%	279	279	5	5
9	E, G, C, D, M(CE), M(CG), M(GE), M(GI), A, B, I, J	42.7	37.6	0.8	2.1%	50	103	1	2
10	E, G, M(GE), I, J	12.0	12.0	0.0	0.0%	0	0	0	0
Total		359.47	326.17	20.7	6.3%	1,171	1,972	3.3	5.5

Per the Master Plan as Amended

Minimum Open Space at Final Build Out:  
32.8 10%

Overall Cap:  
1,650

Overall Cap:  
4.5

LAND USE AND DENSITY TABULATIONS									
NON-RESIDENTIAL DENSITY APRIL 2004									
SECTION	PERMITTED USES	Total Area (ac)	Devel. Area (ac)	Master Planned Open Space (ac)	Master Planned Open Space (% of Dev. ac)	Max. Sq. Ft. at Max. Res. Density	Max. Sq. Ft. at Max. Non-Res. Density	Max. s.f./ac at Max. Res. Density	Max. s.f./ac at Max. Non-Res. Density
1	I, G, M(G), M(GE), J	22.1	21.8	1.5	6.9%	216,000	216,000	9,864	9,864
2, 4	E, G, C, D, M(CE), M(CG), M(GE), M(GI), A, B, I, J	86.5	81.1	3.4	4.2%	357,500	655,000	4,133	7,572
3, 6	B, I, G, C, D, M(CE), M(CG), M(GE), J	89.2	83.6	2.2	3.5%	220,000	550,000	3,179	7,948
5	H, F, J	8.9	6.9	0.0	0.0%	63,357	63,357	7,143	7,143
7	A, B, C, D, I, J	56.7	52.3	0.0	0.0%	28,800	28,800	508	508
8	A, B, C, D, I, J	61.4	52.9	12.8	24.2%	33,500	33,500	546	546
9	E, G, C, D, M(CE), M(CG), M(GE), M(GI), A, B, I, J	42.7	37.6	0.8	2.1%	330,000	350,000	7,728	8,197
10	E, G, M(GE), I, J	12	12	0.0	0.0%	110,000	110,000	9,167	9,167
Total		359.47	326.17	20.7	6.3%	1,361,157	2,008,657	3,787	5,588

Per the Master Plan as Amended

Minimum Open Space at Final Build Out:  
32.8 10%

\* SEE ALSO - DENSITY TRANSFER NARRATIVE FOR DETAILS REGARDING RELATIONSHIP OF RESIDENTIAL UNITS TO NON-RESIDENTIAL SQ. FOOTAGE IN AFFECTED SECTIONS.

#### DEVELOPMENT TYPES

A SINGLE FAMILY	F WHOLESALE AND WAREHOUSES
B TWO/THREE/FOUR FAMILY	G OFFICE
C TWO STORY TOWNHOUSES AND APARTMENTS	H INDUSTRIAL
D THREE STORY TOWNHOUSES AND APARTMENTS	I INSTITUTIONAL AND PUBLIC
E COMMERCIAL	J COMMON OPEN SPACE
	M MIXED USE STRUCTURES

#### NOTES:

- UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR AND EXCEPT FOR APPROVED ROAD AND UTILITY CROSSINGS, ALL DEVELOPMENT WITHIN NEW TOWN SECTIONS 2 AND 4 SHALL BE EAST OF THE EASTWARD LINE OF THE JAMES CITY SERVICE AUTHORITY GRAVITY SEWER EASEMENT AS DEPICTED ON THE PLAN SHOWN ON THIS SHEET 2 OF 2, OR ANY JURISDICTIONAL WETLANDS DELINEATED AS DEPICTED ON THE PLAN SHOWN ON THIS SHEET 2 OF 2, WHICHEVER IS GREATER.
- UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR, ALL PIPED STORMWATER OUTFALLS WILL BE DIRECTED TO A BEST MANAGEMENT PRACTICE (BMP).
- AS PRACTICABLE, OWNER WILL EVALUATE THE POSSIBLE USE OF CIVIC SPACES, PARKING ISLANDS, AND OTHER LANDSCAPED AREAS AS WATER QUALITY ENHANCEMENT FEATURES.
- PRIOR TO COMPLETION OF BUILD-OUT OF NEW TOWN SECTIONS 2 AND 4, IN ADDITION TO THE BMP(S) SHOWN ON THE PLAN DEPICTED ON THIS SHEET 2 OF 2, THAT BMP IDENTIFIED AS BMP #2 ON THE "MASTER STORMWATER PLAN, OPTION 4 CASEY PROPERTY", DATED 1/8/00, ON FILE WITH THE ENVIRONMENTAL DIRECTOR, OR OTHER SUITABLE ALTERNATIVE BMP(S) AS APPROVED BY THE ENVIRONMENTAL DIRECTOR, SHALL BE COMPLETED. THE TIMING OF CONSTRUCTION OF BMP #2 OR ALTERNATIVE BMP(S) SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE INTERIM STORMWATER MANAGEMENT PLAN DEVELOPED FOR THE CASEY PROPERTY AS PRESENTED IN A LETTER DATED NOVEMBER 18, 1997, FROM WILLIAMSBURG ENVIRONMENTAL GROUP TO THE ENVIRONMENTAL DIVISION.

## NEW TOWN

### SECTIONS 2 AND 4 MASTER STORMWATER MANAGEMENT PLAN & DEVELOPMENT TABULATIONS

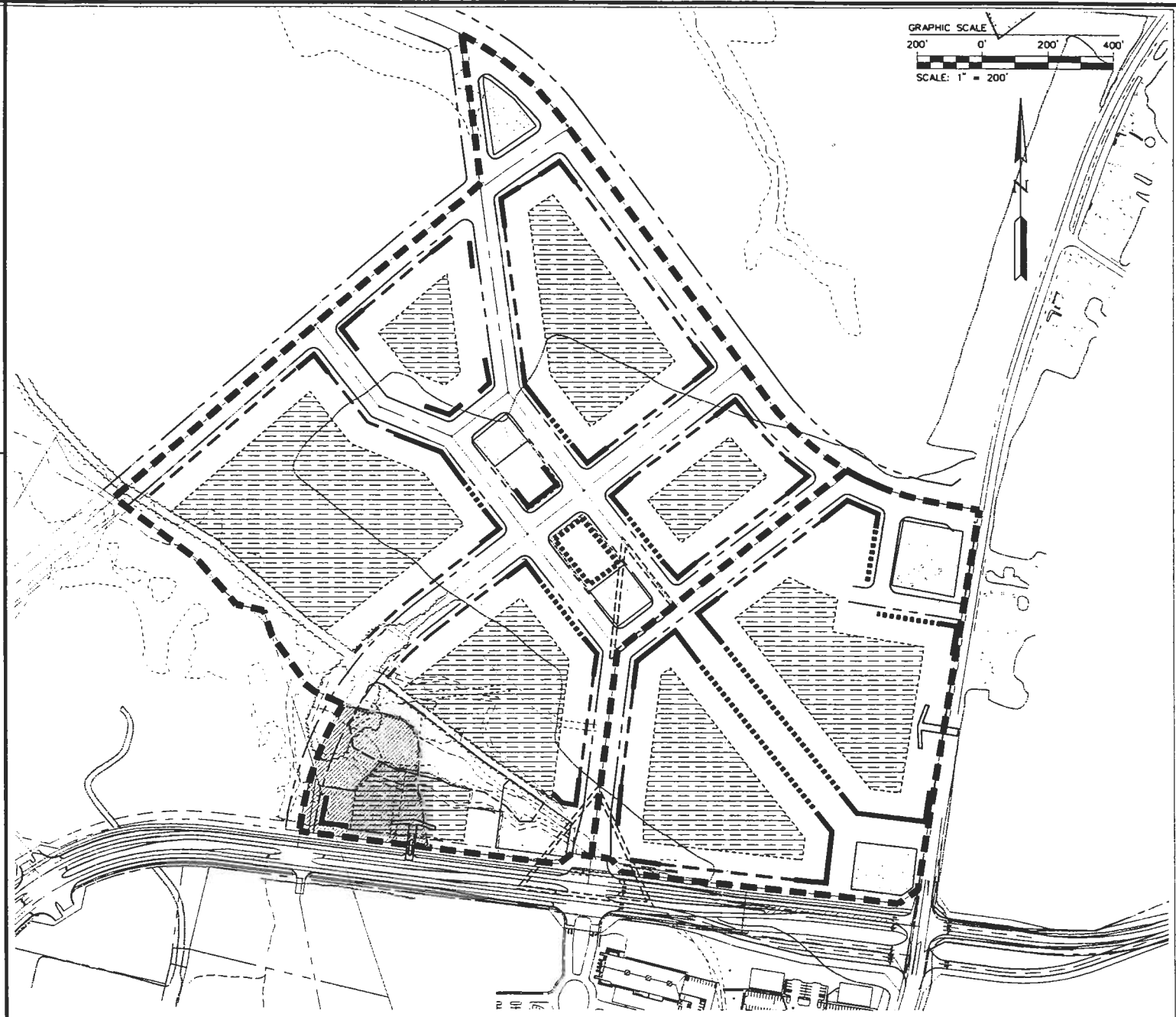
BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA  
JUNE, 2001

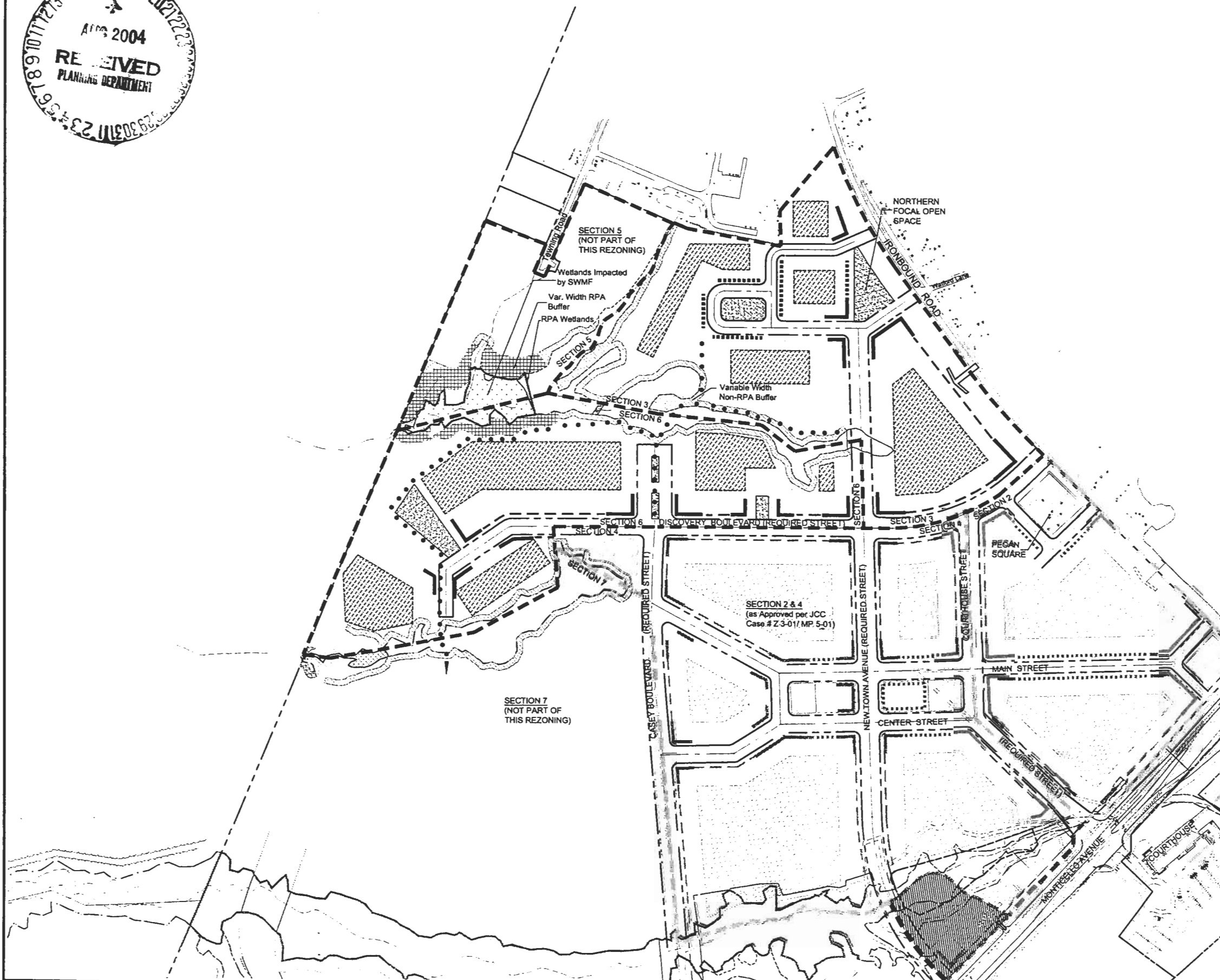
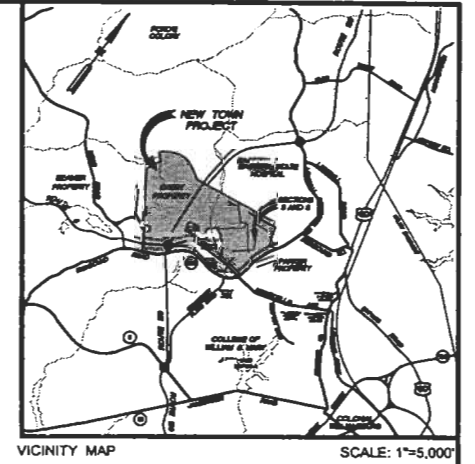
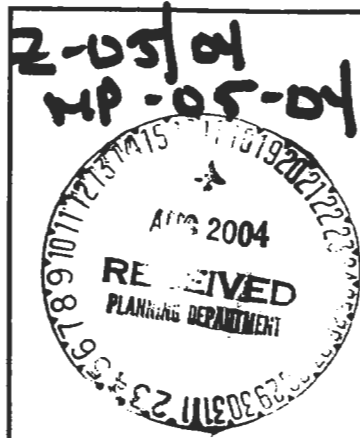
REVISED: SEPTEMBER 14, 2001  
AMENDED: JUNE 23, 2003  
REVISED: AUGUST, 2004

OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.  
LAND PLANNER: COOPER, ROBERTSON & PARTNERS  
CIVIL ENGINEER: AES CONSULTING ENGINEERS

MAP PREPARED BY  
**ES**  
CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND  
AES JOB # 0632-E-01

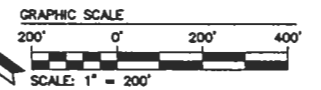
SHEET 2 OF 2





- SECTION LINE
- BUILD TO ZONE (100% FRONTAGE)
- FRONTAGE ZONE (80% FRONTAGE)
- FRONTAGE ZONE (40% FRONTAGE)
- REQUIRED OPEN SPACE
- PARKING PLACEMENT ZONE
- DRIVEWAY ACCESS
- PEDESTRIAN CONNCTIONS

- NOTES:
- EXISTING ZONING IS R-8 WITH PROFFERS.
  - PROPOSED ZONING IS MU WITH PROFFERS.
  - ALL STREETS WITHIN THE SECTION 3 AND 6 PROPERTY HAVE THE POTENTIAL TO BE PRIVATE; HOWEVER THE INTENTION IS THAT ALL STREETS WITHIN THE PROPERTY BE PUBLIC AND CONSTRUCTED IN CONFORMANCE WITH VDOT CONSTRUCTION STANDARDS, UNLESS VDOT WILL NOT APPROVE THE STREETS AS SUBSTANTIALLY DESCRIBED IN THE SECTION 3 AND 6 GUIDELINES, IN WHICH EVENT SUCH STREETS NOT APPROVED AS PUBLIC SHALL BE PRIVATE.
  - STREET NAMES INCLUDED ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES ONLY AND IN NO WAY ARE FOR THE PURPOSE OF PERMANENTLY IDENTIFYING THE NAMES OF STREETS.
  - EXACT LOCATION OF DRIVEWAYS FOR VEHICULAR ACCESS TO IRONBOUND ROAD TO BE DETERMINED AT FINAL ENGINEERING.



# NEW TOWN SECTIONS 3 AND 6 MASTER PLAN

BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA  
JUNE 1, 2004  
REVISED: JUNE 21, 2004

OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.  
LAND PLANNER: COOPER, ROBERTSON & PARTNERS  
CIVIL ENGINEER: AES CONSULTING ENGINEERS

MAP PREPARED BY  
**AES**  
CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND  
AES JOB # 6632-E-18







## Exhibit A

### New Town Density

	Sections	Residential		Non-Residential	
		Max. DU at Max. Res. Density	Max. DU Max. Non- Res. Density	Max SF at Max. Res. Density	Max SF at Max. Non- Res. Density
Master Plan	2	80	0	200,000	245,000
	4	873	525	227,500	480,000
Combined	2&4	953	525	427,500	725,000
Transfer to 3 & 6		(150)	(150)	(70,000)	(70,000)
<b>Amended Master Plan</b>	<b>2&amp;4</b>	<b>803</b>	<b>375</b>	<b>357,500</b>	<b>655,000</b>
Master Plan	3	150	0	100,000	140,000
	6	170	0	50,000	340,000
Combined	3&6	320	0	150,000	480,000
Transfer from 2&4		150	150	70,000	70,000
<b>Amended Master Plan</b>	<b>3&amp;6</b>	<b>470</b>	<b>150</b>	<b>220,000</b>	<b>550,000</b>

Note: Based on the 1997 Master Plan residential and non-residential density, for sections 2 & 4, the ratio is 1 residential home per 695 non-residential square feet; for sections 3 & 6, the ratio is 1 residential home per 1,031 square feet.

New Town Design Review Board  
4801 Courthouse Street, Suite 329  
Williamsburg, VA 23188  
(757) 565-6200

September 2, 2004

James City County Board of Supervisors  
James City County Planning Commission  
101 E-Mounts Bay Road  
Williamsburg, VA 23185

*Re: New Town Associates, LLC  
Rezoning of Sections 3 & 6 of New Town  
Approval of Master Plan and Design Guidelines*

Dear Ladies & Gentlemen:

This board has received and reviewed the proposed Master Plan entitled "New Town Sections 3 and 6 Master Plan Berkeley District James City County, Virginia" dated June 1, 2004, revised June 21, 2004, prepared by AES Consulting Engineers, and the proposed the proposed Design Guidelines entitled "New Town Discovery Park Sections 3 & 6: Design Guidelines" dated August 3, 2004, prepared by Cooper, Roberston & Partners. We have reviewed these plans and guidelines in light of the factors set forth in the New Town Design Guidelines and the New Town Plan and have determined that they are consistent with the same. We support any further refinements to the master plan and design guidelines that are mutually agreeable to the James City County Planning Department and New Town Associates, LLC and that do not materially alter the design concept for Sections 3 & 6 as proposed in the aforementioned versions of the master plan and design guidelines.

This letter shall serve as our written advisory recommendation to the James City County Planning Commission and Board of Supervisors with respect to such consistency as required under the New Town Proffers, dated December 9, 1997. We further recommend and support any Master Plan amendments that are necessary to approve this project as described in the above documents.

Sincerely,

NEW TOWN DESIGN REVIEW BOARD

By: 

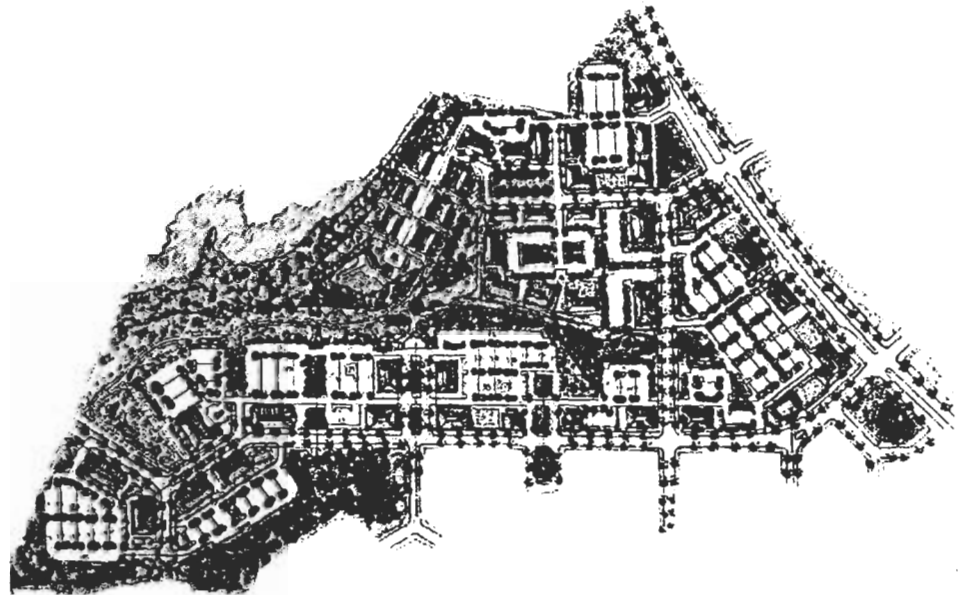
Its: Chairman

cc: John T. P. Horne  
John C. McCann  
Gregory R. Davis, Esq.  
#6056193 vl



New Town Discovery Park  
Sections 3 & 6: Design Guidelines

*New Town Associates*



August 03, 2004

## Table of Contents

### I. Section 3 & 6 Guidelines

1. Introduction	1
2. Street Design	6
3. Building Placement and Massing	10
4. Parking and Access	13
5. Visual Character	16

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## **I. Sections 3 & 6 Guidelines**

## Introduction

In accordance with the proffers and adopted Design Guidelines for New Town in James City County, Virginia, New Town Associates presents these Specific Design Guidelines and Mixed-Use Plan for Master Plan Sections 3 and 6 to the New Town Design Review Board and James City County. For this rezoning effort, these master plan sections are treated as one mixed-use neighborhood, known as Discovery Park.

New Town's Discovery Park neighborhood is located on a lobe of land adjacent to and north of the mixed-use town center. The site is bounded by Ironbound Road to the east, Discovery Boulevard to the south and west, the lands of Eastern State Hospital to the north and east and an industrial neighborhood directly to the north. Within the Discovery Park neighborhood, two primary land uses are illustrated, though a mixture of office and research, residential, civic uses and a church are allowed and encouraged. An office/research district runs along Discovery Boulevard from Ironbound Road to New Town's border with Eastern State Hospital. A multi-family residential area is nestled to the north among wetland "fingers" and ravines. Based on the illustrative site plan presented in this document, which is one of many ways the neighborhood can be configured, approximately 500,000 SF of office and 200 residential units are accommodated.

At the neighborhood's eastern edge along Ironbound Road are two important open spaces within New Town. Pecan Square serves as a gateway to both the Town Center and Discovery Park at the intersection of Discovery Boulevard and Ironbound Road. Further north, the Northern Focal Open Space serves as an entry point to the new neighborhood and New Town, as well as an amenity for the existing neighborhood and surrounding community.



New Town Discovery Park

Sections 3 & 6 Design Guidelines

Introduction / 1

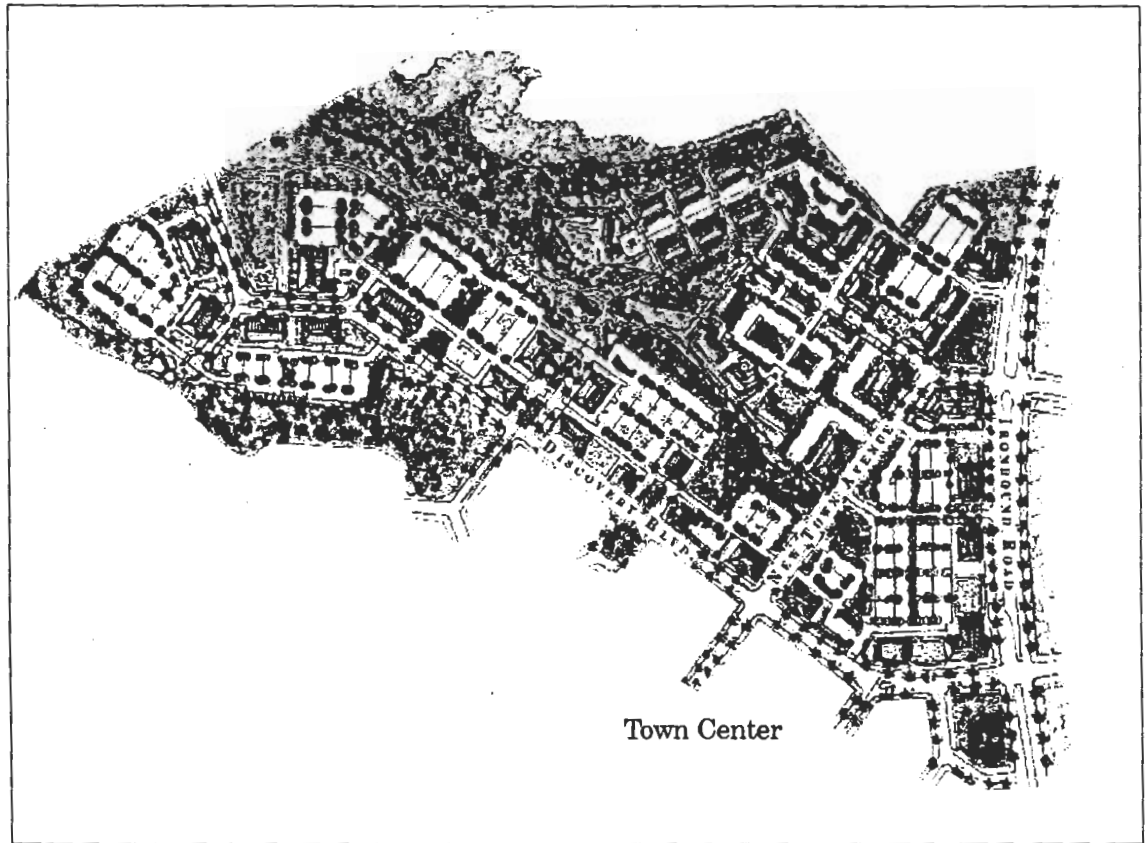


*Regional plan  
showing context*

The plan leaves open the possible extension of Discovery Boulevard to both the lands of Eastern State Hospital to the northwest and those of the College of William & Mary to the east.

