

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
APRIL 4, 2005 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
 - A. March 7, 2005 Regular Meeting 3
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Committee Reports
4. PLANNING COMMISSION CONSIDERATION
 - A. Initiating Resolution - Zoning Ordinance Amendment – Administrative Fees
5. PUBLIC HEARINGS
 - A. Z-15-04/MP-11-04/SUP-34-04 The Villas at Jamestown
 - B. SUP-36-04 Farm Fresh Gas Pumps
 - C. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
 - D. SUP-4-05 Christian Life Center Tower
 - E. ZO-2-05 Zoning Ordinance Amendment – Proffer Appeal Process
 - F. Z-5-05 James River Commerce Center Proffer Amendment
 - G. Z-2-05/MP-3-05 Ironbound Square Redevelopment
 - H. Z-16-04/MP-12-04/SUP-35-04 Burlington Woods
 - I. Z-3-05/SUP-6-05 Centerville Road Subdivision
 - J. ZO-3-05 Zoning Ordinance Amendment – Administrative Fees
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT – RECESS UNTIL APRIL 6, 2005 AT 7:00 P.M.

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
APRIL 4, 2005 - 7:00 p.m.

1. ROLL CALL

2. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) Report

3. PLANNING COMMISSION CONSIDERATION

A. ZO-3-05 Zoning Ordinance Amendment – Administrative Fees

4. ADJOURNMENT – RECESS UNTIL MAY 2, 2005 AT 7:00 P.M.

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

1. ROLL CALL

Jack Fraley
Ingrid Blanton
Donald Hunt
George Billups
Wilford Kale
Jim Kennedy
Mary Jones

ALSO PRESENT

John Horne, Development Manager
Michael Drewry, Assistant County Attorney
Marvin Sowers, Planning Director
Karen Drake, Senior Planner
Tammy Rosario, Senior Planner
Ellen Cook, Planner
Pat Foltz, Development Management Assistant

2. MINUTES

Mr. Leo Rogers, County Attorney, introduced Ms. Kathryn Aston, the new Assistant County Attorney, to the Planning Commission.

Mr. Fraley corrected page 12, list of policy committee members.

Ms. Blanton corrected page 11, the second line, "the" wavy lines..., on page 10, she clarified that her concerns were in regard to environmental issues.

Mr. Kennedy motioned to approve the minutes as amended.

Mr. Billups seconded the motion.

The Planning Commission approved the minutes as amended with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the DRC report. The DRC heard five cases at its March 2 meeting. SP-145-04 - Colonial Heritage Phase 2 Section 1 and SP-116-04 - The Station at Norge were unanimously recommended for preliminary approval. SP-150-04 - Abe's Mini-Storage, SP-6-05 - Stonehouse The Villas, and S-91-04 - Marywood were deferred.

Mr. Kale motioned for approval of the report.

Ms. Blanton seconded the motion.

The Planning Commission approved the actions of the DRC with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Billups recommended deferring discussion of the Policy Committee report until the discussion of the Capital Improvement Program later in the meeting.

4. PUBLIC HEARINGS

A. Z-15-04 & SUP-34-04 The Villas at Jamestown

Ms. Cook presented the deferral. The applicant requested more time to resolve outstanding issues.

Mr. Sowers recommended opening the public hearing and leaving it open until the April 4 meeting.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt continued the public hearing until the April meeting.

B. Z-13-04 & SUP-31-04 Monticello at Powhatan North

Ms. Rosario presented the request for indefinite deferral. The applicant requested more time to resolve outstanding issues.

Mr. Fraley commended the applicant for his willingness to work with the Planning Commission to address the issues raised by staff and the general public.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

C. SUP-36-04 Farm Fresh Gas Pumps

Ms. Cook presented the deferral request. The applicant requested additional time to resolve outstanding issues.

Ms. Blanton asked if parking on the site had been discussed since the last meeting.

Mr. Sowers responded that parking had been discussed but the main issue to be resolved was the placement of the gas pumps in relation to the utility lines.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt continued the public hearing until the April 4 meeting.

D. Review of the FY 2006-2010 Capital Improvements Program

Ms. Rosario presented the staff report. She outlined the Policy Committee recommendations of capital improvements for public facilities and water and sewer systems in the County for Fiscal Year 2006 – 2010.

Mr. Fraley asked for some background as to how many high-priority projects, historically, are funded.

Mr. Kennedy stated that the Supervisors use the list as a guide for their own budget considerations, and that a range of projects are funded.

Mr. Billups stated that the main goal of the CIP was to assign priority to public projects using the Comprehensive Plan as a guide.

Mr. Hunt stated that the list reflects the best set of priorities, based on the consensus of the committee.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

Mr. Fraley motioned to accept the CIP rankings.

Mr. Billups seconded the motion.

The Planning Commission accepted the recommendation of the CIP rankings with a unanimous voice vote.

E. SUP-01-05 Alice's Wonderland Playhouse

Ms. Rosario presented the staff report. Ms. Alice Wilson has applied for a special use permit to operate a child daycare center at 2942 Chickahominy Road. The parcel is further identified as parcel (2-2) on JCC Tax Map (22-2). The property is zoned R-8, Rural Residential and is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map. Recommended uses on properties designated Rural Lands include agricultural and forestal activities together with certain recreational public or semi-public and institutional uses. Rural residential uses are appropriate at a density of no more than

one unit per three acres. Smaller direct agricultural or forestal support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the with the natural and rural character of the area.

Staff recommended the Planning Commission approve the application with the conditions listed in the staff report.

Ms. Blanton asked if the proposed drainfield enlargement would help the applicant move the operation away from sensitive areas on the site and away from using disposable items.

Ms. Rosario responded that, to accommodate the food preparation and laundering requirements of the use, the drainfield would be modified and could potentially keep the applicant from relying on disposable items.

Mr. Billups asked what effect water conservation measures would have on the well system.

Ms. Rosario responded that drought tolerant landscaping and water conserving fixtures would reduce the impact on the groundwater supply in the area.

Mr. Billups asked what the maximum number of anticipated children would be.

Ms. Rosario responded that the maximum occupancy would be forty-nine persons, including children and staff. The most children that could be served, given a set ratio between staff and children, would be forty children.

Mr. Billups affirmed that the building and site would have to go through renovation and site design before the use could be initiated.

Ms. Rosario responded that the applicant must go through the site plan review process, where issues connected to landscaping, stormwater management, and parking would be resolved. The applicant would also need approval from the Health Department and the Virginia Department of Social Services prior to obtaining a license.

Mr. Fraley asked about the traffic requirements for the site.

Ms. Rosario responded that VDOT had recommended the existing access points be reduced to one at the east end of the property. This recommendation would be considered during the site plan stage.

Mr. Hunt opened the public hearing.

Ms. Alice Wilson stated her support for this process and her willingness to work with the County to provide a needed service to the Toano area.

Mr. Kale asked Ms. Wilson if she had any issues with the conditions recommended by staff.

Ms. Wilson responded that she had none.

Mr. Alonzo Sackrin spoke in support of the application, citing the advantages of the proposed use.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy spoke to the revitalization of the structure and stated his support of the application. He motioned approval.

Mr. Kale stated his support for the application and added that child care businesses are closely regulated by the Commonwealth of Virginia. Mr. Kale seconded the motion.

Ms. Blanton commended the applicant for her work and stated her support.

The Planning Commission voted 7-0 to support the application: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

F. SUP-02-05 & SUP-03-05 JCSA Water Storage Facility Warhill & Stonehouse

Ms. Drake presented the staff report. JCSA has applied on behalf of Stonehouse at Williamsburg, LLC for a special use permit and height waiver to construct an elevated water tower storage facility approximately 165' tall and the associated water transmission mains at 9186 Six Mt. Zion Road in the Stonehouse Commerce Park. The property is zoned PUD-C, Planned Unit Development-Commercial and can be further identified as Parcel (1-1) on the JCC Real Estate Tax Map (6-4). The property is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

JCSA has also applied on behalf of James City County for a special use permit and height waiver to construct an elevated water tower storage facility approximately 165' tall and the associated water transmission mains at 5700 Warhill Trail in the Warhill Sports Complex. The property is zoned R-8, Rural Residential and can be further identified as Parcel (1-12) on the JCC Real Estate Tax Map (32-1). The property is designated Park, Public, or Semi-Public Open Space on the 2003 Comprehensive Plan Land Use Map.

Staff recommended approval of both cases.

Ms. Blanton asked if an archaeological study was required as part of this application.

Ms. Drake responded that the information presented utilized existing archaeological study information.

Mr. Hunt opened the public hearing.

Mr. Larry Foster, General Manager of JCSA, made a short presentation outlining the visual impacts, benefits for the water system, and the daily workings of the water towers.

Mr. Kale asked Mr. Foster how the current storage facilities are attached to the water main in Season's Trace.

Mr. Foster stated that the tank is currently served by an existing water line through Season's Trace.

Ms. Blanton asked Mr. Foster to review any interruptions of service that might be incurred by the constructions.

Mr. Foster responded that JCSA did not anticipate any service interruptions.

Mr. Kennedy stated his support for the application and highlighted JCSA's history of positive work.

Mr. Billups asked if any plans existed to develop property adjacent to the site.

Mr. Foster responded that he knew of no plans to develop the immediately adjacent areas since the parcels are part of the Warhill tract and are under County control.

Mr. Hunt asked Mr. Foster what he perceived the timeline for construction to be.

Mr. Foster responded that he expected both facilities to be online by 2007.

Mr. Mark Rinaldi representing the Economic Development Authority, 101-C Mounts Bay Road, thanked the Commission for its favorable recommendation for ZO-01-05 and expressed his support of the two cases presented.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy moved approval of both items.

Mr. Kale seconded the motion.

The Planning Commission voted 7-0 to support both applications: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

G. Z-14-04 Pocahontas Square Proffer Amendment

Ms. Cook presented the staff report. Mr. Jay Epstein has applied to amend the proffers for approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail currently zoned R-5, Multi-family Residential, with proffers. The applicant has proposed to amend proffers related to the percentage of affordable dwelling units, the owners association, sidewalks, and cash contributions for community impacts. Ninety-six affordable townhouse units at a density of approximately 6.9 dwelling units per acre were approved for this site in 2003. The property is also known as parcels (1-4), (1-5A) and (1-5) on the James City County Real Estate Tax Map (59-2). The site is designated for Low Density Residential development on the James City County Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff recommends approval of the application.

Mr. Kennedy asked if redistricting had been accounted for in the school numbers presented in the staff report.

Ms. Cook responded that the 2005 enrollment numbers were used to determine school projections.

Mr. Kennedy asked if any other affordable housing projects were expected to be resubmitted or revised.

Ms. Cook responded that Pocahontas Square was the only affordable housing project resubmitted for a proffer amendment at this time.

Mr. Kennedy spoke to the need addressed by this affordable housing project but expressed concern that the number of affordable units in this application had been reduced from the previous application. He stated that he was in favor of the deed restrictions placed on units to keep them in the affordable range.

Mr. Sowers stated that the deed restriction placed on units to keep the units affordable was one of the primary factors that caused staff to recommend approval.

Ms. Blanton expressed her reservations at the revisions presented in this application, where the number of affordable units was decreased substantially. She asked what the basis was for the cash proffers presented in the application.

Ms. Cook responded that the cash contributions proffered by the applicant were consistent with recent cash proffers for schools and community impacts. Another typical

cash proffer, for JCSA, was not suggested since the site is served by Newport News Waterworks.

Mr. Kennedy asked about the discrepancy between the cash proffers presented in this application and the projected school proffer figures being considered for incorporation into a formal Board School Proffer policy.

Mr. Sowers responded that, in absence of a board policy addressing cash proffers, that the proffers were based on typical recent cash proffers.

Mr. Fraley asked what factors dictated the calculation of cash contributions proffered per lot.

Mr. Sowers responded that, in absence of a Board policy, no differentiation was figured into the suggested per-lot proffer amounts.

Mr. Rogers addressed the cash proffer policy issue. He stated that the Board will be evaluating the overall impact created by each residential development and differentiating them by the types of units proposed.

Mr. Fraley asked if cash proffers had been included for the original project.

Ms. Cook responded that no cash proffers had been included.

Mr. Kale asked Ms. Cook to state the difference in the density figures presented in the application and the density recommended in the Comprehensive Plan.

Ms. Cook outlined the two sets of figures.

Mr. Kale asked why the higher density in the application had received a favorable recommendation originally.

Ms. Cook responded that the higher density of surrounding development had been taken into account, as had the expressed need for affordable housing.

Mr. Sowers added that the density would still be lower than the adjacent development of Brookside Haven.

Mr. Billups asked if the Office of Housing and Community Development had been consulted about the current application.

Mr. Rick Hanson, of the Office of Housing and Community Development, stated that he had worked directly with Planning in reviewing this project and that the application offered some significant advantages.

Mr. Kennedy asked if the people on the affordable housing waiting lists lived in James City County.

Mr. Hanson responded that most of the people on waiting lists in his office either lived or worked in James City County.

Mr. Billups asked Mr. Hanson if he had negotiated any agreements to secure affordable housing units in this or any other recent development.

Mr. Hanson responded that his office had worked with a number of developers who have participated in the County's affordable housing programs.

Mr. Sowers added that the proposed proffers contained provisions requiring coordination between the applicant and the Office of Housing and Community Development.

Mr. Fraley asked Mr. Hanson how many names are on the waiting list for affordable housing and how long the average wait is.

Mr. Hanson responded that his list has about one hundred qualified buyers and that the average waiting time varies with the type of housing desired by the buyer.

Mr. Fraley asked Mr. Hanson if this proposal would significantly help the aims of his Office.

Mr. Hanson responded that this project would help his Office.

Ms. Blanton asked Mr. Hanson how this application compared to the previous project.

Mr. Hanson responded that this proposal offered new benefits, such as deed restrictions and a range of pricing points.

Ms. Blanton asked how Mr. Hanson felt about the Health-E Community concept.

Mr. Hanson responded that he supported many of the features offered by Health-E-Communities.

Ms. Jones asked Ms. Cook if units priced under \$110,000 would all be the smaller 1,200 square foot units.

Ms. Cook responded that the units priced under \$110,000 would be the smaller units shown on the Master Plan.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a short presentation outlining the application. He detailed the actions of the previous developer, RML Corporation, and Mr. Epstein's plans to develop the site using the Health-E Community model.

Mr. Kennedy complemented Mr. Epstein on his past work. Mr. Kennedy asked what probability there was that the developer might need further revision of the proffers.

Mr. Epstein referred to his previous work with Michelle Point, which has not to this date required any proffer amendments.

Mr. Kale asked if Mr. Epstein had reduced any affordable housing units in Ironbound Village.

Mr. Epstein responded that, while he did not act as the original developer in Ironbound Village, he had built every proposed affordable unit proffered by the rezoning.

Mr. Hanson concurred with Mr. Epstein.

Ms. Blanton asked if Mr. Epstein had any concerns about the demand for the higher priced townhomes.

Mr. Epstein responded that he felt very comfortable with the demand for the townhomes.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Fraley commented that he liked the project for the area and that he enthusiastically supported the project.

Ms. Jones stated that she liked the application and was prepared to support it.

Ms. Blanton stated her enthusiastic support of the project.

Mr. Kennedy commented that, with regards to land use, the project fits the area. Though he cited changes in the application along with the anticipated impact to the schools as reservations, he added his support to the application.

Mr. Billups stated that the County still faced serious challenges in regard to affordable housing. He stated his support.

Mr. Kennedy motioned approval.

Mr. Billups seconded the motion.

The Planning Commission voted 7-0 to support the application: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

5. PLANNING COMMISSION CONSIDERATION

A. Monthly Board of Supervisor's Meeting Representative for 2005

Mr. Sowers stated that this item requested staff to forward an amendment

Mr. Hunt called for comments on the Board representation schedule.

The 2005 schedule for Planning Commission representation at the Board of Supervisor's meetings was approved with a unanimous voice vote.

B. Initiating Resolution – Zoning Ordinance Amendment & Appeals

Mr. Sowers stated that this item requested staff to forward an amendment dealing with appeals to the Zoning Administrator. He asked the Commission to adopt the resolution.

Mr. Rogers added that law students had been assisting with the preparation of these amendments and that presentations would be forthcoming at a future meeting.

Mr. Kale moved approval.

Mr. Billups seconded.

The resolution was adopted with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He reminded Commissioners of the scheduled Ballon Test the next day, March 8, at 9:00 AM for a communications tower at the site of the Christian Life Center in Toano.

Mr. Kale confirmed the location.

Ms. Blanton asked for an exact location of where the ballon will be flying.

Mr. Sowers suggested meeting at the location to determine any weather delays or cancellations.

Ms. Jones confirmed that the application was being brought forward by the Christian Life Center.

7. ADJOURNMENT

There being no further business, the March 7, 2005 Planning Commission adjourned at 9:15 p.m.

Donald Hunt, Acting Chairman

O.Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 3/1/2005 THROUGH: 3/31/2005

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-063-03	Warhill Sports Complex, Parking Lot Expansion
SP-116-03	Kingsmill - Armistead Point
SP-006-04	Williamsburg Christian Retreat Center Amend.
SP-025-04	Carter's Cove Campground
SP-047-04	Villages at Westminster Drainage Improvements
SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-082-04	New Town - Sec. 2 & 4 Roadway Improvements
SP-093-04	Powhatan Plantation Ph. 9
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-108-04	Williamsburg Office Complex
SP-113-04	Williamsburg Landing SP Amend.
SP-131-04	New Town - Towne Bank
SP-135-04	Williamsburg Landing Parking Addition
SP-136-04	Stonehouse - Fieldstone Glen Townhomes
SP-140-04	Monticello Woods Clubhouse Modification
SP-141-04	Carolina Furniture Warehouse
SP-143-04	Portable 1000 Gallon Diesel Fuel Tank
SP-145-04	Colonial Heritage Ph. 2, Sec. 1
SP-146-04	Settlement at Monticello Temp Sales Office
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove, Fence Amend.
SP-006-05	Stonehouse - The Fairways
SP-007-05	Stonehouse - Clubhouse Point
SP-008-05	Williamsburg National Clubhouse Expansion
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-015-05	New Town - Hagee Building, Block 8
SP-016-05	New Town- Retail Ph. 2
SP-017-05	Williamsburg Community Chapel Building Expansion
SP-019-05	New Town, Block 6 & 7
SP-021-05	Villages at Powhatan Ph 5 SP Amendment
SP-022-05	James River Commerce Center Shell Building
SP-023-05	JCSA Neck-O-Land Road Sewer Realignment
SP-024-05	Norge Water System Improvements
SP-025-05	New Town- Sewage Lift Station and Force Main
SP-026-05	Williamsburg Plantation Sec. 10 Units 236-251 Amen
SP-027-05	Williamsburg Nursing and Rehab. SP Amend.

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SP-028-05	Oaktree Office Park / Self Storage Expansion
SP-029-05	New Town United Methodist Church Waterline
SP-030-05	Wedmore Place at Williamsburg Winery
SP-031-05	7839 & 7845 Richmond Road Office/Retail
SP-032-05	New Town, Village Square

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-056-03	Shell Building - James River Commerce Center	3 /14/2006
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
SP-131-03	Colonial Heritage Ph. 2, Sec. 1	3 /7 /2006
SP-016-04	Richardson Office & Warehouse	4 /5 /2005
SP-023-04	Williamsburg Landing SP Amend.	4 /2 /2005
SP-056-04	Michelle Point	7 /12/2005
SP-079-04	Norge Railway Station	7 /23/2005
SP-092-04	Columbia Drive Waterline Extension	8 /18/2005
SP-110-04	Christian Life Center Expansion Ph. 1	12/6 /2005
SP-112-04	Wythe-Will Distribution Center Landscaping Amend.	10/21/2005
SP-116-04	The Station at Norge	3 /7 /2006
SP-121-04	Williamsburg Crossing - Parcel 23	12/6 /2005
SP-124-04	J.W. Crossing, Ph. 2	12/13/2005
SP-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-126-04	New Town, Sec. 2, Block 3	12/22/2005
SP-130-04	New Town - Court Square	12/28/2005
SP-132-04	St. Bede Catholic Church, Rectory Building	12/30/2005
SP-133-04	Haynes Distribution Center, Green Mount Indus Park	1 /7 /2006
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
SP-142-04	Lafayette H.S., Track Drainage Improvements	1 /11/2006
SP-002-05	WindsorMeade Marketplace Amend. No. 1	3 /17/2006
SP-003-05	Williamsburg National- Golf Maintenance Facility	2 /28/2006
SP-011-05	Citizens and Farmers Bank Parking Extension	3 /1 /2006
SP-014-05	New Town - Lambert Building, Blocks 6 & 7	3 /23/2006
SP-018-05	Eckerd's SP Amend.	3 /16/2006

C. FINAL APPROVAL

DATE

SP-136-03	GreenMount Industrial Park Road Ph. 1	3 /15/2005
SP-027-04	Greensprings Condos SP Amend. (Braemar Creek)	3 /7 /2005
SP-098-04	Warhill Green	3 /23/2005
SP-144-04	Riverview Plantation Water Main Extension	3 /15/2005
SP-020-05	Raintree Villas Neighborhood Garage	3 /17/2005

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-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
S-108-03	Leighton-Herrmann Family Subdivision
S-116-03	Stonehouse Glen, Sec. 2
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-063-04	123 Welstead Street BLE
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-091-04	Marywood Subdivision
S-109-04	Scott's Pond, Sec. 3B
S-112-04	Wellington Sec. 6 & 7
S-114-04	Stonehouse - Parcel B1 and Lot 1, Sec. 1A
S-115-04	Brandon Woods ROW Subdivision
S-118-04	Jordan Family Subdivision
S-120-04	New Town, Block 8, Parcel C
S-121-04	Wellington Public Use Site
S-001-05	Toano Business Center
S-002-05	The Pointe at Jamestown Sec. 2B
S-003-05	Waterworks & S. Clement BLA
S-007-05	Armistead Point- Kingsmill BLA
S-010-05	2886 Lake Powell Road BLA
S-012-05	Greensprings Trail ROW-Waltrip Property Conveyance
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance
S-015-05	Colonial Heritage Ph. 3, Sec. 2
S-016-05	Frazier BLA
S-017-05	Polk Estates
S-018-05	105 Wake Robin Road BLA
S-019-05	Monticello Woods Ph. 2
S-020-05	Ward Subdivision
S-021-05	JCSA Neck-O-Land Sewer Realignment

S-028-05 Elizabeth Jones Estate Family Subdivision
 S-030-05 3406 N. Riverside Drive BLA
 S-031-05 Wellington Sec. 4 Lot 110 & 155 Setback Adjustment

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-037-02	The Vineyards, Ph. 3	5 /4 /2005
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 /2005
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2005
S-099-03	Wellington, Sec. 5	2 /3 /2006
S-100-03	Colonial Heritage Ph. 2, Sec. 1	12/6 /2005
S-101-03	Ford's Colony - Sec. 35	2 /2 /2006
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2006
S-002-04	The Settlement at Monticello (Hidden)	3 /1 /2006
S-035-04	Colonial Heritage Blvd., Ph. 2	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-045-04	ARGO Ph. 1	6 /28/2005
S-059-04	Greensprings West Ph. 6	9 /13/2005
S-071-04	Cowles Subdivision -163 Howard Drive	9 /3 /2005
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)	12/21/2005
S-075-04	Pocahontas Square	9 /16/2005
S-077-04	James River Commerce Center	10/4 /2005
S-080-04	Williamsburg Winery Subdivision	12/6 /2005
S-081-04	Subdivision for Lot 3 Norge Neighborhood	10/11/2005
S-087-04	Dudley S. Waltrip Family Subdivision	10/12/2005
S-090-04	Minichiello Villa	10/21/2005
S-097-04	Cowles Estate BLA	11/4 /2005
S-100-04	Williamsburg National Golf Course BLA	11/4 /2005
S-105-04	Gross Family Subdivision	11/23/2005
S-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-110-04	New Town, Blocks 8B & 5F, Lots 1-20 & 25-34	1 /12/2006
S-111-04	Colonial Heritage Ph. 3, Sec. 1	1 /12/2006
S-119-04	The Retreat Ph. 2	1 /27/2006
S-004-05	New Town Block 2G, 3I, 6/7-A	3 /16/2006
S-008-05	Colonial Heritage - Ph. 1, Sec. 3A	3 /17/2006
S-011-05	New Town Blck 6 & 7 A,C,D,E Blck 3 Parcel B,C,D	3 /16/2006

C. FINAL APPROVAL

DATE

S-065-04	133 Magruder Avenue - Sadie Lee Taylor Prop.	3 /23/2005
S-106-04	8721 Pocahontas Trail Subdivision	3 /19/2005

S-009-05	2508 Campbell BLE	3 /25/2005
S-022-05	Ford's Colony - Sec. 10, Lots 171 & 172	3 /12/2005
S-023-05	Ford's Colony - Sec. 10A, Lot 1	3 /14/2005
S-024-05	Ford's Colony - Sec. 1, Block D, Lots 2A,2B,2,3	3 /14/2005
S-026-05	Ford's Colony - Parcel D-2 BLA	3 /12/2005
S-027-05	Ford's Colony - Country Club/Ford BLA	3 /14/2005
S-029-05	Ford's Colony Sec. 32 Lots 105 & 106 BLE	3 /18/2005

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT

April 6, 2005

Case No. S-116-03

Stonehouse Glen Section 2

Mr. Ronnie Osborne of LandMark Design Group submitted a subdivision application proposing 62 lots in Section 2 of Stonehouse Glen at 9186 Six Mount Zion Road. The site is further identified as parcel (1-3) on James City County tax map (5-4). DRC review is necessary because the petitioner proposes more than 50 lots.