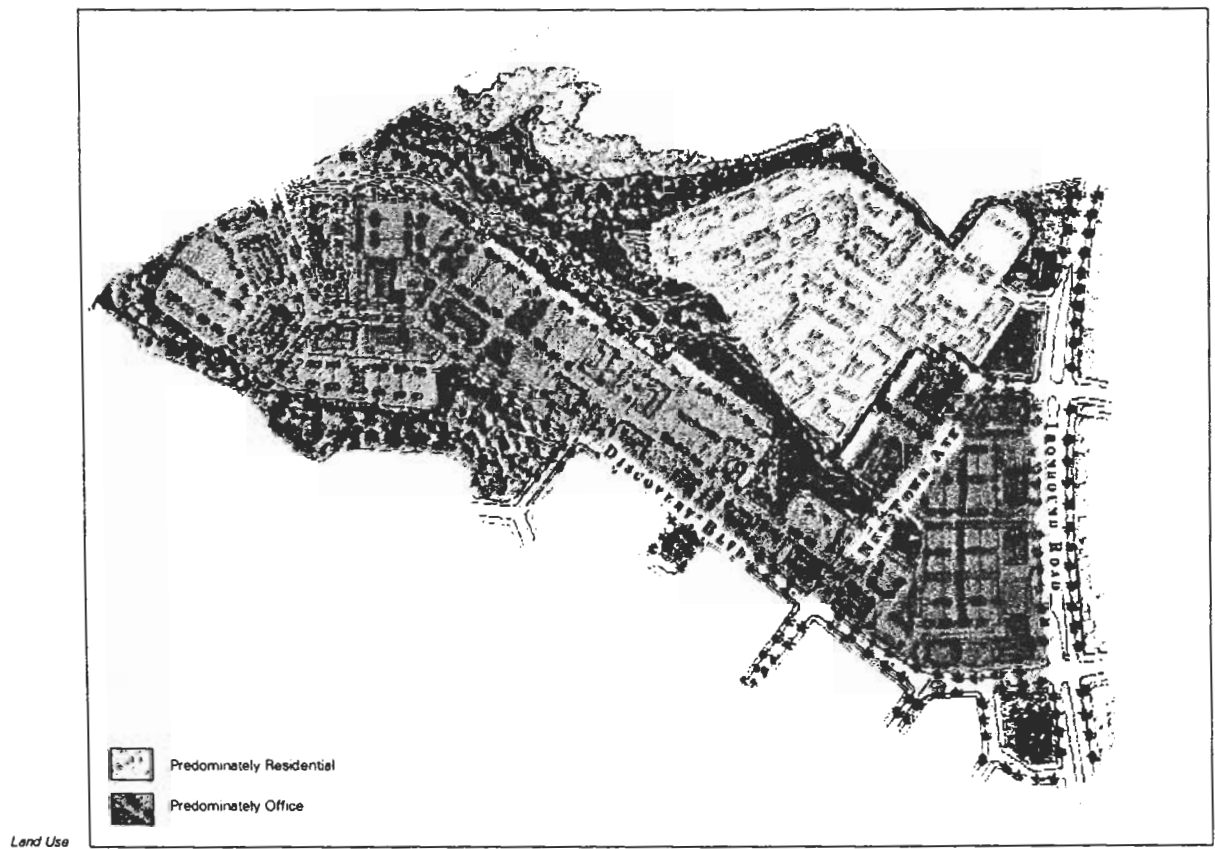
Discovery Park is linked directly to New Town's commercial center via New Town Avenue, Courthouse Street, and Casey Boulevard.

This proximity and direct linkage will enable office workers and residents to easily walk to the shops, restaurants and other activities within the town center during the day and into the evening. This district should function as a visual and physical extension of the town center.



*Illustrative Concept Plan*





## 2. Street Design

### Primary Streets

The primary streets defining or located within Discovery Park are Ironbound Road, Discovery Boulevard, and New Town Avenue. The design of Ironbound Road will ultimately include its expansion to 4 moving lanes and is to comply with the proposed section in this document. Discovery Boulevard will be a common address for office, town center, and civic uses, linking each in a coherent way. Its siting will also keep open the possibility of future connection between the lands of Eastern State Hospital to those of William and Mary, allowing for the creation of additional development through these areas.

Sidewalks, tree planting and pedestrian lighting are to be designed on either side of these drives to enable and encourage pedestrians to stroll along the length, or to walk to the various destinations within New Town. Trees planted outside of the more urban town center may be spaced further apart at a maximum of 50' o.c. Discovery Boulevard trees should be spaced at 30' o.c. Bikeways and bus stops should be provided along Ironbound Road and Discovery Boulevard and connected with the overall system established in James City County to afford people economical and healthy transportation alternatives. Bus stops will be coordinated with WAT.



New Town Discovery Park

Sections 3 & 6 Design Guidelines

Street Design / 5

### **2.1 Discovery Boulevard**

The address street for Discovery Park is Discovery Boulevard. Discovery Boulevard starts at Pecan Square and keeps open the option of future connection to Eastern State Hospital. Sidewalks, tree planting (spaced at a maximum of 30' o.c.) and pedestrian lighting are to be designed on either side of the office drive to enable and encourage pedestrians to stroll along the length or to walk to and from the northern civic center and the town center. A bikeway should be provided along Discovery Boulevard.

### **2.2 New Town Avenue**

New Town Avenue, an important cross town link, originates at the Northern Focal Open Space (at Watford Lane near Ironbound Road), and connects to the Town Center. As a primary road, it should accommodate pedestrians.

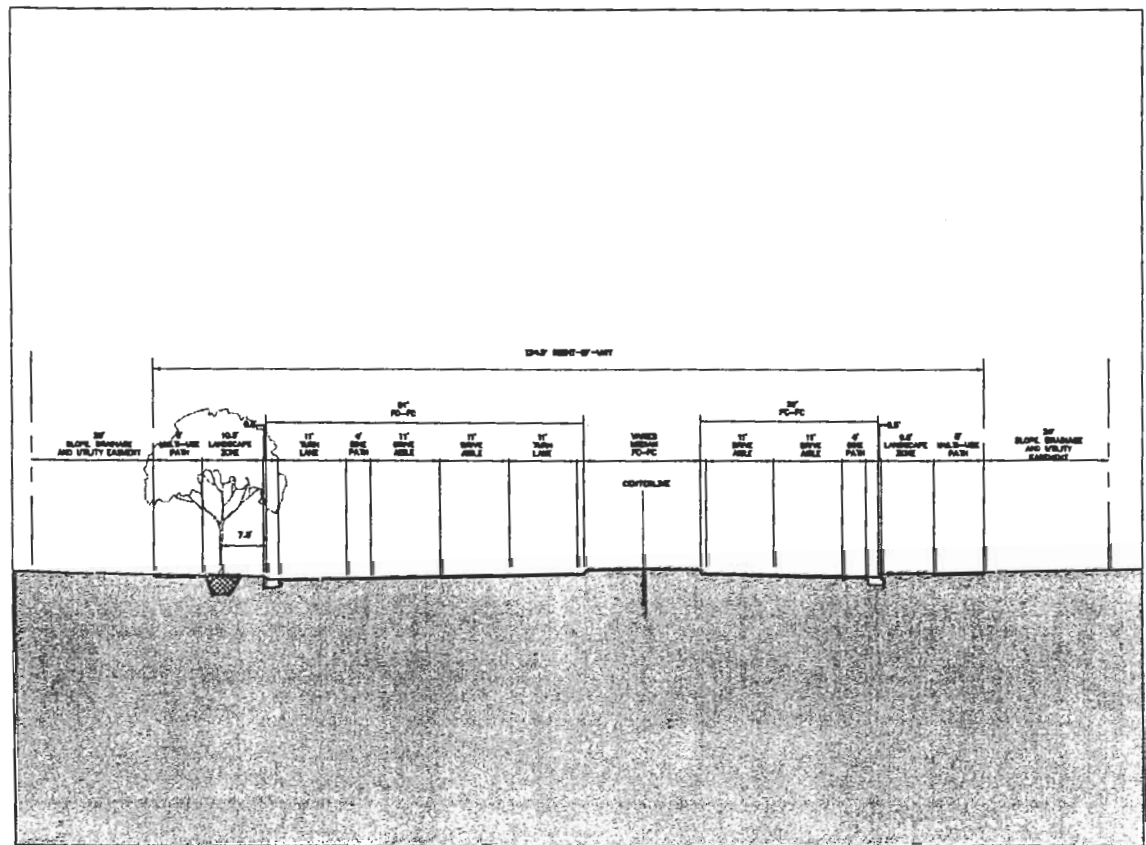
### **2.3 Internal Streets**

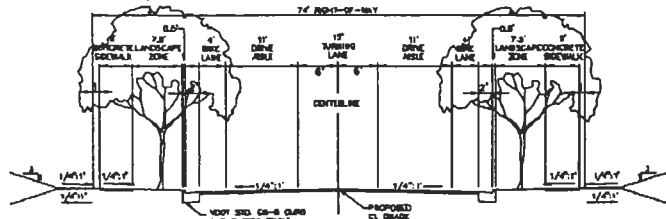
Internal streets and drives within Discovery Park serve primarily as drop-offs to the office buildings or to define parking areas. Within the residential neighborhood, they serve as the address and primary orientation for the residential buildings. A coherent, interconnected pattern of streets should organize the larger district into smaller, more humanly scaled areas. Sidewalks, tree planting (spaced at a maximum of 50' o.c.) and pedestrian lighting should be provided on both sides of the internal streets and drives enabling workers, visitors and residents to comfortable and safely walk from the parking areas to the building entrances day and evening.

### **2.4 Street Sections**

The following street sections are proposed for Discovery Park:

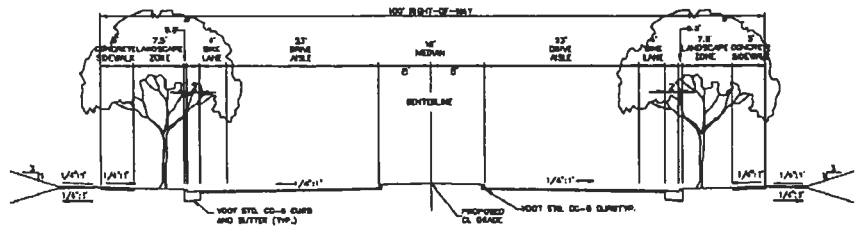
*Ironbound Road*  
*Discovery Boulevard*  
*New Town Avenue*  
*Internal Street*





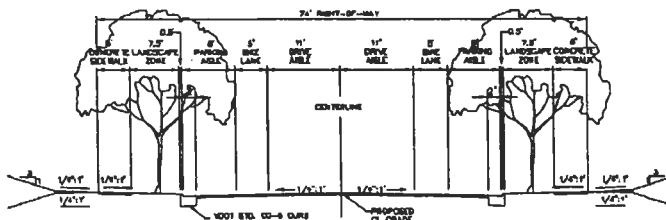
1. PROVIDE 2 - 1\"/>

Discovery Boulevard  
Between New Town Avenue  
and Courthouse Street



1. PROVIDE 2 - 6\"/>

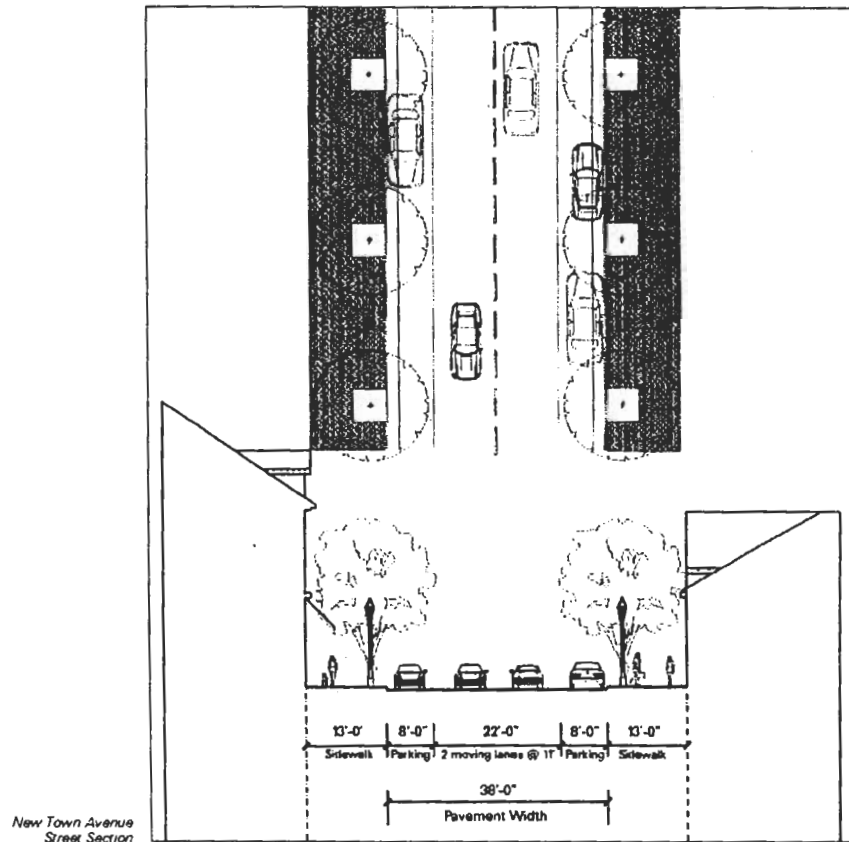
Discovery Boulevard  
Between Courthouse Street  
and Ironbound Road



1. PROVIDE 3 - 1\"/>

Discovery Boulevard  
West of New Town Avenue

Discovery Boulevard  
Typical Street Sections



### 3. Building Placement and Massing

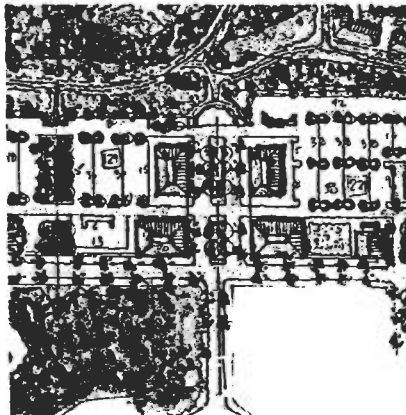
#### 3.1 Building Orientation

Office/mixed-use and residential buildings and major open spaces within Discovery Park should be primarily oriented toward the street serving as its address. Buildings or groups of buildings should face the street as a rule, thus ensuring the physical and visual relationship with the town center. Parking areas are to be located at the rear or, if necessary, at the sides of the buildings rather than interposed between buildings and the drive. The intent is that the buildings not be perceived as free standing isolated elements but as part of an integrated, spatially defined edge which is proximate to the activity of the town center and Village Square, thus linking them.

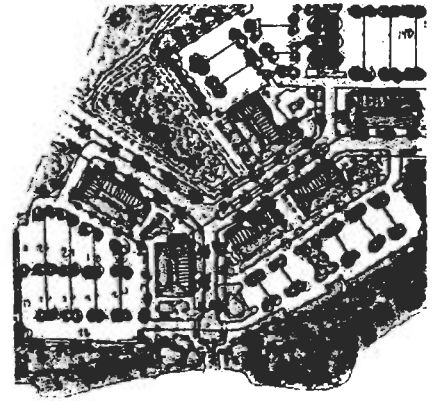
The appearance of an internally focused office-style campus is not encouraged as it would remove the buildings further from the town, both physically and experientially.

#### 3.2 Building Shape and Footprint

Buildings throughout Discovery Park's office/mixed-use and residential areas should be predominantly rectangular in shape or composed of simple rectangular pieces.



New Town Discovery Park



Sections 3 & 6 Design Guidelines

Building Placement & Massing / 10

Odd building shapes employing acute angles (as such as in the letters "Z", "W", and "Y") are not encouraged. Simpler shapes are preferred (similar to the letters "I", "H", "L", "T", and "U").

Single building footprints should be predominantly between 5,000 square feet and 20,000 square feet. Floor plates may not be larger than 20,000 square feet without being offset into what appears to be two or more buildings. Building depths may not be greater than 100' without being divided into what appears to be two buildings. The use of offsets are encouraged when building footprints are greater than 10,000 square

### 3.3 Building Height

An appropriate building height is desirable to establish a scale consistent with the village. Discovery Park is to have predominantly 2-3 story buildings. One story buildings are to be a minimum of 20' height to the top of a parapet or if a sloped roof is provided, a minimum of 15' to the eave with a minimum of 10' of visible roof. Dormers are encouraged if a sloped roof is provided. Buildings which face an open space may have one story wings at less than 15' eave height if set back from the main body of the building a minimum of 5 feet. The floor area of such wings may not exceed 25% of the total building footprint. Building may not exceed 4 stories except for tower elements with a maximum footprint of 400 sf.





### 3.4 The Building Setback /Frontage Zone

Building setbacks from the property line are to generally occur within a specified "frontage zone" so that a defined streetscape or streetwall will result. Streetwalls help to create a pedestrian environment which, in turn, reinforces commercial uses. The "frontage zone" is a zone in which the front wall of a building is built.

#### 3.4 a) Building Setback/Frontage Zone Requirements

Along public rights-of-way, a minimum of 60% of an individual building's front should be built within the frontage zone to avoid buildings that are set perpendicular to a street.

<i>Street type or condition</i>	<b>Frontage Zone</b>	
	<i>Minimum set back from R.O.W.</i>	<i>Maximum setback from R.O.W</i>
Ironbound Road	20'	30'
Discovery Boulevard	10'	15'
New Town Avenue	10'	15'
Internal Street	10'	15'
Exterior property line	10'	N. A.
Wetland	25'	N. A.

#### 3.4 b) Block Face Setback/Front Zone Requirement

A certain percentage of building façades should occur within the frontage zones established above. Refer to the Mixed Use Plan for Block Face Setback requirements.

### 3.5 Build-To Zones

Build-To-Zones are portions of the site frontage where buildings are required and where such buildings should occupy the established frontage zone

Build-To Zones establish criteria where building mass is required to achieve a popular streetscape or define an urban condition such as an open space. This, in turn, promotes a coherent system of streets and open spaces which characterizes the townscape and encourages pedestrian activity.

Build-To Zones are established on page 4 of the MU Plan.

#### 4. Parking and Access

##### 4.1 Parking Standards

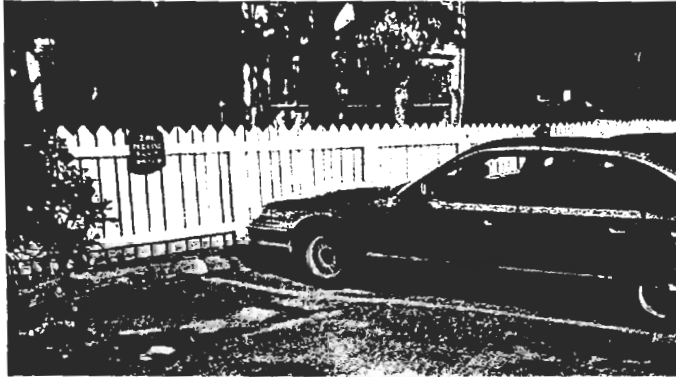
Parking lots within Discovery Park should be located at the rear or, if necessary, at the sides of the buildings, rather than be interposed between buildings and streets.

Parking areas are to be set back from the following conditions as described below:

Discovery Boulevard:	15' min.
Other Public Rights-of-Way:	10' min.
Exterior Property Line:	10' min., except if combined with that of an adjacent parcel or property.
Wetlands:	25' min

Parking lots should be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance. Whenever possible, existing large trees are to be saved within the parking lots to promote a sense of maturity of the town landscape and to shade the paved areas. Within the large zones of parking, tree and shrub planting should be designed to break down large parking lots into smaller parking lots.

Trash, utility and service areas are to be located behind buildings but are permitted within the parking areas, subject to the screening standards described in Section 5.1, page 15–16.





#### 4.2 Access

##### 4.2 a) Vehicular Access

Internal street systems and parking lots should be accessed primarily from Discovery Boulevard and Ironbound Road. Access points should align with streets which intersect the internal drive when possible, thus acting as a continuation of those streets. The rhythm of access points along the office drive should emulate that of the block system within the town center. When possible, buildings should share common access points to keep to a minimum the number of curb cuts along the office drive.

##### 4.2 b) Pedestrian Access

Pedestrians are encouraged to access the office/mixed-use buildings from Discovery Boulevard, Ironbound Road and the internal street system which organizes the parking areas.

##### 4.2 c) Building Access/Entrances

Building entrances may face the parking and drop-off areas of the site, but at least one clearly defined entrance should face the public right-of-way to allow pedestrians approaching from off-site to easily and coherently enter the buildings. Principle entrances are encouraged to be located at the center of the longer façade.



## 5. Visual Character

### 5.1 Edge Definition and Screening

#### 5.1 a) General Provisions

Walls, fences, and planting are to be employed to improve the visual environment as well as to reinforce a streetwall condition. These elements are intended to define street edges and parking areas or to conceal undesirable views into parking and service areas where buildings do not occupy the frontage zone.

Parking areas which occur along the public right-of-way are to be screened with a fence or wall a maximum of 42' in height. Hedges may also be used as a screen. Fences, walls and hedges should be placed within the frontage zone described in Section 3.4a Building Setback/Frontage Zone Requirements (Refer to chart on page 12). The screening should be consistent in character with the adjacent buildings. Walls are to be made of stuccoed concrete block or brick. Fences are to be made of hedges, wood or painted metal. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better screen parking areas. The canopy of trees planted within the parking areas or other positive features should dominate the view over such walls and fences to soften the effect of parking area along street rights-of-way.

Loading, service and trash areas, as well as mechanical equipment, are to be located in a manner to minimize views of such areas from adjacent buildings and roadways and should be screened with walls or fences a minimum of 5' in height, combined with planting where appropriate, and consistent



in character with adjacent buildings, or may be screened by buildings themselves. Where services areas are open for vehicular access, wood or painted metal gates, also a minimum of 5' high, are to be provided.

Outside storage of any materials, supplies, or equipment is expressly prohibited.

**5.1. b) Mechanical Equipment**

All roof mounted mechanical equipment, including ductwork, is to be screened from all public view and access.

Grade mounted air handling equipment is to be screened from view as described above. Vents, louvers, exposed flashing, tanks and overhead doors should be located to eliminate views of such areas from adjacent buildings and roadways.

**5.2 Planting**

Planting is encouraged in all setback areas and throughout parking areas. In restrained setbacks (5'-10') plantings should be of low height with preference given to native and drought-resistant species. Setback areas that extend beyond 10' may use larger specimen trees, especially between parking areas and public right of ways. Within large areas of parking, planting should be designed to break down large parking lots into smaller parking areas. The preservation of existing mature trees and use of drought resistant plants in planting areas is encouraged. Street trees and other right of way plant materials should be considered as part of the landscaping requirement. See Landscape and Open Space Standards.



New Town Discovery Park

Sections 3 & 6 Design Guidelines

Visual Character / 16



### 5.3 Signage

All signage should be compatible with the architecture of the buildings and is limited to shop windows, hanging (shingle) signs, post mounted signs (non-rotating, limited to 14' in height) and the exterior building wall, placed at a consistent height, and to monument signs if designed as an architectural feature consistent with the buildings. Signs are encouraged to be externally lit when illuminated. Individual letters in signs may be internally lit provided the buildings are not located within 100' of Monticello Avenue. All signs should comply with the James City County Zoning ordinance. Refer to the New Town Streetscape Package.



### 5.4 Site Lighting

Well-designed outdoor lighting at night benefits everyone, increases safety and enhances the nighttime character of New Town. Appropriate and sufficient site lighting should be designed to insure the safety and security of pedestrian and vehicular movement while eliminating problems of glare, minimizing light trespass and helping to reduce energy costs. All business, residential and community driveway, sidewalk, and property luminaries should be installed with the idea of being a "good neighbor," with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

All site lighting should prevent light from shining directly up and should be full cut-off fixtures with the light source fully shielded, except for low wattage and fossil fuel sources, temporary emergency lighting, seasonal lighting, sports field lighting and other special situations as approved by the DRB. Pedestrian luminaries that permit the limited and controlled visibility of indirect light from the source as an aid to way finding and spatial definition are permitted at the discretion of the DRB.

Acceptable light sources include incandescent, fluorescent and metal halide lamps, and should produce a color temperature close to daylight. Other sources may be approved at the discretion of the DRB. Mercury vapor sources are not permitted.

The maximum height for on-site fixture poles is as follows:

- |                              |     |
|------------------------------|-----|
| 1. Pedestrian Walks, Plazas: | 14' |
| 2. Streets and Drives:       | 25' |
| 3. Large Parking Areas:      | 30' |

The exterior illumination of civic or special buildings that enhances architectural elements is encouraged.





#### 5.5 Scale and Articulation

Effort should be given to visually reduce the overall size of large buildings. This may be achieved through two devices: thoughtful building massing and the use of architectural elements. Buildings with large profiles may be designed to appear smaller if the overall massing is articulated as a collection of component masses. The use of architectural elements such as bays, balconies, porches, loggias and arcades can add interest to building facades and aid in relating the scale of any building to human dimensions. Roofs may be articulated through the use of dormers, lanterns, monitors, widowswatches and other roof-top elements. Each of these devices add character and interest to the buildings of the town which, in turn, reinforces the village character intended by these guidelines.



#### Office District Buildings

Office or mixed-use buildings should not appear monolithic. The buildings may range from 1–4 stories and should utilize simple geometric shapes in plan and elevation. Small building wings and ancillary buildings may be one story provided they have a pitched roof. The overall massing of any building should be a collection of simple volumes. Buildings are encouraged to have pitched roofs, especially to screen roof-mounted mechanical equipment. Wings and additions should be simple rectangles in plan and oriented parallel or perpendicular to the main body of the building or toward a street frontage.

#### Residential Buildings

Townhouses or garden buildings may range from 2–3 ½ stories and should be individually expressed through window patterns, roof massing, porch expression or placement relative to the front build-to line.

Apartment buildings should be articulated through the use of 1–2 story porches or covered balconies or ground floor recesses rising the full height of the building to express end bays, wings or center bays of a building.

Single family units are not permitted.

For other types of housing, if any, refer to Section IX, paragraphs 5.2 and 5.3 of the New Town Design Guidelines dated September 3, 1997.



#### 5.6 Site Furnishing

Site furnishing (i.e. tables, chairs, benches, trash receptacles) should be consistent in character with the adjacent buildings and designed as an integral part of the site plan. Commercial grade, permanent furnishings should be provided. Refer to the New Town Streetscape Package.

#### 5.7 Architectural Expression

##### 1. Walls: Recommended Materials

- Building walls: brick, with limited use of stucco or synthetic stucco, wood or fiber cement shingle, wood or fiber cement clapboard, board and batten
- Exposed Foundation Walls: Brick or brick facing, or stucco finished poured concrete block or cast-in-place concrete

##### 2. Building Elements: Recommended Materials



- Chimneys: brick, stucco or synthetic stucco.
- Arcades and colonnades: brick, stucco, synthetic stucco, wood, or high grade synthetic wood alternative
- Porches, columns: various materials
- Posts, spindles, balusters: painted wood, painted metal
- Stoops, exterior stairs: brick, concrete
- Decks: wood, concrete
- Signs: wood, painted metal
- Awning and canopies: canvas-covered metal structure, designed to be compatible in configuration and color with the architecture of the buildings





### 3. Roofs: Recommended Materials

- Roofs: Wood shingles, metal standing seam, copper, lead-coated copper, slate, synthetic slate, architectural asphalt shingle. Built-up roofs are allowed.
- Gutters and downspouts: painted metal, copper
- Flashing: copper, lead coated copper, anodized aluminum

### Configurational Standards:

Complete configurational standards of roofs and roof-top elements will be considered at the time of DRB review of specific building improvements. Some items to be considered are:

- Principal Roofs: Gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion with a slope of 4:12 to 8:12;
- Secondary Roofs: Shed with minimum slope of 3:12
- Flat Roofs: Flat roofs are to have parapets or railings
- Parapets: Horizontal or gabled in elevation
- Dormers: Pitched or eyebrow
- Special roof-top elements: Symmetrically situated or aligned with the rhythm of structural bays and fenestration
- Roof-top mechanical enclosures: Concealed from view by parapets of the character described above



*4. Openings: Recommended Materials*

- Windows: wood, painted metal
- Bay windows: wood, painted metal, with metal tops
- Doors: painted wood, painted metal
- Storefronts: painted wood, painted metal
- Security doors and grilles: metal

Configuration standards of the above opening types will be considered at the time of DRB review of specific building improvements.



*5. Paved Areas: Recommended Materials*

- Streets: Black aggregate asphalt roadbed, or brick or concrete pavers at special locations. Concrete curb and gutter
- Parking Areas: Black aggregate asphalt, brick or concrete pavers
- Curbs (within parking areas): concrete
- Pedestrian Areas: Brick or concrete pavers and concrete, or local river rock at special locations





## **II. Landscape & Open Space Standards**

## Introduction

The land on which New Town is built has long been thought of as an area of great natural beauty and resource. Thick forests, wetlands and ravines and protected plant species occur throughout the land and should be preserved and celebrated as a major principle of the town.

The landscape designs which are introduced as part of the development of the town should promote a compatible and consistent treatment throughout the neighborhoods and complement the preserved natural features. A palette of plant species should be used throughout New Town that will provide for the ability to establish hierarchy among the public streets and common open spaces. Landscape treatments may also be used to enhance or reinforce building placements or to solve issues of screening.

Because the vision of the town is founded upon an interconnected system of streets and open spaces which individually establish neighborhood identity and collectively form town character, the execution of landscape designs becomes crucial to fulfillment of that vision.



New Town Discovery Park

Landscape and Open Space Standards

Introduction / 23

## **2. Streets**

### **2.1 General Requirements**

The general requirements for street landscape standards are to be established by the street sections provided in these guidelines. In general, a common streetscape design theme should be carried throughout the town providing for a shade tree canopy along all public streets. These designs should recognize the hierarchy among street types serving local, town-wide and regional uses.

Where possible, streets should be located along an existing stand of preserved trees to promote a sense of maturity of the town landscape. Typically, trees planted along public rights-of-way are to be spaced a maximum of 50' o.c. Residential streets are to have trees spaced a maximum of 40' o.c. Street trees planted along Discovery Boulevard should be spaced a maximum of 30' o.c.

### **2.2 Ironbound Road**

The design of Ironbound Road should establish an entrance character for New Town and be consistent with certain elements provided along Monticello Avenue. Specific recommendations for the design of the landscape are indicated as follows:

#### **1. 20' minimum setback on Town Side**

On the town side of Ironbound, the setbacks from the right-of-way to the face of buildings and edge of parking lots should be landscaped with lawns and varied shrubs and tree plantings to establish "front yards" for these uses.

## 2.2 Ironbound Road (continued)

### 2. Town Fence

At the right-of-way line on the town side of the road, install a continuous "Town Fence", except at the following locations: Between Monticello Avenue and Discovery Boulevard. The fence should be based on established Williamsburg fence types (see approved fence options in streetscape package)

### 3. Roadside Lawn

On the town side of the roadway, from the fence to the curb, a mowed lawn should be maintained. On the town side, adjacent to the multi-use path, a continuous row of straight-trunked street trees planted by way of example with such species as Willow Oak, Red Maple, London Planetree and Green Ash, at a regular spacing of 50' on center. Trees should also be planted between the curb and the multi-use path.



New Town Discovery Park

Landscape and Open Space Standards

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### **3. Open Space and Focal Points**

Whenever possible, existing natural features such as wetlands and ravines, high points of topography or a special grouping of existing trees should serve as the basis for a neighborhood open space. The natural features are thus preserved and celebrated as public gestures. Designed open spaces should possess individual character in their scale and articulation and by the uses which front them. The landscape of each open space should reflect its internal character and use. In general, the landscape of open spaces should define its edges (along with buildings) acting as the walls of an outdoor room. Public open spaces (parks, squares and greens) are required to be bordered by streets or other vehicular access along at least 50% of their perimeter.

### **4. Street Frontage and Building Landscape**

The landscape treatment along the frontage of a site and directly near buildings should receive the primary emphasis in the overall planting scheme. These areas should typically convey a more finished, urban character consistent with the village.

### **5. Parking Areas**

Parking lots should be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance. Whenever possible, existing large trees are to be saved within the lots to promote a sense of maturity of the town landscape and to shade the paved areas.

## 6. Open Spaces of the Plan

### 6.1 Northern Focal Open Space

There are two areas of major civic uses which anchor the north and south ends of Ironbound Road. These civic places act as gateways and establish the initial impression of the town to those who arrive from Williamsburg. Together, the two civic areas along with Ironbound Road form the "front door" of the town from the north and the east.

The northern district may be home to civic and community uses in addition to office and residential uses. As one approaches the site along Ironbound Road from the North, the lanes within the roadbed separate to accommodate a widened green median. At this location one may enter the town at Watford Lane and then on to New Town Avenue, which diagonally transects the neighborhood and arrives at the Town Center. At the nexus of these movements, a focal open space should be designed to act as a gateway and site for civic uses and as an address for other uses.

The focal open space is an opportunity to organize these uses in a proximate manner which will enable patrons of each use to easily walk to and from the different parking areas. The space should have a strong geometric shape and should be generally open. In addition to the buildings, large trees should define the edge of the space, enhancing the intention of a gateway. Flagpoles, monuments, water features or small open structures may occur within the open space. The size of the Northern Focal Open Space should not be less than  $\frac{3}{4}$  of an acre nor exceed  $1\frac{1}{2}$  acre.

### 6.2 Pecan Square

The Pecan Square is to serve as a gateway to the village from Ironbound Road at Discovery Boulevard as well as a potential address for small retail or office buildings. Five large pecan trees, a recognized landmark in the community, planted by the Caseys' grandfather are to be preserved and celebrated by the design of the square. No other trees (with the exception of ornamental trees and replacement trees) are to be planted within the square, but trees may be planted along the opposite frontages of streets bordering the square. Angled parking may be provided along the opposite west and south frontages which form the square.



### 6.3 Neighborhood Focal Open Spaces

Located through the village are open spaces that serve to organize and add character and identity to the neighborhoods. The spaces may be formed from compelling natural features such as wetlands and ravines, high points of topography or an existing mature stand of trees. Focal spaces may also be purely designed within the organization of interconnected streets and open spaces which form the town. The uses which front these spaces should be consistent in character to assure an intended identity. Commercial, civic and higher density residential uses are all appropriately located on these spaces. The size of the Neighborhood Focal Open Space should not be less than  $\frac{3}{4}$  of an acre nor exceed  $1\frac{1}{2}$  acre

### 6.4 Pedestrian Connectivity

A trail system will be created along the wetlands to provide pedestrian access between Sections 3 & 6, adjacent sections and will connect to the sidewalk system and then eventually to the

## 7. Recommended Planting Practices

### 7.1 Minimum Sizes of Planting For All New Landscaping

#### 1. Trees: Deciduous Shade

- Location on streets and street frontages,
- 3  $\frac{1}{2}$ " caliper, 16–18' height min.

#### 2. Trees: Deciduous Shade

- Location in parking areas,
- 2  $\frac{1}{2}$ " caliper, 16–18' height min.

#### 3. Trees: Evergreen

- Well shaped, full, 8' height min.

#### 4. Ornamental: Single-Stemmed Deciduous or Evergreen

- 2  $\frac{1}{2}$ " caliper, 8 – 10' height min

**7.1 Minimum Sizes of Planting For All New Landscaping (continued)**

5. Ornamental: Multi-Stemmed Deciduous or Evergreen

- 1" caliper, 3 canes minimum, 6 – 8' height

6. Shrubs

- Three gallon container size or balled and burlapped equivalents min.

7. Ground Cover

- One-Quart container

8. Grasses

- One-Gallon container

9. Annuals

- 3 ½" pot

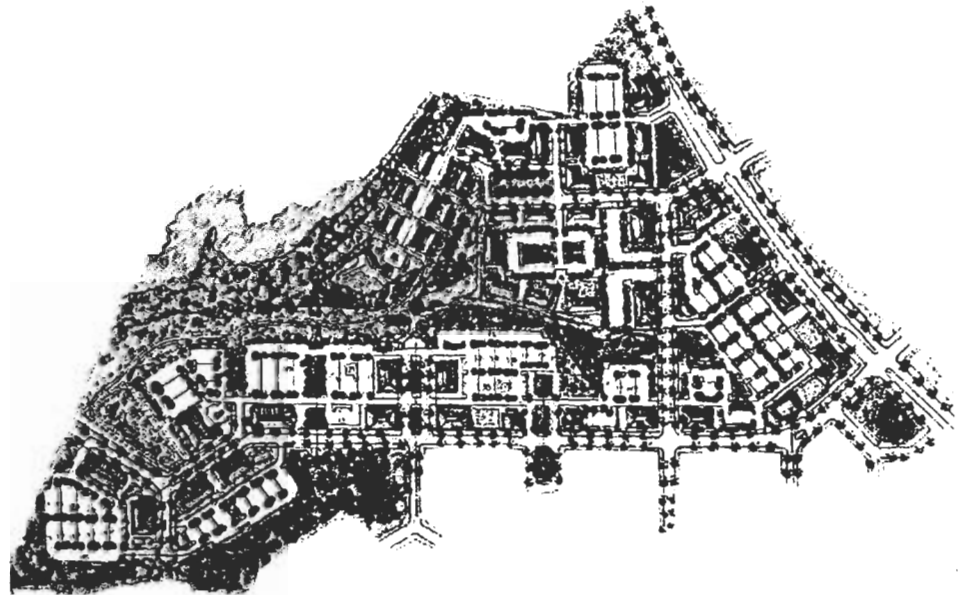
**7.2 Planting Practices and Zoning**

While parking lots shall be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance, all new planting practices as well as existing vegetation preservation applications should meet or exceed the intent of these guidelines and shall be subject to the review and approval of the Design Review Board. Preference in selecting plants should be given to drought resistant species.



New Town Discovery Park  
Sections 3 & 6: Design Guidelines

*New Town Associates*



August 03, 2004

## **I. Sections 3 & 6 Guidelines**

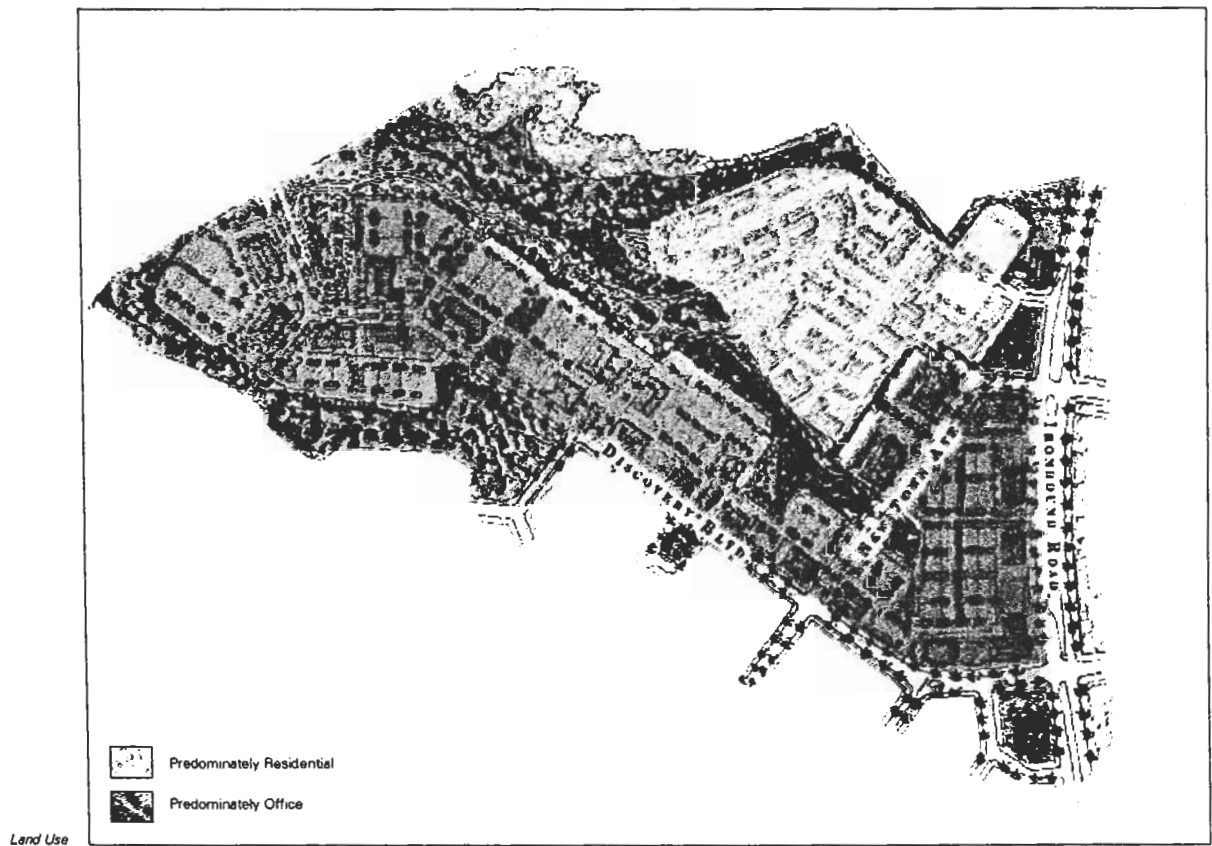


*Regional plan  
showing context*

The plan leaves open the possible extension of Discovery Boulevard to both the lands of Eastern State Hospital to the northwest and those of the College of William & Mary to the east.

Discovery Park is linked directly to New Town's commercial center via New Town Avenue, Courthouse Street, and Casey Boulevard.

This proximity and direct linkage will enable office workers and residents to easily walk to the shops, restaurants and other activities within the town center during the day and into the evening. This district should function as a visual and physical extension of the town center.



### **2.1 Discovery Boulevard**

The address street for Discovery Park is Discovery Boulevard. Discovery Boulevard starts at Pecan Square and keeps open the option of future connection to Eastern State Hospital. Sidewalks, tree planting (spaced at a maximum of 30' o.c.) and pedestrian lighting are to be designed on either side of the office drive to enable and encourage pedestrians to stroll along the length or to walk to and from the northern civic center and the town center. A bikeway should be provided along Discovery Boulevard.

### **2.2 New Town Avenue**

New Town Avenue, an important cross town link, originates at the Northern Focal Open Space (at Watford Lane near Ironbound Road), and connects to the Town Center. As a primary road, it should accommodate pedestrians.

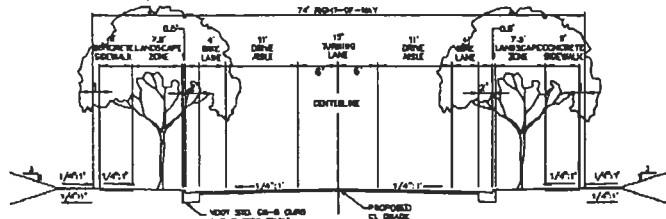
### **2.3 Internal Streets**

Internal streets and drives within Discovery Park serve primarily as drop-offs to the office buildings or to define parking areas. Within the residential neighborhood, they serve as the address and primary orientation for the residential buildings. A coherent, interconnected pattern of streets should organize the larger district into smaller, more humanly scaled areas. Sidewalks, tree planting (spaced at a maximum of 50' o.c.) and pedestrian lighting should be provided on both sides of the internal streets and drives enabling workers, visitors and residents to comfortable and safely walk from the parking areas to the building entrances day and evening.

### **2.4 Street Sections**

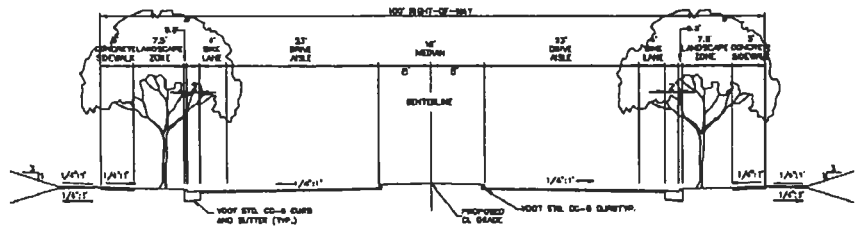
The following street sections are proposed for Discovery Park:

*Ironbound Road*  
*Discovery Boulevard*  
*New Town Avenue*  
*Internal Street*



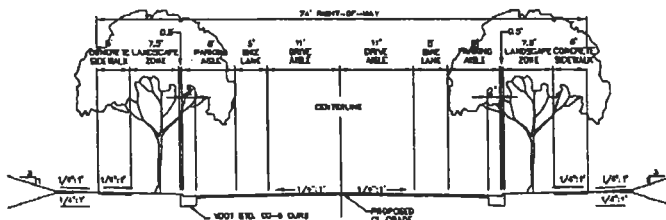
1. PROVIDE 2 - 1\"/>

Discovery Boulevard  
Between New Town Avenue  
and Courthouse Street



1. PROVIDE 2 - 6\"/>

Discovery Boulevard  
Between Courthouse Street  
and Ironbound Road



1. PROVIDE 3 - 1\"/>

Discovery Boulevard  
West of New Town Avenue

Discovery Boulevard  
Typical Street Sections



### 3. Building Placement and Massing

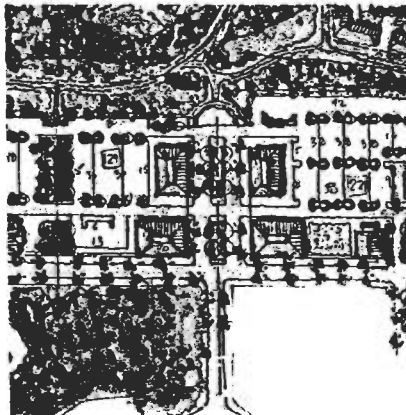
#### 3.1 Building Orientation

Office/mixed-use and residential buildings and major open spaces within Discovery Park should be primarily oriented toward the street serving as its address. Buildings or groups of buildings should face the street as a rule, thus ensuring the physical and visual relationship with the town center. Parking areas are to be located at the rear or, if necessary, at the sides of the buildings rather than interposed between buildings and the drive. The intent is that the buildings not be perceived as free standing isolated elements but as part of an integrated, spatially defined edge which is proximate to the activity of the town center and Village Square, thus linking them.

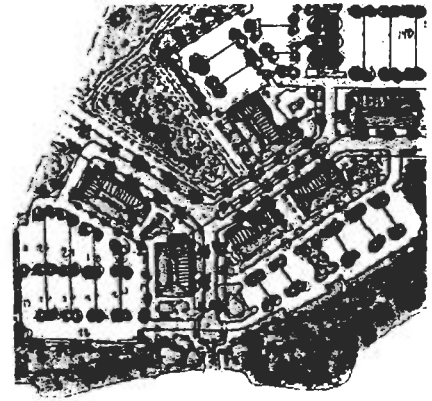
The appearance of an internally focused office-style campus is not encouraged as it would remove the buildings further from the town, both physically and experientially.

#### 3.2 Building Shape and Footprint

Buildings throughout Discovery Park's office/mixed-use and residential areas should be predominantly rectangular in shape or composed of simple rectangular pieces.



New Town Discovery Park



Sections 3 & 6 Design Guidelines

Building Placement & Massing / 10

### 3.4 The Building Setback /Frontage Zone

Building setbacks from the property line are to generally occur within a specified "frontage zone" so that a defined streetscape or streetwall will result. Streetwalls help to create a pedestrian environment which, in turn, reinforces commercial uses. The "frontage zone" is a zone in which the front wall of a building is built.

#### 3.4 a) Building Setback/Frontage Zone Requirements

Along public rights-of-way, a minimum of 60% of an individual building's front should be built within the frontage zone to avoid buildings that are set perpendicular to a street.

<i>Street type or condition</i>	<b>Frontage Zone</b>	
	<i>Minimum set back from R.O.W.</i>	<i>Maximum setback from R.O.W</i>
Ironbound Road	20'	30'
Discovery Boulevard	10'	15'
New Town Avenue	10'	15'
Internal Street	10'	15'
Exterior property line	10'	N. A.
Wetland	25'	N. A.

#### 3.4 b) Block Face Setback/Front Zone Requirement

A certain percentage of building façades should occur within the frontage zones established above. Refer to the Mixed Use Plan for Block Face Setback requirements.

### 3.5 Build-To Zones

Build-To-Zones are portions of the site frontage where buildings are required and where such buildings should occupy the established frontage zone

Build-To Zones establish criteria where building mass is required to achieve a popular streetscape or define an urban condition such as an open space. This, in turn, promotes a coherent system of streets and open spaces which characterizes the townscape and encourages pedestrian activity.

Build-To Zones are established on page 4 of the MU Plan.



#### 4.2 Access

##### 4.2 a) Vehicular Access

Internal street systems and parking lots should be accessed primarily from Discovery Boulevard and Ironbound Road. Access points should align with streets which intersect the internal drive when possible, thus acting as a continuation of those streets. The rhythm of access points along the office drive should emulate that of the block system within the town center. When possible, buildings should share common access points to keep to a minimum the number of curb cuts along the office drive.

##### 4.2 b) Pedestrian Access

Pedestrians are encouraged to access the office/mixed-use buildings from Discovery Boulevard, Ironbound Road and the internal street system which organizes the parking areas.

##### 4.2 c) Building Access/Entrances

Building entrances may face the parking and drop-off areas of the site, but at least one clearly defined entrance should face the public right-of-way to allow pedestrians approaching from off-site to easily and coherently enter the buildings. Principle entrances are encouraged to be located at the center of the longer façade.



in character with adjacent buildings, or may be screened by buildings themselves. Where services areas are open for vehicular access, wood or painted metal gates, also a minimum of 5' high, are to be provided.

Outside storage of any materials, supplies, or equipment is expressly prohibited.

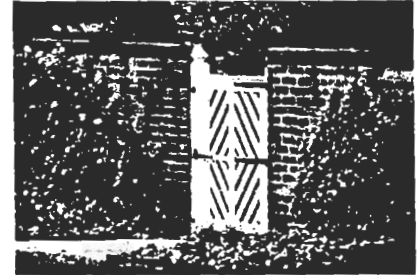
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Grade mounted air handling equipment is to be screened from view as described above. Vents, louvers, exposed flashing, tanks and overhead doors should be located to eliminate views of such areas from adjacent buildings and roadways.

**5.2 Planting**

Planting is encouraged in all setback areas and throughout parking areas. In restrained setbacks (5'-10') plantings should be of low height with preference given to native and drought-resistant species. Setback areas that extend beyond 10' may use larger specimen trees, especially between parking areas and public right of ways. Within large areas of parking, planting should be designed to break down large parking lots into smaller parking areas. The preservation of existing mature trees and use of drought resistant plants in planting areas is encouraged. Street trees and other right of way plant materials should be considered as part of the landscaping requirement. See Landscape and Open Space Standards.



New Town Discovery Park

Sections 3 & 6 Design Guidelines

Visual Character / 16



#### 5.5 Scale and Articulation

Effort should be given to visually reduce the overall size of large buildings. This may be achieved through two devices: thoughtful building massing and the use of architectural elements. Buildings with large profiles may be designed to appear smaller if the overall massing is articulated as a collection of component masses. The use of architectural elements such as bays, balconies, porches, loggias and arcades can add interest to building facades and aid in relating the scale of any building to human dimensions. Roofs may be articulated through the use of dormers, lanterns, monitors, widowswatches and other roof-top elements. Each of these devices add character and interest to the buildings of the town which, in turn, reinforces the village character intended by these guidelines.



#### Office District Buildings

Office or mixed-use buildings should not appear monolithic. The buildings may range from 1–4 stories and should utilize simple geometric shapes in plan and elevation. Small building wings and ancillary buildings may be one story provided they have a pitched roof. The overall massing of any building should be a collection of simple volumes. Buildings are encouraged to have pitched roofs, especially to screen roof-mounted mechanical equipment. Wings and additions should be simple rectangles in plan and oriented parallel or perpendicular to the main body of the building or toward a street frontage.

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Single family units are not permitted.

For other types of housing, if any, refer to Section IX, paragraphs 5.2 and 5.3 of the New Town Design Guidelines dated September 3, 1997.



### 3. Roofs: Recommended Materials

- Roofs: Wood shingles, metal standing seam, copper, lead-coated copper, slate, synthetic slate, architectural asphalt shingle. Built-up roofs are allowed.
- Gutters and downspouts: painted metal, copper
- Flashing: copper, lead coated copper, anodized aluminum

### Configurational Standards:

Complete configurational standards of roofs and roof-top elements will be considered at the time of DRB review of specific building improvements. Some items to be considered are:

- Principal Roofs: Gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion with a slope of 4:12 to 8:12;
- Secondary Roofs: Shed with minimum slope of 3:12
- Flat Roofs: Flat roofs are to have parapets or railings
- Parapets: Horizontal or gabled in elevation
- Dormers: Pitched or eyebrow
- Special roof-top elements: Symmetrically situated or aligned with the rhythm of structural bays and fenestration
- Roof-top mechanical enclosures: Concealed from view by parapets of the character described above



## **II. Landscape & Open Space Standards**

## **2. Streets**

### **2.1 General Requirements**

The general requirements for street landscape standards are to be established by the street sections provided in these guidelines. In general, a common streetscape design theme should be carried throughout the town providing for a shade tree canopy along all public streets. These designs should recognize the hierarchy among street types serving local, town-wide and regional uses.

Where possible, streets should be located along an existing stand of preserved trees to promote a sense of maturity of the town landscape. Typically, trees planted along public rights-of-way are to be spaced a maximum of 50' o.c. Residential streets are to have trees spaced a maximum of 40' o.c. Street trees planted along Discovery Boulevard should be spaced a maximum of 30' o.c.

### **2.2 Ironbound Road**

The design of Ironbound Road should establish an entrance character for New Town and be consistent with certain elements provided along Monticello Avenue. Specific recommendations for the design of the landscape are indicated as follows:

#### **1. 20' minimum setback on Town Side**

On the town side of Ironbound, the setbacks from the right-of-way to the face of buildings and edge of parking lots should be landscaped with lawns and varied shrubs and tree plantings to establish "front yards" for these uses.