DRC Action: The DRC recommended preliminary approval subject to agency comments.

Case No. SP-150-04

Abe's Mini Storage

Mr. Alistair Ramsey of LandMark Design Group, on behalf of Dr. John Matney, submitted a site plan for a mini-storage facility to be located at 5435 and 5433 Richmond Road. The parcels are further identified as parcels (1-15) and (1-59) on James City County Tax Map (33-3). DRC review is necessary because the applicant proposes a group of buildings which contain a floor area exceeding 30,000 square feet.

DRC Action: The applicant requested deferral of the case.

Case No. SP-141-04

Carolina Furniture

Mr. Don Jennings of Rickmond Engineering submitted a site plan proposing the construction of 52,850 square feet of warehouses with office space and mini-storage to be located at 5431 Richmond Road. The site is further identified as parcel (1-16) on James City County Tax Map (33-3). DRC review is necessary because the petitioner proposes more than 30,000 square feet of building space.

DRC Action: The DRC recommended on a unanimous voice vote to grant the Case No. SP-141 04, Carolina Furniture Warehouse preliminary approval subject to agency comments being satisfactorily addressed.

Case No. SP-016-05

New Town Retail Phase 2

Mr. Bob Cosby of AES Consulting Engineers submitted a site plan proposing the creation of 6 buildings along Main Street in Section 2 of New Town. The site, located at 5206 Monticello Avenue, is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC action is required as the site plan proposes more than 30,000 square feet.

DRC Action: The DRC recommended preliminary approval be granted.

Case No. S-15-05

Colonial Heritage Phase 3, Section 2

Mr. Richard Smith submitted a subdivision application proposing 50 lots in Phase 3, Section 2 at 6895 Richmond Road. The site is further identified as parcel (1-32) on James City County Tax Map (24-3). DRC action is necessary because the petitioner proposes 50 or more lots.

DRC Action: The DRC deferred the case.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; and

WHEREAS; the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate review of Section 24-7 of the Zoning Ordinance to increase the fees charged for site plan review. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Donald C. Hunt
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th Day of April, 2005.

KAUFMAN & CANOLES

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

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

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

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

March 29, 2005

Via Hand Delivery & Email

Ellen G. Cook
Planner
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: *Villa Development, LLC*
Villas at Five Forks
James City County Case No's. Z-15-04, MP-11-04, & SUP-34-04
Our Matter No. 84455

Dear Ms. Cook:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on April 4, 2005. The applicant and its consultants have worked diligently to respond to the various comments received from the James City County Department of Development Management ("Staff") and to bring the application to a final, presentable form. The applicant is confident that it has appropriately addresses all outstanding Staff comments.

The applicant is aware that Staff has not yet received a response from the Virginia Department of Transportation ("VDOT") regarding its review of the application. Based on the comments of Kimley-Horne, the County's independent traffic consultant, the applicant does not anticipate that VDOT will have significant comments on the proposal. The applicant recognizes, however, that Staff is uncomfortable making a recommendation to the Planning Commission without having received the input of VDOT.

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 April 4, 2005 meeting. It is anticipated that VDOT comments will be received by Staff very soon, and that the case will be in a position to be presented to the Planning Commission at its May meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the May 2, 2005 Planning Commission meeting.

Chesapeake

Hampton

Newport News

Norfolk

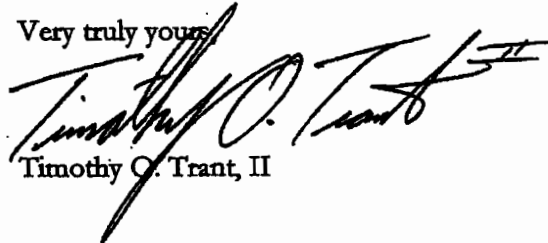
Richmond

Virginia Beach

Ellen G. Cook
Planner
March 29, 2005
Page 2

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

Very truly yours,



Timothy C. Trant, II

TOT/sr

xc: Cowles M. Spencer	(via U.S. Mail)
Sheila Byers	(via facsimile 757-659-0188)
Alvin P. Anderson, Esq.	(via hand delivery)
Gregory R. Davis, Esq.	(via hand delivery)
Richard A. Costello	(via facsimile 757-220-8994)
Thomas W. Derrickson	(via facsimile 757-220-8994)
William J. Cashman	(via facsimile 757-473-8214)
Julie C. Steele	(via facsimile 757-599-7509)
Theodore J. Figura	(via facsimile 757-877-5708)
J. David Fuss	(via U.S. mail)
Gerald H. Johnson	(via U.S. mail)
Judith C. Fuss	(via U.S. mail)

#6065423v3

REZONING-15-04/MASTER PLAN-11-04/SPECIAL USE PERMIT-34-04. VILLAS AT JAMESTOWN
Staff Report for the April 4, 2005, 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.

PUBLIC HEARINGS

Planning Commission:

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

February 7, 2005 (deferred)

March 7, 2005 (deferred)

April 4, 2005

Board of Supervisors:

May 10, 2005 (tentative)

SUMMARY FACTS

Applicant:

Mr. Gregory R. Davis and Mr. Timothy O. Trant, II, Kaufman and Canoles, P.C.

Land Owner:

Mr. Cowles M. Spencer

Proposed Use:

92 single family attached residential units

Location:

248, 238, 230, and 226 Ingram Road

Tax Map and Parcel No.:

(46-2)(1-15), (46-2)(1-11), (46-2)(1-10), (47-1)(1-19)

Parcel Size:

30.36 acres

Proposed Zoning:

R-2, General Residential District, Cluster, with Proffers

Existing Zoning:

R-8, Rural Residential District

Comprehensive Plan:

Low Density Residential and Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission defer this case until the May 2, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact:

Ellen Cook

Phone: 253-6685

Ellen Cook

Attachments:

1. Deferral Letter

TROUTMAN SANDERS LLP

A T T O R N E Y S A T L A W
A LIMITED LIABILITY PARTNERSHIP

222 Central Park Avenue
Suite 2000
VIRGINIA BEACH, VIRGINIA 23462
www.troutmansanders.com
TELEPHONE: 757-687-7500
FACSIMILE: 757-687-7510

Thomas C. Kleine
tom.kleine@troutmansanders.com

Direct Dial: 757-687-7789
Direct Fax: 757-687-7510

March 28, 2005

VIA UPS OVERNIGHT AND TELEFAX (757) 253-6822

Mr. Trey Davis
James City County Planning Division
101-E Mounts Bay Road
Williamsburg, Virginia 23187-8784

Re: Case Number SUP 36-04/ Farm Fresh Gas Pumps

Dear Mr. Davis:

On behalf of my client, FF Acquisition, LLC, I am writing to respectfully request a thirty day deferral of the above-referenced matter to the May 2, 2005 public hearing of the James City County Planning Commission.

As you are aware, we have been working to address certain comments from the James City Service Authority (JCSA). In recent weeks we met with engineers from JCSA in an effort to address any outstanding issues. Our engineers are in the process of revising the site layout in accordance with those discussions. We are requesting this deferral in order to provide ample time for the Planning Department, JCSA, and other interested departments to review the revisions prior to making to a final recommendation to the Planning Commission.

Thank you for your assistance with this matter.

Sincerely,



Thomas C. Kleine

cc: R.J. Nutter, II, Esq.

SPECIAL USE PERMIT CASE NO. SUP-36-04 FARM FRESH GAS PUMPS

Staff Report for the April 4, 2005, 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.

PUBLIC HEARINGS

Planning Commission:

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

April 4, 2005, 7:00 PM

May 2, 2005 (tentative)

Board of Supervisors:

June 14, 2005, 2005, 7:00 PM (tentative)

SUMMARY FACTS

Applicant:

Mr. Thomas C. Kleine, Troutman Sanders, LLP

Land Owner:

Norge Plaza, Inc.

Proposal:

To place 4 gasoline pumps and a canopy in the existing Farm Fresh parking lot.

Location:

115 Norge Lane

Tax Map/Parcel

(23-2)(1-71F)

Parcel Size

6.27 acres

Existing Zoning:

B-1, General Business, with proffers

Comprehensive Plan:

Community Commercial

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the May 2, 2005 Planning Commission meeting in order to continue working on engineering issues related to comments from the James City Service Authority. The applicant has met with staff and is making progress on these issues. Staff concurs with this request.

Staff Contact:

Trey Davis, Planner

Phone: 253-6685

Attachment:

1. Request for deferral

Jones, Blechman, Woltz & Kelly, P.C.
Attorneys and Counselors at Law

HERBERT V. KELLY
RAYMOND H. SUTTLE
B.M. MILLNER
RALPH M. GOLDSTEIN
JOHN T. TOMPKINS, III
CONWAY H. SHELD, III
SVEN J. LASSEN
DAVID W. OTEY
HERBERT V. KELLY, JR.
RICHARD B. DONALDSON, JR.
DAVID W. OTEY, JR.
MICHAEL S. WALK
ROBIN HILTON HANSEN
LEONARD C. HEATH, JR.
RAYMOND H. SUTTLE, JR.
BRYAN H. SCHEMPF
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NEWPORT NEWS, VIRGINIA 23612-2888
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FACSIMILE: (757) 873-8103

485 McLAWS CIRCLE
WILLIAMSBURG, VIRGINIA 23185
(757) 259-5700
FACSIMILE: (757) 259-5717

ALLAN D. JONES, 1875-1954
DANIEL SCHELOSBER, 1915-1977
F.O. BLECHMAN, 1908-1984
ARTHUR W. WOLTZ, 1905-1993
THOMAS N. DOWNING, 1913-2001

DANIEL R. QUARLES
MATTHEW D. MEADOWS
LAUREN C. BADDAR
REBECCA L. SHWAYDER
STEVEN C. MILLER

REPLY TO: Newport News
Direct Dial No. 873-8006

Internet E-Mail Address: raysuttle@jwbk.com

March 28, 2005

Tamara Rosario, Senior Planner
James City County Planning
Post Office Box 8784
Williamsburg, VA 23187

Re: Richardson to Langley Federal Credit Union - Rezoning

Dear Tamara:

With regard to the above-referenced matter, based on recent meetings with DRB, it appears that this matter will need to be deferred from the April 4th, Planning Commission and we hereby asking for a deferral to the May 2nd. I appreciate your cooperation in this matter.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.


Raymond H. Suttle, Jr.

RHSjr/ad
c: Alex Stern
Thomas Horner
James Peters w/AES
344258

Please visit our website at www.jwbk.com

**Rezoning 4-05, Special Use Permit 7-05. Langley Federal Credit Union at New Town
Staff Report for the April 4, 2005, Planning Commission Meeting**

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

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: April 4, 2005, 7:00 p.m.

Board of Supervisors: May 10, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Tom Horner, Langley Federal Credit Union

Land Owner: Philip Richardson Company, Inc.

Proposed Use: A 16,000 square-foot, two-story bank and office building with drive-through lanes

Location: 5220 Monticello Avenue
Berkeley District

Tax Map/Parcel: (38-4) (1-55)

Primary Service Area: Inside

Parcel Sizes: 2 acres

Existing Zoning: M-1, Limited Business/Industrial

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Mixed Use

Staff Contact: Tamara A. M. Rosario, Senior Planner

Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested deferral of this case to the May 2, 2005, Planning Commission meeting to allow the applicant more time to resolve New Town DRB (Design Review Board) design issues, among other items. Staff concurs with the request.

ATTACHMENT:

1. Deferral Request Letter

Matthew Arcieri

From: Clarence Forehand [CForehand@sbsite.com]
Sent: Friday, March 25, 2005 12:56 PM
To: Matthew Arcieri
Subject: RE: fords colony

Matt:
Please defer our case for 30 days in order to work out the details on the site. Please let me know if you can help me obtain the frequencies needed to run our intermode study. Also, if you have Mr. Hayes phone number, that would be helpful.

Thanks
C. E. Forehand

SPECIAL USE PERMIT 4-05. Christian Life Center Tower
Staff Report for April 4, 2005, 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.

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Center

April 4, 2005

7:00 p.m.

Board of Supervisors:

May 10, 2005

7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant:

C.E. Forehand, SBA Network Services

Land Owner:

Christian Life Center

Proposed Use:

Construction and operation of a 160 foot tall wireless communications facility.

Location:

4451 Longhill Road; Powhatan District

Tax Map/Parcel:

(32-3)(1-3)

Parcel Size:

18.87 acres

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until May 2, 2005.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

Matthew D. Arcieri

ATTACHMENTS:

1. Deferral Letter

MEMORANDUM

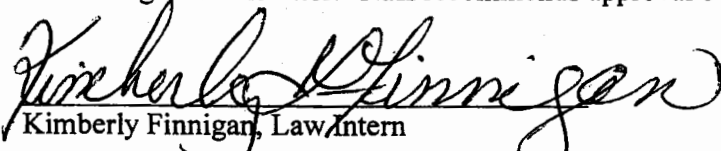
DATE: March 29, 2005
TO: The Planning Commission
FROM: Kimberly Finnigan and Matthew Widmer, Law Interns
SUBJECT: Case No. ZO-2-05 Zoning Ordinance Amendment
Proffer Appeal Process

At the March 7, 2005 Planning Commission meeting, the initiating resolution for this Zoning Ordinance amendment was approved by a vote of 5-0. The resolution requested staff to initiate review of Section 24-19 of the Zoning Ordinance for the consideration of the process for appealing a decision of the Zoning Administrator in regards to administering and enforcing conditions attached to a rezoning or amendment to a zoning map.

The proposed amendment sets forth, in greater specificity, the procedure used when a party wishes to have a decision reviewed by the Board of Supervisors. The amendment requires the Board of Supervisors to hear the appeal 45 days after the petition requesting review has been filed. The amendment also details the notice requirement that will be in effect. Public notice must be given, as well as written notice to any party involved in the appeal and to property owners immediately surrounding the affected parcels. This amendment adds specificity to the appeal process.

Recommendation:

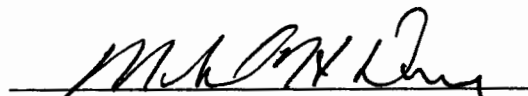
Staff finds that this amendment will provide greater guidance to those parties wishing to appeal a decision of the Zoning Administrator. Staff recommends approval of the Zoning Ordinance Amendment as attached.


Kimberly Finnigan, Law Intern


Matthew Widmer, Law Intern

Concur by:


Allen Murphy
Zoning Administrator


Michael Drewry
Assistant County Attorney

Attachment: Ordinance Amendment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-19, PETITION FOR REVIEW OF DECISION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-19, Petition for review of decision.

Chapter 24. Zoning

Article I. In General

Sec. 24-19. Petition for review of decision.

(a) Any zoning applicant who is aggrieved by the decision of the zoning administrator, pursuant to the provisions of section 24-17, may petition the board of supervisors for the review of such decision. Such appeal shall be taken within 30 days from the date of the action complained of and shall be instituted by filing with the zoning administrator and with the county administrator a notice of appeal, specifying the grounds thereof.

(b) The zoning administrator shall forthwith transmit to the board of supervisors all of the papers constituting the record upon which the action appealed from was taken, and the board of supervisors shall proceed to hear the appeal at its next regular schedule meeting. ~~The board of supervisors shall hear the appeal within 45 days from the date of the filing and give public notice in accordance with section 15-2-2204 of the Code of Virginia of the date fixed for the hearing, as well as written notice shall be given at least five days before the hearing to the owner or owners, their agent~~

~~or the occupant of each parcel involved and to the owners, their agent or occupant of all abutting property and property immediately across the street from the property affected.~~

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of supervisors, after notice of appeal has been filed with him, that, by reason of ~~the~~ facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of supervisors or by a court of record on application or notice to the zoning administrator and on due cause shown.

Michael J. Brown
Chairman, Board of Supervisors

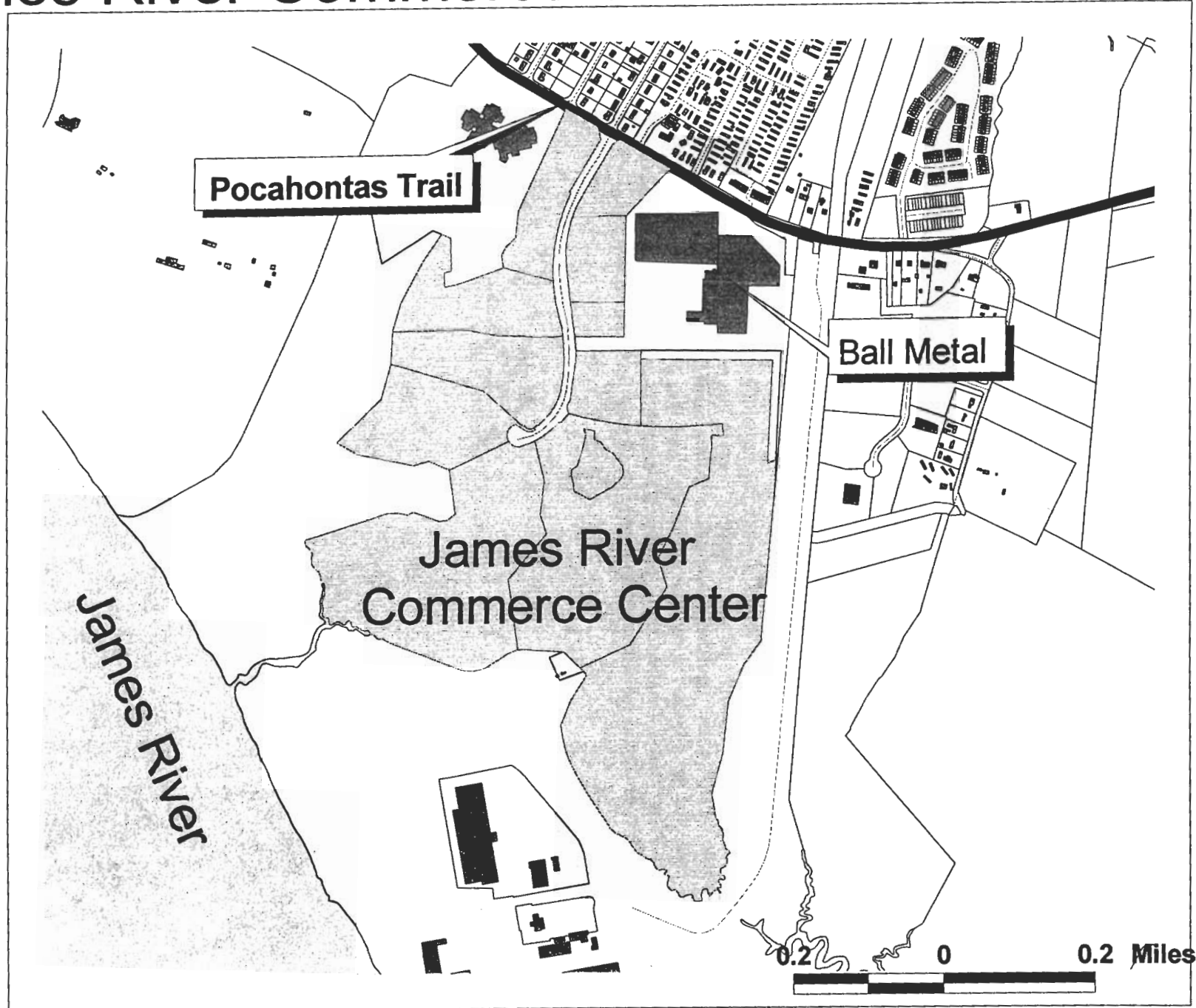
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of April, 2005.

profferappeal_ord

JCC Z-05-05: 8907 Pocahontas Trail James River Commerce Center



**JAMES RIVER COMMERCE CENTER
AMENDED PROFFER AGREEMENT**

This Agreement made this 4th day of March, 2005, by and between WILLIAMSBURG DEVELOPMENTS, INC., a Virginia Corporation, the ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA, previously known as the Industrial Development Authority of James City County, Virginia, a political entity of the Commonwealth of Virginia, DYARRCC, INC., a Virginia Corporation, LIBERTY PROPERTY DEVELOPMENT, LLC, a Virginia Limited Liability Corporation, JEANNE REED'S, LTD, a Virginia Corporation, HALLMARK ENTERPRISE, LLC, a Virginia Limited Liability Corporation, MONTROSE, LLC, a Virginia Limited Liability Corporation, and JAMES RIVER COMMERCE CENTER ASSOCIATION, INC., a Virginia Corporation, ("the Owners"), and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia ("the County").