### **3. Open Space and Focal Points**

Whenever possible, existing natural features such as wetlands and ravines, high points of topography or a special grouping of existing trees should serve as the basis for a neighborhood open space. The natural features are thus preserved and celebrated as public gestures. Designed open spaces should possess individual character in their scale and articulation and by the uses which front them. The landscape of each open space should reflect its internal character and use. In general, the landscape of open spaces should define its edges (along with buildings) acting as the walls of an outdoor room. Public open spaces (parks, squares and greens) are required to be bordered by streets or other vehicular access along at least 50% of their perimeter.

### **4. Street Frontage and Building Landscape**

The landscape treatment along the frontage of a site and directly near buildings should receive the primary emphasis in the overall planting scheme. These areas should typically convey a more finished, urban character consistent with the village.

### **5. Parking Areas**

Parking lots should be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance. Whenever possible, existing large trees are to be saved within the lots to promote a sense of maturity of the town landscape and to shade the paved areas.

### 6.3 Neighborhood Focal Open Spaces

Located through the village are open spaces that serve to organize and add character and identity to the neighborhoods. The spaces may be formed from compelling natural features such as wetlands and ravines, high points of topography or an existing mature stand of trees. Focal spaces may also be purely designed within the organization of interconnected streets and open spaces which form the town. The uses which front these spaces should be consistent in character to assure an intended identity. Commercial, civic and higher density residential uses are all appropriately located on these spaces. The size of the Neighborhood Focal Open Space should not be less than  $\frac{3}{4}$  of an acre nor exceed  $1\frac{1}{2}$  acre

### 6.4 Pedestrian Connectivity

A trail system will be created along the wetlands to provide pedestrian access between Sections 3 & 6, adjacent sections and will connect to the sidewalk system and then eventually to the

## 7. Recommended Planting Practices

### 7.1 Minimum Sizes of Planting For All New Landscaping

#### 1. Trees: Deciduous Shade

- Location on streets and street frontages,
- 3  $\frac{1}{2}$ " caliper, 16–18' height min.

#### 2. Trees: Deciduous Shade

- Location in parking areas,
- 2  $\frac{1}{2}$ " caliper, 16–18' height min.

#### 3. Trees: Evergreen

- Well shaped, full, 8' height min.

#### 4. Ornamental: Single-Stemmed Deciduous or Evergreen

- 2  $\frac{1}{2}$ " caliper, 8 – 10' height min

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## Introduction

In accordance with the proffers and adopted Design Guidelines for New Town in James City County, Virginia, New Town Associates presents these Specific Design Guidelines and Mixed-Use Plan for Master Plan Sections 3 and 6 to the New Town Design Review Board and James City County. For this rezoning effort, these master plan sections are treated as one mixed-use neighborhood, known as Discovery Park.

New Town's Discovery Park neighborhood is located on a lobe of land adjacent to and north of the mixed-use town center. The site is bounded by Ironbound Road to the east, Discovery Boulevard to the south and west, the lands of Eastern State Hospital to the north and east and an industrial neighborhood directly to the north. Within the Discovery Park neighborhood, two primary land uses are illustrated, though a mixture of office and research, residential, civic uses and a church are allowed and encouraged. An office/research district runs along Discovery Boulevard from Ironbound Road to New Town's border with Eastern State Hospital. A multi-family residential area is nestled to the north among wetland "fingers" and ravines. Based on the illustrative site plan presented in this document, which is one of many ways the neighborhood can be configured, approximately 500,000 SF of office and 200 residential units are accommodated.

At the neighborhood's eastern edge along Ironbound Road are two important open spaces within New Town. Pecan Square serves as a gateway to both the Town Center and Discovery Park at the intersection of Discovery Boulevard and Ironbound Road. Further north, the Northern Focal Open Space serves as an entry point to the new neighborhood and New Town, as well as an amenity for the existing neighborhood and surrounding community.

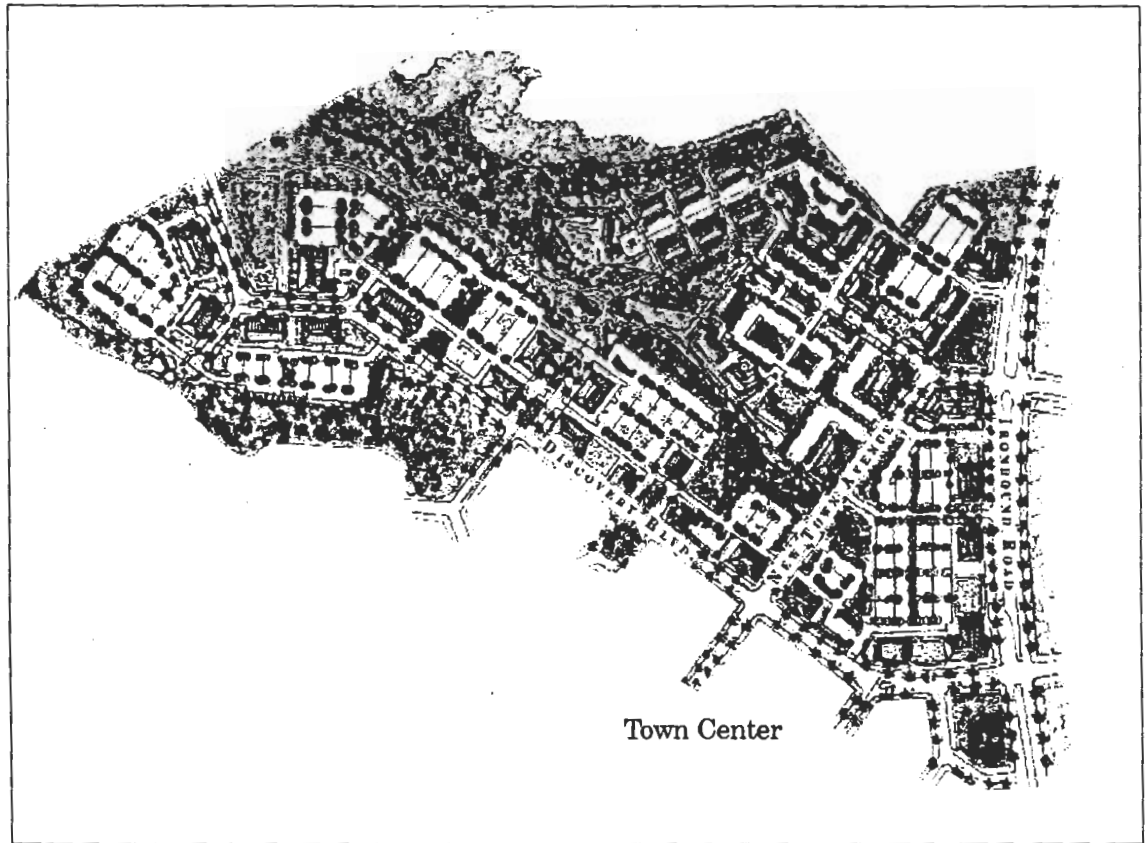


New Town Discovery Park



Sections 3 & 6 Design Guidelines

Introduction / 1



Illustrative Concept Plan

## 2. Street Design

### Primary Streets

The primary streets defining or located within Discovery Park are Ironbound Road, Discovery Boulevard, and New Town Avenue. The design of Ironbound Road will ultimately include its expansion to 4 moving lanes and is to comply with the proposed section in this document. Discovery Boulevard will be a common address for office, town center, and civic uses, linking each in a coherent way. Its siting will also keep open the possibility of future connection between the lands of Eastern State Hospital to those of William and Mary, allowing for the creation of additional development through these areas.

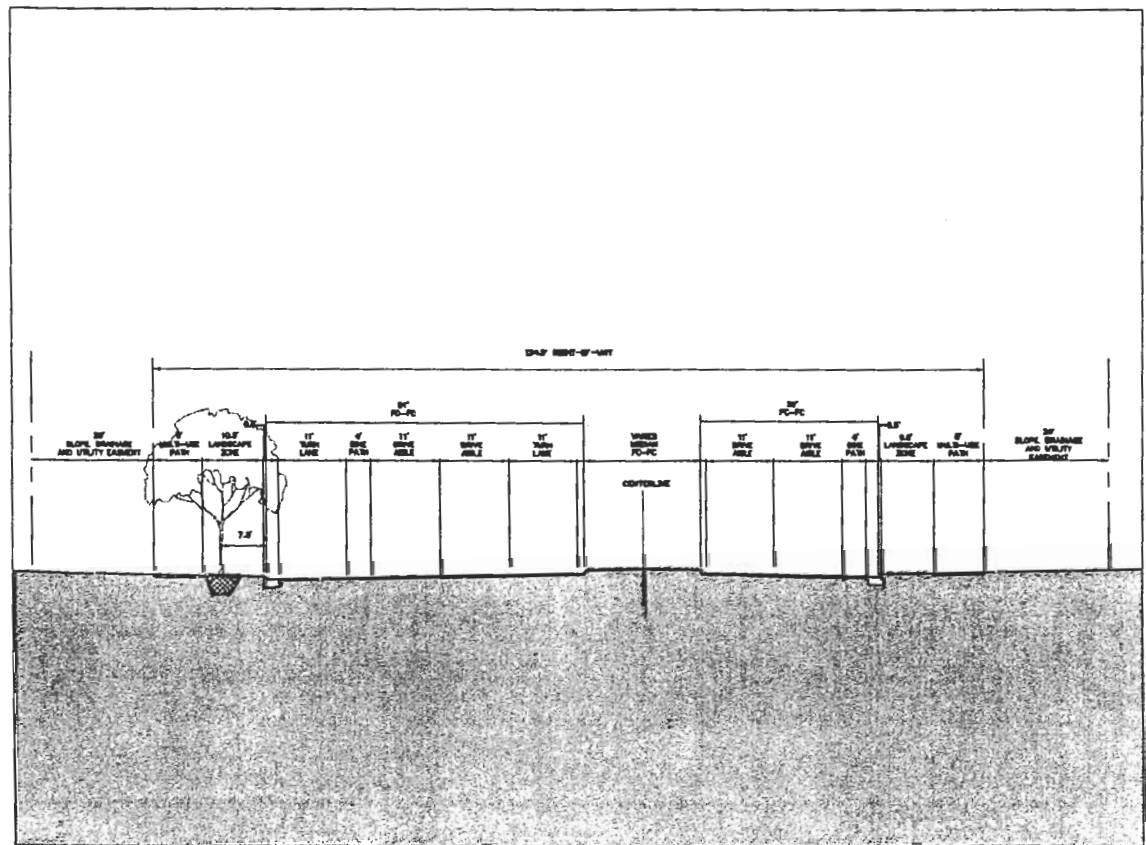
Sidewalks, tree planting and pedestrian lighting are to be designed on either side of these drives to enable and encourage pedestrians to stroll along the length, or to walk to the various destinations within New Town. Trees planted outside of the more urban town center may be spaced further apart at a maximum of 50' o.c. Discovery Boulevard trees should be spaced at 30' o.c. Bikeways and bus stops should be provided along Ironbound Road and Discovery Boulevard and connected with the overall system established in James City County to afford people economical and healthy transportation alternatives. Bus stops will be coordinated with WAT.

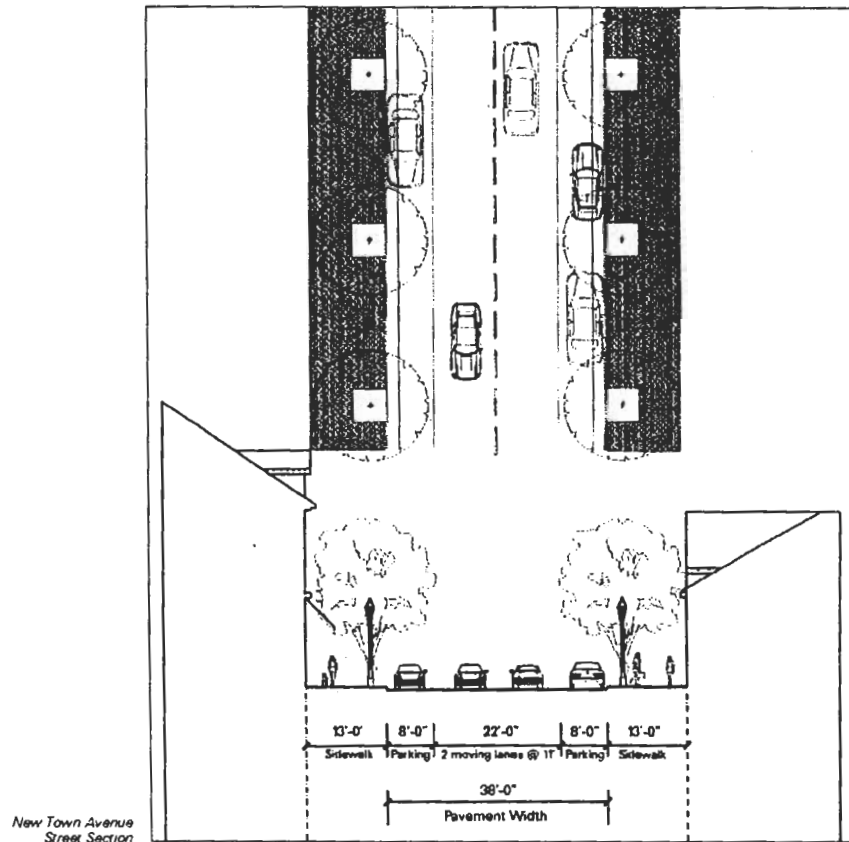


New Town Discovery Park

Sections 3 & 6 Design Guidelines

Street Design / 5







Odd building shapes employing acute angles (as such as in the letters "Z", "W", and "Y") are not encouraged. Simpler shapes are preferred (similar to the letters "I", "H", "L", "T", and "U").

Single building footprints should be predominantly between 5,000 square feet and 20,000 square feet. Floor plates may not be larger than 20,000 square feet without being offset into what appears to be two or more buildings. Building depths may not be greater than 100' without being divided into what appears to be two buildings. The use of offsets are encouraged when building footprints are greater than 10,000 square

### 3.3 Building Height

An appropriate building height is desirable to establish a scale consistent with the village. Discovery Park is to have predominantly 2-3 story buildings. One story buildings are to be a minimum of 20' height to the top of a parapet or if a sloped roof is provided, a minimum of 15' to the eave with a minimum of 10' of visible roof. Dormers are encouraged if a sloped roof is provided. Buildings which face an open space may have one story wings at less than 15' eave height if set back from the main body of the building a minimum of 5 feet. The floor area of such wings may not exceed 25% of the total building footprint. Building may not exceed 4 stories except for tower elements with a maximum footprint of 400 sf.



#### 4. Parking and Access

##### 4.1 Parking Standards

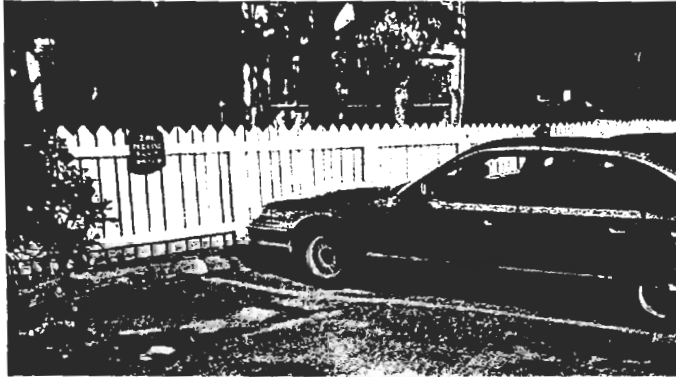
Parking lots within Discovery Park should be located at the rear or, if necessary, at the sides of the buildings, rather than be interposed between buildings and streets.

Parking areas are to be set back from the following conditions as described below:

Discovery Boulevard:	15' min.
Other Public Rights-of-Way:	10' min.
Exterior Property Line:	10' min., except if combined with that of an adjacent parcel or property.
Wetlands:	25' min

Parking lots should be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance. Whenever possible, existing large trees are to be saved within the parking lots to promote a sense of maturity of the town landscape and to shade the paved areas. Within the large zones of parking, tree and shrub planting should be designed to break down large parking lots into smaller parking lots.

Trash, utility and service areas are to be located behind buildings but are permitted within the parking areas, subject to the screening standards described in Section 5.1, page 15–16.



## 5. Visual Character

### 5.1 Edge Definition and Screening

#### 5.1 a) General Provisions

Walls, fences, and planting are to be employed to improve the visual environment as well as to reinforce a streetwall condition. These elements are intended to define street edges and parking areas or to conceal undesirable views into parking and service areas where buildings do not occupy the frontage zone.

Parking areas which occur along the public right-of-way are to be screened with a fence or wall a maximum of 42' in height. Hedges may also be used as a screen. Fences, walls and hedges should be placed within the frontage zone described in Section 3.4a Building Setback/Frontage Zone Requirements (Refer to chart on page 12). The screening should be consistent in character with the adjacent buildings. Walls are to be made of stuccoed concrete block or brick. Fences are to be made of hedges, wood or painted metal. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better screen parking areas. The canopy of trees planted within the parking areas or other positive features should dominate the view over such walls and fences to soften the effect of parking area along street rights-of-way.

Loading, service and trash areas, as well as mechanical equipment, are to be located in a manner to minimize views of such areas from adjacent buildings and roadways and should be screened with walls or fences a minimum of 5' in height, combined with planting where appropriate, and consistent





### 5.3 Signage

All signage should be compatible with the architecture of the buildings and is limited to shop windows, hanging (shingle) signs, post mounted signs (non-rotating, limited to 14' in height) and the exterior building wall, placed at a consistent height, and to monument signs if designed as an architectural feature consistent with the buildings. Signs are encouraged to be externally lit when illuminated. Individual letters in signs may be internally lit provided the buildings are not located within 100' of Monticello Avenue. All signs should comply with the James City County Zoning ordinance. Refer to the New Town Streetscape Package.



### 5.4 Site Lighting

Well-designed outdoor lighting at night benefits everyone, increases safety and enhances the nighttime character of New Town. Appropriate and sufficient site lighting should be designed to insure the safety and security of pedestrian and vehicular movement while eliminating problems of glare, minimizing light trespass and helping to reduce energy costs. All business, residential and community driveway, sidewalk, and property luminaries should be installed with the idea of being a "good neighbor," with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

All site lighting should prevent light from shining directly up and should be full cut-off fixtures with the light source fully shielded, except for low wattage and fossil fuel sources, temporary emergency lighting, seasonal lighting, sports field lighting and other special situations as approved by the DRB. Pedestrian luminaries that permit the limited and controlled visibility of indirect light from the source as an aid to way finding and spatial definition are permitted at the discretion of the DRB.

Acceptable light sources include incandescent, fluorescent and metal halide lamps, and should produce a color temperature close to daylight. Other sources may be approved at the discretion of the DRB. Mercury vapor sources are not permitted.

The maximum height for on-site fixture poles is as follows:

- |                              |     |
|------------------------------|-----|
| 1. Pedestrian Walks, Plazas: | 14' |
| 2. Streets and Drives:       | 25' |
| 3. Large Parking Areas:      | 30' |

The exterior illumination of civic or special buildings that enhances architectural elements is encouraged.





#### 5.6 Site Furnishing

Site furnishing (i.e. tables, chairs, benches, trash receptacles) should be consistent in character with the adjacent buildings and designed as an integral part of the site plan. Commercial grade, permanent furnishings should be provided. Refer to the New Town Streetscape Package.

#### 5.7 Architectural Expression

##### 1. Walls: Recommended Materials

- Building walls: brick, with limited use of stucco or synthetic stucco, wood or fiber cement shingle, wood or fiber cement clapboard, board and batten
- Exposed Foundation Walls: Brick or brick facing, or stucco finished poured concrete block or cast-in-place concrete

##### 2. Building Elements: Recommended Materials



- Chimneys: brick, stucco or synthetic stucco.
- Arcades and colonnades: brick, stucco, synthetic stucco, wood, or high grade synthetic wood alternative
- Porches, columns: various materials
- Posts, spindles, balusters: painted wood, painted metal
- Stoops, exterior stairs: brick, concrete
- Decks: wood, concrete
- Signs: wood, painted metal
- Awning and canopies: canvas-covered metal structure, designed to be compatible in configuration and color with the architecture of the buildings



*4. Openings: Recommended Materials*

- Windows: wood, painted metal
- Bay windows: wood, painted metal, with metal tops
- Doors: painted wood, painted metal
- Storefronts: painted wood, painted metal
- Security doors and grilles: metal

Configuration standards of the above opening types will be considered at the time of DRB review of specific building improvements.



*5. Paved Areas: Recommended Materials*

- Streets: Black aggregate asphalt roadbed, or brick or concrete pavers at special locations. Concrete curb and gutter
- Parking Areas: Black aggregate asphalt, brick or concrete pavers
- Curbs (within parking areas): concrete
- Pedestrian Areas: Brick or concrete pavers and concrete, or local river rock at special locations



## Introduction

The land on which New Town is built has long been thought of as an area of great natural beauty and resource. Thick forests, wetlands and ravines and protected plant species occur throughout the land and should be preserved and celebrated as a major principle of the town.

The landscape designs which are introduced as part of the development of the town should promote a compatible and consistent treatment throughout the neighborhoods and complement the preserved natural features. A palette of plant species should be used throughout New Town that will provide for the ability to establish hierarchy among the public streets and common open spaces. Landscape treatments may also be used to enhance or reinforce building placements or to solve issues of screening.

Because the vision of the town is founded upon an interconnected system of streets and open spaces which individually establish neighborhood identity and collectively form town character, the execution of landscape designs becomes crucial to fulfillment of that vision.



New Town Discovery Park

Landscape and Open Space Standards

Introduction / 23

## 2.2 Ironbound Road (continued)

### 2. Town Fence

At the right-of-way line on the town side of the road, install a continuous "Town Fence", except at the following locations: Between Monticello Avenue and Discovery Boulevard. The fence should be based on established Williamsburg fence types (see approved fence options in streetscape package)

### 3. Roadside Lawn

On the town side of the roadway, from the fence to the curb, a mowed lawn should be maintained. On the town side, adjacent to the multi-use path, a continuous row of straight-trunked street trees planted by way of example with such species as Willow Oak, Red Maple, London Planetree and Green Ash, at a regular spacing of 50' on center. Trees should also be planted between the curb and the multi-use path.



New Town Discovery Park

Landscape and Open Space Standards

Streets / 25



## 6. Open Spaces of the Plan

### 6.1 Northern Focal Open Space

There are two areas of major civic uses which anchor the north and south ends of Ironbound Road. These civic places act as gateways and establish the initial impression of the town to those who arrive from Williamsburg. Together, the two civic areas along with Ironbound Road form the "front door" of the town from the north and the east.

The northern district may be home to civic and community uses in addition to office and residential uses. As one approaches the site along Ironbound Road from the North, the lanes within the roadbed separate to accommodate a widened green median. At this location one may enter the town at Watford Lane and then on to New Town Avenue, which diagonally transects the neighborhood and arrives at the Town Center. At the nexus of these movements, a focal open space should be designed to act as a gateway and site for civic uses and as an address for other uses.

The focal open space is an opportunity to organize these uses in a proximate manner which will enable patrons of each use to easily walk to and from the different parking areas. The space should have a strong geometric shape and should be generally open. In addition to the buildings, large trees should define the edge of the space, enhancing the intention of a gateway. Flagpoles, monuments, water features or small open structures may occur within the open space. The size of the Northern Focal Open Space should not be less than  $\frac{3}{4}$  of an acre nor exceed  $1\frac{1}{2}$  acre.

### 6.2 Pecan Square

The Pecan Square is to serve as a gateway to the village from Ironbound Road at Discovery Boulevard as well as a potential address for small retail or office buildings. Five large pecan trees, a recognized landmark in the community, planted by the Caseys' grandfather are to be preserved and celebrated by the design of the square. No other trees (with the exception of ornamental trees and replacement trees) are to be planted within the square, but trees may be planted along the opposite frontages of streets bordering the square. Angled parking may be provided along the opposite west and south frontages which form the square.

**7.1 Minimum Sizes of Planting For All New Landscaping (continued)**

5. Ornamental: Multi-Stemmed Deciduous or Evergreen

- 1" caliper, 3 canes minimum, 6 – 8' height

6. Shrubs

- Three gallon container size or balled and burlapped equivalents min.

7. Ground Cover

- One-Quart container

8. Grasses

- One-Gallon container

9. Annuals

- 3 ½" pot

**7.2 Planting Practices and Zoning**

While parking lots shall be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance, all new planting practices as well as existing vegetation preservation applications should meet or exceed the intent of these guidelines and shall be subject to the review and approval of the Design Review Board. Preference in selecting plants should be given to drought resistant species.

# NEW TOWN

There's A New Revolution In Williamsburg, Virginia.

August 25, 2004



Mr. John T. P. Horne  
Director of Development Management  
James City County  
PO Box 8784  
Williamsburg, VA 23187-8784

**Re: Monticello Avenue – Ironbound Road Intersection Improvements,  
Underground Utilities**

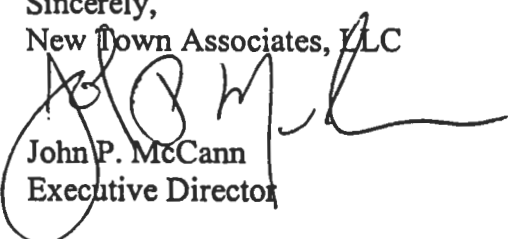
Dear John:

James City County and New Town Associates have worked together with VDOT on the Monticello Avenue - Ironbound Road project. When James City County had helped to secure adequate Federal Funds for the project, New Town Associates agreed to pay to have the intersection privately designed in order to accelerate the road improvement schedule. It is my understanding that the actual work on the intersection should begin in the spring and be completed by next fall.

In conjunction with the Monticello intersection project, James City County has a strong preference that the overhead utility lines along Ironbound Road be relocated underground rather than relocating them overhead. New Town Associates has agreed to provide a 20 foot wide utility easement, adjacent to the new Ironbound Road right-of-way, to keep the utility lines out of the road right-of-way. The highway funds will pay the cost of relocating the utility lines overhead, but the incremental cost to put them underground has to be paid by James City County and New Town Associates. This letter is intended to confirm the commitment of New Town Associates to pay the incremental cost of relocating the utility lines underground in New Town's Sections 3 and 6 to where the utility lines leave the New Town property to cross to the east side of Ironbound Road.

We understand that this utility work is likely to be done this fall. We will be prepared to provide funding for our part of the underground utility project at that time.

Sincerely,  
New Town Associates, LLC

  
John P. McCann  
Executive Director

cc: Leo Rogers, Esquire, County Attorney  
Karen Drake, County Planning Department  
Timothy O. Trant, Kaufman & Canoles

## NEW TOWN - SECTIONS 3 and 6 - PROFFERS

THESE PROFFERS are made as of this 30<sup>th</sup> day of August, 2004 by NEW TOWN ASSOCIATES, LLC, a Virginia limited liability company (together with its successors and assigns, "Owner") (index as a "grantor"), and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County") (index as the "grantee").

### RECITALS

R-1. Owner is the owner of certain real property located in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property"). Owner is also the owner of certain real property, including the Property, located in James City County, Virginia, being more particularly described on EXHIBIT B attached hereto and made a part hereof (the "New Town Property").

R-2. The Property is subject to the New Town Proffers (the "New Town Proffers"), dated December 9, 1997, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument Number 980001284.

R-3. The New Town Proffers provide for development of the Property in accordance with (i) a conceptual plan of development (the "New Town Master Plan") entitled, "NEW TOWN PLAN", dated July 23, 1997, and revised December 8, 1997, prepared by Cooper, Robertson & Partners and AES Consulting Engineers, and (ii) design guidelines (the "New Town Design Guidelines") entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA", dated September 3, 1997, prepared by Cooper, Robertson & Partners.

R-4. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Owner has applied for a rezoning of the Property from R-8, Rural Residential

Prepared by:  
Kaufman & Canoles, P.C.  
1200 Old Colony Lane  
Williamsburg, VA 23185

New Town Design Guidelines of any proposed master plans and design guidelines in future rezonings of the property subject to the New Town Proffers.

R-9. Owner has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a conceptual plan of development (the "Sections 3 and 6 Master Plan") entitled "NEW TOWN SECTIONS 3 & 6 MASTER PLAN BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA", dated June 1, 2004, revised June 21, 2004, prepared by AES Consulting Engineers, and design guidelines (the "Sections 3 and 6 Guidelines") entitled "New Town Discovery Park Sections 3 & 6 Design Guidelines", dated September 2, 2004, prepared by Cooper Robertson & Partners, for the Property, copies of which Sections 3 and 6 Master Plan and Sections 3 and 6 Guidelines are on file with the County Planning Director.

R-10. A small whorled pogonia survey was conducted on the Property revealing that no small whorled pogonia plants exist on the Property. The report generated from that survey is entitled "SEARCHES FOR THE SMALL WHORLED POGONIA, ISOTRIA MEDEOLOIDES, ON THE CASEY TRACT, CHISEL RUN WATERSHED, WILLIAMSBURG/JAMES CITY COUNTY, VIRGINIA SPRING/SUMMER 1996" (the "1996 Report"), prepared by Dr. Donna M. E. Ware of the College of William & Mary for Williamsburg Environmental Group, Inc. The results of the 1996 Report are illustrated on sheet 6, entitled "Master Stormwater Plan", of the New Town Master Plan. A copy of the 1996 Report is on file with the County Planning Director.

R-11. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of its application for rezoning, desires to proffer certain conditions which are specifically limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions

(b) For any of the Property not submitted by Supplemental Declaration to the Commercial Association, a separate association (the "Residential Association") shall be formed. In addition to the Commercial Association and Residential Association, one or more separate owners or condominium associations may be organized for portions of the Property (each individually a "Separate Association") as subordinate associations of the Commercial Association and/or Residential Association and supplemental restrictive covenants may be imposed on portions of the Property.

(c) The Residential Association and Commercial Association shall develop shared facilities agreements ("Shared Facilities Agreements") between the associations as necessary to fairly and reasonably apportion fiscal responsibility for the operation and maintenance of common elements, recreation facilities, stormwater management facilities, roadways, or other facilities benefiting or serving the members of both associations. The apportionment of such fiscal responsibility shall be based on such factors as impervious surface area, building square footage, numbers of "Residential Units" (hereinafter defined) within a particular association, number of members, land area of the membership, and the intensity of use by the membership of each association and/or such other factors agreed to between the associations.

(d) Any Supplemental Declaration and any articles of incorporation, bylaws and declaration associated with the Residential Association or a Separate Association for the Property (collectively, the "Governing Documents") and the Shared Facilities Agreements, if any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer. The Governing Documents shall (i) require that the applicable association adopt an annual maintenance budget and assess all members for the maintenance of the properties owned or maintained by such association, (ii) grant such association the power to, and require that such association, file liens on member's properties for non-payment of such assessments and for the cost to remedy violations of,

Sections 3 and 6 Guidelines and/or the Sections 3 and 6 Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Sections 3 and 6 Master Plan and/or the Sections 3 and 6 Guidelines, if circumstances, including, but not limited to, topography, natural obstructions, design/development hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

(c) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other governmental requirements, or ordinances or regulations. Neither the Owner, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses arising out of the manner or quality of any construction on the Property.

4. Transportation Improvements. Owner shall construct/install the following entrance and road improvements (“Transportation Improvements”) to Virginia Department of Transportation (“VDOT”) standards and specifications for the Watford Lane (as designated in the Traffic Study) intersection with Ironbound Road:

- (a) A northbound left turn lane on Ironbound Road at Watford Lane;
- (b) A southbound right turn lane on Ironbound Road at Watford Lane;
- (c) A minimum of two lanes approaching Ironbound Road and two lanes departing Ironbound Road on Watford Lane in New Town Section 3; and

the requirements of this proffer by encumbering, in a manner satisfactory to the County Attorney, other property within the New Town Property with the obligation to construct and offer for sale the "Residential Units" with the above-proffered pricing upon the same terms and conditions. Such encumbrance on other New Town Property may be changed with the prior written approval of the County Planning Director.

6. Community Spaces. The Sections 3 and 6 Master Plan and the Sections 3 and 6 Guidelines set forth a "Northern Focal Open Space" ("Northern Community Space"). The site plan for the Northern Community Space shall be submitted to the County prior to final approval of the site plan for that portion of New Town Avenue located on Sections 3 and 6. The Northern Community Space shall be completed or Guaranteed on or before the earlier of: i) such date as the road way striping for that portion of New Town Avenue located on Sections 3 and 6 is completed, and ii) such date that any widening of the portion of Ironbound Road adjacent to the Property has been completed. Other open space areas ("Neighborhood Community Spaces") shall be constructed on the Property as generally depicted on the Sections 3 & 6 Master Plan. Each Neighborhood Community Space shall be completed or Guaranteed prior to the issuance of certificates of occupancy for the first building(s) adjacent to such Neighborhood Community Space. The configuration, composition, location and design of the Northern Community Space and the Neighborhood Community Spaces (collectively, the "Community Spaces") is subject to the provisions of paragraph 3(b) hereof, and shall be further expressly subject to such changes in configuration, composition and location as required by governmental authorities, other than the County, having jurisdiction. The Community Spaces shall be maintained by the Commercial Association, the Residential Association and/or a Separate Association, and shall be subject to rules and regulations as may be promulgated, from time to time, by the responsible association; provided, however, no permanent barriers shall be erected or maintained to prohibit pedestrian access to the



western right-of-way line of Ironbound Road as shown on the applicable VDOT road way plans on the date of conveyance.

9. Streetscapes. All site plans and subdivision plans for development within the Property shall include (i) pedestrian connections on the Property, or the portion thereof so developed, along main roads adjoining the Property, (ii) streetscape plans for streets within the subject portion of the Property, and (iii) streetscape plans for those portions of the Property adjacent to Ironbound Road, all of which pedestrian connections and streetscapes shall be consistent with the Sections 3 and 6 Guidelines applicable to the Property. The approved streetscape plans, including, where required by the DRB pursuant to the Sections 3 and 6 Design Guidelines, street trees, the town wall or fence, sidewalks, walking trails, crosswalks, street lighting, street furniture, and bike lanes, and any other miscellaneous improvements required by the Sections 3 and 6 Design Guidelines and approved by the DRB, shall be implemented incrementally when development on adjoining portions of the Property is completed.

10. Bus/Transit Facilities. At least two (2) bus pull-off areas with bus stop shelters shall be constructed on the Property at locations along the proposed Discovery Boulevard and/or New Town Avenue within Sections 3 and 6 of the Property or, at the request of Owner, at such reasonable alternative locations as are approved by the County Planning Director. Design of any pull-offs and shelters shall be approved in advance by the DRB. The pull-offs and shelters shall be installed at the direction of the Planning Director, but in no event before the adjacent roadways are constructed.

11. Recreation Facilities. The Property is being developed in furtherance of a comprehensive town plan that is subject to the Sections 3 and 6 Guidelines and the Sections 3 and 6 Master Plan which provide for a more urban approach to the design of buildings and public spaces in order to avoid conventional suburban patterns and promote an environment conducive to

this proffer and shall be approved by the JCSA prior to final approval of the first site plan or subdivision plan for development of the Property or any portion thereof.

13. Contribution for Public Facilities.

(a) Water. A contribution shall be made to the County in the amount of Seven Hundred Eighty Dollars (\$780), for each individual residential dwelling unit (individually, a "Residential Unit", and collectively, the "Residential Units") developed on the Property (the "Per Unit Water Contribution"). The County shall make these monies available for development of water supply alternatives, the need for which is deemed by the County to be generated by the development of the Property.

(b) Recreation. A playground contribution shall be made to the County in the amount of Sixty-Seven Dollars (\$67), for each Residential Unit developed on the Property in excess of 294 Residential Units (the "Per Unit Playground Contribution"). A courts/softball field contribution shall be made to the County in the amount of Seventy-Four Dollars (\$74), for each Residential Unit developed on the Property (the "Per Unit Courts/Softball Field Contribution"). The County shall make these monies available for development of recreational facilities, the need for which is deemed by the County to be generated by the development of the Property.

(c) School Facilities. A contribution shall be made to the County in the amount of Two Hundred Ninety Nine Dollars (\$299) per Residential Unit for the initial 155 Residential Units developed on the Property (the "Per Unit School Contribution"). The calculation of such contributions is premised upon a need for a total financial contribution for the entire New Town development of \$240,000.00 (in 2002 dollars), said need being deemed by the County to be generated by the anticipated development of the residential components of New Town. The County shall make these monies available for acquisition of school sites and/or construction of school

(g) Notwithstanding any other provision of these Proffers, none of the Per Unit Contributions shall be assessed for any Residential Unit with proffered pricing at or below \$109,034 as such amount may be adjusted in accordance with paragraph 18 of these Proffers.

14. Private Streets. Any and all streets within Sections 3 and 6 of the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Residential Association, Commercial Association and/or a Separate Association, as applicable. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the applicable Commercial Association, Residential Association, or Separate Association responsible for maintenance of such private street an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT – Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the street to be designated as private.

15. Archaeological Study. Pursuant to the New Town Proffers, a Phase I Archaeological Study for the Property, entitled "A Phase I Archaeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o Virginia Landmark Corporation by the William and Mary Archaeological Project Center, has been submitted to, and reviewed and approved by, the County Planning Director. A treatment plan shall be submitted to, and approved by, the County Planning Director for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the

“Buffer”) on the Property. No building shall be constructed on the Property within fifteen (15) feet of the Buffer.

#### MISCELLANEOUS PROVISIONS

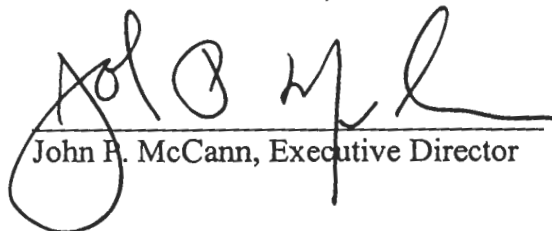
18. Consumer Price Index Adjustment. All cash contributions and pricing contained in these Proffers (collectively, the “Proffered Amounts”), to include but not be limited to housing sales prices and Per Unit Contributions, shall be adjusted annually beginning January 1, 2005 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the “CPI”) prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. The adjustment shall be made by multiplying the Proffered Amounts for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Proffered Amounts to approximate the rate of annual inflation in the County.

19. Disposition of Proffered Property and Payments. In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years from the date of receipt by the

WITNESS the following signatures, thereunto duly authorized:

NEW TOWN ASSOCIATES, LLC

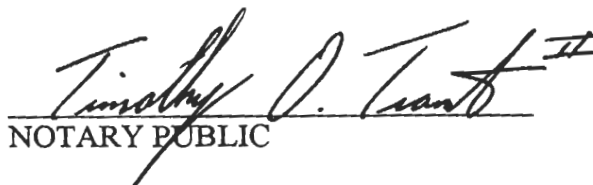
By:

  
John P. McCann, Executive Director

STATE OF VIRGINIA

CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of August, 2004 by John P. McCann as Executive Director of New Town Associates, LLC, a Virginia limited liability company, on its behalf.

  
NOTARY PUBLIC

My commission expires: 2/28/2005

#6056453 v7

**EXHIBIT B**

[Legal description for all property owned by New Town Associates, LLC in Sections 2, 3, 4, 6, 7, 8,  
and 9 of New Town]

**REZONING -6-04 / MASTER PLAN -6-04. Lightfoot Mixed Use Development  
Staff Report for the September 13, 2004, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission: 7:00 p.m.; Building F Board Room; County Government Complex  
July 12, 2004 (Deferred)  
August 16, 2004 (Deferred)  
September 13, 2004  
Board of Supervisors: October 12, 2004 (Tentative)

**SUMMARY FACTS**

**Applicant:** Richard A. Costello, AES Consulting Engineers

**Land Owner:** Noland Properties, Inc.

**Proposed Use:** A mix of uses including a maximum of 144,800 square feet of commercial space on 13.5 acres along Richmond Road and a maximum of 244 multi-family residential units on 38.5 acres with a gross residential density of 6.3 units per acre.

**Location:** 6601 Richmond Road, Stonehouse District

**Tax Map/Parcel** (24-3)(1-35)

**Parcel Size** 53.24 acres, with 52.0 acres for development; the Chesapeake Bank site is not included in the master plan or proffers.

**Proposed Zoning:** MU, Mixed Use with proffers

**Existing Zoning:** B-1, General Business with proffers

**Comprehensive Plan:** Mixed Use

**Primary Service Area:** Inside

**STAFF RECOMMENDATION**

Due to the number of proffered conditions that need to be clarified, staff recommends that the Planning Commission defer the case. The issues are generally minor in nature and staff is confident that the details can be worked out with the applicant. If the Planning Commission wishes to vote on the proposal at this time, staff recommends denial.

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

## **PROJECT DESCRIPTION**

Mr. Richard Costello has applied on behalf of Noland Properties, Inc. to rezone 52.0 acres located on Richmond Road (Route 60) northwest of the junction with Lightfoot Road, from B-1, General Business with proffers to Mixed Use, MU with proffers. The applicant has proposed 144,800 square feet of commercial and light industrial development on 13.5 acres with frontage on Richmond Road and 244 multi-family dwelling units in the back of the parcel on 38.5 acres. Two entrances would provide access to the development from Richmond Road with the main entrance road at the existing median crossover. This would be the access point for the residential units which are proposed to be “for sale”. Up to 24 of the dwelling units are proffered to be affordable. The commercial area is proposed to have a mix of uses including mini-storage, retail sales, offices and restaurants. While the applicant has provided the County with a conceptual plan showing roads and the location of uses, this has not been proffered and therefore is not being considered as part of the rezoning. A special use permit has previously been granted for Chesapeake Bank which is located on the same parcel; it is not subject to this rezoning.

## **EXISTING ZONING AND DEVELOPMENT**

<b>Development Area:</b>	Vacant with abandoned restaurant, shops and house B-1 with proffers under Case No. Z-12-89, L.A. & G Corporation.
<b>Adjacent Properties:</b>	
◆ <b>North</b>	Distribution center, A-1 General Agricultural / B-1 General Business Undeveloped bank site on the same parcel, B-1
◆ <b>East</b>	Commercial uses across Richmond Road, M-1 Limited Business/Industrial
◆ <b>South</b>	Church, hotels, restaurant along Richmond Road, B-1 Outlet mall at corner of Centerville and Richmond Roads, M-1
◆ <b>West</b>	Manufactured home park on Centerville Road with a density of approx. 3.0 units per acre and vacant parcels, A-1

## **PUBLIC IMPACTS**

### **ARCHAEOLOGY:**

The County archaeological policy is proffered.

### **ENVIRONMENTAL IMPACTS:**

**Watershed:** Yarmouth Creek

**Environmental:** The applicant has included a note on the master plan stating that the project shall be subject to provisions of the Yarmouth Creek Watershed Management Plan including stream stabilization. The applicant has not provided a guarantee to submit a master stormwater plan in advance of development of the property or to otherwise limit BMPs to regional facilities. The current B-1 zoning includes a proffer to perform a comprehensive drainage study and plan.

**Staff Comment:** In general, it is much better to have fewer regional BMP facilities, because they are more cost-effective as well as more effective in controlling stormwater. It is easier to determine the impact of one facility on a stream system than to try to estimate the interaction of releases from several facilities draining to a given stream. In this case, the two BMPs shown on the master plan will not only control runoff from the proposed development, but one of the BMPs will also control flows from offsite development that is



currently uncontrolled. The master plan already shows two BMP facilities; staff recommends that the applicant provide a guarantee that the site will be developed in accordance with the stormwater facilities shown on the master plan.

### **FISCAL IMPACTS:**

**Impact Study:** The fiscal impact study prepared by Wessex Group, Ltd., estimates that the development would incur costs of \$920,800 per year to the County and produce an estimated \$918,573 per year in revenues at buildout. The annual fiscal impact of the proposal is estimated to be a net deficit of \$2,227.

**Proffers:**

- 1) The applicant has proffered a cash contribution of \$750 per dwelling unit to mitigate impacts from the physical development and operation of the property including emergency services, school uses, off-site road improvements, library uses and public use sites. (Proffer # 3(d))
- 2) The applicant has proffered development phasing so that construction on at least 25,000 square feet of commercial area will have commenced prior to building permits being issued for any residential units. (Proffer # 9)

**Staff Comments:** Staff finds that the project's annual recurring operating deficit would likely be much larger than the one forecast by the applicant's study. The exclusion of capital cost impacts due to overcrowded schools is the most significant reason for this difference.

### **HOUSING:**

**Proffer:** The applicant has proffered 10% of the residential dwelling units (up to 24 of 244 units) at a sales price limit of \$110,000. (Proffer #8)

**Staff Comment:**

- 1) The proffer is consistent with the Comprehensive Plan for moderate density development within mixed use areas and consistent with the Housing section of the Plan because the project would create a mixed income community and provide affordable housing.
- 2) It is staff's understanding that the applicant intends to develop the residential portion as a condominium project. As the applicant has not proffered the units to be "for sale", staff does not believe that there is sufficient guarantee that all of the residential units will be developed as "for sale" housing.

### **SCHOOLS:**

Per the Adequate Public Facilities Test policy adopted by the Board of Supervisors, all special use permit and rezoning applications should pass the test for adequate public school facilities. The applicant estimates that the residential units will generate 0.2 students per unit for a total of 49 students. The following information was provided by the applicant:

School	Current 2004 Enrollment	Design Capacity	Projected Students Generated by Development
Norge Elementary	640	760	23
Toano Middle School	821	775	12
Lafayette High School	1484	1250	14

**Staff Comments:** The proposal does not pass the adequate public facilities test for the middle and high schools. The applicant suggests that by redistricting the middle school areas, sufficient capacity currently exists within the County for middle school students generated by the development. Staff believes that redistricting would not present a long term solution to overcrowding.

**PUBLIC UTILITIES:** The site is served by public water and sewer.

**Proffers:** Water conservation: Water conservation measures shall be submitted for review and approval prior to final subdivision or site plan approval.  
Sewer: A contribution of \$382.50 for each residential unit and a contribution based on non-residential sewage flow usage factoring in previous development uses on the property is proffered for sewer system improvements.  
Water: A cash contribution of \$790.00 per residential dwelling unit has been proffered for development of alternative water sources or JCSA water system improvements. (Proffer # 3a) No proffer for water systems has been made for the commercial area.

**JCSA Comments:** JCSA has informed the applicant that the cash contribution for water should be lowered to reflect the different level of usage by multi-family development. The other proffers are acceptable.

**TRAFFIC IMPACTS:**

**Proposed Traffic:** The applicant estimates trip generation of 445 AM Peak Hour trips and 689 PM Peak Hour trips and a total daily site generation of 6,264 trips. All streets are proposed to be private. The applicant has proffered to allow a future vehicular connection with the property to the north. The area of connection is shown on the master plan and would be subject to proffered conditions.

**Traffic Counts:** The James City County Traffic Count Summary for Richmond Road in area of proposed development finds the following:  
2003 Traffic Counts: 18,828 (Croaker Rd to Lightfoot Rd)  
2026 Volume Projected: 33,500 (Croaker Rd to Centerville Rd)

**Level of Service:** Intersection LOS at Development – Main Driveway  
Existing: AM Peak Hour, LOS - B / PM Peak Hour, LOS - C  
2020: AM Peak Hour, LOS – C / PM Peak Hour, LOS - D

**Proposed Road Improvements:** A study by DRW Consultants concluded that the traffic forecast for the development at buildout is “borderline for traffic signalization at the existing crossover.” The applicant proffers to provide an updated traffic impact study after a majority of development has been issued building permits or if a proposed use generates materially higher trip generation. If the updated traffic study finds that a traffic signal and/or an additional turn lane are warranted, the owner has proffered to provide the improvements. (Proffer # 6). An entrance taper has been proffered for construction of the right-in right-out driveway. (Proffer # 4).

**VDOT Comments:** The traffic analysis did not clearly define when left turn improvements or a traffic signal will be warranted.

**Staff Comments:** While staff believes the applicant's proffered updated traffic impact study will better define if and when traffic improvements may be warranted, the updated study described in Proffer # 6(b) should be submitted for review and approval *prior* to the issuance of the building permits. Also, staff believes that at the time of the updated study, undeveloped portions of the property should be included in the study based on ITE trip generation estimates for the property.

### **RESIDENTIAL DEVELOPMENT CONSIDERATIONS:**

#### **Conceptual Plan Review Proffer:**

In lieu of providing a detailed master plan of the residential area of the project, the applicant has proffered to provide a conceptual plan of the residential area for review prior to the submittal of a site plan for the property. (Proffer # 12)

**Staff Comment:** While staff had previously requested a detailed master plan with the rezoning application, staff would accept the proffer of a conceptual plan prior to site plan review if it will be submitted to the *Planning Director* for review and *approval*.

#### **Recreation Proffer:**

The applicant proposes to provide recreational facilities in the residential area as set forth in the County's Recreation Master Plan or make cash contributions in accordance with the Recreation Master Plan. (Proffer #18)

**Staff Comment:** The proffer should require the cash contributions outlined in the 1998 Recreation Master Plan to be updated to reflect 2005 dollars. Also, staff notes that the zoning ordinance requires that some form of recreational facilities must be provided on-site within the mixed use district. Therefore, a cash contribution alone would not satisfy MU ordinance requirements.

#### **Pedestrian Connections Proffer:**

The applicant proposes to provide pedestrian connections between the property and the adjacent Williamsburg Outlet Mall and between each area shown on the Master Plan.

**Staff Comment:** Staff supports the pedestrian connections to better integrate the project's uses and to provide access to off-site shopping and restaurant areas without requiring extra vehicle trips. However, the applicant needs to provide a clear timing for the construction of the connections and to provide design standards that will guarantee durable connections.

#### **Streetscape Guidelines Proffer:**

The applicant has proffered streetscape improvements in accordance with the County's Streetscape Guideline policy for the entrance road in Area 1, the commercial area.

**Staff comment:** Staff has requested that the applicant provide streetscape improvements within the residential area in order to meet the goal of the Streetscape Guideline Policy to establish tree canopies along residential streets, subdivisions and common areas.

## **COMPREHENSIVE PLAN**

### **Land Use Map designations:**

- Mixed Use area within the Lightfoot Mixed Use Area
- Community Character Corridor

### **Mixed Use Area:**

Mixed Use areas are centers where higher density development and/or a broader spectrum of land uses are encouraged. They are intended to provide flexibility in design and land uses in order to enhance the character of the area. The Comprehensive Plan's specific recommendations for Lightfoot Mixed Use area are that: "For lands west of Richmond Road (Route 60 West), the principal suggested uses are moderate density housing, commercial developments and office developments. The commercial uses should not be developed in a 'strip' commercial fashion and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture. Measures to mitigate traffic congestion will be critical to maintain the economic vitality of the area and to maintain an acceptable degree of mobility."

### **Staff Comment:**

The proposed principal uses are generally consistent with those in the Comprehensive Plan. The square shape of the commercial site and the location of the proposed entrance road will mitigate against strip commercial development. The applicant has chosen not to provide a consistent treatment for architecture, but a landscaping plan and proffers for a Community Character buffer have been provided. The applicant has proffered to provide entrance turn lanes and an updated traffic impact study if necessary; however, as noted earlier in the staff report the proffer for the updated study is not acceptable to staff. With the exception of the detailed issues described throughout this report, staff finds the proposal generally consistent with the Comprehensive Plan for Mixed Use Area at Lightfoot.

### **Community Character Corridor:**

The section of Richmond Road in front of the proposed development is an urban Community Character Corridor. The applicant has proffered to only place monument signs within the Community Character buffer and to provide a limited list of materials on building walls facing Route 60. All rooftop mechanical equipment will be screened from view. Because extensive fencing may be used within the commercial land use area along Richmond Road, the applicant has also proffered to limit the types of fencing and to provide extra shrubs to hide any chain link fencing within 200 feet of Richmond Road.

### **Staff comment:**

Staff is generally satisfied with the proffers to assure that the visual impact of development will be consistent with the Comprehensive Plan, but staff finds that specifics of review and approval of the proposed architectural materials and elevations must be included to make the proffer meaningful. (Proffer #11) Also, clarification on the location and types of shrubs to accompany chain link fencing (Proffer #16) must also be included.

## **SETBACK MODIFICATION REQUESTS**

Mixed Use districts require a 50-foot perimeter setback from all adjacent properties. Setbacks shall be left in an undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover. It is possible to get a modification from the zoning requirement under at least one of the following conditions:

1. the proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;

2. the proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
3. the proposed setback is due to unusual size, topography shape or location of the property or other unusual conditions, excluding proprietary interests of the developer.

The applicant's requests for setback modifications and staff recommendations are summarized below:

**Request A:** To reduce perimeter buffer from 50 feet to 20 feet along the southern property boundary with the Zaharopulus property. The applicant has proffered to provide up to 125% enhanced landscaping in the buffer and that any fence in the buffer shall be setback at least 19' from the property line.

**Staff comment:** The part of the Zaharopulus property that is adjacent to the proposed development is wooded and undeveloped. Given the treatment of the buffer with landscaping and given the adjacent property's commercial zoning, staff recommends the Planning Commission approve this modification to the setback buffer.

**Request B:** To reduce perimeter buffer from 50 feet to 20 feet along the southern property boundary with property owned by Smith Memorial Baptist. The applicant has proffered to provide enhanced landscaping and to construct a brick wall for mini-storage warehouses facing the church property. By proffer, any fence in the buffer shall be setback at least 19' from the property line. Any fence in the front 200 feet of the property facing Richmond Road shall be either a wood fence, a dark metal picket fence or a dark vinyl coated chainlink fence or chainlink fencing supplemented with additional shrubs.

**Staff comment:** Staff is satisfied that with some revisions to the proffer on chainlink fencing, the design will sufficiently mitigate impacts from adjacent uses and recommends that the Planning Commission approve this waiver request.

**Request C:** To reduce perimeter buffer to 15 feet (with 20 feet building setback) for area behind Chesapeake Bank. The reduction will integrate with adjacent uses.