Whereas, each of the Owners owns a separate tract of land situated in James City County, Virginia, the combination of which tracts is known as the James River Commerce Center, containing 208.14 acres, more or less, and lying adjacent to and on the southerly side of U.S. Route 60 East, Pocahontas Trail, more particularly described on Exhibits A, and B attached, but less and except the property described on Exhibit C (collectively "the Property"); and

Whereas, the Owners have applied for a rezoning of the Property from the Limited Business/Industrial District, M-1 with proffers ("the Existing Zoning") to the Limited Business/Industrial District, M-1 with amended proffers ("the Proposed Zoning"); and

Whereas, the provisions of the County's Zoning Ordinance have changed since the time of the first proffers and the existing proffers may be deemed inadequate for the orderly development of the Property; and

Whereas, the Owners are desirous of offering certain conditions for the protection of the community that are not generally applicable to land similarly zoned in addition to the regulations provided for in the Proposed Zoning regulations for protection and enhancement of the community and to provide for the high quality and orderly development of the Property.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the County rezoning the Property from the Existing Zoning to the Proposed Zoning and pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and Section 24-16 of the Zoning Ordinance of the County, the Owners agree that in addition to the regulations provided in the Proposed Zoning, they and each of them will meet and comply with all of the following conditions in the development of the Property. In the event the requested rezoning is not granted by the County, these proffers shall thereupon become null and void.

1. **Limitations on Use.** Without the amendment of this Agreement (as to uses otherwise generally permitted by the County's Zoning Ordinance) or the issuance of the applicable special use permit (as to uses only specially permitted by the County's Zoning Ordinance) the Property shall only be used for one or more of the following generally permitted uses provided, however, that the combination of floor area of (1) business, professional and governmental offices and (2) research and development offices which is not accessory to other permitted uses shall be limited to a total of 264,000 square feet.

Accessory uses as defined in Section 24-2 of the County's Zoning Ordinance.

Apartment or living quarters for a guard, caretaker or other person employed on the premises which is clearly secondary to the business or industrial use of the property.

Banks and other similar financial institutions.

Barber and beauty shops.

Book stores.

Business, professional, and governmental offices.

Contractor offices, equipment storage yards, shops and warehouses with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.

Courier services.

Data processing centers.

Employment services or agencies.

Fire stations.

Heavy equipment sales and service, with major repair (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.

Indoor sports facilities, health clubs, exercise clubs and fitness centers.

Industrial dry cleaner and laundry.

Industrial and technical training schools.

Janitorial service establishments.

Laser technology production.

Lumber and building supply wholesale stores with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.

Machinery sales and service with major repair (limited to a fully enclosed building).

Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps.

Manufacture and bottling of soft drinks and wine.

Manufacture and processing of textiles and textile products.

Manufacture and storage of ice, including dry ice.

Manufacture, assembly, or fabrication of sheet metal products.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn *and stone*.

Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products.

Manufacture of carpets and carpet yarns.

Manufacture of furniture.

Manufacture of pottery and ceramic products using kilns fired only by gas or electricity.

Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.

Manufacture or assembly of electronic instruments, electronic devices or electronic components.

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.

Marine or waterfront businesses to include receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing and distribution.

Micro-breweries.

Non-emergency medical transport.

Nurseries (wholesale only).

Off-street parking as required by Section 20-53 of the County's Zoning Ordinance.

Plant, garden supply, hardware and paint wholesale stores.

Plumbing and electrical supply wholesale stores with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.

Post offices.

Printing, lithographing, engraving, photocopying, blueprinting and publishing establishments.

Radio and television stations, and accessory antenna or towers, self-supported (not attached to buildings) which are sixty feet or less in height.

Research, development, and design facilities.

Restaurants, tea rooms and taverns.

Security service offices.

Telephone exchanges and telephone switching stations.

Travel bureaus.

Warehouse, storage, and distribution centers with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.

Welding and machine shops with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.

2. **Initial Road Improvements.** Access to the Property shall be limited to one entrance on U.S. Route 60 opposite Tarleton Bivouac. Additional commercial entrances to the Property shall be allowed but only with the prior review and approval of both the County's Director of Planning and the Virginia Department of Transportation ("VDOT"). Prior to issuance of the Certificate of Occupancy on the Property, the Williamsburg Development, Inc., and the Economic Development Authority of James City County, Virginia will make the following road improvements:

The installation of: (1) the main entrance to the Property from U.S. Route 60 the right-of-way for which main entrance shall be approximately 300 feet in depth tapering back to a two-lane right-of-way and which main entrance shall incorporate a three-lane roadway (one entering and two exiting) with right-of-way of sufficient width to accommodate a third exiting lane; (2) a right turn lane on the eastbound U.S. Route 60 approach; (3) a left turn lane on the eastbound U.S. Route 60 approach; (4) a left turn lane on the westbound U.S. Route 60 approach; and (5) separate left and right turn lanes exiting the Property.

3. **Traffic Light Improvements.** Upon meeting applicable VDOT warrants, the Williamsburg Development, Inc., and the Economic Development Authority of James City County, Virginia shall signalize, in a manner acceptable to VDOT, the intersection of the entrance roadway to the Property with U.S. Route 60.

4. Subsequent Road Improvements. Except as hereinafter provided, development on the Property shall be limited to no more than 708,000 square feet of interior building area until the following road improvements are in place.

- a. Widening of U.S. Route 60 from the existing two-lane facility to a four-lane divided (urban minor) arterial roadway along the entire frontage of the Property from the James River Elementary School property to the Ball Metal property; and
- b. Installation of a second northbound left turn lane onto U.S. Route 60 within the main entrance to the Property.

Notwithstanding the above limitation, the Williamsburg Development, Inc., and the Economic Development Authority of James City County, Virginia may conduct a traffic analysis either (1) when VDOT includes for construction in its Six Year Plan alternate U.S. Route 60 East as generally shown on the County's Comprehensive Plan or (2) when development on the Property reaches or exceeds 300,000 square feet of interior building area. The Williamsburg Development, Inc., and the Economic Development Authority of James City County, Virginia shall submit the traffic analysis to the Director of Planning for approval. If the approved results of that analysis indicate that additional development above 708,000 square feet of interior building area can be accommodated with only the initial road improvements specified in paragraph 2 above, the Director of Planning may allow such additional development prior to the installation of the improvements specified in subparagraphs a and b above.

5. **Setback from U.S. Route 60 East.** No building (or parking lot) shall be located within 140 feet of the centerline of the right-of-way of U.S. Route 60 East, existing at the time of approval of the rezoning of the Property.
6. **Owner's Association.** The Owners have provided documentation acceptable to the County Attorney demonstrating that an owners' association has been legally established with authority to impose, raise, and collect assessments against the owners of lots according to law. The association has the ability to place a lien on any lot within the Property for unpaid assessments levied against that lot.
7. **Limitations on Land Disturbing Activities.** No land disturbing activities with the exception of stormwater facilities or other utilities approved by the Development Review Committee, and archaeological research, shall take place in any area shown as "Undevelopable Land" on the plats entitled "Subdivision of Property of Colonial Williamsburg Foundation, Being Part of the Locust Grove Tract, Situated in the Roberts District, James City County, Virginia", dated 8/7/91, recorded in James City County Plat Book 55, Page 43 and "Subdivision of Property of Colonial Williamsburg Foundation, Being Part of the Conveyance to Williamsburg Developments, Inc. Situated in the Roberts District, James City County, Virginia" dated April 27, 1992 recorded in James City County Plat Book 56, Pages 32-33.
8. **Conflict with Declaration of Covenants and Restrictions.** If any one or more of these proffers or any portion thereof be in conflict with any one or more of the conditions contained in the Declaration of Covenants and Restrictions recorded in James City County Deed Book 545, Page 361, et. seq., the

Supplemental Declaration thereto recorded in James City County Deed Book 583, Page 676, et. seq. or any amendment to either or both of said declarations, the more restrictive provision(s) shall govern.

9. **Contract Not Amended.** Nothing in this Agreement shall be deemed to change any provision of the Agreement dated December 1, 1991 between the City of Williamsburg, Virginia, the County of James City, Virginia, The Colonial Williamsburg Foundation and Williamsburg Developments, Inc. and the limitations on the financial responsibilities of the parties thereto.
10. **No Relationship Created.** Nothing in the execution and delivery of this Proffer Agreement is intended to create a joint venture, partnership, agency, or other legal combination among and/or between any or all of the Owners.
11. **Binding Upon Successors.** The obligations created by this Agreement shall be binding upon each of the successors in title to each of Williamsburg Developments, Inc., and the Economic Development Authority of James City County, Virginia.
12. **Headings.** All section and subsection headings of this Agreement are for convenience only and are not part of these proffers.
13. **Prior Proffers Void.** Upon the approval of the requested rezoning, all prior proffers on the Property in favor of the County shall become null and void.
14. **Severability.** If any clause, sentence, paragraph, section, or subsection of these proffers shall be adjudged by any Court of competent jurisdiction to be invalid for any reason, including, but not limited to, a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States of America, or if the application thereof to the Owner or to any government agency

or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof or the specific application thereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section, or subsection hereof, or affect the validity or application thereof to the Owner or to any other government agency, person or circumstance.

WILLIAMSBURG DEVELOPMENTS, INC.

By: Victoria Gussman
Victoria Gussman, Vice President

STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing document was acknowledged before me this 8th day of March, 2005 by Victoria Gussman, Vice President, of and acting on behalf of Williamsburg Developments, Inc.

Jo Brooks
Notary Public

My commission expires: 11/30/08

ECONOMIC DEVELOPMENT AUTHORITY
OF JAMES CITY COUNTY, VIRGINIA

By: 
Virginia B. Hartmann, Chairman

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

The foregoing document was acknowledged before me this 10th day of March, 2005 by Virginia B. Hartmann, Chairman, of and acting on behalf of the Economic Development Authority of James City County, Virginia.


Notary Public

My commission expires: January 31, 2007

LIBERTY DEVELOPMENT CO., LLC

By:

L. Ronald Miller, Owner

STATE OF VIRGINIA

CITY/COUNTY OF YORK, to-wit:

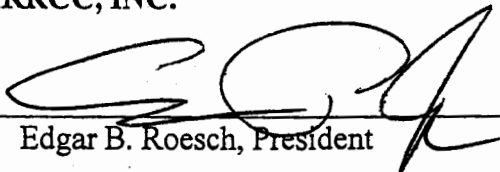
The foregoing document was acknowledged before me this 4 day of March, 2005 by L. Ronald Miller, Owner, of and acting on behalf of Liberty Development Company, LLC.

Notary Public

My commission expires: June 30, 2007

DYARRCC, INC.

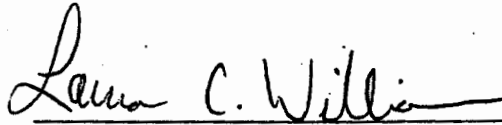
By:


Edgar B. Roesch, President

STATE OF VIRGINIA

CITY/COUNTY OF James City Co., to-wit:

The foregoing document was acknowledged before me this 24th day of MARCH, 2005 by Edgar B. Roesch, President of and acting on behalf of DYARRCC, Inc..


Notary Public

My commission expires: 8-31-08

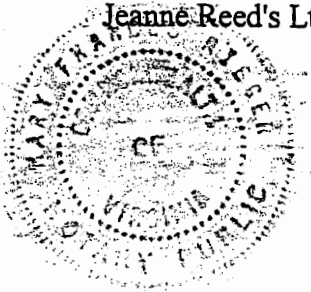
JEANNE REED'S LTD.

By: *Robert B. Halkowich* *president*
Robert B. Halkowich, President

STATE OF VIRGINIA

~~CITY~~/COUNTY OF *James City*, to-wit:

The foregoing document was acknowledged before me this *18th* day of
March, 2005 by Robert B. Halkowich, President, of and acting on behalf of
Jeanne Reed's Ltd.



Mary Frances Rieger
Notary Public

My commission expires: *October 31, 2005.*

HALLMARK ENTERPRISE, LLC

By:

Huifang Ho

Huifang Ho, Vice President

STATE OF VIRGINIA

CITY/COUNTY OF Poquoson, to-wit:

The foregoing document was acknowledged before me this 9th day of March, 2005 by Huifang Ho, Vice President of and acting on behalf of Hallmark Enterprise, LLC.

Marjorie L. Klaus

Notary Public

My commission expires: 3-31-07

MONTROSE, LLC

By:

Alan Graham
Alan Graham, President

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, to-wit:

The foregoing document was acknowledged before me this 8th day of March, 2005 by Alan Graham, President of and acting on behalf of Montrose, LLC.

Andrea L. Starkey
Notary Public

My commission expires:

February 29, 2008

JAMES RIVER COMMERCE CENTER ASSOCIATION

By: Victoria Gussman
Victoria Gussman, President & Trustee

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg to-wit:

The foregoing document was acknowledged before me this 11th day of March, 2005 by Victoria Gussman, President and Trustee of and acting on behalf of the James River Commerce Center Association.

My commission expires: November 30, 2008
Jo Brooks
Notary Public

JAMES RIVER COMMERCE CENTER ASSOCIATION

By: Leo P. Rogers
Leo Rogers, Vice President & Trustee

STATE OF VIRGINIA

CITY/COUNTY OF James City to-wit:

The foregoing document was acknowledged before me this 9th day of March, 2005 by Leo Rogers, Vice President and Trustee of and acting on behalf of the James River Commerce Center Association.

My commission expires: October 31, 2005
Mary Frances Rieger
Notary Public

JAMES RIVER COMMERCE CENTER ASSOCIATION

By: Gail Waddell
Gail Waddell, Secretary & Trustee

STATE OF VIRGINIA

CITY/COUNTY OF WILLIAMSBURG to-wit:

The foregoing document was acknowledged before me this 17th day of MARCH, 2005 by Gail Waddell, Secretary and Trustee of and acting on behalf of the James River Commerce Center Association.

My commission expires: October 31, 2008
Maria A. Ranieri
Notary Public

EXHIBIT "A"

All that certain lot, piece or parcel of land, with improvements thereon and appurtenances thereunto belonging, lying and being in Roberts District, James City County, Virginia, as shown on a plat of survey prepared by Langley and McDonald, P.C., a professional corporation, Engineers-Planners-Surveyors, dated 08/07/91 entitled "SUBDIVISION OF PROPERTY OF COLONIAL WILLIAMSBURG FOUNDATION, BEING PART OF THE LOCUST GROVE TRACT, SITUATED IN THE ROBERTS DISTRICT, JAMES CITY COUNTY, VIRGINIA", on which plat the property hereby conveyed is more particularly described as "PARCEL 2, TOTAL AREA = 61.2113 ACRES, NET DEVELOPABLE AREA - 45.0000 ACRES, UNDEVELOPABLE AREA = 16.2113 ACRES" together with "ADDITIONAL AREA REQUIRED FOR SUBDIVISION APPROVAL = 3.1387 ACRES" which plat is recorded in Plat Book 55, Page 43, less and except any right of way dedicated to any State or local government.

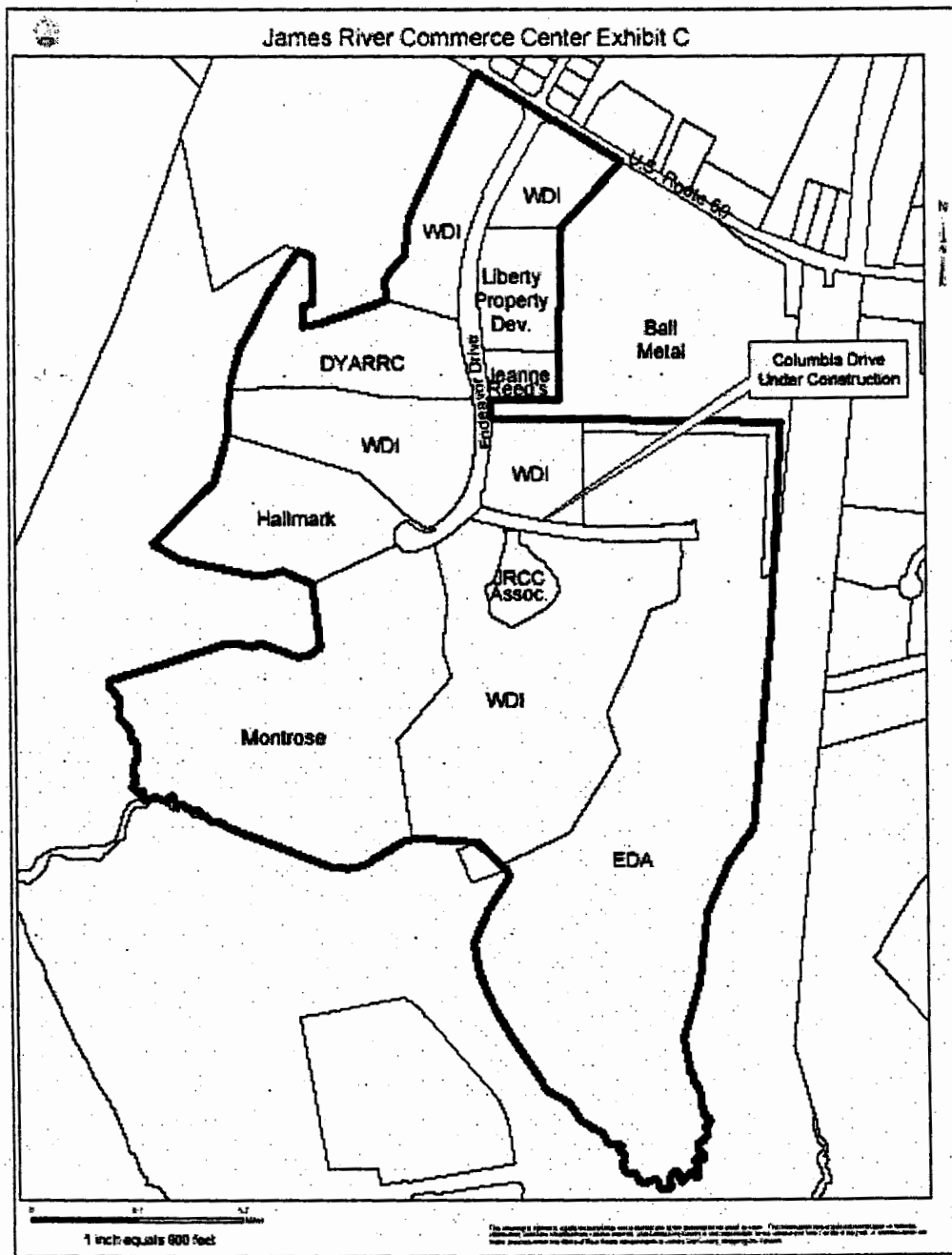
EXHIBIT "B"

All that certain lot, piece or parcel of land, containing 154.8946 acres, with improvements thereon, and appurtenances thereunto belonging, lying and being in James City County, Virginia, as shown on a plat of survey prepared by Langley and McDonald, P.C., dated April 27, 1992, entitled "Subdivision of Property of Colonial Williamsburg Foundation Being Part of The Locust Grove Tract to be conveyed to Williamsburg Developments, Inc. situated in the Roberts District, James City County, Virginia," which plat is recorded in Plat Book 56, Pages 32 and 33, less and except:

1) All that certain piece, parcel or lot of land situated in James City County, Virginia, identified as Parcel "A", containing 11.2531 acres, as shown on a certain plat entitled "SUBDIVISION OF PROPERTY OF WILLIAMSBURG DEVELOPEMNTS, INC., (D.B. 583, PG. 672), BEING PART OF THE LOCUST GROVE TRACT SITUATED IN ROBERTS DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated December 6, 1996 and made by Langley and McDonald, P. C. of Virginia Beach and Williamsburg, Virginia. It being that same property as that conveyed to Ball Metal Container Corporation, a Colorado Corporation, by deed dated December 16, 1996 from Williamsburg Development, Inc., and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia on Instrument No. 97000760 recorded in Plat Book 65, Page 90.

2) Any right of way dedicated to any State or local government.

EXHIBIT "C"



**REZONING CASE NO. Z-05-05: 8907 Pocahontas Trail-James River Commerce Center Rezoning
Staff Report for the April 4, 2005, 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.

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

Monday April 4, 2005 at 7:00 pm

Tuesday May 10, 2005 at 7:00 pm (tentative)

SUMMARY FACTS

Applicant:

Keith Taylor

Land Owner:

Williamsburg Developments, Inc.; Economic Development Authority of James City County; DYARRCC, Inc.; Liberty Property Development, LLC; Jeanne Reed's, LTD; Hallmark Enterprise, LLC; Montrose, LLC; and James River Commerce Center Association, Inc.

Proposal:

The applicant has proposed to update the proffered uses in the park, and all of the proposed uses are currently permitted uses in property zoned M-1.

Location:

8907 Pocahontas Trail: James River Commerce Center

Tax Map/Parcel

Parcels (1-17), (1-45), (1-49), (1-50), (1-51), (1-52), (1-53), (1-54), (1-55), and (1-56) on tax map (59-2).

Parcel Size

219 acres

Proposed Zoning:

M-1, Limited Business/Industrial with amended proffers

Existing Zoning:

M-1, Limited Business/Industrial with proffers

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION Staff feels that amending the proffers for the properties within the James River Commerce Center would not negatively impact the adjacent properties. All of the uses proposed by this proffer amendment are uses currently permitted in the M-1 Zoning District and staff feels that the proposal is consistent with the Land Use policies of the Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of the amended proffers for the James River Commerce Center to the James City County Board of Supervisors.

Staff Contact: Matthew Smolnik, Planner

Phone: 253-6685

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

Project Description: In 1991, James City County, the Colonial Williamsburg Foundation, and the Williamsburg/James City County school system agreed to a property exchange. The Colonial Williamsburg Foundation acquired the former Bruton School site in the City of Williamsburg, which has been renovated and used for administrative and educational purposes. The Williamsburg/James City County school system acquired a site adjacent to Carter's Grove, which has become the James River Elementary School and Community Center. The property lying between the James River Elementary School site and the Ball Metal Container Corporation, now known as the James River Commerce Center, became a business and industrial park developed cooperatively between the Colonial Williamsburg Foundation and James City County.

The entities vested with title to the business park property were Williamsburg Developments Inc. (WDI), a subsidiary of the Colonial Williamsburg Foundation, and the Industrial Development Authority of James City County, whose name was changed in 2004 to the Economic Development Authority of James City County (EDA).

This property was rezoned to M-1, Limited Business/Industrial, in 1995 following approval by the Board of Supervisors. Rather than adopt by reference all M-1 uses, the proffers accompanying the rezoning request included a selected list of uses to be permitted by right. The applicant has proposed to update the proffered uses in the park, which are all currently permitted uses in property zoned M-1, in order to include new uses, promote taxable capital investment, attract new and relocating businesses, and create new jobs in the area. The following uses are requested to be added to the current proffers with the aforementioned properties:

Industrial dry cleaner and laundry.

Manufacture and storage of ice, including dry ice.

Manufacture, assembly, or fabrication of sheet metal products.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn, and stone.

Manufacture of furniture.

Micro-breweries.

PUBLIC IMPACTS

1. Environmental Impacts: None.

Watershed: James River and Skiffe's Creek

Environmental Staff Conclusions: The Environmental Division has reviewed and approved the amended proffers for case Z-05-05: 8907 Pocahontas Trail – James River Commerce Center Rezoning.

2. Public Utilities: The site is served by public water and sewer.

JSCA Staff Comments: The James City Service Authority (JCSA) has reviewed and approved the amended proffers for case Z-05-05: 8907 Pocahontas Trail – James River Commerce Center Rezoning.

3. Traffic: Properties within the James River Commerce Center are served by Endeavor Drive and will be served by Columbia Drive, which is currently under construction. Endeavor Drive is the only road within the James River Commerce Center that intersects U.S. Route 60.

VDOT Comments: The Virginia Department of Transportation (VDOT) has reviewed and approved the amended proffers for case Z-05-05: 8907 Pocahontas Trail – James River Commerce Center Rezoning.

Comprehensive Plan:

◆ Land Use Map Designation.

The Comprehensive Plan designates this property as Mixed Use. Staff feels that the amended proffers will encourage future growth of the James River Commerce Center that is consistent with the Comprehensive Plan. Principle suggested land uses are limited industrial and office development, while public facilities are suggested as clearly secondary uses.

RECOMMENDATION: Staff feels that amending the proffers for the properties within the James River Commerce Center would not negatively impact the adjacent properties. All of the uses proposed by this proffer amendment are uses currently permitted in the M-1 Zoning District and staff feels that the proposal is consistent with the Land Use policies of the Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of the amended proffers for the James River Commerce Center to the James City County Board of Supervisors.

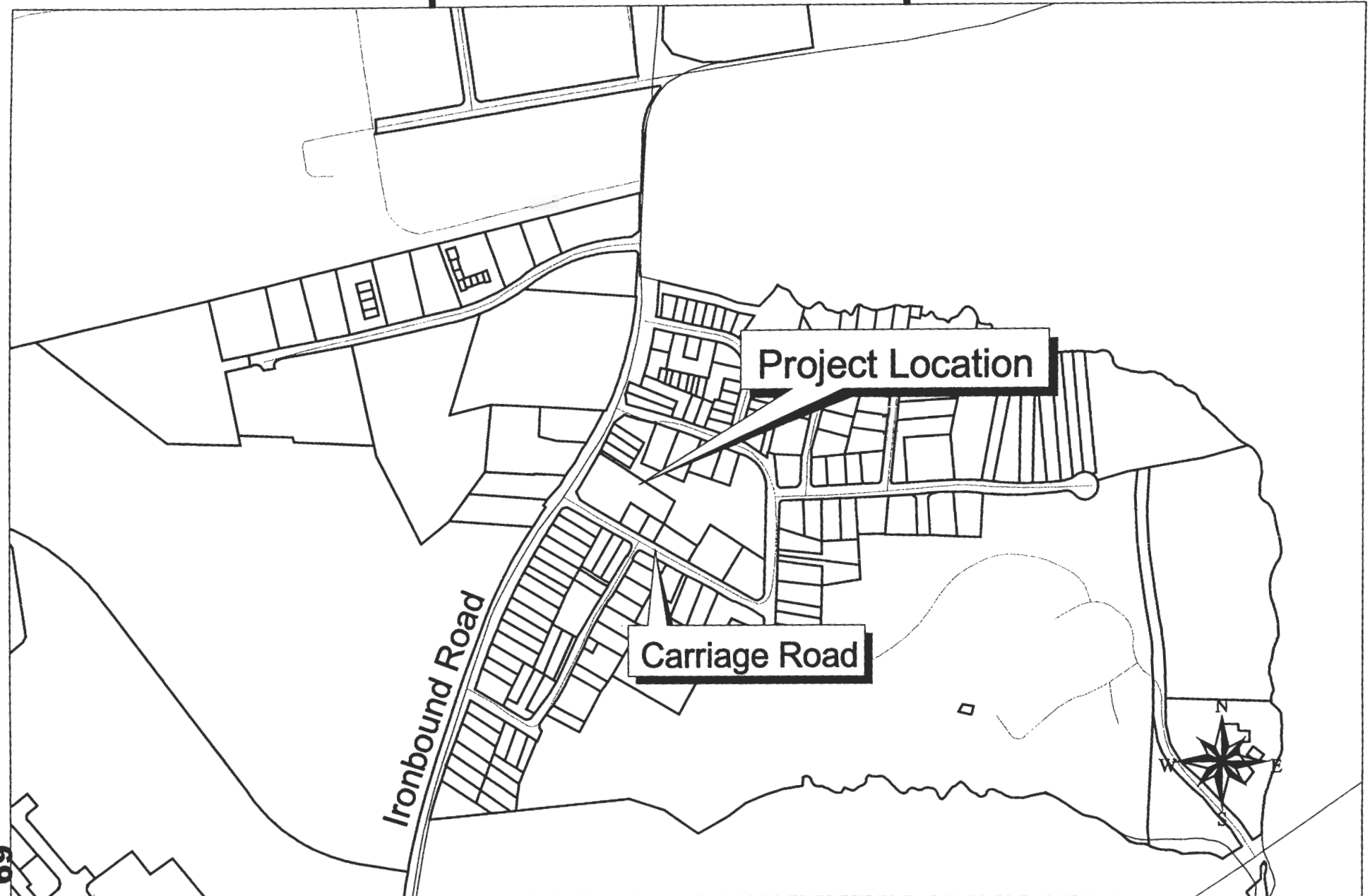
Name

Attachments:

1. Location map
2. Amended proffers

Z-02-05/MP-03-05

Ironbound Square Redevelopment



Community Impact Statement

For the

Master Plan

Prepared For

**James City County Department of
Housing and Community Development**

Phase I

Ironbound Square Redevelopment Project

February 22, 2005

AES Project Number: 9014

Prepared by:



**5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994**

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I. INTRODUCTION

James City County Office of Housing and Community Development (JCC OHCD) is proposing to rezone approximately 6.03 acres in James City County from R-2 to Mixed Use, MU zoning. The property is located along Ironbound Road (Route 615) in the section of the Ironbound Square neighborhood designated the Ironbound Square Redevelopment area. Ironbound Square is designated a "Community Development Focus Area" by the 2003 Comprehensive Plan. The property is comprised of 9 lots and comprises 6.03 acres zoned R-2.

The site currently contains 6 vacant lots, a neighborhood park and a James City Service Authority well site. In February of 2002 the James City County Board of Supervisors approved the Ironbound Square Redevelopment Plan in support of efforts to remove blighted structures, rehabilitate existing homes and to aid in the relocation of residents living in unsafe and unsanitary homes. These lots are located within the Redevelopment Area at its most northern region. In July 2002 James City County entered into a contract with the Williamsburg Redevelopment and Housing Authority (WRHA) to assist in implementing the Redevelopment Plan.

The JCC OHCD implemented a redevelopment effort in the Ironbound Square in the spring of 2000. The Office has used Community Development Block Grant (CDBG) funding to rehabilitate existing structures and remove blighted structures. The majority of the rehabilitation activities occurred on properties located in the eastern part of the neighborhood away from that part which fronts on Ironbound road. Many vacant and blighted lots front along the Ironbound road section of the neighborhood, this rezoning allows that property to be put to use in providing affordable housing for County residents and those who work in James City County, the City of Williamsburg. Developing this property enriches the property of the existing residents and provides strength and stability throughout the neighborhood.

Through its' innovative use of funding, the James City County Office of Housing and Community Development has been able to secure funding for below market rate mortgages for qualified first time homebuyers in the affordable housing market. These efforts are integral to meeting the stated need for housing affordable to those working residents in the County whose household income is at 80% or less of the Area Median Income. This income is currently computed to be \$59,000 for a household of four.

II. THE PROJECT TEAM

The following organizations are involved in the planning and development of the 6.03 acre property.

- Applicant Williamsburg Redevelopment Housing Authority and
J.C.C. Housing and Community Development
James City County, VA
- Developer Bay Aging – Urbanna, VA
- Civil Engineer AES Consulting Engineers - Williamsburg, VA
- Land Planning/
Landscape Architecture AES Consulting Engineers - Williamsburg, VA
- Traffic Planning DRW Consultants - Richmond, VA
- Architect DBF Associates – Charlottesville, VA

III. PROJECT DESCRIPTION

Bay Aging is proposing to build 67 multifamily units as part of Senior Supportive housing for Low and Moderate Income senior citizens. The portion of the redevelopment area bounded on the north by Magazine road on the west by Ironbound road and on the south and east by Carriage road will be the location of a three story structure that houses the Senior Supportive housing apartments.

A site analysis reveals the following results:

Total acreage:	6.03 acres
Senior Supportive	3.75 acres
Single Family lots	.68 acres
Park / Open Space	1.60 acres

Drainage will be collected by a combination of curb and gutter and an open ditch system.

Run-off will be treated by on site BMPS (Bio-Retention devices, wet and dry ponds) and feed into an off site retention facility, ultimately discharging into an existing channel on the east side of the site.

The open space adjacent to the Senior Supportive housing development will be dedicated as a neighborhood park. The eastern part of the site currently serves as a neighborhood park; the existing park will receive improvements to existing equipment and have additional facilities constructed.

The development of the property is as follows:

1. The existing lots along Ironbound road between Magazine road and Carriage road will form the site for the Senior Supportive housing facility, five single family lots and a park. This site totals 6.03 acres. This entire site will be rezoned from R-2 to MU.
2. 67 multi-family, affordable units will be built on approximately 3.75 acres (Use Designation D)
3. Five Single Family lots will be created as part of this rezoning, they will each have an area of approximately 5000sf (Use Designation A)
4. The remainder of the 6.03 acres will be park land (Land Use Designation J).

The project location is shown on the following exhibit:

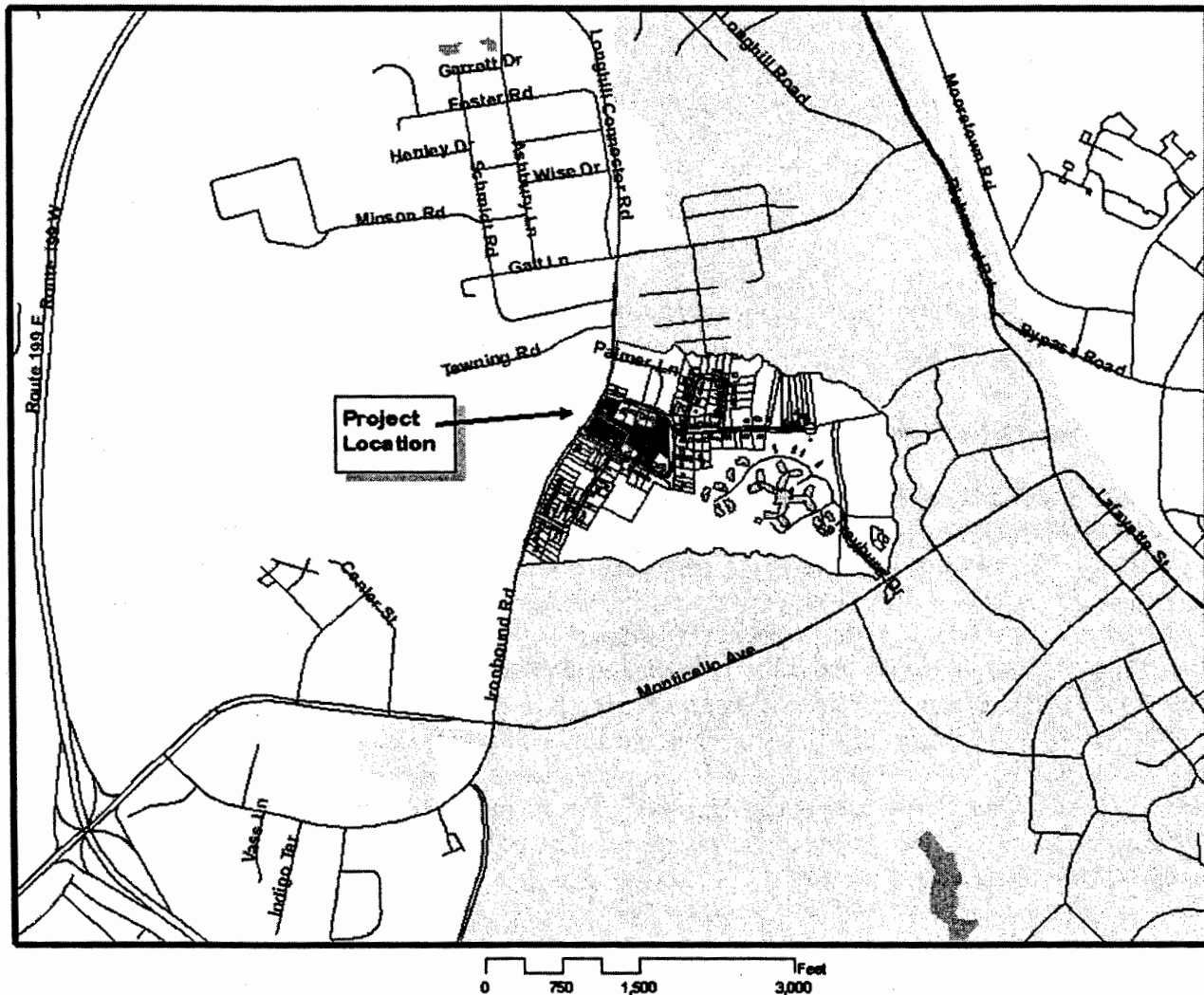


Exhibit 1

A. Planning Considerations

A review of the Comprehensive Plan of James City County shows this area designated as "Low Density Residential." Under this classification, a density of 1 dwelling unit per acre up to four dwelling units per acre is allowed. Site statistics provided for the entire redevelopment show that with this and future improvements the overall density for Ironbound Square, exclusive of Ironbound Village will not exceed 4 units per acres. The Mixed Use zoning designation is being requested because it provides the flexibility required to allow the Senior Apartments as well as single family lots that do not meet the

minimum requirements for R-2 zoning. Rezoning this area to Mixed Use will provide an urgently needed public benefit to the community. This zoning will allow 67 dwelling units with supportive services for residents of the area that are 62 years or older and with incomes that fall below 50% of the Area Median Income limit. The most current calculation places that amount at \$20,700 for a single person.

An additional planning consideration is the management and services this particular facility will provide. Bay Aging, an Area Agency on Aging based in Urbanna, VA is partnering with the Peninsula Area Agency on Aging to provide management and support services for the 67 unit Senior Supportive housing facility.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

A. Public Water Facilities

The subject properties will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains water mains along all existing roadways surrounding the site and include a 12-inch water main along Ironbound Road, an 8-inch water main along Carriage Road, and a 6-inch main along Watford Lane. Sufficient water supply and pressure is provided by the 1 MG Ironbound Road Water Storage Facility near the intersection of Monticello Avenue and Ironbound Road west of New Quarter Industrial Park on the south side of New Town. A 16-inch main on Monticello Avenue and numerous water main interconnections in New Town convey the water from the booster pump station to the 12-inch water main on Ironbound Road in front of the site. The existing well facility (JCSA W-23) located at 120 Carriage Road will be abandoned. JCSA has previously determined that this well is not needed to provide adequate water supply for the area.

A water distribution system model will be completed and submitted prior to or with the final site or subdivision plans. The model will examine flow rates and pressures throughout the immediate water system area. The water model will account for larger multi-family buildings having sprinkler fire suppression system meeting NFP-13R. The model may indicate that the upgrade of smaller pipes in the existing system including the 6-inch main along Watford Lane be required to meet current fire flow requirements.

B. Public Sewer Facilities

Sanitary sewer service can be provided to the subject development by existing JCSA Lift Station 4-1. This station conveys sewage flow into the existing 24-inch HRSD force main which runs along Ironbound Road. The HRSD main eventually discharges at the Williamsburg Wastewater Treatment Plant. JCSA Lift Station 4-1 is located on the east

side of Watford Lane (122A Watford Lane) and was built to serve Ironbound Square over 25 years ago as part of Sanitary District #3. All of the sewage flows generated from the proposed rezoning area will flow by gravity into this station. Table 1 below shows the flows generated by the redevelopment that will be conveyed to the existing lift station less the existing flows currently generated.

Table 1 – Total Estimated Wastewater Flows

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Average Flow (GPM)	Peak Flow (GPM)
PROPOSED REDEVELOPMENT						
Single-family detached	5	300	1,500	24	1.0	2.6
Senior Apartments	67	225	15,075	24	10.5	26.2
Subtotal	72		16,575		11.5	28.8
EXISTING						
Single-family detached	7	300	2,100	24	1.5	3.6
Subtotal	7		2,100		1.5	3.6
Total Additional Flow	65		14,475		10.1	25.1

The existing 8-inch gravity sewer system can convey the flow for more than 660 single family detached homes. Therefore, the existing sewers are adequate for the proposed rezoning and have ample capacity.

JCSA Lift Station 4-1 has been renovated to provide better operating characteristics. However, due to unusually high operating pressures in the HRSD force main, the station has had periods where the pumps could not overcome the pressure. The station currently operates at approximately 200 GPM at a pressure of 95 feet. Because the pumps run at a constant speed, varying pressures in the destination force main create large variations in the pumping rate. At high pressures, the pumping rate may not exceed the inflow rate, limiting the station capacity. As a result, a complete study of the sanitary sewer will be completed and submitted prior to or with the final site or subdivision plans. Recommendations are likely to include upgrades to the station pumps and electrical system. Building renovations may also be recommended to maintain the character of the redevelopment project.

C. Schools

The 67 units proposed as part of this rezoning will be limited to households with at least one member who is 62 years of age or older and whose income does not exceed 50 percent of the area on a formula set out by HUD. The possibility of this development contributing to the Williamsburg James City school population is unlikely.

Five single family lots are also proposed as part of this rezoning. These lots will be developed in conjunction with the Ironbound Square Revitalization Program underway in the Ironbound Square Redevelopment Area. JCC OHCD will develop these lots within its' Affordable Housing Incentive Program (AHIP) which provides down-payment and closing cost assistance to financially qualified families and individuals. Some of these families may also purchase the homes built on these lots with below market rate (FHA, VHDA) mortgages provided through JCC OHCD.

JCC OHCD administers AHIP and has followed its' focus of providing affordable housing opportunities for persons with income at or below 80% of the median income. These individuals must also have the credit worthiness necessary to secure a mortgage. Priority is given to participants who live in James City County and to those persons who work in James City County or Williamsburg.

The impact of the development subject to this rezoning will have a negligible impact on the Williamsburg / James City County Schools system given that in all likelihood no net new students will be added to the population because a majority of the development is limited to households with at least one member being 62 years of age or older, and the single family lots will be marketed to persons who currently reside or work in James City County, and Williamsburg.

D. Fire Protection and Emergency Medical Services (EMS)

There are currently five fire stations providing fire protection and EMS services to James City County. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The station located closest to the project is Station 4 located on Olde Towne Road. Station 4 is less than three miles from the site. Additionally, there is a fire station on Route 5 and the City of Williamsburg Fire Station located on Lafayette Street which provide backup to Station 4 for emergencies which may occur at this site. The physical locations of these stations in respect to the project will provide more than adequate response times for fire protection and EMS services.

E. Solid Waste

The property will generate solid waste that will require collection and disposal to ensure a safe and healthy environment. Collection of solid waste will be by private contract with reputable haulers acting in accordance with local health standards. This waste will be transported to the James City County Solid Waste transfer station.

F. Gas and Electricity

Electricity is supplied by Dominion / Virginia Power. Virginia Natural Gas, Cox Communications and Verizon Communications will also be providing services to the Redevelopment of Ironbound Square.

V. ANALYSIS OF STORMWATER MANAGEMENT/BMP

A brief needs-analysis for stormwater management, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed project.

The goal of the stormwater management plan is to adhere to local and state stormwater requirements. In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the unique site characteristics are considered. Preliminary site observations and mapping identify the following unique site characteristics to be considered in stormwater management planning:

- Existing stormwater management facilities do not exist.
- The project drains to the extreme upper reaches of College Creek, a tributary of the James River.
- Drainage is upstream of Lake Matoaka, located in the City of Williamsburg on the College of William and Mary Campus.
- Drainage from Ironbound Road passes through the project creating a large volume of runoff from impervious areas.

The planned stormwater management facilities will detain and release designed storm events for the on-site and the currently uncontrolled off-site drainage. Stormwater management will be accomplished in accordance with all current applicable standards including James City County Guidelines for Design and Construction of Stormwater Management BMP's, Virginia Stormwater Management Handbook, and Virginia Erosion and Sediment Control Handbook. BMPs will be designed to provide downstream channel protection by providing 24 hour drawdown of the 1-year, 24-hour storm volume.

Stormwater collection pipes will be constructed to convey runoff to a BMP located adjacent to JCSA Lift Station 4-1 on Watford Lane. This BMP will serve mostly as a peak attenuation device and detention of the 1-year, 24-hour runoff volume for downstream channel protection. Stormwater treatment will also occur in upstream Low Impact Development (LID) measures such as Bioretention basins, Dry Swales, etc. as needed to meet requirements for new developments.

A regional stormwater management pond is planned immediately downstream of the Watford Lane BMP. It is not expected that this facility will be completed prior to the construction of the project which necessitates construction of the Watford Lane BMP. This new facility will not only receive drainage from the proposed rezoning area, but the remainder of the Ironbound Square redevelopment project and all or portions of the Ironbound Road widening project currently under design by the Virginia Department of Transportation. When this facility is constructed, the Watford Lane BMP will be converted into a forebay for the downstream facility.

In summary, with the preliminary analysis of the project, the stormwater management plan proposed will improve the overall downstream water quality and will

help to control downstream erosion from uncontrolled runoff from the neighboring properties.

The subject properties for rezoning are located within the Primary services Area of James City County. Parcels and subsequent land development activities within the Primary Service Area are required to connect to public water and sanitary sewer service provided by the James City County Service Authority (JCSA)

VI. ENVIRONMENTAL STUDIES

Utilizing the best available offsite references coupled with onsite review, the following resources were explored:

- Topography
- Soils
- Surface Water
- Wetlands
- Floodplains
- Chesapeake Bay Preservation Areas
- Vegetation
- Wildlife
- Rare, Threatened and Endangered Species
- Cultural

A. Existing Conditions

The property has few environmental resources related to physiography, drainage, vegetation cover, and historical land use. The environmental attributes of the property are described in the sections that follow.

B. Topography

The topography of the retail site gently slopes to the north and west of the site. Elevations on the site average approximately 100 feet mean sea level as indicated by the JCC GIS Mapping Department with a contour interval of 5-feet.

C. Soils

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA 1985) maps several soil types within the Chesapeake Retail property boundary. The retail site is situated on well-drained soils (e.g. Kempsville, Kempsville-Emporia and Suffolk). Shrink-swell potential is low in all soils mapped within the site boundary, and the erosion hazard potential is slight in all soils.

D. Surface Water

There is no surface water located on the subject property.

E. Wetlands

No jurisdictional wetlands are evident on the property.

F. Floodplain

No portions of the site lie within the FEMA determined 100-year floodplain limits.

G. Chesapeake Bay Prevention Areas

No RPA features are present on the subject property; however, James City County has been designated as a RMA in its entirety.

H. Vegetation

A few significant trees are located along the perimeter of the site, particularly in the park. None of which will be affected by the project. The site has been previously developed and most of the area affected by the proposed expansion is currently an open, mowed, grass field

I. Wildlife

As stated in paragraph g: Vegetation, the affected area is a grass field. No resident wildlife was observed on site.