**Staff Comment:** Staff finds that this request is in keeping with the criteria for better integrating surrounding uses with the development and recommends that the Planning Commission approve the waiver request. The applicant has not shown a setback along the entrance road, staff believes that this is appropriate for reasons noted above.

**Request D:** To provide 25' landscape buffer and a total of 50' building setback in areas adjacent to the northern property line with Wythe-Will.

**Staff Comment:** Due to the location of an existing access easement between the two properties, the applicant cannot provide an undisturbed buffer adjacent to the property line. Staff supports the request because it will better integrate the property with surrounding development.

**Recommendation for Setback Modification requests:**

Staff recommends that the Planning Commission approve all setback modification requests to the perimeter buffer.

## **STAFF RECOMMENDATION**

Due to the number of proffered conditions that need to be clarified, staff recommends that the Planning Commission defer the case. The issues are generally minor in nature and staff is confident that the details can be worked out with the applicant. If the Planning Commission wishes to vote on the proposal at this time, staff recommends denial.

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Sarah Weisiger

### Attachments:

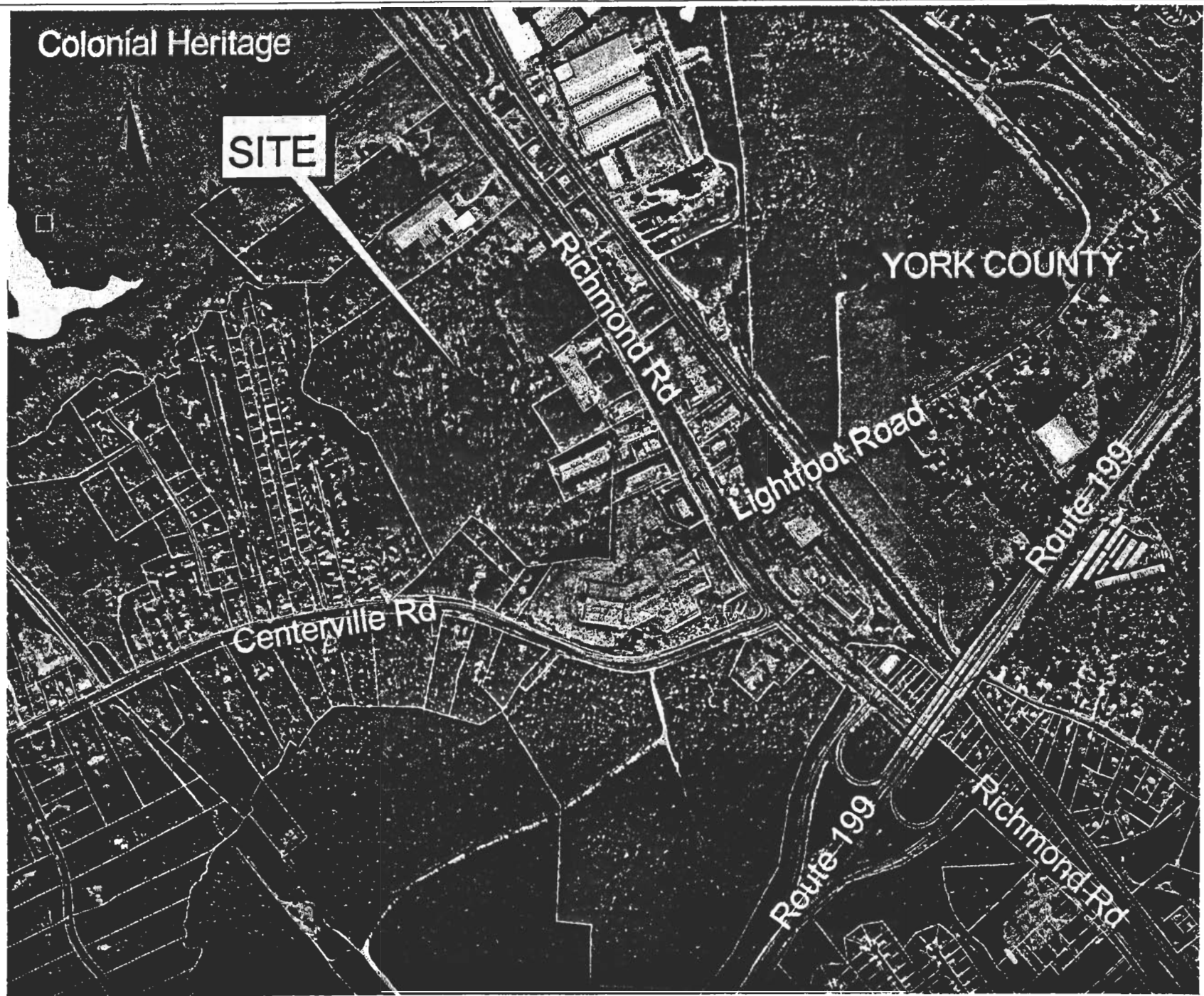
1. Location map
2. Fiscal Impact Study
3. Landscape Plan by AES Consulting Engineers dated September 3, 2004.
4. Setback Modification Request letter dated September 3, 2004.
5. Master Plan (under separate cover)
6. Proffers

# Case No. Z-6-04/MP-6-04 Lightfoot Mixed Use

## Development

900 0 900 1800 Feet

Photo Copyright 2002 State of Virginia



**Lightfoot Mixed Use Development**

**Fiscal Impact in James City County, Virginia  
May 2004**

**Prepared for:**

**AES Consulting Engineers**

**Prepared by:**

***The Wessex Group, Ltd.***  
**479 McLaws Circle, Suite 1**  
**Williamsburg, Virginia 23185**  
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# **Lightfoot Mixed Use Development**

## **Fiscal Impact in James City County, Virginia**

### **EXECUTIVE SUMMARY**

As part of a master plan and rezoning application submitted to James City County by **AES Consulting Engineers**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of developing the Lightfoot Mixed Use Development proposed near the intersection of Centerville Road and Richmond Road (Route 60) in the Lightfoot area. This proposed development includes commercial, office, restaurant, light industrial and residential development that will cover approximately 53.44 acres. Development plans include the following:

- 244 residential for sale units
  - 100 units in (10) ten-plex homes
  - 144 units in (36) quad-plex homes
- Chesapeake Bank (approximately 3,400 square feet)
- Restaurant (approximately 6,700 square feet)
- Mini self-storage facility (approximately 39,125 square feet)
- Approximately 23,800 square feet of Class B office space
- Noland Company facility (approximately 28,800 square feet) including counter sales, showroom, office space and outside storage space

The site includes recently approved SUP 30-03 for the Chesapeake Bank. The 1.4± acre bank site will remain B-1 and is not included in the rezoning application but is included in this fiscal impact study as the bank is integral to the overall mixed use development.

The suggested ten-plex and quad-plex layout of the residential development may change, but the maximum number of housing units would remain at 244. While the master plan is based on the estimated commercial square footage presented above, there is a possibility as suggested by the property owner that several of these facilities (the restaurant, Noland Company and mini self-storage facility) may be larger. Since this is the case, the reader should keep in mind that the estimates in construction investment, retail sales tax and meals tax revenues presented in this analysis could potentially be greater causing the county to realize greater revenues.

**Development Schedule and Construction Investment:** The property owner anticipates that the residential development of 244 units will be built over a four year period (start in Year 2) and fully occupied by buildout in Year 6. The incremental residential population is estimated at 512 persons. Total residential construction investment is estimated at \$39.6 million including off-site improvements of \$25,000. Amenities for this residential development include a clubhouse, swimming pool, tot lot, and walking trails creating a recreational area offering a variety of activities for the families living in this development. The property owner estimates that the units within the ten-plexes, once constructed, will be valued at an average market price of \$135,000 and the quad-plex units at \$180,000 in 2004 dollars. The commercial sections of this Lightfoot Mixed Use Development will be built over a five year period (start in Year 1 and end in Year 5). Total commercial construction investment is estimated at \$9.5 million. The cumulative construction investment for both the residential and the commercial developments is estimated at \$49.1 million.

**County Revenues, Expenditures and Net Fiscal Impact:** Residential developments in James City County generate several types of revenues just as the commercial developments. These revenues

include real estate tax, personal property tax, and retail sales tax. At buildout, the Lightfoot Mixed Use Development will provide an estimated \$918,573 annually in new revenues for the county. In turn, the services that the county will provide to this community include police protection, fire protection and public education for the school children living in the development. Once fully developed and occupied, the Lightfoot Mixed Use Development will incur costs for county services of approximately \$920,800 per year. Once the construction phase has been completed in Year 6, the net fiscal impact is estimated at a (\$2,227) annually, as shown in Table A below. All dollar figures contained in this report are expressed in 2004 dollars, and all fiscal impact estimates are based on James City County's FY 2004 Adopted Budget. No attribution for economic inflation has been made.

**Table A**  
**Lightfoot Mixed Use Development - Net Fiscal Impact**

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Buildout</u>
<b>Total Annual County Revenues</b>	\$21,900	\$225,900	\$559,488	\$726,088	\$921,673	\$918,573
<b>Total Annual County Expenditures</b>	\$1,100	\$15,300	\$247,700	\$473,400	\$704,500	\$920,800
<b>Annual Net Fiscal Impact (Revenues Less Expenditures)</b>	<b>\$20,800</b>	<b>\$210,600</b>	<b>\$311,788</b>	<b>\$252,688</b>	<b>\$217,173</b>	<b>(\$2,227)</b>

**Lightfoot Mixed Use Development**  
**Fiscal Impact in James City County, Virginia**

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## Lightfoot Mixed Use Development

### Fiscal Impact in James City County, Virginia

As part of a master plan and rezoning application submitted to James City County by AES Consulting Engineers, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of the development planned for a 53.44-acre site in James City County, Virginia. The proposed development would be located near the intersection of Centerville Road and Richmond Road (Route 60) in the Lightfoot area. For the purpose of this report, the site will be referred to as the "Lightfoot Mixed Use Development."

#### Introduction to the Study

The purpose of this report is to describe estimates of the fiscal revenues and expenditures that this development will generate for the local government of James City County. Fiscal impacts are those that directly affect a municipality's budget. Any new development that attracts new county residents generates the need for public services, such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county. The major portion of the county's revenues from residential development is derived from real estate taxes and local household spending. The commercial developments involved in this development will generate revenues in several ways such as retail, meals, real property and personal property taxes. All dollar figures contained in this report are expressed in 2004 dollars, and all fiscal impact estimates are based on James City County's FY 2004 Adopted Budget. No attribution for economic inflation has been made.

The plans and estimates included in this report cover the development and sales schedules, construction investment, the employment directly associated with the construction of this development, and the local spending of new residents in the development. Employment estimates are used to calculate the marginal cost of government services and no attribution is made as to the residence location of any employees. The fiscal impacts that flow from the development efforts and new residents are the new revenues that James City County will collect and the new expenditures that James City County will incur to provide government services to the Lightfoot Mixed Use Development.

#### Development Plans and Construction Investment

The proposed development plans for the Lightfoot Mixed Use Development include the following:

- 244 residential for sale units
  - 100 units in (10) ten-plex homes
  - 144 units in (36) quad-plex homes
- Chesapeake Bank (approximately 3,400 square feet)
- Restaurant (approximately 6,700 square feet)
- Mini self-storage facility (approximately 39,125 square feet)
- Approximately 23,800 square feet of Class B office space
- Noland Company (approximately 28,800 square feet) including counter sales, showroom, office space and outside storage space

The suggested ten-plex and quad-plex mix of residential units may change, but the maximum number of housing units would remain at 244. On site improvements will include infrastructure (internal roads, sewer lines, water lines, parking lots, etc.) along with a recreational area offering a variety of activities for the residents of this development including a clubhouse, swimming pool, tot lot, walking trails and sidewalks. Residential development is assumed to begin in Year 2 with buildout and full occupancy by Year 6. The commercial development will begin in Year 1 with buildout in Year 5.

The property owner estimates that the construction of residential units will total \$39.6 million including an estimated \$25,000 in off site improvements including a turn lane. The commercial pieces of this development will vary in cost per square foot as shown below.

- Noland Company (\$50/sq. ft.) (An average cost per square foot has been used since this facility will have different types of space involving varying construction costs -- office, warehouse, outside storage facility, etc.)
- Chesapeake Bank (\$160/sq. ft.)
- Restaurant (\$125/sq. ft.)
- Office Space – Class B (\$115/sq.ft.)
- Mini self-storage facility (\$50/sq. ft.) (An average cost per square foot has been used since this facility will have different types of space involving varying construction costs– office, actual storage units)

The construction cost for these commercial facilities is estimated at \$9.5 million including infrastructure cost of \$1,956,000. The total construction cost to build this development is estimated at \$49.1 million. The development schedule and costs are shown in Table 1 following and continued on the next page.

**Table 1**  
**Development Schedule and Construction Investment**

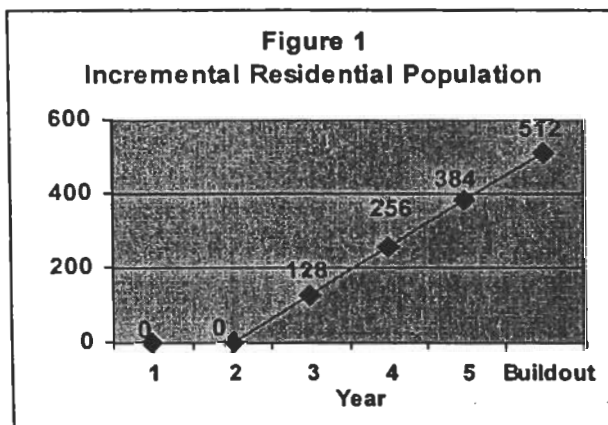
	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
<b>Residential Development</b>						
Ten-Plex Housing Units	0	25	25	25	25	0
Four-Plex Housing Units	0	36	36	36	36	0
<b>Total Annual Units Developed</b>	<b>0</b>	<b>61</b>	<b>61</b>	<b>61</b>	<b>61</b>	<b>0</b>
<b>Cumulative Residential Units</b>	<b>0</b>	<b>61</b>	<b>122</b>	<b>183</b>	<b>244</b>	<b>244</b>
<b>Unit Occupancy Schedule</b>						
Annual Units Occupied	0	0	61	61	61	61
<b>Cumulative Units Occupied</b>	<b>0</b>	<b>0</b>	<b>61</b>	<b>122</b>	<b>183</b>	<b>244</b>
<b>Incremental Residential Population</b>						
	0	0	128	256	384	512
<b>Commercial Square Footage per Type of Development</b>						
Noland Company	0	14,400	14,400	0	0	0
Chesapeake Bank	1,700	1,700	0	0	0	0
Restaurant	0	0	6,700	0	0	0
Office Space – Class B	0	0	6,900	6,900	10,000	0
Mini Self-Storage Facility	0	0	39,125	0	0	0
<b>Total Annual Commercial Sq. Footage</b>	<b>1,700</b>	<b>16,100</b>	<b>67,125</b>	<b>6,900</b>	<b>10,000</b>	<b>0</b>
<b>Cumulative Commercial Sq. Footage</b>	<b>1,700</b>	<b>17,800</b>	<b>84,925</b>	<b>91,825</b>	<b>101,825</b>	<b>101,825</b>

**Table 1**  
(Continued from previous page) **Development Schedule and Construction Investment**

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
<b>Construction Investment (\$ Millions)</b>						
Residential	\$0.0	\$10.0	\$9.9	\$9.9	\$9.9	\$0.0
Commercial	\$1.3	\$2.0	\$4.3	\$0.8	\$1.2	\$0.0
<b>Total Annual Construction Investment (\$ Millions)</b>	<b>\$1.3</b>	<b>\$12.0</b>	<b>\$14.2</b>	<b>\$10.6</b>	<b>\$11.0</b>	<b>\$0.0</b>
<b>Cumulative Construction Investment (\$ Millions)</b>	<b>\$1.3</b>	<b>\$13.3</b>	<b>\$27.4</b>	<b>\$38.1</b>	<b>\$49.1</b>	<b>\$49.1</b>
<b>Construction Materials &amp; Supplies (\$ Millions)</b>						
Annual Total	\$0.6	\$6.0	\$7.1	\$5.3	\$5.5	\$0.0
Annual Purchases in James City County	\$0.1	\$0.6	\$0.7	\$0.5	\$0.6	\$0.0

Area contractors indicate that construction materials account for approximately 50% of all construction costs. The annual cost of materials for this project will average about \$4.9 million per year during development. It is estimated that 10% of construction materials will be purchased in James City County, resulting in average sales of \$490,658 a year for county businesses during the development phase.

**Incremental Population:** To estimate the incremental residential population of the Lightfoot Mixed Use Development, the average household size of 2.1 persons has been used. The estimate was calculated by taking the total number of those 18 years or older living in James City County (approximately 42,000) and divided by the number of James City County households (22,189) to estimate 1.9 adults per household. This method of estimation indicates that the population of the proposed development will reach 512 persons at 100% occupancy at buildout (Figure 1).



## Employment and Payroll

The number of incremental FTE employees is included in this fiscal impact analysis because it is one basis of local government expenditure estimates attributed to new the construction activity. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$34,950 per year (based on wage data obtained from the Virginia Employment Commission), the construction efforts should provide jobs for an average of 170 workers per year through Year 5, as indicated in Table 2 on the next page.

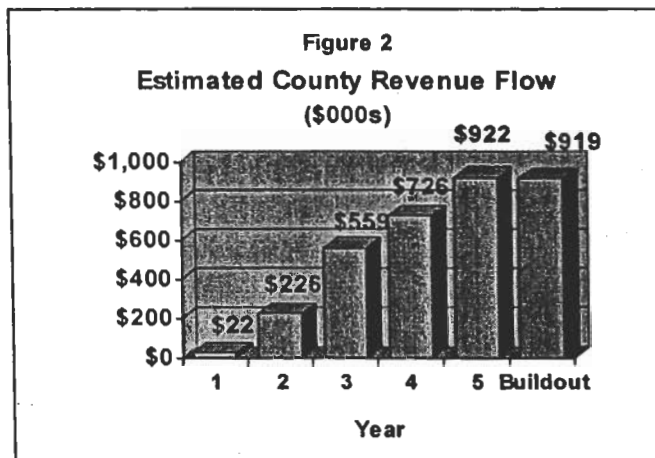
**Table 2**  
**Employment Schedule**

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
<b>Construction Employment</b>						
Full Time Employees	5	70	80	60	65	0
Part Time Employees	10	140	160	120	130	0
<b>Total Employees</b>	<b>15</b>	<b>210</b>	<b>240</b>	<b>180</b>	<b>195</b>	<b>0</b>
<b>Construction FTE Employment</b>	<b>10</b>	<b>140</b>	<b>160</b>	<b>120</b>	<b>130</b>	<b>0</b>

On a Full Time Equivalent (FTE) basis, the construction employment averages approximately 110 annual positions. FTE employment is based on the assumption that 50% of all workers are full time and that part time employees work half time.

### Local Government Revenues

Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Also, commercial developments generate revenues such as business personal property tax, retail sales tax (Noland, Inc sales), meals tax (food sales from the restaurant), and business and professional license tax. Figure 2 illustrates the annual revenue streams that the county can expect from this development, including the ongoing annual revenue at buildout. The annual line-item estimates are contained in Table 3 below and assumptions associated with the various components of the revenue stream follow.



**Table 3**  
**Local Government Revenues**

Revenue Component	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Real Property Taxes	\$10,500	\$113,700	\$235,500	\$327,100	\$421,800	\$421,800
Personal Property Taxes	0	7,500	60,985	112,685	166,070	217,770
Meals Tax	0	0	35,876	39,176	42,576	45,876
Retail Sales Tax	0	0	65,527	76,927	88,227	99,627
Business & Professional License Tax	2,000	19,200	35,800	32,400	35,300	19,900
Building Permits, Water & Sewer, etc.	5,100	63,200	71,900	61,600	62,200	0
Recordation	4,000	17,200	21,200	17,200	18,500	3,300
Miscellaneous Revenues	300	4,500	29,900	53,400	78,500	99,000
<b>Total Annual Revenues</b>	<b>\$21,900</b>	<b>\$225,900</b>	<b>\$559,488</b>	<b>\$726,088</b>	<b>\$921,673</b>	<b>\$918,573</b>

- **Real Property Taxes:** James City County's 2004 Adopted Budget indicates that the current real estate tax rate is \$0.86 per hundred dollars of assessed value, and no change in this rate is assumed for this analysis. The assessed value of the property is assumed to be the construction value of both the residential and commercial development, although this revenue estimate has been adjusted to exclude the real estate tax the county currently receives for this site. At buildout, real property taxes are estimated to reach \$421,800 and stay at that level. *The Wessex Group's* research of county assessments indicates that it is appropriate to apply 1% for real growth to the value of the housing units. The market value of the commercial property planned for this site is assumed to be the total development cost with no appreciation in value.
- **Personal Property Tax:** James City County collects about \$18,800,000 in personal property taxes, including car tax relief from the state. This amount has been used to estimate the personal property tax revenue generated by the Lightfoot Mixed Use Development and applied to all residential units. Also, business equipment, machinery, and tools of the commercial developments are assessed at 25% of capitalized cost and taxed \$4.00 per \$100. The following business personal property estimates have been provided by the property owner and included in this calculation: Noland Company (\$500,000) and Restaurant (\$250,000). For the office space, a conservative estimate of \$15/square foot has been used since the tenants of this space are unknown at this time. Banks do not pay personal property tax, so it is not included in this calculation. Once built out and fully occupied, the residential and commercial developments are expected to generate \$217,770 per year in personal property taxes.
- **Meals Tax:** James City County levies a four-cent tax on restaurant food and beverages. The county anticipates that approximately 30% of its meals tax revenues will be generated by local residents rather than by tourists. Therefore, of the \$4 million in meals taxes budgeted for the 2004 fiscal year, \$1.2 million is expected to come from local residents dining out in restaurants located in the county, a per household average of \$55.09. By buildout, the 244 households in the Lightfoot Mixed Use Development will generate about \$13,400 of meals tax revenues annually.

As estimated by the property owner, the new restaurant will generate approximately \$1,500,000 annually in food sales. To determine what percentage of these food sales will be net new versus being shifted from other restaurants in the county, *The Wessex Group* added the estimated 2004 population from the restaurant's market draw (James City County, Upper York County, City of Williamsburg, and eastern New Kent County) and divided by James City County's population (source: U.S. Census Bureau). This method determined that 54% of the food sales would be net new to James City County ( $\$1,500,000 \times 54\% = \$811,903$  in net new sales). The four-cent meals tax applied by James City County was then applied to the net new food sales, and by buildout, the new meals tax generated by the restaurant will be \$32,476. By buildout, both the residential and commercial developments will generate about \$45,876 in meals tax revenues for the county.

- **Retail Sales Tax:** Typically, approximately one third of a household's income is spent on local retail sales (Bureau of Business Research). The household income of the Lightfoot Mixed Use Development residents is assumed to be the median household income in the county (reported to be \$62,168 by the U.S. Census Bureau). The county will realize 1% of retail sales, which is returned by the State of Virginia. By buildout, the residents of the development should be generating approximately \$45,500 annually in retail sales tax revenue.

Also, the proposed Noland facility will generate retail sales tax for the county from the counter sales in the store. A small existing Noland facility is currently located in James City County on Ironbound Road, but it will close when the new proposed Noland facility is open. Noland Company has estimated that the new Noland facility will generate **incremental** sales for the county of \$10 million due to the size and location of the building. To exclude purchases that are tax exempt by use of a



certificate or purchases by governmental agencies, the Chairman and CEO of Noland Company has estimated that about 85% of sales will be taxable for sales tax purposes. To determine net new sales to James City County by this facility, the same process used for meals tax generated by the restaurant has been applied. It is most likely that Noland will draw from the counties of James City, Upper York, eastern New Kent, and the City of Williamsburg. These populations were added and divided by James City County population to arrive at an estimated 54% of sales will be net new or incremental to the county. By buildout, Noland will generate approximately \$46,000 in retail sales tax from its sales. In total by buildout, the residential and commercial developments will create \$99,627 in retail sales tax for James City County.

- **Business License Tax:** The estimated business license tax is based on value of construction on the site and the retail sales that the residents of this development will generate. The county's tax rate for retailers is \$0.20 per \$100. Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. The incremental revenue from this tax will fluctuate each year and will range from about \$2,000 to \$35,800. At buildout when generated only by retail sales tax from the new households, it is estimated to level off at \$19,900 per year.
- **Building Permits:** Building permit fees are estimate at \$991 per residential unit and \$0.17 per square foot of office/commercial development. Also, rezoning fees paid by the property owner of \$4,800 were included in the first year of development.
- **Recordation:** James City County collects recording taxes on real estate transfers. These include a deed recording tax of \$0.05 per \$100 of the selling price, an additional recording tax of \$0.05 per \$100 of the selling price, and a deed of trust recording tax of \$0.05 per \$100 of the face value of the mortgage. For the development schedule shown for this project, cumulative recording taxes will be approximately \$81,400. Because of turnover in existing homes (estimated at 5% annually after a home has existed at least 5 years), the county will continue to receive recording tax payments at buildout and after of approximately \$3,300 per year.
- **Miscellaneous Taxes and Revenues:** Other taxes and revenues collected by James City County include public service taxes, a variety of licenses, permits and fees, fines and forfeitures, revenues from the use of money and property, revenues from the Commonwealth and the Federal government, and charges for services. As can be seen in the chart below, the county's FY 2004 Adopted Budget shows that miscellaneous revenue sources (excluding revenue from the Commonwealth for public education and recording taxes) are expected to total about \$12.0 million, or \$214.76 per county resident.

County Budget Line Items	Budget Amount
Public Service	\$1,750,000
Bank Franchise Tax	228,516
Telecommunications Taxes	1,000,000
Motor Vehicle Licenses	51,000
License Tax-Utilities	260,000
Dog Licenses	7,000
Cable TV Franchise Fee	420,000
Interest on Short-Term Investments	1,800,000
HB 599 Payments	1,143,793
ABC Profits	53,741
Wine Tax	65,916
Rolling Stock Tax	30,805
Shared Expenses (excluding Sales Tax for Education)	1,674,498
Categorical Aid	202,242

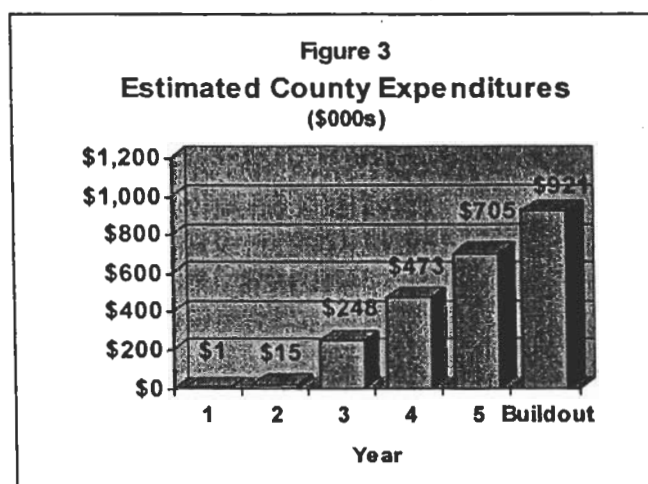
County Budget Line Items	Budget Amount
Revenue from the Federal Government	7,000
Charges for Current Services	3,162,615
Miscellaneous Revenue	129,520
<b>TOTAL</b>	<b>\$11,986,646</b>

Applying the figure to the population estimated for the proposed development, results in cumulative revenues of \$265,600. After buildout, the county should realize nearly \$99,000 annually.