J. Rare, Threatened and Endangered Species

Information concerning Virginia's threatened and endangered species, rare species, and unique natural communities is available from the databases maintained by the Virginia Department of Game and Inland Fisheries (DGIF), the Virginia Department of Conservation and Recreation Division of Natural Heritage (DCR), and/or the United States Fish and Wildlife Service (FWS). Based upon the data from DGIF, two federally listed species have been confirmed to occur in James City County. These include the bald eagle (*Haliaeetus leucocephalus*) and the small whorled pogonia (*Isotria medeoloides*). This site does not contain the habitat to support either species.

K. Cultural Resources

According to the JCC Planning Staff, the site is not located in a highly sensitive area on the JCC Archaeological Assessment.

In conclusion there are no significant environmental resources present on the site.

VII. ANALYSIS OF THE IMPACTS TO TRAFFIC

(See Traffic Study by DRW, Consultants)

VIII. CONCLUSION

The proposed Ironbound Square Apartments for the Elderly will address a serious deficiency in James City County of housing which is appropriate to the special needs of the elderly, including the frail elderly, and which is affordable to lower income senior citizens. This development is also a key element in the Ironbound Square Redevelopment Plan. Bay Aging, in partnership with the Peninsula Area Agency on Aging, successfully obtained an award of \$5.2 million dollars in U.S. Department of Housing and Urban Development (HUD) funding for a Section 202 Supportive Housing for the Elderly Program grant to finance the development and operation of this proposed apartment project.

Under the Section 202 program, HUD provides interest-free capital advances to private, nonprofit sponsors to finance the development of supportive housing for the elderly. Section 202 apartments are typically one bedroom, 550 square foot units. The

program guidelines allow for common areas and office space to enable the sponsors to provide supportive services on site. Residency in Section 202 financed developments is restricted to households with at least one member who is 62 years of age or older and whose income does not exceed 50 percent of the area median (currently \$20,700 for a one person household). The Section 202 program provides project-based rental assistance which covers the difference between the HUD approved operating cost and tenant rental payments. Tenant rent payments equal 30 percent of the tenant's adjusted income.

The demand for Section 202 funding is high, and the number of projects which can be funded each year is very limited. Bay Aging, which is the Area Agency on Aging serving the Northern Neck and Middle Peninsula, has been very successful in obtaining Section 202 funding, developing and managing Section 202 fund communities, and providing support services to the residents. Bay Aging currently manages 195 elderly apartment units in five developments within the Northern Neck and Middle Peninsula. The inclusion of the Peninsula Area Agency on Aging, which currently provides a wide array of services to James City County elderly residents, as the project co-sponsor will ensure a strong support service component for the proposed Ironbound Square elderly development. The ability of the County to waive building permit fees and water connection fees under existing ordinances and regulations greatly improved the competitiveness of the application for Section 202 funding and will enable savings to be invested in upgrades to the building.

JCSA is also contributing the site where 3 single family lots are to be developed. These lots along with two others will be placed in the inventory of the County's Affordable Housing Incentive Program (AHIP). Through AHIP the County has been successful in assisting persons of moderate to low income in achieving the dream of homeownership. As a means of lessening fiscal and environmental impacts associated with development AHIP is focused on persons who currently live or work in James City County and Williamsburg.

In summary, this project provides for an acknowledged need for housing affordable to elderly citizens of the County who have low incomes. The James City County Office of Housing and Community Development has worked with the residents of the Ironbound Square over the past 5 years and the need for Senior Supportive Housing was identified by the residents as an important consideration in the planning of the Ironbound Square Redevelopment.

February 22, 2005

Mr. Marvin Sowers
James City County Planning Department
101 Mounts Bay Rd Bldg E
Williamsburg, VA 23185-6569

**RE: Williamsburg Place – Parking Requirements
AES Project No. 8834-02**

Dear Mr. Sowers:

Pursuant to James City County Code Section 24-59, paragraph (g) (2): Appeals and Waivers, AES respectfully requests a waiver from the minimum off-street parking requirements for the Senior Apartments at Ironbound Square.

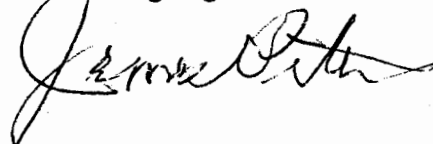
Bay Aging, the Co-Sponsor, Developer, Consultant, and Management Agent for the Ironbound Elderly Apartment project has considerable experience managing HUD 202 Elderly projects in Virginia. Based on their experience, Bay Aging recommends that James City County require no more than one parking space for each apartment. A copy of a letter describing their specific experience with parking on similar projects is forwarded with this letter.

Bay Aging, the Department of Housing and Community Development and AES believe believe the current number of proposed spaces (1 space per unit) is more than adequate to serve the residents, staff and visitors to the proposed facility. In addition, this parking waiver would reduce unnecessary impervious surface and increase open space for the park.

Thank you for your consideration of this request. We look forward to a positive recommendation from you and your staff to the Design Review Commission. Should you have any questions regarding this request, please don't hesitate to call.

Sincerely,

AES Consulting Engineers



James S. Peters, L.A.
Project Manager

Enclosures:
cc: Rick Hanson
Joshua Gemerek

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P.O. Box 610 / 5306 Old Virginia St. • Urbanna, Virginia 23175
(804) 758-2386 • Fax: (804) 758-5773 • Website: www.bayaging.org

January 24, 2005

Mr. Richard Hanson
James City County Office of Housing and Community Development
5248 Olde Town Road, Suite 10
Williamsburg, VA 23188

RE: Parking Status at Bay Aging-Managed HUD 202 Elderly Apartments

Dear Rick:

As the Co-Sponsor, Developer, Consultant, and Management Agent for the HUD-approved Ironbound Square Elderly Apartment Project (HUD Project No. 051-EE103), we recommend that James City County require no more than one parking spot for each one-bedroom apartment. This recommendation is based on Bay Aging's experience developing and managing seven previous HUD-funded senior citizen apartment projects. The following information has been collected from all four operating properties.

1. The Meadows, Colonial Beach, Virginia:
 - 23 resident-owned automobiles for 33 apartments;
 - One site manager automobile on two days per week (8:30 AM to 4:30 PM);
 - Two automobiles from Senior Activity Center Mondays, Wednesdays, & Fridays (9 AM to 3 PM);
 - One transit system van on Mondays, Wednesday, and Fridays (6 AM to 6 PM).
 - An average of six visitor automobiles park on the site each day.
2. Winters Point, West Point, Virginia:
 - 14 resident-owned automobiles for 27 apartments;
 - One site manager automobile on three days per week (8:30 AM to 4:30 PM);
 - Nine automobiles from Senior Activity Center Wednesdays and Fridays (9 AM to 3 PM);
 - Transit system automobiles periodically visit the site (6 AM to 6 PM);
 - An average of eight visitor automobiles park on the site each day.
3. Daffodil Gardens, Gloucester, Virginia:
 - 35 resident-owned automobiles for 64 apartments

Parking Status at Bay Aging-Managed HUD 202 Elderly Apartments
Page 2 of 2

- One site manager automobile four days per week (8:30 AM to 4:30 PM);
 - Transit system automobiles periodically visit the site (6 AM to 6 PM);
 - An average of 10 visitor automobiles park on the site each day.
4. Mill Pond Village, Montross, Virginia
- 14 resident-owned automobiles for 24 apartments;
 - One site manager automobile two days per week (8:30 AM to 4:30 PM);
 - Transit system automobiles periodically visit the site (6 AM to 6 PM);
 - An average of four visitor automobiles park on the site each day.

Please contact me if you need clarification or additional information regarding vehicular activity on Bay Aging-managed senior citizen apartment properties.

Sincerely,



Joshua Gemerek
VP, Development

CC: James Peters, AES Consulting Engineers
Rick Funk, dBF Associates, Architects
Les Wagner, 202 Consultant
Kathy Vesley, Senior Vice President, Bay Aging
Walter Zeller, Property Manager & Developer, Bay Aging

PROFFERS

THESE PROFFERS are made this 10th day of March, 2005 by the WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY and the JAMES CITY SERVICE AUTHORITY (together with their successors and assigns, the "Owners") and BAY AGING, INC., a Virginia Corporation (together with its successors and assigns, the "Purchaser").

RECITALS

- A. Owners are the collective owners of eight tracts or parcels of land located in James City County, Virginia, described as follows and hereinafter referred to as the "Property":

<u>Address</u>	<u>JCC Tax Parcel</u>	<u>Approximate Acreage</u>
1) 4408 Ironbound Road	#3910100057	.138 acres
2) 4406 Ironbound Road	#3910100058	.138 acres
3) 4404 Ironbound Road	#3910100059	.138 acres
4) 4400 Ironbound Road	#3910800003	1.833 acres
5) 108 Carriage Road	#3910800004	.207 acres
6) 112 Carriage Road	#3910800001	.164 acres
7) 150 Carriage Road	#3910100064	2.748 acres
8) 120 Carriage Road	#3910800005	.663 acres

- B. Owners have submitted to the County of James City, Virginia, (the "County") a master plan entitled "Master Plan for Rezoning Apartments for Senior Housing at Ironbound Square" prepared by AES Consulting Engineers dated February 22, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.
- C. Purchaser has contracted to purchase approximately 3.75 acres of the Property, designated as area "A" on the Master Plan (the "Senior Housing Parcel") conditioned upon the rezoning of the Property
- D. Owners have applied to rezone the Property from R-2 to MU Mixed Use District, with proffers
- E. Owners and Purchaser desire 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, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Density.** There shall be no more than 72 dwelling units on the Property, consisting of no more than 5 single family dwelling units ("Single Family Units") located in the portion of the Property with a Master Plan area designation of "A" and no more than 67 senior housing dwelling units ("Senior Housing Units") located in the portion of the Property with a Master Plan area designation of "D". The Senior Housing Units shall be limited to occupancy by elderly households, defined as a household including one or more persons 62 years of age or older.
2. **Water Conservation.** Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. The Owners shall be responsible for enforcing these standards. The standards shall address such 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 or site plan approval.
3. **Affordable Housing.** For a period of 20 years from the date the first Senior Housing Unit on the Property is placed in service all Senior Housing Units on the Property shall be occupied by individuals or families with at least one member 62 years of age or older and having an adjusted annual income no greater than 50% of the Area Median Income ("AMI") adjusted for family size as determined by the U.S. Department of Housing and Urban Development ("HUD"). The Senior Housing Unit resident shall pay rent and utility expenses in accordance with HUD Section 202 Supportive Housing for the Elderly Program regulations ("HUD Regulations").

Three of the five Single Family Units developed on the Property shall be sold to households with incomes no greater than 80% of the AMI adjusted for household size as determined by HUD.

4. **Road Improvements.** The Senior Housing Parcel Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards and specifications the following road improvements: a curbed entrance from Carriage Road into the Senior Housing Parcel; curb, gutter, paving and sidewalks on the northern side of Carriage Road from

Ironbound Road to the intersection with Watford Lane as shown on the Master Plan.

The Senior Housing Parcel Owners shall dedicate to the County an unrestricted thirty foot (30') wide strip of land on the western property line, adjacent to the existing Ironbound Road right of way. The dedicated 30' strip shall run from the northern edge of the Carriage Road right of way to the southern edge of the Magazine Road right of way. This dedication shall be for the purpose of accommodating the planned widening of Ironbound Road.

The preceding road improvements and dedication shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

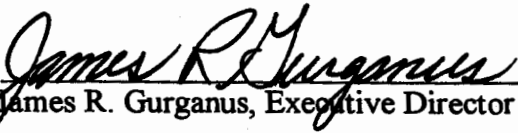
There shall be constructed in accordance with VDOT recommendations, standards and specifications, a left-turn lane for southbound Ironbound Road at the Carriage Road intersection, and a right turn radius from the northbound lane of Ironbound Road onto Carriage Road.

Left-turn lane and right turn radius shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

5. **Recreation.** Senior Housing Parcel Owners shall lease, at no cost to the County, approximately 1.2 acres located adjacent to the park on the Master Plan to the County for recreational use and will permit but not fund the improvements indicated on the Master Plan.
6. **Design Review.** Senior Housing Parcel Owners shall submit a preliminary site plan with preliminary building elevations for the Senior Housing Units to the New Town Design Review Board ("DRB"). Final building plans and site plan shall be consistent as determined by the DRB with the approved Preliminary Plans.

WITNESS the following signatures:

WILLIAMSBURG REDEVELOPMENT and HOUSING AUTHORITY

By: 
James R. Gurganus, Executive Director

JAMES CITY SERVICE AUTHORITY

By: Larry M. Foster
Larry M. Foster, General Manager

BAY AGING, INC.

By: _____
Allyn W. Gemerek, President

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

The foregoing instrument was acknowledged this 29th day of March,
2005, by James R. Gurganus, WRHA Executive Director.

My commission expires: 6/30/2005

[Signature]
Notary Public

STATE OF VIRGINIA
~~CITY~~ / COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged this 29th day of March,
2005, by Larry M. Foster, JCSA General Manager.

My commission expires: 12-31-08

[Signature]
Notary Public

STATE OF VIRGINIA

CITY / COUNTY OF _____, to wit:

The foregoing instrument was acknowledged this ____ day of _____,
2005, by Allyn W. Gemerek, Bay Aging, Inc., President.

My commission expires: _____

Notary Public

Prepared by the James City County Office of Housing and Community Development,
5248 Olde Towne Road, Suite 10, Williamsburg, VA 23188; (757) 220-1272.

**REZONING CASE NO. Z- 02-05/ MASTER PLAN CASE NO. MP-03-05 Ironbound Square
Redevelopment**

Staff Report for the April 4, 2005 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.

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

Board of Supervisors:

April 4, 2005, 7:00 p.m.

May 10, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Rick Hanson, James City County Office of Housing and Community Development

Land Owner:

Williamsburg Redevelopment Housing Authority
James City Service Authority (JCSA)

Proposal:

To rezone 6.03 acres from R-2, General Residential, to MU, Mixed Use, with proffers, for the construction of a 67-unit, age- and income-restricted apartment facility and five single-family residential lots.

Location:

150, 108, 112, & 120 Carriage Road, and 4408, 4406, 4404, & 4400 Ironbound Road

Tax Map/Parcels

(39-1)(1-64); (39-1)(1-57); (39-1)(1-58); (39-1)(1-59); (39-1)(8-3);
(39-1)(8-4); (39-1)(8-1); and (39-1)(8-5)

Parcel Size

6.03 acres

Proposed Zoning:

MU, Mixed Use, with proffers

Existing Zoning:

R-2, General Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff finds the proposal, as a part of the overall Ironbound Square Redevelopment, consistent with surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the Rezoning application and the acceptance of the voluntary proffers.

Staff Contact:

Trey Davis, Planner

Phone: 253-6685

Proffers:

Are signed by property owners and submitted in accordance with the James City County Proffer Policy.

Project Description

Mr. Rick Hanson of the James City County Office of Housing and Community Development, has applied to rezone approximately 6.03 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use for the development of a 67-unit, age- and income-restricted apartment facility and five single-family residential lots. This is the first phase of the Ironbound Square Redevelopment project, which encompasses a total of approximately 49 acres.

The apartment facility will be three stories and will be limited to elderly households with at least one member age 62 years of age or older and having an adjusted annual income no greater than 50% of the Area Median Income (AMI) adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). No other age restrictions would apply to the project.

Three of the five single homes developed on the designated single family lots will be sold to households with incomes no greater than 80% of the AMI adjusted for household size. Currently this equals \$42,600 for a family of three.

The applicant is proposing a request for modifications to the setback requirements in sections 24-527 (a) and (b) and the landscape requirements in section 24-96 (a) of the Zoning Ordinance. These requests are pursuant to section 24-527 (d) in order to integrate the proposed development with the surrounding neighborhood and will be considered by the Development Review Committee when development plans are submitted. The Planning Division is supportive of these modifications. This is an infill project and is consistent with the surround neighborhood and the New Town development across Ironbound Road.

The applicant has also requested that the Planning Commission grant a waiver per section 24-59 (g) (2) for a reduction to the minimum off-street parking requirements for the senior apartment facility. This would reduce the ordinance requirement of 1.5 spaces per unit to 1 space per unit for this project. Bay Aging, the Co-Sponsor, Developer, Consultant, and Management Agent for this project has recommended, based on experience with seven previous HUD-funded senior citizen apartment projects, that no more than one parking space per apartment be required. A letter from Bay Aging is attached. Staff supports this request.

Public Impacts

1. Archaeology

The subject property is a previously-disturbed site and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia."

Staff Conclusions: Staff feels that given the size and nature of the site, no archaeological studies are necessary.

2. Fiscal Impacts

A fiscal impact analysis was not required for this project. The applicant did submit a community impact statement and has acknowledged that the net fiscal impact of the proposal will be negative. However, the proposal addresses goals of the Housing section of the Comprehensive Plan specifically related to the Ironbound Square neighborhood by providing affordable housing and housing for low-income seniors.

Staff Conclusions: Staff concurs that this development would result in a negative fiscal impact but that the nature of the project is consistent with the Comprehensive Plan.

3. Environmental Impacts

Watershed: College Creek

Environmental Staff Conclusions: Staff has been in discussion with the applicant and the Virginia Department of Transportation (VDOT) about the possibility of a regional stormwater management basin nearby. The Environmental Division understands that an interim stormwater management option may be necessary for this site until the regional basin can be developed. This will include the use of low impact development techniques and the existing Watford Lane stormwater management facility. Based on the preliminary engineering report submitted by the applicant, it initially appears that there may be adequate available volume in the Watford Lane/Pump Station area for a dry pond interim BMP to meet basic water quality/stream channel protection volume requirements. The interim BMP would be for only the initial phases of work and will require extensive excavation.

Staff has provided the applicant with preliminary comments to consider during the site plan process should this project move forward. These comments encourage low-impact development techniques.

4. Housing

The proposed development would have 67 on-bedroom senior apartments and five single-family houses. All of the senior apartments would be affordable as specified in the proffers. Renters of these units must be individuals or families with at least one member 62 years of age or older and having an adjusted annual income no greater than 50% of the AMI adjusted for family size as determined by HUD. Three of the five single-family units will be sold as affordable units to households with incomes no greater than 80% of the AMI adjusted for household size as specified in the proffers.

Affordable Housing Proffers: For a period of 20 years from the date the first Senior Housing Unit on the Property is placed in service all Senior Housing Units on the property shall be occupied by individuals or families with at least one member 62 years of age or older and having an adjusted annual income no greater than 50% of the Area median Income ("AMI") adjusted for family size as determined by the U.S. Department of Housing and Urban Development ("HUD"). The Senior Housing Unit resident shall pay rent and utility expenses in accordance with HUD Section 202 Supportive Housing for Elderly Program regulations ("HUD Regulations").

Three of the five Single Family Units developed on the Property shall be sold to households with incomes no greater than 80% of the AMI adjusted for household size as determined by HUD.

Staff Conclusions: This proposal is consistent with the Comprehensive Plan affordable housing goals.

5. Public Utilities

The site is located within the Primary Service Area and will be served by public water and sewer.

Proffers:

Water Conservation. Water conservation measures shall be submitted and approved by JCSA prior to final site plan approval.

JSCA Staff Conclusions: The JCSA staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards.

Since this is an affordable housing project, JCSA has not requested water system reimbursements.

6. Schools

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. With respect to this test, the following information is offered by the applicant:

The impact of the development subject to this rezoning will have a negligible impact on the Williamsburg James City County Schools system given that in all likelihood, no net new students will be added to the population because a majority of the development is limited to households with at least one member being 62 years of age or older, and the single family lots will be marketed to persons who currently reside or work in James City County and Williamsburg.

<u>Schools serving Ironbound Square</u>	<u>2004 Enrollment</u>	<u>Design Capacity</u>
Clara Byrd Baker Elementary	772	804
Berkeley Middle School	851	725
Jamestown High School	1,451	1,250

Based on the generation rate of 0.4 children per unit, the five single family houses could produce a total of 2 additional students ($5 \times 0.4 = 2$). The expected distribution given the current ratios would be one student added to Clara Byrd Baker Elementary and one added to Jamestown High School.

Staff Conclusions: It is possible, but not likely, that the senior housing units may generate additional students. Residency is limited to individuals or families with at least one member 62 or older. The senior apartments will be one bedroom units of approximately 550 square feet each. Staff feels these factors will greatly limit the number, if any, of school-age children generated by the senior housing units.

Based on the Board of Supervisors policy, the development does not pass the adequate public facilities schools test. As with other affordable housing proposals, any capital contribution (i.e., cash proffer) to the school system to mitigate impacts would impair the ability to provide these units at the affordable rents proposed. Consequently, no cash has been proffered. Based on information presented to staff to date and other public benefits provided by this proposal, staff recommends acceptance of the proffers, as currently proposed.

7. Traffic

A traffic impact analysis, though not required, was prepared for the applicant by DRW, Inc. According to the report, the proposed senior apartments and all single-family houses on Carriage Road (proposed and existing) will generate approximately 405 trips per day with 6 AM peak hour vehicle trips and approximately 25 PM peak hour vehicle trips. The intersection with Carriage Road warrants a left hand turn lane southbound on Ironbound Road and a right turn radius for the northbound lane of Ironbound Road.

Ironbound Road Improvement Project: This segment of Ironbound Road is included in the Six-Year Secondary Road Plan with a bid ad date of 2008 for widening to four lanes. Left hand turn lanes from Ironbound Road will be provided for all intersections included in this project at that time.

In the interim, a left-hand turn lane is required from Ironbound Road onto Carriage Road. A right turn

radius from Ironbound Road to Carriage Road is also required. Staff agrees that these are public safety issues which need to be addressed.

Traffic Proffers: The Senior Housing Parcel Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards and specifications the following road improvements: a curbed entrance from Carriage Road into the Senior Housing Parcel; curb, gutter, paving and sidewalks on the northern side of Carriage Road from Ironbound Road to the intersection with Watford Lane as shown on the Master Plan.

The Senior Housing Parcel Owners shall dedicate to the County an unrestricted thirty foot (30') wide strip of land on the western property line, adjacent to the existing Ironbound Road right of way. The dedicated 30' strip shall run from the northern edge of the Carriage Road right of way to the southern edge of the Magazine Road right of way. This dedication shall be for the purpose of accommodating the planned widening of Ironbound Road.

The preceding road improvements and dedication shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

There shall be constructed in accordance with VDOT recommendations, standards and specifications, a left-turn lane for southbound Ironbound Road at the Carriage Road intersection, and a right turn radius from the northbound lane of Ironbound Road onto Carriage Road.

Left-turn lane and right turn radius shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

VDOT Conclusions: VDOT staff agrees with the findings presented in the traffic study and requests that any Right of Way needed for the future VDOT widening project be dedicated in association with the proposed redevelopment.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for Low Density Residential development. One of the Goals in the Housing section of the Comprehensive Plan is to increase the availability of affordable housing.

The Ironbound Square Revitalization Project is specifically mentioned in the Housing section of the Comprehensive Plan as a focus area for assistance programs. In addition to the rehabilitation of existing homes, the Comprehensive Plan states that the project "intends to provide approximately 100 additional affordable housing units including single-family homes as well as rental units for senior citizens".

Staff Conclusions: Low-density residential developments 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 dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential community with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. Depending on the extent of benefits, developments up to four units per acre will be considered for a special use permit. The location criteria for low density residential require that these developments be located within the PSA where utilities are available. Examples of acceptable land uses within this designation include single-


family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

This phase of the development creates a density of 12 dwelling units per acre. However, the overall Ironbound Square Redevelopment project, exclusive of Ironbound Village, encompasses approximately 49 acres with a total of 198 dwelling units, thus creating a total gross density of four dwelling units per acre.

Because of the project's mixed-cost and affordable housing components and unit type, staff finds the proposal, as a part of the overall Ironbound Square Redevelopment project, is consistent with the Land Use section and Housing policies of the Comprehensive Plan. Furthermore, staff finds that the proposed infill development is of a scale and type which is consistent with the existing neighborhood, the New Town development on Ironbound Road, and the objectives of the focus area as described in the Housing section of the Comprehensive Plan.

RECOMMENDATION:

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal, as a part of the overall Ironbound Square Redevelopment, consistent with the surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing for seniors will meet an important need in James City County. Staff recommends the Planning Commission recommend approval of the Rezoning and Master Plan applications and the acceptance of the voluntary proffers. Staff concurs with the applicant's study of similar developments which shows that not all residents will own vehicles. Therefore, staff also recommends that the Planning Division approve the requested waiver to off-street parking requirements, reducing the required number of spaces from 1.5 per unit to 1 space per unit for the senior apartments.


Trey Davis

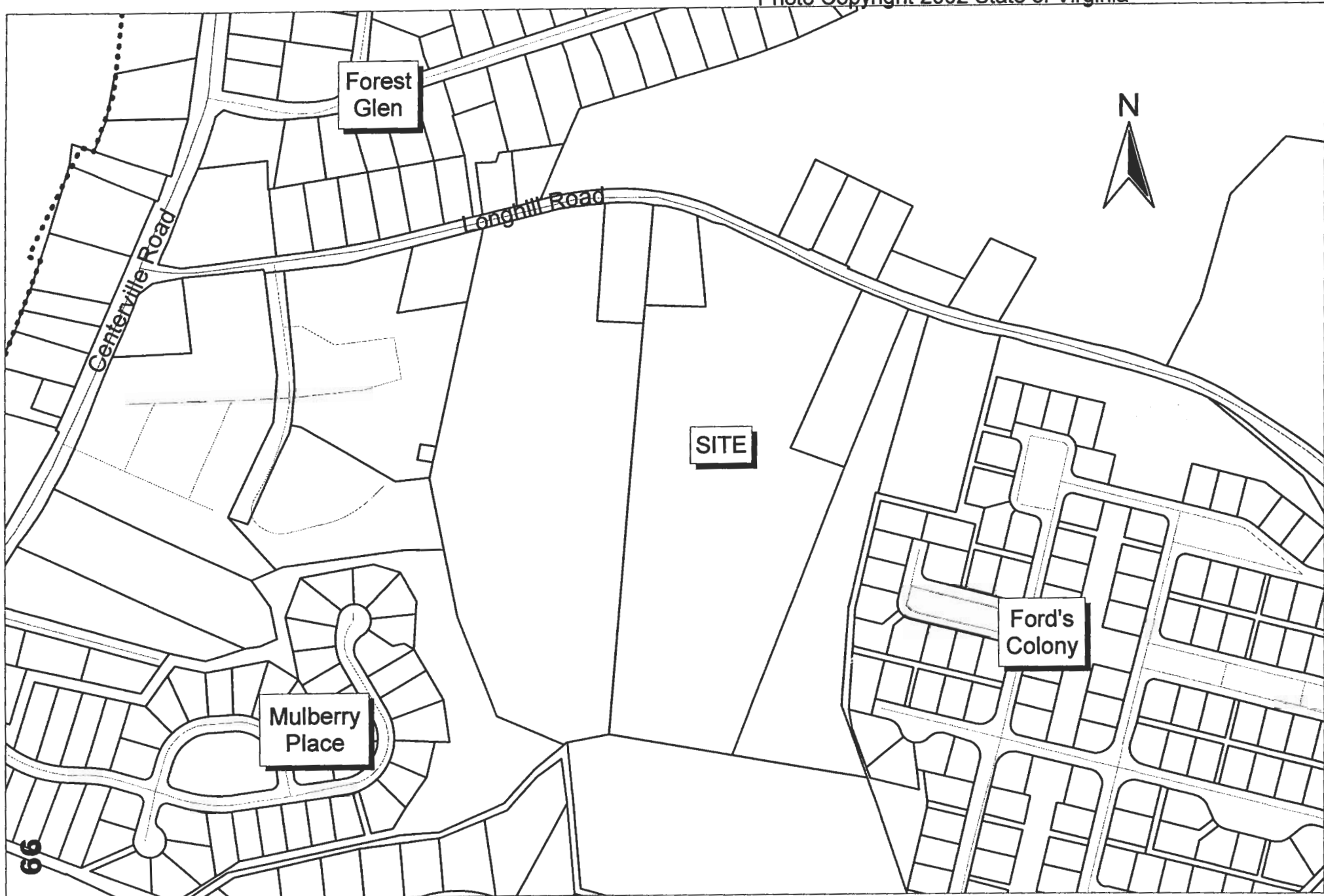
Attachments:

1. Location map
2. Master Plan (under separate cover)
3. Community Impact Statement
4. Bay Aging letter regarding parking requirements
5. Proffers

Case Nos. Z-16-04, SUP-35-04, MP-12-04. Burlington Woods



Photo Copyright 2002 State of Virginia



Burlington Woods

**Economic Impact
December 2004**

Prepared for:

James City County

Prepared by:

ProFocus Incorporated

Burlington Woods

Economic Impact in James City County, Virginia

As part of the rezoning application submitted to the James City County Planning Commission, this report from ProFocus Incorporated presents estimates of the economic impact of the proposed Burlington Woods development. The proposed development consists of approximately 17.32 acres located at 3931 Longhill Road in James City County.

The study was done from the perspective of the county. The primary information sources used were the adopted budget 2004 WJCC Website, 2003 James City County Comprehensive Plan. Information provided by the James City Planning Department and WJCC public schools. In addition, we used information provided by Ford's Colony, the major development neighboring Burlington Woods.

Currently 3931 Longhill "3931" has two small homes and numerous discarded vehicles located on the property. Located to the east of "3931" is the Ford's Colony entrance leading to the Golf Club and the Marriott Timeshare/Hotel. Between the Ford's Colony entrance and 3931 Longhill is the New Zion Church (3991 Longhill). Neighboring "3931" to the west is a well-groomed 18 acre property. At the corner of Longhill and Centerville Road are apartments and the Trammell Crow Development.

In total, the development plan calls for 26 residential lots consisting of a minimum lot size of 13,000 square feet. The concept is to develop a small custom wooded community that will enhance the proposed area, increase tax revenue and improve the surrounding infrastructure with minimal impact on schools and public services.

All dollar figures contained in the report are expressed in 2004 dollars. No attribution for economic inflation has been made. However, it is assumed that real appreciation for all of residential lots will be 3%.

Development Cost

Currently "3931" consists of approximately 6.5 acres of cleared land along Longhill Road. The wooded area south of the cleared portion consists of the remaining 10.82 acres. The concept plan calls for subdivision infrastructure improvements for roads, utilities, storm water, gravity sewer and other requirement.

Development Cost Estimate

Mobilization/Demobilization	\$20,000.00
Clear & Grub	\$14,000.00
Grading	\$30,000.00
Roadway System – Entrance	\$20,000.00
Road w/Curb & Gutter	\$ 380,000.00
Utilities – Water Lines, Values Etc	\$ 90,000.00
Gravity Sewer	\$ 175,000.00
Storm Water Management – BMPS	\$ 72,500.00
Conveyance System	\$ 66,500.00
Street Lights	\$ 5,000.00
Power	\$ 40,000.00
Permits & Applications Fees	\$ 25,000.00
Total	\$ 898,000.00
Engineering Fee (0.12%)	\$ 165,760.00
Contingency (15%)	\$ 134,700.00
Total	\$1,198,660.00

Residential Population

Based on the 2003 Comprehensive Study, James City County is in the "Top 10" in population growth. It also has one of the oldest populations in the state. The population of Burlington Woods is estimated to reach 66-70 persons at build-out for all 26 residential units. The assumptions used to arrive are as follows.

2.47 persons/household for 20 single family units

2 persons/household for 6 single family units

Even though the population has significantly increased according to the comprehensive plan, the average number per household has declined, thus reflecting an older population. In addition, data from other Virginia localities indicate that single family detached homes in the price range of \$400,000.00 - \$450,000.00 have fewer school age children than multi-family attached units.

It appears that a trend towards larger homes, less land, less association costs and smaller intimate communities has evolved. A subdivision like Burlington Wood is designed to accommodate this type of setting.

Fiscal Impact of Burlington Woods Development

The following is an estimate of the local tax revenue in constant 2004 dollars that can be expected to accrue to the county from 26 custom single family homes.

Real property projections estimate average dollars per square foot valuations which are based on current market conditions and which have been compared to current county assessments.

Personal property projections are based on occupants owning multiple vehicles, 15% of occupants owning a recreation vehicle and 20% owning a small water craft. An average valuation of approximately \$53,000.00 per household, higher per household valuations can be expected from custom homes.

Estimated Residential Valuation & Property Tax Revenues

Value Per Sq.Ft. (include lot value)	\$125 - \$130
Avg. Real Estate Value	\$450,000.00
Avg. Annual R.E. Tax $(\$450 \times .825)$	\$ 3,712.00
Avg. Personal Value	\$ 53,000.00
Personal Property Tax	\$ 2,120.00

Fiscal Impact of Burlington Woods

Utilizing the property tax estimates and the approved 2004 James City County budget the following calculations estimate the net fiscal impact on the county for each new single family home in Burlington Woods. These figures assume constant 2004 dollars and are reflective of average per household operating costs, and do not estimate new capital expenditures.

Estimated Tax Revenues

Real Property	\$3,712.00
Personal Property Tax	\$2,120.00
Meal & Beverage Tax	\$ 114.00
Motor Vehicle Licenses	\$ 125.00
Retail Sales Taxes	\$ 175.00
	<u>\$6,246.00</u>

Local per Capital Operating Costs

(Before Education Cost & Based on rounded estimate of Ford's Colony \$450k existing homes.)

① General Fund Expenditures	\$ 2,204.00
Social Services	\$ 78.00
Humane Services	\$ 166.00
Total Local per Household Cost	<u><\$2,744.00></u>

Estimated Cost of Public Education

② At one Child per Household	\$ 5,002.00
At County Average of .47	<u><\$2,390.00></u>
Net Gain	\$ 1,112.00

2004 General Expenditure Budget	\$114,831,730.00
2004 WJCC Schools	\$ 62,531,823.00
2004 General Fund Expenditures (Excluding Schools)	\$ 52,299,900.00

The 2004 General Expenditure Budget of \$114,831,730.00

The 2004 General Expenditure Budget of \$114,831,730.00 is what is projected to meet the operational cost of the county. General property taxes constitute 56% of the revenue generated to meet the county budget. Clearly higher valued homes generate higher property taxes.

Housing units of all price ranges has increased between 1990 and 2000 to a total of 20,772 housing units by the 2000 census. That represents roughly 270 new houses per year. Based on that same growth pattern it's estimated that James City County has approximately 23,735 housing units currently.

The cost per housing unit on average to meet the demand of public services, fire, police and other expenditures (excluding schools) is estimated to be \$2,204.00 per unit. ($\$52,299,900.00 \div 23,735$)

Public Education Cost per Child

Even though the growth rate for youth has increased 30% over the past 10 years ending in 2000. The youth segment (age 6-18) has actually decreased proportionally. Based on the growth pattern from 1990 through 2000 and information from WJCC public schools it estimated that a total of 12,501 youths attend James City County schools. Clearly the largest expense of the counties general expenditure is schools roughly 54%. Based on the counties adopted budget amount of \$62,531,823.00 the average cost per child is estimated to be \$5,002.00 ($\$62,531,823.00 \div 12,501$).

The counties demographic study denotes that the average size detached single family unit has 2.47 people per household or roughly .47 youths. An estimate of 10 to 12 youths may be added to the school system at build out of Burlington Woods.

PROFFERS

THESE PROFFERS are made this 27 day of March, 2005 by TIDEWATER PARTNERS PROPERTY & DEVELOPMENT, LLC, a Virginia limited liability company (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 3931 Longhill Road, Williamsburg, Virginia and being Tax Parcel 33-3-1-20 containing approximately 17.32, being more particularly described on Schedule A hereto (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned R-8. Owners have applied to rezone the Property from R-8 to R-2, General Residential District, with proffers.

C. Owners have submitted to the County a master plan entitled "Burlington Woods Master Plan" prepared by Bury + Partners - Virginia, Inc. dated December 23, 2004 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the

PROFFERS

THESE PROFFERS are made this 21 day of March, 2005 by TIDEWATER PARTNERS PROPERTY & DEVELOPMENT, LLC, a Virginia limited liability company (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 3931 Longhill Road, Williamsburg, Virginia and being Tax Parcel 33-3-1-20 containing approximately 17.32, being more particularly described on Schedule A hereto (the "Property").

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D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the

Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 26 lots on the Property.

2. **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, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, shall require each

initial purchaser of a lot to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the lot 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.

3. **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 or site plan approval.

4. Cash Contributions for Community Impacts. (a) A contribution of \$1,061.00 for each residential single family detached 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 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.

(b) A contribution of \$612.75 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, off-site road improvements, library uses, and public use sites.

(c) A contribution of \$1,838.25 for each single family detached 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 school uses.

(d) The contributions described above shall be payable for each dwelling unit on the Property at the time of issuance of a building permit for such unit. If the County determines that any cash payments made pursuant to these Proffers cannot be used for the purpose for which proffered, such cash shall be paid by the County to the Association for its reserves.

(e) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2007 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) through (d) 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

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.

8. 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.

9. **Sidewalks.** There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall either (i) install a sidewalk along the Longhill Road frontage of the Property or (ii) in lieu thereof, make a payment to the County for sidewalk improvements included in the County's capital improvements plan in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalk.

10. **Taper.** If required by the Virginia Department of Transportation, there shall be installed or bonded in form acceptable to the County Attorney prior to final subdivision plat approval a 100 foot right turn taper from Longhill Road into the entrance to the Property.

11. Environmental. Pursuant to the goals of the Powhatan Creek Watershed Management Plan, Owner shall incorporate on-site stormwater management strategies and on-lot practices to reduce stormwater run-off and pollutant loading into the stormwater management system for the Property. These practices shall include, but are not limited to, rain gardens, bio-retention cells and infiltration swales and shall compliment but not replace traditional stormwater management practices.

WITNESS the following signatures.

TIDEWATER PARTNERS PROPERTY &
DEVELOPMENT, LLC

By: Michael M. Smith

Title: Manager

STATE OF VIRGINIA
CITY/COUNTY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged this 20th
day of March, 2005, by Michael M. Smith, as Manager
of TIDEWATER PARTNERS PROPERTY & DEVELOPMENT, LLC on behalf
of the company.

James M. Gaddy III
NOTARY PUBLIC

My commission expires: 12/31/09.

EXHIBIT A

All that certain piece or parcel of land situate in Berkeley Magisterial District, James City County, Virginia, containing 17.32 acres, more or less and being shown and designated as 20.4 acres "Theodore Wallace" on that certain plat entitled "Wallace - Taylor, Plat showing division of Property Situated near Centerville, Jamestown Magisterial District, James City County, Va." dated March 7, 1952, made by R. V. Carter, Certified Land Surveyor, recorded in the Clerk's Office of James City County along with a partition deed between Theodore Wallace and Pearl Wallace Taylor dated April 21, 1952, and recorded in the Clerk's Office May 6, 1952, in Deed Book 47, page 326. The said property is bounded on the North by State Highway No. 612, on the East by the property now or formerly of Elizabeth (Lizzie) Lee and New Zion Baptist Church, on the South by the property formerly owned by Siggarr Bradby and on the West by the property of Pearl Wallace Taylor and James Melvin Wallace and Betty W. Wallace. Being a part of Parcel B conveyed to Theodore Wallace and Lillian B. Wallace by deed dated April 21, 1952, recorded in the Clerk's Office of James City County, Virginia in Deed Book 47, page 328, SAVE AND EXCEPT a portion of the property containing 1.0796 acres which was conveyed to James Melvin Wallace and Betty W. Wallace by Deed dated January 9, 1970, from Theodore R. Wallace and Lillian B. Wallace, recorded in Deed Book 125, at page 39, LESS AND EXCEPT a portion of the property containing 0.99 acres, more or less, which was conveyed to New Zion Baptist Church by Deed dated September 8, 1997, from Thomas B. Wallace, recorded as instrument number 970016355, LESS AND EXCEPT a portion of the property containing 1.00 acres, more or less, which was conveyed to Geneva Wallace, James Jackson, Sr., Willie Brown, Elvin Jones, and Robert Kenneth Taylor, Sr., Trustees of the New Zion Baptist Church dated November 12, 2001, from Thomas B. Wallace, recorded as instrument number 010021684.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to all easements, conditions, and restrictions of record affecting said property.

**REZONING-16-04/SPECIAL USE PERMIT-35-04/MASTER PLAN-12-04. Burlington Woods
Staff Report for the April 4, 2005 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.

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
April 4, 2005, 7:00 p.m.
Board of Supervisors: May 10, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Michael Baust, Rickmond + Bury

Land Owner: Mr. Michael Smith, Tidewater Partners Property & Development, LLC

Proposed Use: 26 lot single-family subdivision

Location: 3931 Longhill Road; Powhatan District

Tax Map and Parcel No.: (33-3)(1-20)

Primary Service Area: Inside

Parcel Size: 17.32 acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: R-2, General Residential, with proffers

Comprehensive Plan: Low Density Residential

STAFF RECOMMENDATION:

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the rezoning, special use permit and master plan applications. The voluntary proffers, as currently submitted, are not acceptable to staff; however, based on discussions with counsel for the owner, staff believes that our issues will be resolved prior to the proposal being considered by the Board of Supervisors. Should these issues not be resolved prior to consideration by the Board, staff will recommend that the applications be remanded back to the Planning Commission for reconsideration.

Staff Contact: Christopher Johnson - Phone: 253-6685

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$1,061 per lot
CIP Projects (including schools)	\$2,451 per lot
Total Amount (2005 dollars)	\$91,312
Total Per Lot	\$3,512 per lot

PROJECT DESCRIPTION

Mr. Michael Baust of Rickmond + Bury, on behalf of Mr. Michael Smith of Tidewater Partners Property & Development, LLC, has submitted an application to rezone 17.32 acres from R-8, Rural Residential, to R-2 General Residential, with proffers. The property is located at 3931 Longhill Road and is further identified as Parcel (1-20) on James City County Tax Map (33-3). If approved, the developer would construct a 26 lot single family subdivision at a gross density of 1.5 dwelling units per acre.

In accordance with Section 24-254(c) of the zoning ordinance, the Board of Supervisors may grant a special use permit for subdivisions to have a maximum gross density of two dwelling units per acre if the developer provides the following:

1. Implementation of the County's Streetscape Guidelines;
2. Implementation of the County's Archaeological Policy;
3. Provision of sidewalks along one side of all internal streets;
4. Provision of recreation facilities in accordance with the County's parks and recreation guidelines; and
5. Implementation of the County's Natural Resources Policy.

PUBLIC IMPACTS

Archaeological Impacts

Staff Comments: There are several known archaeological sites in the vicinity of the subject property. The design and layout of the development may need to be altered to incorporate measures necessary to preserve, protect and restore any archaeological sites that may be found on the property following a Phase IA archaeological survey.

Proffers: The County archaeological policy has been proffered.

Environmental Impacts

Watershed: Powhatan Creek

Environmental Comments: The use of Low Impact Development (LID) practices are encouraged for use on the site. Based on the Environmental Inventory letter submitted with the application, there does not appear to be any perennial streams or Resource Protection Area features on the site.

Proffers: The applicant has proffered to incorporate on-site stormwater management strategies and on-lot practices to reduce run-off and pollutant loading into the stormwater management system in accordance with the goals and priorities of the adopted Powhatan Creek Watershed Management Plan. These practices will include the use of rain gardens, bio-retention cells and infiltration swales where possible on the property.

Public Utilities

Utilities: The site is located inside the Primary Service Area (PSA) and is served by public water and sewer.

JCSA Comments: The JCSA has reviewed the proposal and recommends the applicant proffer a cash contribution to offset the JCSA's direct costs associated with upgrading Lift Station 7-2 to allow gravity sewer to serve the development. Due to deadlines this proffer was not included; however, staff believes it will be added to the proffers prior to consideration by the Board of Supervisors.

Proffers: A cash contribution of \$1,061 per lot is proffered. Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any development plan approval. The applicant has also 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.

Fiscal Impacts

The applicant has provided a fiscal impact statement which is included as an attachment to this report. In summary, at buildout this project is expected to have an annual positive fiscal impact of between \$20,000 - \$30,000 (assuming an real estate value per dwelling of \$400,000 - \$450,000).

Proffers: A cash contribution for CIP projects, including schools, emergency services, off-site road improvements, libraries and public use sites of \$2,451 per lot has been proffered by the applicant to mitigate impacts on County services. The proffers, as currently proposed, contain triggers that require cash contributions to be paid prior to the issuance of a building permit as opposed to prior to final approval of any development plan or subdivision plat as has historically been the norm in the County. In addition, the proffers propose a CPI adjustment to the cash contributions starting in 2007 rather than 2006. Based on discussions with legal counsel for the applicant, staff believes that these concerns will be resolved prior to the proposal being considered by the Board of Supervisors. Should these issues not be resolved prior to consideration by the Board, staff will recommend that the applications be remanded back to the Planning Commission for reconsideration.

Staff Comments: The Department of Financial and Management Services concurs with the applicants fiscal impact statement. While the cash contributions proffered for this development are higher than cash contributions for recent cases, the amount will not completely fund all capital costs to the County generated by this development.

School Impacts

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. The following information is offered by the applicant:

<i>School</i>	<i>Design Capacity</i>	<i>Program Capacity</i>	<i>Current Enrollment (9/30/04)</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
D.J. Montague	757	645	738	5	743
Toano Middle	775	782	811	3	814
Lafayette High	1,250	1,296	1,536	4	1,540

Staff Comments: The adequate public schools facility test is based on design capacity. The proposal passes the adequate public school test at the elementary school level but fails at the middle school.

Although the design capacity of Lafayette High School is clearly exceeded, the Adequate Public School Facilities Test states that if physical improvements have been programmed through the County CIP, the application will be deemed to have passed the test. On November 2, 2004, voters approved a bond referendum for the construction of the third high school. The third high school is expected to be open by September 2007; therefore, staff believes that this proposal passes the test at the high school level.