- **State Tax for Education:** To account for this revenue, the amount received has been subtracted from the public education expenditure estimates rather than added to incremental revenue totals. The county's budget indicates that this revenue will total \$6,066,435 in FY 2004.

## Local Government Expenditures

The county's estimated costs for providing public services to the Lightfoot Mixed Use Development are shown in Figure 3. The data reflected in the figure can be seen in Table 4 below. By buildout, the development will generate estimated county expenditures of about \$920,800 each year.



**Table 4**  
**Local Government Expenditures**

Expenditures	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
General Government & Administration	\$0	\$500	\$17,800	\$34,900	\$52,100	\$69,000
Health & Welfare	0	0	8,000	15,900	23,900	32,000
Statutory, Unclassified	200	3,200	15,200	25,700	37,400	46,000
Recreation & Culture	100	1,100	20,400	39,300	58,600	77,000
Public Safety	600	7,800	38,700	66,300	96,600	119,000
Public Works	100	900	22,400	43,500	64,900	85,000
Capital Improvements (Non-School)	100	1,800	8,500	14,400	20,900	26,000
Capital Improvements-Schools	0	0	13,300	26,600	39,900	53,200
Education-Operating Costs	0	0	103,400	206,800	310,200	413,600
<b>Total Annual Expenditures</b>	<b>\$1,100</b>	<b>\$15,300</b>	<b>\$247,700</b>	<b>\$473,400</b>	<b>\$704,500</b>	<b>\$920,800</b>

To estimate the incremental expenditures that this development will generate for James City County's government (excluding capital improvements for schools and education operating costs), the current per capita costs, as reported in the county's budget, have been applied to the estimated population for the households in this scenario. The population estimate by buildout is 512. Based on the county's 2004

population projection of 55,814, the per capita costs of government in the county's budget are presented on the next page. The capital improvements for schools (debt service) and education operating costs have been calculated using James City County's estimate of 0.2 children per household for this type of residential development, and the estimated spending per pupil including debt service (\$9,565) as presented in the 2004 budget.

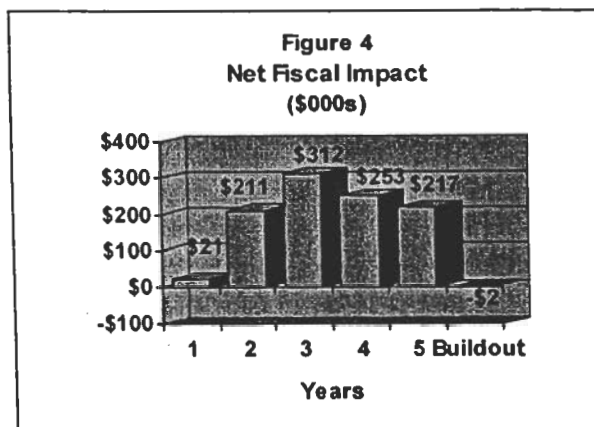
Expenditure Category	Per Capita Budget
General & Administrative	\$134.43
Public Safety	\$232.58
Health & Welfare	\$62.13
Recreation & Culture	\$149.88
Public Works	\$166.73
Statutory & Unclassified	\$89.62
Capital Improvements (Non-School)	\$50.08

The construction of the Lightfoot Mixed Use Development and the supporting infrastructure will generate some incremental county expenditures. Dr. Robert W. Burchell's Employment Anticipation Method has been used on a per FTE employee basis. This is a method of marginal costing that is based on an extensive study of the increase in a locality's government costs generated by new, non-residential development. The Employment Anticipation Method predicts the change in municipal costs by using the coefficients developed in the study by Dr. Burchell, the per capita cost of government, and the number of incremental FTE employment positions.

As indicated in Table 4 on the previous page, the operating costs associated with public education will generate the largest single expenditure, estimated to be about \$413,600 annually at buildout and beyond. The next largest category of expenditures will be for police and fire protection, which is estimated at \$119,000 annually.

## Net Fiscal Impact

The net fiscal impact of a development on the local government is calculated simply by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout are illustrated in Figure 4. This data is shown in more detail in Table 5 below.



**Table 5**  
**Net Fiscal Impact**

Cash Inflow and Outflow	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Total Annual Revenues	\$21,900	\$225,900	\$559,488	\$726,088	\$921,673	\$918,573
Total Annual Expenditures	\$1,100	\$15,300	\$247,700	\$473,400	\$704,500	\$920,800
Net Fiscal Impact	\$20,800	\$210,600	\$311,788	\$252,688	\$217,173	(\$2,227)

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# Memo

TO: John McDonald, FMS  
FROM: Donald J. Messmer  
CC:  
DATE: July 19, 2004  
SUBJECT: In Response to Fiscal Impact Statement Memo – Lightfoot Mixed Use Area –  
Z-6-04/MP-6-04

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Mr. McDonald,

This memo is a response to your comments prepared on June 15, 2004 regarding the *Lightfoot Mixed Use Development Fiscal Impact in James City County, Virginia* study submitted by *The Wessex Group, Ltd.* for AES Consulting Engineers. As can be seen below, each comment stated in the memo is followed by a response from our firm. I hope this clarifies the issues that have surfaced regarding the study.

Comment 1:

Staff are skeptical of several underlying modeling assumptions. They are general reactions and are not restricted to this application. Using "per capita" figures based on the current budget to project increases in future years in HB599 revenue, wine tax, ABC profits and School aid is one such assumption. These revenues are formula driven and the formula is not built on population.

Response:

Our analysis does not include projected future increases in HB599 revenue, wine taxes, ABC profits, or School aid for James City County. The analysis merely allocates these dollars as listed in the FY 2004 James City County Budget to the Lightfoot development. In regards to revenues on a "per capita" basis, these estimates are the same as allocating the revenues received proportional to JCC population. TWG has no way of predicting the allocation of formula driven revenues in future years.

Comment 2:

Evaluating a fiscal, as opposed to an economic, model tends to focus staff on recurring local government revenues and expenditures, those shown at build out. Projections of purchases of construction material from JCC businesses, building permit/fees and/or the FTEs or payroll of construction employees are being given little weight.

Response:

In regards to projections of purchases of construction material from JCC businesses, Table 1 on Page 3 of the report includes estimates of the annual purchases in James City County due to the development. We estimated that 10% of the construction materials would be purchased in James City County resulting in average sales of \$490,658 a year for county businesses during the development phase. Our estimate is based on area contractors estimates as given to TWG.

In response to the issue of payroll for construction employees, page 3 and 4 of the report briefly discuss the number of FTE construction employees generated from the Lightfoot development. Provided below is a more detailed table describing construction FTE employment, permanent employment, and payroll estimates for these employees. As can be seen, annual payroll for construction and permanent employees will average approximately \$4.1 million per year during the construction phase. It is estimated that retail spending by the new residents will generate jobs for about 30 people, or 20 FTE positions.

Employment Estimates	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Buildout
Construction Employment						
Full Time Employees	5	70	80	60	65	0
Part Time Employees	10	140	160	120	130	0
Total Employees	15	210	240	180	195	0
Construction FTE Employment	10	140	160	120	130	0
Permanent Employees	0	7	13	20	30	30
Permanent Full Time Equivalent Employment	0	4	8	12	18	20
Total Employees-Construction & Permanent	15	217	253	200	225	30
FTE Employees-Construction & Permanent	10	144	168	132	148	20
Estimated Payroll-Construction & Permanent (\$000s)	\$500	\$4,886	\$5,837	\$4,517	\$4,789	\$430

In regards to building permit fees, TWG used an estimate of \$991 for each residential unit. TWG has researched this estimate with area contractors and feel it is reasonable. Commercial building permit fees have been estimated at a rate of \$0.17 per square foot of commercial development. This rate has been established by TWG based on its prior experience with other studies.

For these reasons, TWG believes the report fairly represents the fiscal consequence of the proposed development and reports the employment estimated for the project. It is the county staff's role to determine the appropriate weights to give to the various factors in the report.

Comment 3:

Total annual revenues at build out, shown in Table 3 of the Fiscal Analysis, are approximately \$920,000. These revenues include those expected to come from Chesapeake Bank, previously approved and not submitted as part of this rezoning.

Response:

There are several reasons Chesapeake Bank should be included in the fiscal analysis. Chesapeake Bank was interested in building another bank in James City County and found a site that was part of the parent 53.5 acre site in the county that was appealing. The parent tract was for sale in its entirety. Due to regulations of any bank, it could not purchase all of the land. At this same time, the Noland Company also was looking for

a site for their expansion into the Williamsburg market. Noland pursued purchasing the parent tract with a side contract with the bank for the corner parcel that the bank wanted. While Noland negotiated with the owner of the parent parcel, the bank wanted to move its process forward knowing that it had to get a Special Use Permit (SUP) from the county because the bank site would generate traffic levels of more than 100 trips per hour. It has since been granted the SUP. The bank will share the costs incurred by this development including the roadways, storm water and traffic costs. The County required that Chesapeake Bank be included in the traffic study and environmental study submitted to it for this development. For these reasons, TWG and the property owner feel it also should be included in the fiscal impact analysis. A fiscal impact study for the Chesapeake Bank site has not previously been submitted. Proffers for the parent parcel will be written to include the bank parcel sharing development and maintenance costs with the parent parcel as the bank has agreed to be subject to these shared costs.

**Comment 4:**

The revenue estimate is built on a tax rate of \$0.86 per \$100 for real property, despite the fact that the rate has been lowered for FY2005 and the BOS has adopted a plan to lower it further in FY2006.

**Response:**

The Wessex Group used the real property rate of \$0.86 which was the relevant rate at the time the analysis was conducted. Recently, the 2005 Adopted Budget has been made a public document (not available during the time of the analysis), and it provides a proposed real property tax rate of \$0.85 for 2005 and a proposed tax rate of \$0.84 for 2006. Our firm is in no position to assume the county will actually adopt these rates. Since this is an issue of concern to the county, TWG has created a scenario for the development using the proposed real property tax rate of \$0.85, and the output is provided below. Under this assumption, the county would realize a slight decrease of \$4,900 at buildout than originally reported.

Revenue Component	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Buildout
Original Revenue	\$10,500	\$113,700	\$235,500	\$327,100	\$421,800	\$421,800
Adjusted Revenue	\$10,400	\$112,400	\$232,800	\$323,300	\$416,900	\$416,900
Net Decrease	\$100	\$1,300	\$2,700	\$3,800	\$4,900	\$4,900

**Comment 5:**

We can not determine how the personal property tax estimate was made, from the information provided, for the residential units.

**Response:**

A very brief description of the calculation is stated on page 5 of the fiscal analysis study. To further explain, a total of \$18,800,000 in personal property taxes was reported in the 2004 Adopted Budget and used in the estimate for residents of the residential development being proposed. In order to get to per household personal property tax amount, \$18,800,000 was divided by the number of households in JCC (22,189) totaling \$847.27. Next, the number of occupied units each year for the residential units was multiplied by the \$847.27 per household figure for personal property taxes. The output from this calculation is provided below.

Revenue Component	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Buildout
Residential Personal Property Taxes	\$0	\$0	\$51,683	\$103,367	\$155,050	\$206,733

Comment 6:

Due to its location close to York County retail developments in Lightfoot, we are skeptical that the JCC sales and meals tax benefits attributed to the residential units will be realized.

Response:

Slightly more than half of the revenues attributed to this site are assumed to be net new to James City County. It is felt this percentage is very conservative especially since retail sales to JCC residents are not considered in our analysis. The estimate of 54% is based on the percentage of population living outside of JCC for the trading areas of the proposed facilities. Also, there are very few restaurants located in the Lightfoot area of York County for residents to dine.

Comment 7:

Expenditure estimates have been prepared in Table 4 of the analysis using per capita estimates of general fund expenditures, with the exception of education costs. The State Auditor of Public Accounts identifies \$2,381 per capita as the operating costs of JCC government in FY2003. Assuming no general cost increases between FY2003 and the build out of this project, the total spending would be \$1.2 million, 40% more than the \$841,600 in County O&M costs shown in the fiscal impact at build out.

Response:

As is well understood by the county, the Commonwealth's Auditor of Public Accounts attempts to capture all expenditures aid in support of public education, whether the funds that support these expenditures originate from the Commonwealth general fund or from the federal government. The report prepared by TWG does not include the funds from the general fund or federal sources either as revenues or expenditures. The formulas and/or governing bodies that determine the allocations of these funds are not under the control of the locality. Further, it is assumed that all non-local revenues are matched exactly with expenditures regardless of the specific economic development activities being evaluated. The focus of the fiscal impact statements generated by TWG is to identify those costs and revenues that are controllable by the locality and on which local development has an impact. It is believed that this approach provides a more realistic estimate of the "net" fiscal impact than any attempt on our part to predict a formula result or a legislative allocation of funds. For this reason, the per capita cost of JCC operations, as shown in the FY03 operating budget is \$1,674 per person as compared to the \$2,381 figure cited by staff.

Comment 8:

Education spending accounts for some of the difference (referencing Comment 7 above) FY2003 County school operating spending was \$1,283 per capita – almost \$660,000 for the 512 residents projected in this development. The fiscal impact analysis used \$413,600 for schools by projecting standard rate (0.2 students/unit) to estimate public school enrollment per unit but changes the mix of elementary/middle/high school enrollment from what is actually in place. More of the children are shown as elementary, where capacity exists, and fewer are shown as high school students, where no capacity exists. As an example, the WJCC Schools have 31.4% of the total enrollment in high school – the model uses 29%.

Response:

TWG did not consider the mix of elementary/middle/high school enrollment as presented in the Community Impact Statement prepared by AES Consulting Engineers. TWG's method used to calculate estimated education costs generated by the development is as follows and as stated on page 8 of the fiscal impact analysis report.



The county has estimated that townhomes and condominiums on average generate 0.2 school aged children per unit, and the Lightfoot residential development includes this type of home. TWG multiplied the 0.2 children per occupied household by the estimated spending per pupil of \$9,565 (includes debt service for WJCC schools and education operating costs). The education costs to the county generated by the Lightfoot development are presented on the next page.

Expenditure Category	Yr.1	Yr.2	Yr.3	Yr.4	Yr.5	Buildout
Debt Service - Schools	\$0	\$0	\$13,300	\$26,600	\$39,900	\$53,200
Education Operating Costs	\$0	\$0	\$103,400	\$206,800	\$310,200	\$413,600
Total	\$0	\$0	\$116,700	\$233,400	\$350,100	\$466,800

Comment 9:

Another failing of the model is the exclusion of debt service costs for non-schools projects – such as the emergency radio system financing that should be allocated to all taxpayers until the debt is retired.

Response:

In the analysis, TWG added non-departmental debt service (\$1,753,000) and contribution to capital projects (\$1,042,000) provided in the budget to estimate debt service costs. TWG has reviewed the budget, and these figures appear to include all costs pertaining to this category. We feel this calculation is appropriate and does not exclude selected non-schools debt service costs.

Comment 10:

We did not see that the fiscal impact statement included the \$750 per dwelling unit proffered for County capital projects. That would produce \$183,000. It will cost the County \$30,000 to \$35,000 per student for new schools so that may be the reason it was not included.

Response:

These proffers were offered after TWG submitted the fiscal impact analysis for the Lightfoot development to James City County. The analysis has been adjusted to include the described proffers above, and the output is provided below. An increase in revenues realized by the county from these proffers totals \$183,000.

	Yr.1	Yr.2	Yr.3	Yr.4	Yr.5	Buildout
Revenues	\$21,900	\$271,650	\$605,238	\$771,838	\$967,423	\$918,573
Expenditures	\$1,100	\$15,300	\$247,700	\$473,400	\$704,500	\$920,800
Fiscal Impact	\$20,800	\$256,350	\$357,538	\$298,438	\$262,923	(\$2,227)

Comment 11:

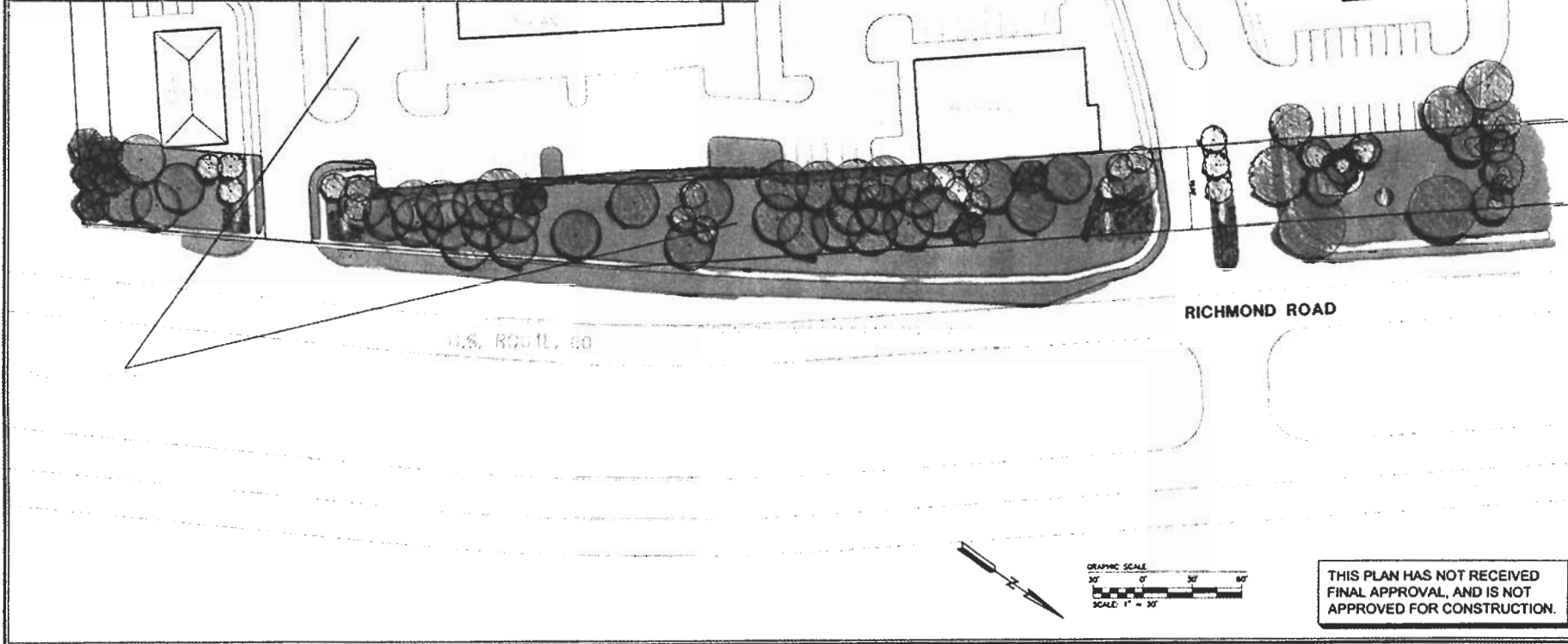
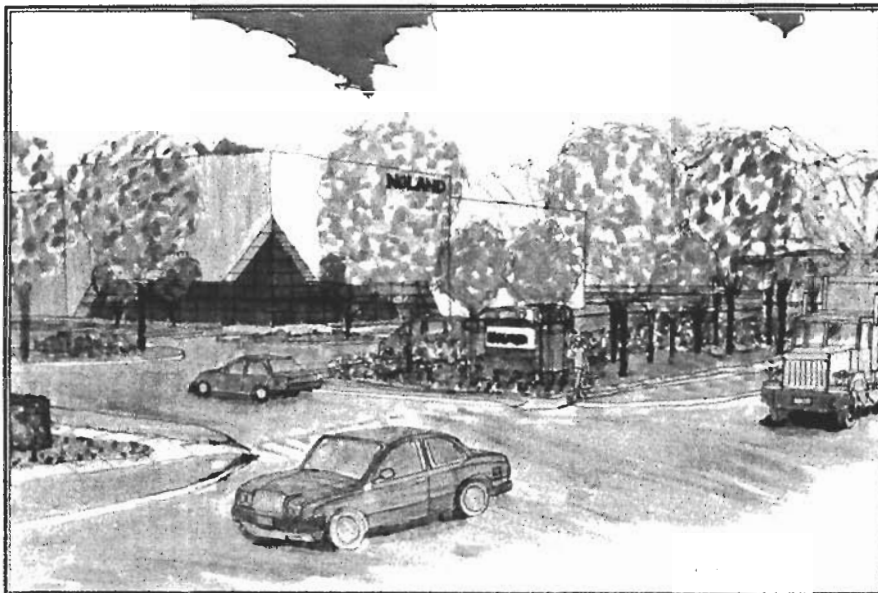
The conclusion of the fiscal impact statement assumes a small negative annual impact at build out. That annual deficit would be larger without the bank, which isn't part of this rezoning, and larger still if certain of the revenue and cost assumptions were changed. There are other assumptions used in the application that WJCC Schools could avoid the impact on Toano Middle School by realigning attendance zones with James Blair and the assumption that the new high school will be build in the same timeframe that these new residential units will be added. Another basic assumption is that the residential and commercial developments will be build at the same time and all within 5 or 6 years.



We agree with the applicant that this project will cause an annual recurring operating budget deficit for the County, very likely much larger than the one forecast. It will also increase school enrollments at two schools that currently have enrollments exceeding their capacity. If possible, a decision on the residential elements of this proposal should be delayed until the results of the November referendum question on a third high school are known and only approved if the referendum passes. It should also be approved with a binding schedule of construction, allowing the proposed residential development to begin construction only when triggered by a proportional development of the non-residential component. The bank should not be considered in that formula.

Response:

The property owner does not choose to exclude the residential units in this analysis as it is an integral part to the Lightfoot development. It is the decision of the property owner, and not TWG, to decide if it wishes to proceed if the county withholds approval pending the November election.



- DECIDUOUS SHRUB / TREE
- ORNAMENTAL TREE
- EVERGREEN TREE
- SHRUBS

REVISIONS MADE SEP. 03, 2004

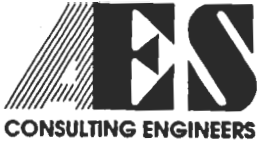
3248 Old Towne Road, Suite 1  
Williamsburg, Virginia 23186  
(757) 253-0040  
Fax (757) 200-8994



CONCEPTUAL LANDSCAPE PLAN  
RICHMOND ROAD FRONTAGE  
LIGHT-FOOT MIXED-USE DEVELOPMENT

Designed by	Drawn by
MAJ	MAJ
Scale	Date
1" = 30'	7/30/04
Project No.	
9353-0	
Sheet No.	
1 OF 1	

THIS PLAN HAS NOT RECEIVED  
FINAL APPROVAL, AND IS NOT  
APPROVED FOR CONSTRUCTION.



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

September 3, 2004

Ms. Sarah Weisiger, Planner  
James City County Department of Planning  
P.O. Box 8784  
Williamsburg, Virginia 23187-8784



**RE: Request for Modification, Lightfoot Mixed Use Development  
AES Project No. 9353**

Dear Mr. Sowers:

AES, on behalf of our client, Noland Properties, Inc. is requesting a modification of the setbacks required by James City County Ordinance Sec. 24-527(b) in accordance with Sec. 24-527(d) for the proposed Mixed Use site at Richmond Road (Route 60) between Smith Memorial Baptist Church and Wythe Candy. The site is being rezoned to Mixed Use and is currently zoned B-1.

Sec. 24-527 (b) states "For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development." We request that this perimeter setback be reduced in several locations as shown on the attached "Waiver Exhibit". The reductions to the 50-foot setback are as follows:

**AREA A:**

A reduction of the perimeter setback to twenty feet (20') is requested along the side of portions of the Zaharopulus property tax map (24-3)(1-37A). This area will be subject to extensive landscaping as well as architectural treatment to the building facades that face this church property. No roadways will abut the twenty foot (20') setback.

**AREA B:**

A reduction in the perimeter setback to twenty feet (20') is requested along the side of portions of the Smith Memorial Baptist Church property tax map (24-3)(1-36). This area will be subject to extensive landscaping as well as architectural treatment to the buildings that face this property. No roadways will abut the twenty foot (20') setback.

**AREA C:**

A reduction in the perimeter setback to twenty feet (20') is requested along the future boundary of the 1.4± acres of the approved Special Use Permit for the Chesapeake Bank. Along the future boundary with Chesapeake bank we desire visibility for the proposed commercial uses. Paragraph 24-527 (c) (1) suggests that such modifications could be approved "for the purposes of integrating the proposed mixed use development with adjacent development." The bank and the

office uses are compatible and normally would not require buffers and screening. A wide heavily landscaped yard will be detrimental to the proposed commercial uses and the required setback and screening are requested to be reduced to 20-feet on each side for a total combined yard of 40-feet. These setbacks are consistent with the current B-1 zoning. As a result, a fifteen foot (15') landscape and twenty foot (20') building setback will be provided. The County's current Comprehensive Plan designates these properties as Mixed Use, so modified setbacks within an overall designated use area is consistent with the plan.

#### AREA D:

This property has "unusual conditions" with existing gravel parking and an ingress/egress easement on its western boundary. This easement and pavement prohibits landscaping along the boundary and reduces the developable portion of the property when combined with setbacks and yards. A full 50-foot setback is provided in the area that includes the ingress/egress easement and a reduction to 25-feet is requested along the remaining boundary up to the residential portion of the mixed use property. Along the easement portion, the full 50-feet is provided of which 25-feet are outside the easement and the gravel pavement. In this 25-foot area an effective screening will be achieved through intense plantings. In the remaining setback area reduced to a 25-foot setback there is sufficient area to provide an effective screening through intense plantings.

The County's 2003 Comprehensive Plan designates the adjacent Wythe property as Mixed Use, so modified setbacks within an overall designated use area are consistent. Fifty foot (50') buffers are still proposed where residential development is proposed adjacent to land not so designated.

#### INTERNAL AREAS:

Within Area 1A and 1C, warehouse uses are proposed adjacent to each other. In order to better utilize the space, yet still provide the opportunity for some landscape separation, a ten foot (10') landscape yard is proposed between the two uses. This landscape yard could be all on one property or split evenly with fencing permitted either on the landscape setback or in the center of the 10-foot yard.

Thank you for your consideration of this Request for Modification.

Sincerely,

AES Consulting Engineers



Thomas W. Derrickson C.L.A.  
Landscape Architect/Land Planner

cc: Mr. Vernon Geddy, III

## PROFFERS

THESE PROFFERS are made this 3rd day of September, 2004 by NOLAND PROPERTIES, INC., a Virginia corporation (together with its successors in title and assigns, the "Owner").

## RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6601 Richmond Road, Williamsburg, Virginia and being a portion of Tax Parcel 2430100035 containing approximately 52 acres as shown on the Master Plan (defined herein), being more particularly described on Exhibit A hereto (the "Property").

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

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

Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

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

need for which is generated in whole or in part by the physical development and operation of the Property.

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

(c) A contribution for each non-residential building on the Property in an amount equal to \$1.53 per gallon per day of average daily sanitary sewage flow as determined by JCSA based on the use of the building(s) shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. Contributions for buildings on Area 1B shown on the Master Plan shall be reduced by a credit based on flows from the prior use of that Area as a restaurant.

Contributions for buildings on Area 1D shown on the Master Plan shall be reduced by a credit based on flows from the prior use of that Area as retail shops. The JCSA may use these funds for development of sewer system improvements or any project related to improvements to the JCSA sewer system, the need for which is

shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

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



the recommendations of the approved updated study prior to issuance of certificate of occupancy for the new use.

(b) In any event, the Owner shall submit an updated traffic impact study to the Director of Planning and VDOT for their review and approval at the time of the issuance of building permits for (i) 70% of the commercial square footage permitted on the Property under the Master Plan and (ii) 50% of the total number of residential units permitted on the Property under the Master Plan. Both thresholds shall be met before the study is required to be performed. The updated traffic study shall include actual traffic counts from the Property and all other traffic utilizing the entrance road into the Property and shall determine whether a traffic signal and/or second left turn lane at the main entrance to the Property are warranted. If the approved updated study determines such a signal and/or additional turn lane are warranted, the County shall not be obligated to issue any further building permits for further development on the Property until such second westbound left turn lane at the main entrance into the Property from Route 60 and/or traffic signal at the main entrance have been installed or their installation commenced and surety for their completion in form acceptable to the County Attorney have been posted with the County. Any such traffic signal shall include signal preemption equipment for

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

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

10. **Environmental Protections.** (a) The Owner and/or the owners association shall grant, free of charge, to a County approved land conservation entity and/or the County a conservation easement with terms consistent with these Proffers over the area designated on the Master Plan as Area 3 generally in the locations shown on the Master Plan. The exact boundaries of the Conservation Area shall be shown on subdivision plats and/or site plans of the Property. The County shall not be obligated to issue land disturbing permits for areas with

tree) and 1:1 for shrubs (using 5 gallon container). The Conservation Area shall be maintained by Owner unless the County approved land conservation entity or the County assumes responsibility therefor under its easement or the Conservation Area is conveyed to an owners association, at which time the association shall assume responsibility for its maintenance. The Conservation Area shall be exclusive of lots or dwelling units.

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

12. **Conceptual Review.** Prior to submission of a

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

16. Special Fence Requirement Area. Within the area shown on the Master Plan as "Special Fence Requirement Area" all fencing shall be either wood, dark metal picket fence or dark vinyl coated chainlink fence. If chain link fencing is used in this area it shall be supplemented with shrubs along 75% of its length. Barbed wire or similar security fencing material shall not be used along the top of any fencing in this Area.

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

said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

WITNESS the following signature.

NOLAND PROPERTIES, INC.

By: 

Title: AUTHORIZED SIGNATORY

STATE OF VIRGINIA AT LARGE

CITY/~~COUNTY~~ OF WILLIAMSBURG, to-wit:

## SCHEDULE A

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

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

## PROFFERS

THESE PROFFERS are made this 3rd day of September, 2004 by NOLAND PROPERTIES, INC., a Virginia corporation (together with its successors in title and assigns, the "Owner").

## RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6601 Richmond Road, Williamsburg, Virginia and being a portion of Tax Parcel 2430100035 containing approximately 52 acres as shown on the Master Plan (defined herein), being more particularly described on Exhibit A hereto (the "Property").

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

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

Consultants, Inc. dated March 3, 2004 (the "Traffic Study") for the Property.

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

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. Upon the approval of the requested rezoning, the Existing Proffers are replaced and superceded in their entirety by these Proffers. If the requested rezoning is not granted by the County, these Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

#### CONDITIONS

1. Owners Association. There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The



Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

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

and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision approval.

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

**3. Cash Contributions for Community Impacts.** (a) A contribution of \$790.00 for each residential dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the

need for which is generated in whole or in part by the physical development and operation of the Property.

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

(c) A contribution for each non-residential building on the Property in an amount equal to \$1.53 per gallon per day of average daily sanitary sewage flow as determined by JCSA based on the use of the building(s) shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. Contributions for buildings on Area 1B shown on the Master Plan shall be reduced by a credit based on flows from the prior use of that Area as a restaurant.

Contributions for buildings on Area 1D shown on the Master Plan shall be reduced by a credit based on flows from the prior use of that Area as retail shops. The JCSA may use these funds for development of sewer system improvements or any project related to improvements to the JCSA sewer system, the need for which is

generated in whole or in part by the physical development and operation of the Property.

(d) A contribution of \$750.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, school uses, off-site road improvements, library uses, and public use sites.

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

(f) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment

shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

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

prior to the issuance of the first certificate of occupancy for a building utilizing that entrance.

5. **Private Streets.** All streets on the Property shall be private and shall conform to VDOT construction standards. Private streets shall be maintained by the Association(s). The party responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the Association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

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

the recommendations of the approved updated study prior to issuance of certificate of occupancy for the new use.

(b) In any event, the Owner shall submit an updated traffic impact study to the Director of Planning and VDOT for their review and approval at the time of the issuance of building permits for (i) 70% of the commercial square footage permitted on the Property under the Master Plan and (ii) 50% of the total number of residential units permitted on the Property under the Master Plan. Both thresholds shall be met before the study is required to be performed. The updated traffic study shall include actual traffic counts from the Property and all other traffic utilizing the entrance road into the Property and shall determine whether a traffic signal and/or second left turn lane at the main entrance to the Property are warranted. If the approved updated study determines such a signal and/or additional turn lane are warranted, the County shall not be obligated to issue any further building permits for further development on the Property until such second westbound left turn lane at the main entrance into the Property from Route 60 and/or traffic signal at the main entrance have been installed or their installation commenced and surety for their completion in form acceptable to the County Attorney have been posted with the County. Any such traffic signal shall include signal preemption equipment for

emergency use and , if required by VDOT, shall be coordinated with other traffic signals along Route 60.

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

8. **Affordable Housing Units.** At least 10% (rounded down to the nearest whole unit) of the residential dwelling units on the Property shall be reserved and offered for sale at prices of \$110,000.00, subject to adjustment as provided below. The maximum price set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2005 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of



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

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

10. **Environmental Protections.** (a) The Owner and/or the owners association shall grant, free of charge, to a County approved land conservation entity and/or the County a conservation easement with terms consistent with these Proffers over the area designated on the Master Plan as Area 3 generally in the locations shown on the Master Plan. The exact boundaries of the Conservation Area shall be shown on subdivision plats and/or site plans of the Property. The County shall not be obligated to issue land disturbing permits for areas with

preliminary plan or plat approval until the County has approved the exact location of the Conservation Area on such plats or plans. The conservation easement over the Conservation Area shown on each individual subdivision plat or site plan shall be granted at the time of final approval thereof by the County. The Conservation Area shall remain undisturbed and in its natural state, preserving indigenous vegetation except as set forth below. The stormwater BMP shown on the Master Plan may be located in the Conservation Area with road crossings/dam structure generally in the location shown on the Master Plan, unless otherwise approved by the County. With the prior approval of the County Engineer or his designee on a case by case basis, (i) dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Conservation Area; (ii) select hand clearing and pruning of trees shall be permitted in the Conservation Area to permit sight lines or vistas, and (iii) utilities, pedestrian paths, trails and bridges may intrude into or cross the Conservation Area. If vegetation is removed from the Conservation Area by development activities it shall be replaced by indigenous vegetation that is equally or more effective in retarding runoff, preventing erosion and filtering nonpoint source pollution and in accordance with the following ratios and sizes: 2:1 for canopy trees (using 1.5 inch caliper tree), 1.5:1 for sub-canopy trees (using 1 inch caliper

tree) and 1:1 for shrubs (using 5 gallon container). The Conservation Area shall be maintained by Owner unless the County approved land conservation entity or the County assumes responsibility therefor under its easement or the Conservation Area is conveyed to an owners association, at which time the association shall assume responsibility for its maintenance. The Conservation Area shall be exclusive of lots or dwelling units.

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

12. **Conceptual Review.** Prior to submission of a

preliminary site plan for any residential development in Areas 2, 4 and 5 of the Property, Owner shall submit a conceptual site plan for the development to the County for review in accordance with Section 24-144 of the Zoning Ordinance.

**13. Pedestrian Connections.** Owner shall provide pedestrian connections between the Property and the adjacent property upon which Williamsburg Outlet Mall is located and between each of Areas 1 - 5 shown on the Master Plan.

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

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

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

16. Special Fence Requirement Area. Within the area shown on the Master Plan as "Special Fence Requirement Area" all fencing shall be either wood, dark metal picket fence or dark vinyl coated chainlink fence. If chain link fencing is used in this area it shall be supplemented with shrubs along 75% of its length. Barbed wire or similar security fencing material shall not be used along the top of any fencing in this Area.

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

18. Recreation. There shall be provided in Areas 2, 4 and 5 recreational facilities meeting the standards set forth in the County's Recreation Master Plan or in lieu thereof Owner shall make cash contributions to the County in amount determined pursuant to the County's Recreation Master Plan or some combination thereof. All cash contributions proffered by this Proffer 18 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

19. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and

said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

WITNESS the following signature.

NOLAND PROPERTIES, INC.

By: 

Title:

AUTHORIZED SIGNATORY

STATE OF VIRGINIA AT LARGE

CITY/~~COUNTY~~ OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged this 3rd  
day of September, 2004, by Robert J. Singley, as Authorized  
Signatory of NOLAND PROPERTIES, INC. on behalf of the corporation.

Umm in Seddy III  
NOTARY PUBLIC

My commission expires: 12/31/04.



## SCHEDULE A

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

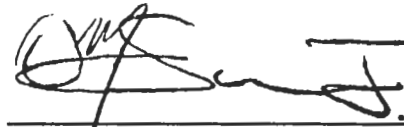
LESS AND EXCEPT that certain parcel of land containing approximately 1.4 acres constituting a portion of the property described above shown and set out as "Proposed Chesapeake Bank Site, 1.4 AC." on the Master Plan.

## PLANNING DIRECTOR'S REPORT

September 2004

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. Five Forks Area Study. The Five Forks Area Study Committee met twice in August. The Committee recommended a set of principles that will be forwarded to the Planning Commission in September.
2. Virginia Capital Trail Public Hearing. VDOT will conduct a public hearing on this project on September 30, 2004 at Jamestown High School. The hearing will follow an open house format, with the public welcome to drop by anytime between 4:00 and 7:00 PM. The proposed multi-use trail extends from the Chickahominy Riverfront Park along Route 5 to the vicinity of Greensprings Road where it would connect to the Greensprings Trail.
3. Landscape Projects. The Planning Division recently completed the following landscape projects; Chickahominy Riverfront Park buffer, Jamestown High School entrance road enhancements, Mainland Farm Buffer enhancements, and the Courthouse bio-retention feature.
4. Planning Commission October Meetings. Should the October 4, 2004 Commission meeting need to be continued, a reserve date of October 6 at 7:00 PM has been set aside. The Wednesday after other future Commission meetings has also been set aside as well.
5. Up-coming Cases:  
**CASE NO. SUP-24-04 – BASKETVILLE OF WILLIAMSBURG.** Mr. Richard Costello of AES Consulting Engineers has applied on behalf of Basketville of Williamsburg, Inc. for a Special Use Permit to construct a 7,200 square foot addition to the existing 7,800 square foot building at **7761 Richmond Road**. The property is zoned B-1, General Business District and can be further identified as Parcel (1-45) on James City Real Estate Tax Map (12-4). The 2003 Comprehensive Plan Land Use Map designates this property as Mixed Use, with the principal suggested uses moderate density residential development, neighborhood-scale commercial establishments, and small office developments.

  
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O. Marvin Sowers, Jr.

## **Primary Principles for the Five Forks Area of James City County**

### **Recommended for approval by the Five Forks Area Study Committee on August 25, 2004**

Five Forks is an area with a unique village character. Bounded to the east by Mill Creek and to the west by the Powhatan Creek, Five Forks is within a significant natural area. Five Forks also supports a thriving commercial center and boasts a quality elementary school at its southern edge. Five Forks is generally understood to encompass the area that lies within three quarters of a mile of the intersection of John Tyler Highway and Ironbound Road.

Five Forks has grown and changed. With new growth, however, come questions about traffic levels, housing capacity, and preservation of the village qualities that make the area unique.

The Five Forks Area Study Committee was created by the Board of Supervisors to listen to the views of County citizens, particularly those who live and work in Five Forks. The committee's purpose was to recommend principles that preserve and build upon the many positive qualities of Five Forks. These principles seek to protect the watersheds and safeguard the village character of the area. The principles will address residential growth, commercial development, traffic concerns, and alternative transportation. The principles will be incorporated into the next regularly scheduled update of the County's Comprehensive Plan. Until that time, these principles, when approved, serve as an addendum to the 2003 Comprehensive Plan.

The committee thanks the citizens of Five Forks, many of whom shared their own visions with the Committee

### **Vision Statement**

Five Forks has a rich heritage and a community character unique to James City County. By cooperating with citizens and with local government we will preserve these qualities for future generations. Through these principles the committee envisions that Five Forks will be a place where future redevelopment or development:

- ◆ Improves or maintains water quality and other environmental features;
- ◆ Preserves Five Forks' unique village character;
- ◆ Does not overburden the road network beyond capacity;
- ◆ Provides adequate facilities for pedestrians and cyclists;
- ◆ Provides goods and services needed by citizens; and
- ◆ Ensures housing opportunities for all citizens.

## **Primary Principles for the Five Forks Area of James City County**

### **I. Transportation Principles**

#### **1. Capitalize on and Enhance Existing Roadway Network<sup>1</sup>**

##### Recommended Actions

- ✘ Inventory/validate existing pavement and right-of-way width.
- ✘ Reconfigure pavement markings/lane delineations to accommodate 150' full-width exclusive right-turn lane for southbound Ironbound Road (i.e., north leg).
- ✘ Construct a 150' full-width right-turn lane along the northbound approach of Ironbound Road (i.e. south leg).
- ✘ Reduce the speed limit to 35 mph approximately ½ mile from the intersection of Ironbound Road and John Tyler Highway.
- ✘ Implement AM, Noon, PM and Off-Peak signal timing modifications to best process traffic, maximize available and enhanced capacity, and to sustain acceptable level of operations for the isolated signalized intersection of Ironbound Road and John Tyler Highway.

#### **2. In Conjunction with any Development Proposals Using Ingram Road West for Access, Encourage Developers to Make Road Improvements<sup>2</sup>**

##### Recommended Actions

- ✘ Developers using Ingram Road West for access should rebuild this road as a two-lane roadway in accordance with current VDOT street requirements. Improvements could include:
  - ◆ 12' – 14' lanes to include roadway as well as curb and gutter
  - ◆ 4' buffer between curb and sidewalk on one side of roadway
  - ◆ Street trees and other aesthetic improvements
  - ◆ 25 mph posted speed limit

#### **3. Promote pedestrian and bicycle facility interconnectivity within Five Forks Area<sup>3</sup>**

##### Recommended Actions

- ✘ Utilize available funds in the Sidewalk Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the phasing plan listed below.
- ✘ Ensure that new development either provides sidewalks along public road frontage in accordance with the recommendations of the sidewalk inventory, or contributes funds to the Sidewalk Capital Improvement Program.
- ✘ Coordinate the design and construction of roadway improvement projects with bicycle and pedestrian facilities. Bicycle and pedestrian facilities should be designed with an emphasis on safety, adequate lighting, signage, and Americans with Disabilities Act (ADA) compliant features.

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<sup>1</sup> See the Environmental Principles for relevant information related to these recommended actions.

<sup>2</sup> Reopening access from Ingram Road East from John Tyler Highway was considered but was not recommended. Such re-opening might prove to be unsafe and possible benefits appear to be minimal. The initiative might prove to be beneficial at some time in the future depending on future development on Ingram Road East.

<sup>3</sup> See the Land Use and Environmental Principles for relevant information related to these recommended actions.

Phase I

- ✘ Using the Five Forks Area sidewalk inventory and considering existing and potential development and existing sidewalk connections as a guide, develop an implementation plan to extend sidewalks to serve pedestrian activity within the businesses at the Ironbound Road/John Tyler Highway intersection.
- ✘ Stripe crosswalks and provide crossing ramps and pedestrian signals for each approach to the Ironbound Road/John Tyler Highway intersection.
- ✘ Provide paved shoulders on John Tyler Highway west of the Ironbound Road intersection during the next VDOT repaving to decrease road maintenance and provide more travel space for bicycles and pedestrians.

Phase II

- ✘ Using the Five Forks Area sidewalk inventory, existing and potential development and existing sidewalk connections as a guide, develop an implementation plan to construct sidewalk segments that provide greater connectivity between the central business area and Clara Byrd Baker Elementary School, neighborhoods, and recreational areas.
- ✘ In accordance with the Greenway Master Plan, construct a multi-use path along John Tyler Highway that can connect to Jamestown High School and the Greensprings Trail.
- ✘ Construct shoulder bikeways along Ironbound Road using federal grants. In accordance with the Greenway Master Plan, construct a multi-use path along Ironbound Road that can connect to Mid-County Park/Monticello Marketplace Shopping Center.
- ✘ Utilize Greenway Funds in the Capital Improvement Program budget and other sources of funding such as grants to support the construction of the above multi-use paths.

**4. Promote opportunities for bus service in Five Forks**

Recommended Actions

- ✘ Work with Williamsburg Area Transport (WAT) to investigate areas and routes with the highest ridership and potential for enhanced service (e.g., to serve activity/employment centers).
- ✘ Work with WAT and Traffix to promote public transportation incentives and the use of alternative commuting modes (park-and-ride, ride sharing, express routes, etc.) to both employers and employees.
- ✘ Investigate opportunities to increase ridership to/from centers of activity, businesses, residential areas and special event attractions.

**5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process**<sup>4</sup>

Recommended Actions

- ✘ Without Geometric Improvements
  - ◆ AM peak should not exceed 350 new trips
  - ◆ PM peak should not exceed 500 new trips

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<sup>4</sup> Trip levels above the thresholds result in the Level of Service decreasing from C to D. These new trip generation threshold numbers are on top of projected 2008 background trips.

- ✘ With Geometric Improvements recommended by principle I.1
  - ◆ AM peak should not exceed 500 new trips
  - ◆ PM peak should not exceed 650 new trips
- ✘ New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in principle I.1 are either constructed or fully funded in the VDOT Six Year Road Plan.
- ✘ New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

## II. Environmental Principles

### 1. Maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek watersheds by minimizing the amount of additional impervious cover and treating existing and additional stormwater runoff

#### Recommended Actions

- ✘ Develop a coordinated stormwater master plan for Five Forks. The stormwater master plan should address possibilities for regional treatment or other treatment approaches for new and existing development as well as opportunities to reduce and/or treat runoff from the existing roadway into Powhatan Creek and Mill Creek.
- ✘ Minimize drainage of new sidewalks, multiuse paths or other transportation improvements. Encourage drainage of these improvements into a treatment facility such as a grassy swale, regional and structural Best Management Practices (BMP), or other appropriate options.
- ✘ For new or modified residential or commercial development in the Powhatan Creek and Mill Creek watershed, encourage the use of Low Impact Design (LID) and Better Site Design (BSD) techniques such as, but not limited to, those listed in the 2003 Comprehensive Plan; the Builders for the Bay James City County Local Site Planning Roundtable consensus document (expected to be completed in Fall 2004); and the booklet entitled "Better Site Design: An Assessment of the Better Site Design Principles for Communities Implementing Virginia's Chesapeake Bay Preservation Act."
- ✘ Work with the Village Square Homeowners Association to ensure maintenance of the Village Square BMP and encourage the community to improve the existing BMP by pursuing a grant through the County PRIDE mini-grant program. Explore options for retrofitting and/or maintaining other Five Forks area BMPs.
- ✘ Investigate options for and encourage the undertaking of stream restoration projects in the Powhatan Creek and Mill Creek watershed.

### 2. Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan

#### Recommended Actions

- ✘ Watershed Management Plan Recommendations:
  - ◆ Non-tidal mainstem (West of Ironbound and North of Ingram Road): Encourage the use of expanded buffers along the Powhatan Creek mainstem (not endorsed by the Board and subject to individual project discussions with applicants).
  - ◆ Tidal mainstem (West of Ironbound Road and South of Ingram Road): Encourage the use of expanded buffers along the Powhatan Creek mainstem (not endorsed by the Board and subject to individual project discussions with applicants); Stormwater management with an added focus on fecal coliform removal.
- ✘ Stormwater Recommendations: Use of Special Stormwater Criteria; Specialized onsite BMP design with emphasis on removal of nutrients and bacteria; Minimize stormwater outfalls on steep slopes.

**3. Explore options for land conservation in Five Forks**

Recommended Actions

- ✘ Through the rezoning and special use permit process, encourage developers to set aside land as permanent open space.
- ✘ Continue to target County Green Space Acquisition Funds to acquire properties that are environmentally sensitive or preserve the John Tyler Highway Community Character Corridor.

**III. Land Use Principles**

**1. Promote mixed-use, pedestrian-friendly land use patterns**<sup>5</sup>

Recommended Actions

- ✘ Pursue regulatory and investment strategies that promote a safe and healthy mix of uses (e.g., retail, residential, office, and public facilities).
- ✘ Continue to promote Five Forks as a center of community activity with complementary mixed uses.
- ✘ Promote development patterns that support compact development, interconnected streets (connections to existing neighborhoods should be permitted only where practical and desired by those residents), sidewalks, etc. in an effort to encourage walkable neighborhoods within the Five Forks Area.

**2. Identify and reutilize vacant buildings and properties that are no longer utilized**

Recommended Actions

- ✘ Encourage master planning of available land for redevelopment or new uses in order to promote shared parking, fewer entrances onto arterial roads, better utilization of land and increased open space.
- ✘ Promote reuse and redevelopment of blighted and no longer utilized properties
- ✘ Target capital investments by James City County (e.g., infrastructure, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
- ✘ Through the Office of Housing and Community Development, investigate ways to renovate and rehabilitate the existing housing stock in the Five Forks area where appropriate. Work with private nonprofit groups such as Habitat for Humanity, the Community Action Agency and Housing Partnerships, Inc. to improve the condition and availability of the existing housing stock and assist residents that may be displaced by new development.

**3. Reduce conflicts between incompatible land uses**

Recommended Actions

- ✘ Promote transitional uses between different land uses.
- ✘ Through the rezoning/special use permit process and standards in the subdivision and zoning ordinance, reduce the impacts of higher intensity on lower intensity uses (requirements for landscaping, buffering, signage, screening, noise, odor, light, traffic, etc.).

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<sup>5</sup> See principle III.6 for land use recommendations, including recommendations on moderate and low income housing.

**4. Connect the land use pattern to a supportive, multi-modal transportation system**

Recommended Actions

- ✘ Establish compact, mixed-use development patterns that create a walkable environment and reduce the need to use the automobile by local residents.
- ✘ Provide convenient pedestrian access from outlying residential areas to the Five Forks community activity center in accordance with principle I.4.

**5. Establish guidelines to define and maintain the historic, cultural and aesthetic character of the Five Forks Area**

Recommended Actions

- ✘ As part of the 2008 Comprehensive Plan update, designate Five Forks as a Community Character Area and incorporate the following guidelines as part of the Community Character element:
  - ◆ Building architecture, scale, materials, spacing, height and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines and cornices.
  - ◆ Buildings that are traditional in character, massing and detailing are preferred. Contemporary interpretations of traditional architecture are acceptable, if based on the scale and proportions of traditional architecture, and compatible with the context of the Five Forks village character.
  - ◆ Building façade materials and architectural treatment should be consistent on all sides of buildings, including side and rear elevations.
  - ◆ Where possible, parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees. Shared access and parking should be pursued before constructing new access breaks and parking facilities.
  - ◆ Existing specimen trees and shrubs should be preserved to the extent possible. New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
  - ◆ Signage should be of a scale, size, color, and materials to complement the village character of the area. Monument style signs, rather than pole signs, are the preferred type.
  - ◆ All mechanical equipment should be screened from view with architectural elements, fencing or landscaping.
  - ◆ In addition to the above standards, residential buildings should have varied roof lines, wall articulations, window placements, and other features to reduce building mass and unbroken building lines. Arrangement and siting of buildings should preserve the buffers along the community character corridor and complement existing structures such as the historic schoolhouse and maintain the village character of Five Forks.
- ✘ Develop and maintain defining traits that can be reflected through landscaping or streetscape design.
- ✘ Protect and enhance the visual character of John Tyler Highway and Ironbound Road. Transportation improvements and new development should be carefully sited to minimize loss to the existing tree canopy over the roads.



**6. Ensure that future residential and non residential development/redevelopment is compatible with the vision and principles for the Five Forks Area**

Recommended Actions

- ✘ Ensure new trip generating developments do not exceed new trip thresholds in accordance with principle I.5 through the rezoning/special use permit process.
- ✘ Ensure proposed land uses are in compliance with the land use section of the 2003 Comprehensive Plan. The following descriptions provide additional guidance on acceptable land use proposals:
  - ◆ Low Density Residential: Recommended gross densities are 1 to 3 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low and moderate cost housing developments; low and moderate income<sup>6</sup> housing; mixed cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan.
  - ◆ Moderate Density Residential: Recommended gross densities are 4 to 10 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low and moderate cost housing developments; low income housing (including persons earning less than 30% of area median income); moderate income housing; mixed cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan. Recommended housing types include townhouses, apartments or attached cluster housing.
  - ◆ Mixed Use: The recommended mix of uses includes offices and community commercial uses serving residents of the Five Forks area. Moderate density housing may be a secondary use provided it is designed in accordance with these principles.
- ✘ As part of the 2008 Comprehensive Plan update, incorporate the above guidance into the Land Use element.

**IV. Economic Development Principle**

**1. Promote and facilitate economic growth through development/redevelopment**

Recommended Actions

- ✘ Facilitate the location of a new anchor tenant in Governor's Green Shopping Center should Winn-Dixie close.
- ✘ Support the development of remaining undeveloped commercial land and vacant buildings in Five Forks to provide goods and services desired by residents of the Five Forks area.
- ✘ Advise the Economic Development Authority on the outcomes of the Five Forks Study so that they may capitalize on future economic opportunities.

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<sup>6</sup> Low income housing is defined as housing for persons earning less than 50% of area median income. Moderate income housing is defined as housing for persons earning 50% to 80% of the area median income.