Parks and Recreation/Greenways

The applicant proposes to construct a tot lot in an area approximately one acre in size within the development. The James City County Greenway Master Plan calls for a 10 foot wide multi-use path along the north side of Longhill Road. The path is envisioned to connect Freedom Park to the Warhill Sports Complex, Thomas Nelson Community College, and the third high school. The applicant has provided a proffer to either construct the required five foot sidewalk along the Longhill Road frontage or make a cash contribution to the County towards future construction of the multi-use path on the north side of Longhill Road.

Staff Comments: Staff finds this proposal satisfies the Parks and Recreation Master Plan and the Greenway Master Plan.

Traffic Impacts

2003 Traffic Counts: 9,361 vehicle trips per day on Longhill Road from Route 614 (Centerville Road) to Route 1530 (entrance to the Season's Trace subdivision)

2026 Volume Projections: 10,000 vehicle trips per day

Road Capacity: A two lane collector road with turn lanes has a capacity of 14,000 vehicle trips per day

VDOT Comments: VDOT reviewed the traffic impact study submitted with the application and concurred with the analysis. VDOT recommended that the applicant provide a 100-foot right turn taper from Longhill Road.

- Proffers:** The proffers provide a guarantee that a 100-foot right turn taper from Longhill Road into the development will be installed or bonded prior to subdivision plat approval by the County if VDOT concludes that road improvements are required during development plan review for the project.
- Staff Comments:** According to the traffic impact study, the development will generate approximately 302 vehicle trips per day with 28 a.m. peak hour vehicle trips and 32 p.m. peak hour vehicle trips.

COMPREHENSIVE PLAN

The James City County Comprehensive Plan Land Use Map designates this property as Low Density Residential. Low density residential developments 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 dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential community with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. The Zoning Ordinance specifies the benefits which allow a development to achieve densities above one unit per acre. The location criteria for low density residential require that these developments be located within the PSA where utilities are available. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

Staff Comments: Section 24-254(c) of the Zoning Ordinance specifies what particular benefits must be offered in order to achieve a gross density of two dwelling units per acre. This development meets those specifications. In addition, the proposal provides additional public benefits as it is in accordance with the adopted Greenway Master Plan and Powhatan Creek Watershed Management Plan. The proposal is consistent with the Land Use policies of the Comprehensive Plan.

CONCLUSIONS AND CONDITIONS

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the rezoning, special use permit and master plan applications. The voluntary proffers, as currently submitted, are not acceptable to staff; however, based on discussions with counsel for the owner, staff believes that our issues will be resolved prior to the proposal being considered by the Board of Supervisors. Should these issues not be resolved prior to consideration by the Board, staff will recommend that the applications be remanded back to the Planning Commission for reconsideration. Staff recommends the special use permit include the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining a land disturbing permit for the project.
2. A landscaping plan shall be approved by the Planning Director or his designee prior to final approval of any subdivision plat for the development. The owner shall provide enhanced

landscaping for the area along the property frontage on Longhill Road and adjacent to any residential dwellings. Enhanced landscaping shall be defined as 133 percent of Zoning Ordinance landscape requirements.

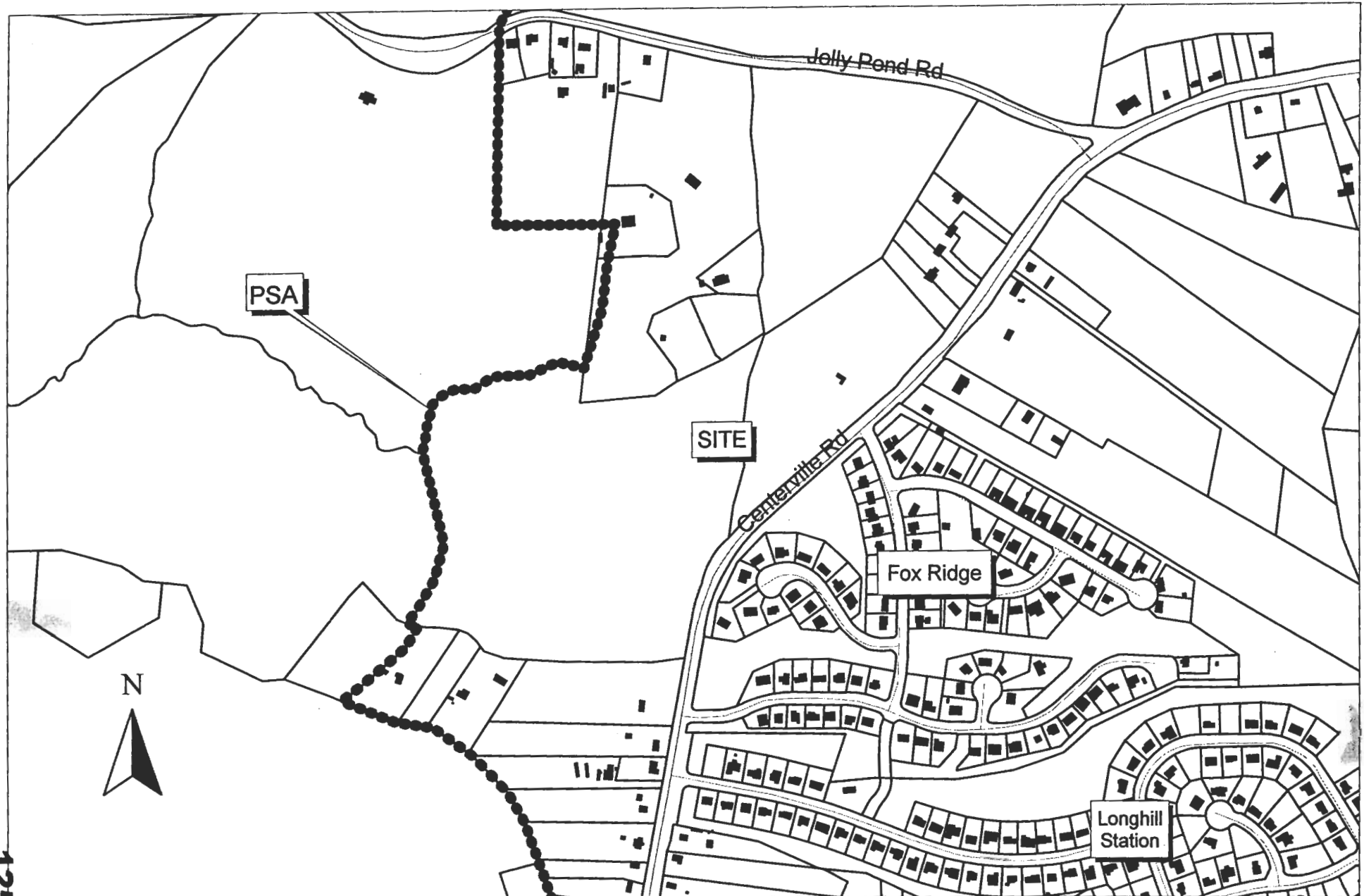
3. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall not invalidate the remainder.

Christopher Johnson

Attachments:

1. Location map
2. Master Plan (under separate cover)
3. Fiscal Impact Statement
4. Proffers

Z-3-05/SUP-6-05; Centerville Road Subdivision



Ali Property
Fiscal Impact on James City County, Virginia
March 2005

Prepared for:

**Associated Developers, Inc. of
Newport News, Virginia**

Prepared by:

The Wessex Group, Ltd.
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Williamsburg, Virginia 23185
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Ali Property

Fiscal Impact on James City County, Virginia

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **Associated Developers, Inc.**, this report from *The Wessex Group, Ltd. (TWG)* presents estimates of the fiscal impact of developing the Ali Property. This community is proposed for a 40-acre site in James City County on Centerville Road, and it will consist of 78 single-family homes offering a variety of amenities including a tot lot, picnic shelter, walking trails and a recreation playfield. The specific development plans are presented in Table A.

Table A
Ali Property Development Plans

Name of Development	Development Components	Square Feet	Average Market Value
Ali Property	78 single-family homes	2,800	\$400,000

Development Schedule and Construction Investment: The developer anticipates that the proposed on-site infrastructure, 78 homes, and amenities will begin construction at the beginning of 2006, and be fully occupied by fall 2010. The fiscal impact estimates reflect a calendar year cycle. Residential construction is estimated at about \$31.3 million including \$78,000 in amenities.

County Revenues, Expenditures, and Net Fiscal Impact: Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. It is important to note that for the purposes of the analysis, *The Wessex Group* used the following population per household figures based on population projections for James City County by the U.S. Census Bureau and James City County's estimate of the number of school-aged children generated per single-family home:

- 2.3 persons/household for the 78 single-family units (1.9 adults per household and 0.4 children)

The cumulative residential population is estimated at 179 persons once the residential construction is completed and all units are assumed occupied. Using this estimate at buildout, the analysis indicates that Ali Property would provide an estimated \$2.0 million annually in net new revenues for the County. In turn, the costs that the County will absorb due to this development will be nearly \$1.4 million at buildout. These costs include services such as police protection, fire protection, and public education. Once fully developed and occupied, it is estimated the Ali Property will net cost the County approximately \$68,000 per year once fully developed. However, over the five-year period the net present value of this development (discounted at 5%) is estimated at almost \$524,000. Cash inflows and outflows during development and at buildout are shown in Table B. All dollar figures contained in this report are expressed in 2005 dollars. No attribution for economic inflation has been made.

Table B
Ali Property – Net Fiscal Impact (\$ Thousands)*

Development Component	Year 1	Year 2	Year 3	Year 4	Buildout
Total Annual Governmental Revenues	\$235	\$386	\$512	\$438	\$400
Total Annual Governmental Expenditures	13	163	313	451	468
Net Fiscal Impact	\$223	\$224	\$200	(\$13)	(\$68)

* Rounding may affect totals.

Ali Property
Fiscal Impact on James City County, Virginia

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Ali Property

Fiscal Impact on James City County, Virginia

As part of a rezoning application submitted to James City County by **Associated Developers, Inc.**, this report from **The Wessex Group, Ltd.** (TWG) presents estimates of the fiscal impact of the Ali Property, a proposed development that will include 78 single-family homes offering amenities such as a tot lot, picnic shelter, walking trails and a recreation playfield. The proposed development is planned for approximately a 40-acre site located on Centerville Road in the County.

Introduction to the Study

The purpose of this report is to describe estimates of the fiscal revenues and expenditures that the housing development will generate for the local government of James City County. Fiscal impacts are those that directly affect a locality's budget. Any new development that attracts new County residents generates increased need for public services, such as school expenses, emergency medical services, police, and fire protection. In turn, the development also 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. All dollar figures contained in this report are expressed in 2005 dollars with County revenues and expenditures based on the James City County's 2004-2005 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 Ali Property.

Development Plans and Construction Investment

The proposed development plans for Ali Property include the following:

- 78 single-family homes, averaging 2,800 square feet.
- Amenities for the residents will include a tot lot, picnic shelter, walking trails and a recreation playfield.

Development is assumed to begin at the beginning of 2006 with buildout by 2010. Occupancy is assumed to begin in 2007 with final occupancy in 2010. Estimates for occupancy are based on a calendar year. Based on estimates provided by the developer, construction costs of all residential development at Ali Property will total \$31.3 million. Details of the development schedule and costs are shown in Table 1 on the next page.

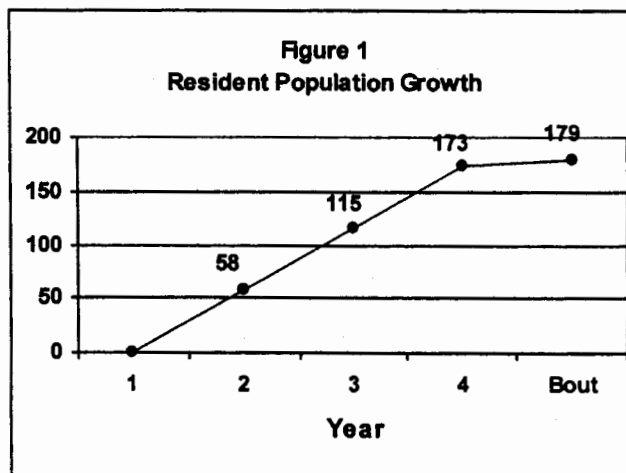
Table 1
Development Schedule and Construction Investment*

	Year 1	Year 2	Year 3	Year 4	Buildout
Residential Development					
Single Family Units Developed Annually	25	25	25	3	0
Total Annual Units Developed	25	25	25	3	0
Cumulative Residential Units	25	50	75	78	78
Unit Occupancy Schedule					
Annual Units Occupied	0	25	25	25	3
Cumulative Units Occupied	0	25	50	75	78
Incremental Residential Population	0	58	58	58	7
Cumulative Residential Population	0	58	115	173	179
Construction Investment (\$ Millions)					
Residential	\$10.1	\$10.0	\$10.0	\$1.2	\$0.0
Commercial	0.0	0.0	0.0	0.0	0.0
Total Annual Construction Investment	\$10.1	\$10.0	\$10.0	\$1.2	\$0.0
Cumulative Construction Investment	\$10.1	\$20.1	\$30.1	\$31.3	\$31.3
Construction Materials & Supplies (\$ Millions)					
Annual Total	\$5.0	\$5.0	\$5.0	\$0.6	\$0.0
Annual Purchases in James City County	\$0.5	\$0.5	\$0.5	\$0.1	\$0.0
Construction Payroll	\$4.0	\$4.0	\$4.0	\$0.5	\$0.0

*Rounding may affect totals.

Area contractors indicate that construction materials account for approximately 50% of all construction costs. The cost of materials for this project will average about \$3.9 million per year during construction. It is estimated that 10% of materials are purchased in James City County, resulting in average sales of \$391,000 a year for County businesses.

Cumulative Population: To estimate the population of Ali Property, *The Wessex Group* used a population per household figure based on population projections for James City County by the U.S. Census Bureau and estimates of the number of school-aged children generated by single-family homes by James City County. Based on the current population projections, it is estimated that the average number of persons per single-family household is 2.3. Using these estimates, the estimated cumulative population for this development is 179 (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 120 workers per year through Year 4, as indicated in Table 2 below.

Table 2
Employment Schedule

	Year 1	Year 2	Year 3	Year 4	Buildout
Construction Employment					
Full Time Employees	10	50	50	10	0
Part Time Employees	20	100	100	20	0
Total Employees	30	150	150	30	0
Construction FTE Employment					
	20	90	90	10	0

On a Full Time Equivalent (FTE) basis, the construction employment averages approximately 80 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. Figure 2 illustrates the annual revenue streams that the County can expect from this development. Throughout the four-year construction phase of this project, the county can expect a total of \$1.6 million in revenues. At buildout in Year 5 and beyond, an estimated \$400,000 in revenues is estimated to be generated by this development. The annual line item estimates are contained in Table 3 and assumptions associated with the various components of the revenue stream follow.

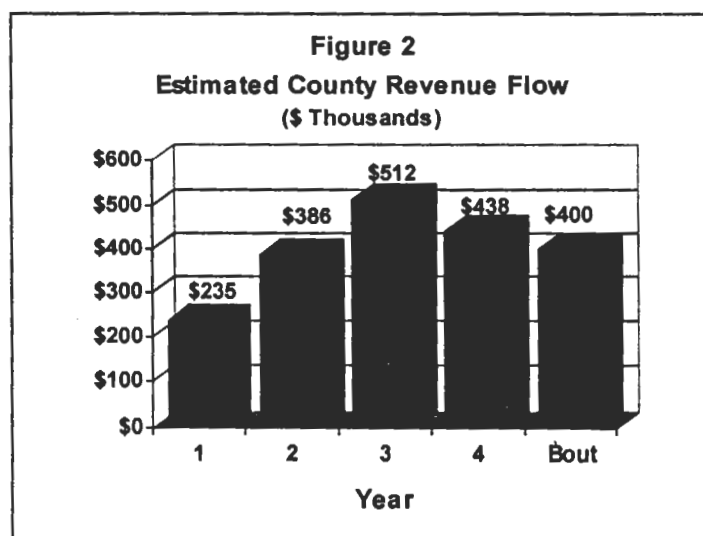


Table 3
Local Government Revenues

Revenue Component	Year 1	Year 2	Year 3	Year 4	Buildout
Real Property Taxes	\$86,000	\$172,200	\$259,200	\$272,000	\$274,700
Personal Property Taxes	0	21,600	43,300	64,900	67,500
Proffers	87,800	87,800	87,800	10,536	0
Meals Tax	0	1,500	3,000	4,500	4,600
Retail Sales Tax	0	4,700	9,300	14,000	14,500
Business & Professional License Tax	16,100	16,900	17,900	4,700	2,900
Building Permits, Water & Sewer, etc.	28,300	24,800	24,800	3,000	0
Recordation	11,622	41,322	41,422	34,000	5,000
Miscellaneous Revenues	5,600	15,500	25,400	30,300	30,900
Total Annual Revenues	\$235,422	\$386,322	\$512,122	\$437,936	\$400,100

* Rounding may affect totals.

- Real Estate Tax:** The County's budget indicates that the current real estate tax rate is \$0.845 per hundred dollars of assessed value, and no change in this rate is assumed for the analysis. For this study, TWG researched comparable residential developments in the County to determine the appropriate real annual appreciation rate. The developments included Powhatan Woods and Monticello Woods which revealed a 1% real appreciation rate. Based on this assumption, the County is expected to receive \$789,000 in cumulative real estate property revenues during the period of development, and nearly \$275,000 annually after buildout.
- Personal Property Tax:** In the current budget, James City County collects about \$19.4 million 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 Ali Property and applied to all residential units. Once completely constructed and fully occupied, the development is expected to generate \$68,000 per year in personal property taxes.
- Proffers:** In an arrangement with James City County, the developer is proffering \$3,512 per single-family home totaling almost \$274,000 over the construction period.
- Meals Tax:** James City County levies a four-cent tax on restaurant food and beverages. The County anticipates that approximately 30% of its tax revenues will be generated by local residents rather than by tourists. Of the \$4.4 million in meals taxes budgeted, \$1.3 million is expected to come from local residents dining out in restaurants located in the County, a per household average of about \$60. Using these assumptions, the county will realize about \$9,000 in meals taxes during construction and about \$5,000 annually at buildout and beyond in this particular tax.
- Retail Sales Tax:** The Commonwealth of Virginia collects 5.0% of retail sales dollars in sales tax and returns 1% to the locality in which it was generated. Typically, approximately one third of a household's income is spent on local retail sales (Bureau of Business Research). The household income of Ali Property residents is assumed to be the median household income in the County (reported to be \$62,168 by the U.S. Census Bureau). By buildout, it is expected that the residents will generate approximately \$15,000 annually in retail sales tax revenue using these assumptions.
- Business License Tax:** The estimated business license tax is based on three items: (1) the value of construction on the site, (2) the incremental retail sales that this development will generate, and (3) the revenues of commercial and office businesses that are assumed to be net new to the county. The county's tax rate for retailers is \$0.20 per \$100 and has been applied to estimated retail sales.

Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. The cumulative revenue from this tax will be approximately \$56,000 over the period of construction and is estimated to level off at nearly \$3,000 per year at build-out.

- **Building Permits and Rezoning Fees:** Building permit fees are estimated at \$990 per single-family residential unit. Also, rezoning fees of \$3,571 paid by the developer have been included only in the first year of development. Using these estimates, this revenue category will provide a total of \$81,000 throughout all construction activity.
- **Recordation Tax:** JCC collects recording taxes on real estate transfers. These taxes include a deed recording tax of \$0.33 per \$100 of the selling price and a deed of trust recording tax of \$0.33 per \$100 of the selling price or of the face value of the mortgage, whichever is greater. In the first year, the county will collect recordation taxes on the purchase price of the land (\$1,180,000) totaling \$3,900. For this particular project, Associated Developers will build the housing infrastructure on each lot and sale each lot for approximately \$90,000 as suggested by the developer. It has been estimated that 26 lots will be sold in Year 1, 2 and 3 collecting recordation taxes on each sale for the County. Last of all, a builder will construct the actual structure of the home and the homes are estimated to be sold for \$400,000 each. For all of completed residential homes, this tax has been applied at the time the homes are originally sold. Throughout this project, the County can expect about \$133,000 in recordation taxes generated by this development.
- **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, charges for services, and recording taxes. The County's budget shows that miscellaneous revenue sources (excluding revenue from the Commonwealth for public education and recording taxes) are expected to total more than \$10.8 million. For this analysis, 90% of miscellaneous revenues have been attributed to county residents in this development at a per capita figure of \$172. The remaining 10% has been attributed to new employment on site. The VEC's most recent data indicates that there are 29,038 people working in the county. On a per employee basis, 10% of the listed revenues is \$37. This figure has been attributed to incremental employees generated by this construction. Throughout construction, approximately \$77,000 in miscellaneous taxes will be collected. Once construction ends and thereafter, it is estimated the County will receive almost \$31,000 in this tax.
- **State Tax for Education:** To account for this revenue, the amount received from the state 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 almost \$6.2 million.

Local Government Expenditures

The County's estimated costs for providing public services to the Ali Property are shown in Figure 3. The data reflected in the figure can be seen in Table 4 below the graph. By buildout, the development will generate estimated county expenditures of \$468,000 each year and beyond.

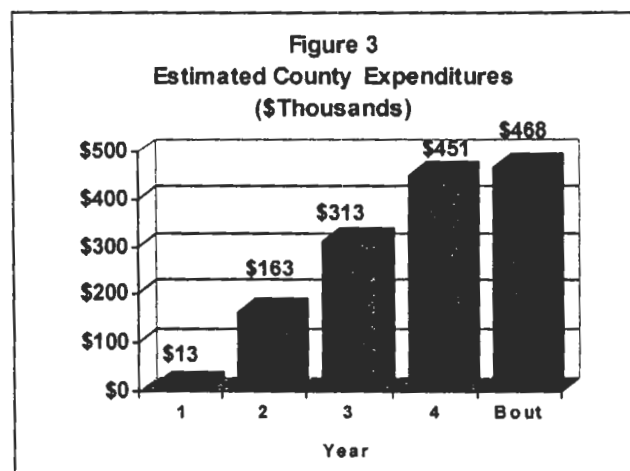


Table 4
Local Government Expenditures

Expenditures	Year 1	Year 2	Year 3	Year 4	Buildout
General Government & Administration	\$400	\$7,800	\$15,200	\$22,200	\$23,100
Health & Welfare	0	3,800	7,600	11,400	11,900
Statutory, Unclassified	2,000	6,500	11,000	13,600	14,000
Recreation & Culture	800	9,400	18,100	26,000	27,000
Public Safety	7,200	24,000	40,900	51,400	52,700
Public Works	700	10,600	20,400	29,700	30,800
Capital Improvements (Non-School)	1,500	4,700	8,000	9,900	10,200
Capital Improvements-Schools	0	10,900	21,800	32,700	34,000
Education-Operating Costs	0	84,800	169,500	254,300	264,400
Total Annual Expenditures	\$12,600	\$162,500	\$312,500	\$451,200	\$468,100

* Rounding may affect totals.

To estimate the incremental expenditures that this development will generate for James City County's government, 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. Based on the County's 2005 population projection of 56,662, the per capita costs of government in the County's budget are presented in Table 5.

Table 5
Per Capita Expenditures

Expenditure Category	Per Capita Cost
General & Administrative	\$128.75
Health & Welfare	66.10
Statutory, Unclassified	77.81
Recreation & Culture	150.45
Capital Improvements (Non-School)	56.74
Public Safety	293.65
Public Works	171.78

The construction effort to build Ali Property 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 and capital improvements costs associated with public education will generate the largest expenditures estimated at almost \$298,000 annually at buildout and beyond. The capital improvements for schools and education operating costs have been calculated using James City County's estimate of 0.4 children per single-family household totaling 31 children once the development is completed. The second largest category of expenditures will be for public safety estimated at nearly \$53,000 once construction ends.

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 build-out are illustrated in Figure 3 and in Table 6. As indicated by the analysis, this development during construction will generate a cumulative positive net fiscal impact of \$633,000 for the County. Once buildout occurs, Ali Property is estimated to cost the County approximately \$68,000 per year. Over the development of the project period, the net present value of this development (discounted at 5%) will total almost \$524,000.

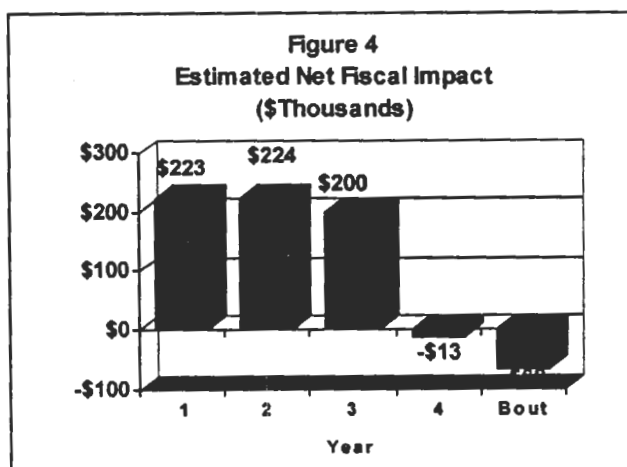


Table 6
Net Fiscal Impact*

Cash Inflow and Outflow	Year 1	Year 2	Year 3	Year 4	Buildout
Total Annual Revenues	\$235,422	\$386,322	\$512,122	\$437,936	\$400,100
Total Annual Expenditures	\$12,600	\$162,500	\$312,500	\$451,200	\$468,100
Net Fiscal Impact	\$222,822	\$223,822	\$199,622	(\$13,264)	(\$68,000)

* Rounding may affect totals.

Matthew Arcieri

From: Cheryl Waldren on behalf of Development Management
Sent: Tuesday, March 22, 2005 1:16 PM
To: 'Bob Jackson'
Subject: RE: 6001-6061 Centerville Rd.

Good afternoon Mr. Jackson:

I have received your concerns and will forward the information to the Planner who is working on this file. I'm quite sure they will discuss your concerns about the flooding and washout issues.

Thank you and have a good day.

Cheryl D. Waldren
James City County
Development Management
101 - A Mounts Bay Road
Williamsburg, VA 23187
(W) 757-253-6671, Fax 757-253-6822

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

From: Bob Jackson [mailto:frwhasec@msn.com]
Sent: Monday, March 21, 2005 9:27 PM
To: Development Management
Subject: 6001-6061 Centerville Rd.

I have some concerns about the 78 home subdivision. We currently have a flooding and road washout problem on Fox Hollow and Fox Hill. Water from both sides of Centerville Road currently flows down Fox Hollow overflowing the ditch and washing out around the pipe under Fox Hill. If possible please direct the flow from the other side of Centerville Rd. through the new subdivision away from Fox Hollow instead of towards Fox Hollow. Please block the pipe under Centerville Rd. Any additional flow through Fox Ridge will be devastating.

A left turn lane into Fox Hill off Centerville Rd. is needed as can be shown by the skid marks on the pavement. Sun blinds drivers coming upon a stopped car. Also when some drivers pass on the right using the bike path at full speed, following drivers do not slow soon enough due to the stopped car being blocked from view by the car suddenly veering off the shoulder to pass illegally.

Bob Jackson
FRWHA Secretary
P. O. Box 413
Lightfoot, VA 23090
<http://groups.msn.com/FoxRidgeDepartmentofPublicSafety>

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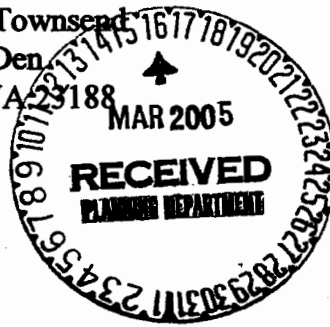
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Bob Jackson
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Lightfoot, VA 23090
<http://groups.msn.com/FoxRidgeDepartmentofPublicSafety>

Mr. & Mrs. J.D. Townsend
6010 Fox Den
Williamsburg, VA 23188



March 16, 2005

Matt Arcieri
JCC Planning Division
P.O. Box 8784
Williamsburg, VA 23187-8784

RE: Proposed Centerville Subdivision
6001 & 6061 Centerville Rd.

Dear Mr. Arcieri:

My husband and I have received a letter (dated March 8, 2004 - attached) from Henry Stephens, Associated Developers, Inc., regarding the rezoning and proposed development of approximately 78 homes on Centerville Road.

After reviewing Mr. Stephen's letter and site map, I came to your office to review the complete proposal and subsequent reviewing departmental comments. Although I do not have any objection to the proposal, as it will increase the property value of my home, I do have a few concerns.

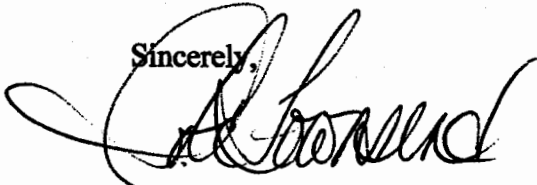
My primary concern is in regards to the sanitary force main. I am concerned that the existing lift station in Fox Ridge cannot accommodate the increased demand from this proposed development. I understand that JCSA would prefer they tie into Longhill Station and I lean towards this decision.

My other concern is for the proposed entrance. Would it not be wiser to have the entrance adjacent to Fox Hill Rd? I would think that by adding the entrance and proposed tapers at this point it would benefit both the proposed subdivision and Fox Ridge as well. Typically, traffic bottlenecks at the Fox Hill Road entrance in the p.m. hours. I would think VDOT would be agreeable to this solution, as it helps the community in general and not just one subdivision.

Last, I do not believe Mr. Stephens is offering enough in cash proffers to accommodate the increase in services that will be required (fire, police, school, utilities, etc.) I believe it should be commensurate with the added cost to hire another fire fighter, police officer, teacher and so on.

I wish to thank you for the opportunity to review the proposal and look forward to reviewing additional information as it becomes available.

Sincerely,

A handwritten signature in cursive script, appearing to read "J.D. Townsend", written over the word "Sincerely,".

Mrs. J.D. Townsend

PROFFERS

THESE PROFFERS are made this 29~~th~~ day of March, 2005 by ARMIN U. ALI and AMINA ADOSSA-ALI (together "Ali") and POWHATAN-OLDE TOWNE SQUARE, LLC, a limited liability company ("Powhatan") (Ali and Powhatan, together with their respective successors in title and assigns, are hereinafter sometimes referred to as the "Owner").

RECITALS

A. Ali is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6001 Centerville Road, Williamsburg, Virginia and being Tax Parcel 3110100036 containing approximately 31.8, being more particularly described on Schedule A hereto (the "Ali Property").

B. Powhatan is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6061 Centerville Road, Williamsburg, Virginia and being Tax Parcel 3110100033 containing approximately 7.7 acres, being more particularly described on Schedule A hereto (the "Powhatan Property"). The Ali Property and the Powhatan Property are hereinafter sometimes referred to as the "Property."

C. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned A-1. Owners have applied to rezone the Property from A-1 to R-2, General Residential District, with proffers.

C. Owners have submitted to the County a master plan entitled "Preliminary Master Plan, Centerville Road Subdivision" prepared by Vanasse Hangen Brustlin, Inc. dated February 21, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

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, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 78 lots on the Property.

2. **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, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, shall require each initial purchaser of a lot to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the lot (but no less than \$100.00) 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.

3. 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 or site plan approval.

4. Cash Contributions for Community Impacts. (a) A contribution of \$1,061.00 for each residential single family detached 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 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.

(b) A contribution of \$2,451.00 for each single family detached 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 school uses..

(c) The contributions described above shall be payable for each dwelling unit on the Property at the time of building permit issuance for such unit. If the County determines that any cash payments made pursuant to these Proffers cannot be used for the purpose for which proffered, such cash shall be paid by the County to the Association for its reserves.

(d) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2007 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) through (d) 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.

5. **Route 614 Community Character Buffer.** There shall be a variable width buffer along the Route 614 frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The portion of the buffer located south of the entrance into the Property shall have a width of at least 150 feet and shall be left undisturbed and in its natural state except as provided herein. Owner shall remove storm debris from this portion of the buffer and, if required by the Director of Planning, shall replant pine seedlings in areas where storm debris has been removed. The portion of the buffer located north of the entrance into the Property shall have a width of at least 75 feet and there shall be installed within this portion of the buffer a landscaped berm pursuant to a

landscaping plan approved by the Director of Planning generally as shown on the Master Plan. With the prior approval of the Development Review Committee, trails, sidewalks, bike lanes, utilities, lighting, entrance features and signs may be located in the buffer. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

6. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of 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 development plan approval process.

7. **Recreation.** (a) Owner shall provide a gazebo/picnic shelter with grill, tot lot with play equipment, and open play area of approximately one acre and a soft-surface pedestrian trail generally in the location shown on the Master Plan.

8. **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.

9. **Entrance Tapers.** There shall be installed or bonded in form acceptable to the County Attorney prior to final subdivision plat approval a 100 foot right turn taper from south bound Route 614 into the entrance to the Property and a 48 foot right turn taper from the entrance to the property onto southbound Route 614. Such tapers will be striped to include the existing bike lane along Centerville Road.

10. **Sidewalks.** There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan.

11. **Greenway Easement.** At or prior to the County being obligated to approve any final subdivision plat of the Property, Owner shall grant to the County free of charge an easement 35 feet in width over the area of the Property immediately adjacent to Route 614 as shown on the Master Plan permitting the County to construct and maintain a greenway trail in the easement area. Owner, in its sole discretion, shall either (i) construct a 10 foot wide multi-use path within the easement area pursuant to plans approved by the Director of Planning (such path to be a part of the County greenway system and maintained by the County) or (ii) in lieu thereof, make a cash contribution to the County for use by the County for greenway capital improvements in an amount acceptable to the Director of Planning based on the estimated costs of construction of the path.

WITNESS the following signatures.

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Armin U. Ali

ARMIN U. ALI

Amina Adossa Ali

AMINA ADOSSA-ALI

POWHATAN-OLDE TOWNE SQUARE,
LLC

By: _____
Title: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by ARMIN U. ALI.

NOTARY PUBLIC

My commission expires: _____.

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by AMINA ADOSSA-ALI.

NOTARY PUBLIC

My commission expires: _____.

ARMIN U. ALI

AMINA ADOSSA-ALI

POWHATAN-OLDE TOWNE SQUARE,
LLC

By: _____
Title: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by ARMIN U. ALI.

NOTARY PUBLIC

My commission expires: _____.

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by AMINA ADOSSA-ALI.

NOTARY PUBLIC

My commission expires: _____.

STATE OF VIRGINIA
CITY/COUNTY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged this 25th
day of March, 2005, by Lawrence Beamer, as Manager
of POWHATAN-OLDE TOWNE SQUARE, LLC on behalf of the company.

John M. Gaddy III
NOTARY PUBLIC

My commission expires: 12/31/09.

EXHIBIT A

PARCEL 1

ALL that certain piece or parcel of land with appurtenances thereto, situate, being and lying in the Powhatan Magisterial District, James City County, Virginia and containing twenty one-half (20-1/2) acres of land more or less by actual survey and being a portion of the tract of land commonly called the Marston "tract of land" or "The triangle" near Centerville and bounded as follows to wit: on the North by the road and on the South and West by the land now or formerly of B. Clarence Vaiden.

LESS AND EXCEPT, that the conveyance by Andrew Byrd Estate, C.C. Byrd Agent got James City County Virginia to the Commonwealth of Virginia which Deed is recorded in the Clerks Office of the Circuit Court of James City County, Virginia in Deed Book 30, page 541.

BEING the same property conveyed in part to Armin U. Ali and Francis P. Ali, as joint tenants with right of survivorship as at common law, dated September 23, 1981 and recorded in Deed Book 220, page 402. The said Francis P. Ali having departed this life on May 20, 2001. And further being the same as conveyed in part to Armin U. Ali by Deed from Alvin Gary Parker dated September 26, 2002, and recorded in James City County, November 12, 2002 as Instrument Number 02002665; and by Deed from Shirley P. Holmes dated September 26, 2002, and recorded in James City County, November 12, 2002 as Instrument Number 02002665.

PARCEL 2

All that certain lot of land, estimated to contain eight (8) acres, more or less, enclosed within the following boundaries: beginning at a point on the Centerville Road opposite an oak stump; thence running west along a chopped line to a dogwood tree, then a white oak, then another dogwood, then a red oak, then an oak tree along the road separating this property from the property now or formerly of W.B. Vaiden thence in a southeasterly course along the road separating this property from the property formerly of W.B. Vaiden to the Centerville Road; thence in a northerly course

along the Centerville Road to the point of the beginning.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to all easements, restrictions, conditions and covenants of record or apparent on the ground.

Being the same property as that conveyed to Signor Bradby by Deed dated April 24, 1937 from Berkley Jones and Mary Lee Jones, his wife, Ernest Jones and Carries Jones, his wife, and Annie Bradby, of record at James City County Deed Book 29, page 273. The said Signor Bradby died testate on January 25, 1959, his Will is of record at James City County Will Book 6, page 478. By virtue of said Will, the only devisee of Signor Bradby was his daughter, Elizabeth Carter. Elizabeth Carter died testate on October 23, 2003, her Will is of record at James City County Will File Number 5703. By virtue of Article Four of said Will Elizabeth Carter devised that subject real property described herein to her daughter, Celestine Elizabeth Overbey, and her grandson, A. Dudley Overbey, the Grantors herein.

C. Owners have submitted to the County a master plan entitled "Preliminary Master Plan, Centerville Road Subdivision" prepared by Vanasse Hangen Brustlin, Inc. dated February 21, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

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, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 78 lots on the Property.

2. **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

3. **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 or site plan approval.

4. **Cash Contributions for Community Impacts.** (a) A contribution of \$1,061.00 for each residential single family detached 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 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.

(b) A contribution of \$2,451.00 for each single family detached dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the

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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 signatures.

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ARMIN U. ALI

AMINA ADOSSA-ALI

POWHATAN-OLDE TOWNE SQUARE,
LLC

By: _____
Title: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by ARMIN U. ALI.

NOTARY PUBLIC

My commission expires: _____.

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by AMINA ADOSSA-ALI.

NOTARY PUBLIC

My commission expires: _____.

EXHIBIT A

PARCEL 1

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LESS AND EXCEPT, that the conveyance by Andrew Byrd Estate, C.C. Byrd Agent got James City County Virginia to the Commonwealth of Virginia which Deed is recorded in the Clerks Office of the Circuit Court of James City County, Virginia in Deed Book 30, page 541.

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All that certain lot of land, estimated to contain eight (8) acres, more or less, enclosed within the following boundaries: beginning at a point on the Centerville Road opposite an oak stump; thence running west along a chopped line to a dogwood tree, then a white oak, then another dogwood, then a red oak, then an oak tree along the road separating this property from the property now or formerly of W.B. Vaiden thence in a southeasterly course along the road separating this property from the property formerly of W.B. Vaiden to the Centerville Road; thence in a northerly course

**REZONING-3-05/SPECIAL USE PERMIT-6-05. Centerville Road Subdivision
Staff Report for the April 4, 2005 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.

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

April 4, 2005, 7:00 p.m.

Board of Supervisors:

May 10, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Henry Stephens, Associated Developers

Land Owner:

Armin Ali and Powhatan Olde Towne Square, LLC

Proposed Use:

78 lot single-family subdivision

Location:

6001 and 6061 Centerville Road

Tax Map and Parcel No.:

(31-1)(1-36), (31-1)(1-33)

Primary Service Area:

Inside

Parcel Size:

43.429 acres

Existing Zoning:

A-1, General Agricultural

Proposed Zoning:

R-2, General Residential, with proffers

Comprehensive Plan:

Low Density Residential

Staff Contact:

Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the rezoning, special use permit and master plan applications. The voluntary proffers, as currently submitted, are not acceptable to staff; however, based on discussions with counsel for the owner, staff believes that our issues will be resolved prior to the proposal being considered by the Board of Supervisors. Should these issues not be resolved prior to consideration by the Board, staff will recommend that the applications be remanded back to the Planning Commission for reconsideration.

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$1,061 per lot
CIP projects (including schools)	\$2,451 per lot
Total Amount (2005 dollars)	\$273,936
Total Per Lot	\$3,512 per lot

Project Description

Associated Developers has submitted an application to rezone 43.429 acres located on Centerville Road from A-1, General Agricultural, to R-2 General Residential, with proffers. If approved, the developer would construct a 78 lot single family subdivision.

This project proposes a gross density of 1.8 dwelling units per acre. In accordance with Section 24-254(c) of the zoning ordinance, the Board of Supervisors may grant a special use permit for subdivisions to have a maximum gross density of two dwelling units per acre if the developer provides the following:

1. Implementation of the County's Streetscape Guidelines;
2. Implementation of the County's Archaeological Policy;
3. Provision of sidewalks along one side of all internal streets;
4. Provision of recreation facilities in accordance with the County's Parks and Recreation Guidelines; and
5. Implementation of the County's Natural Resources Policy.

Public Impacts

Archaeology

The County archaeological policy is proffered.

Environmental Impacts

Watershed: Gordon Creek

Staff Comments: The Environmental Division has no comments with respect to the rezoning and SUP. Prior to development plan approval and issuance of a land disturbing permit the plan of development must be in compliance with all applicable local, state and federal stormwater requirements.

Public Utilities

Primary Service Area (PSA): The site is inside the PSA and served by public water and sewer.

Public Utility Proffers: Cash Contribution: A cash contribution of \$1,061 per lot is proffered.

Water Conservation: Water conservation measures will be developed and submitted to the James City Service Authority (JCSA) for review and approval prior to any development plan approval.

JCSA Comments: The JCSA has reviewed the proposal and recommends the applicant proffer a cash contribution of \$312 per lot to offset the JCSA's direct costs associated with the construction of the Warhill gravity sewer system. Due to deadlines this proffer was not included; however, staff has reviewed this requirement with the applicant and believes it can be added before the case is heard by the Board of Supervisors.

Fiscal Impact

The applicant has provide a fiscal impact statement which is included as an attachment to this report. In summary, at buildout this project is expected to have an annual negative fiscal impact of \$68,000.

Proffers: Cash Contribution: A cash contribution for CIP projects, including school uses, of \$2,451 per lot is proffered.

Staff Comments: The Department of Financial and Management Services concurs with the applicants fiscal impact statement. While the cash contributions proffered for this development are higher than cash contributions for recent cases, the amount will not completely fund all capital costs to the County generated by this development.

The proffers, as currently proposed, contain triggers that require cash contributions to be paid prior to the issuance of a building permit as opposed to prior to final approval of any development plan or subdivision plat as has historically been the norm in the County. In addition, the proffers propose a CPI adjustment to the cash contributions starting in 2007 rather than 2006. Based on discussions with legal counsel for the applicant, staff believes that these concerns will be resolved prior to the proposal being considered by the Board of Supervisors. Should these issues not be resolved prior to consideration by the Board, staff will recommend that the applications be remanded back to the Planning Commission for reconsideration.

Schools

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. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Design Capacity</i>	<i>Program Capacity</i>	<i>Current Enrollment</i>	<i>Projected Students Generate</i>	<i>Enrollment + Projected Students</i>
Norge	760	665	644	14	658
Toano Middle	775	782	811	8	819
Lafayette High	1,250	1,296	1,536	10	1,546

Staff Comments: The adequate public schools facility test is based on design capacity. The proposal passes the adequate public school test at the elementary school but fails for the middle school.

Although the capacity of Lafayette High School is clearly exceeded, the Adequate Public School Facilities Test states that if physical improvements have been programmed through the County CIP then the application will be deemed to have passed the test. On November 2, 2004 voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore staff believes that this proposal passes for the high school.

Parks and Recreation/Greenway

The project proposes a gazebo/picnic shelter with grill, tot lot, one acre playing field and approximately 2,200 feet of soft-surface walking trail.

The James City County Greenway Master Plan calls for a 10 foot wide multi-use path along the project's Centerville Road frontage. The path is envisioned to connect the Warhill Sports Complex/Thomas Nelson Community College/Third High School site with Freedom Park. In lieu of providing the required five foot sidewalk, the applicant has proffered either 1) constructing the 10 foot path in a 35 foot easement and dedicating the facility to the County or 2) dedicating the easement to the County and providing a cash contribution towards future construction of the 10 foot path.

Staff finds this proposal satisfies both the Parks and Recreation Master Plan and the Greenway Master Plan.

Traffic

As this proposal generates less than 100 peak hour vehicle trips a traffic study was not required. According to the applicants analysis, the proposal will generate approximately 766 trips per day with 60 a.m. peak hour vehicle trips and approximately 81 p.m. peak hour vehicle trips.

2003 Traffic

Counts: Centerville Road: 8,281 vehicles per day

2026 Volume

Projected: Centerville Road shows 15,000 vehicles per day on a two-lane road and is listed in the "watch" category in the 2003 Comprehensive Plan as the capacity for such roads is 13,000 vehicles.

Road

Improvements: The entrance will require a 100-foot right turn taper.

Traffic Proffer: Road Improvements: The proffers provide for the road improvement listed above.

VDOT Comments: VDOT concurs with the applicants analysis and the recommended entrance improvement.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for low-density residential development. Low-density residential developments 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 dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential community with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. The Zoning Ordinance will specify the benefits which may be the basis for a permit to go beyond one unit per acre. The location criteria for low density residential require that these developments be located within the PSA where utilities are available. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

Staff Comments: Section 24-254(c) of the zoning ordinance specifies what particular benefits must be offered in order to achieve a density of two dwelling units per acre. This proposal meets those specifications. In addition the proposal provides an additional public benefit as it is in accordance with the Greenway Master Plan. The proposal is consistent with the Land Use policies of the Comprehensive Plan.

Community Character Corridor Buffer Reduction

The applicant has requested a reduction in width of the Centerville Road community character corridor buffer. General residential districts require a 150 foot community character corridor buffer along the right-of-way. Such buffers are required to 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 reduction granted by the Planning Commission during the rezoning process if one or more of the criteria are met:

1. The development is less than five acres and a majority of the units are dedicated to affordable housing; or
2. The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full barrier; or
3. The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

The applicant has requested a reduction of the buffer to seventy-five feet, the maximum reduction permitted by ordinance, for a nine-hundred foot section between the projects northern property line and the proposed entrance. The area of the proposed reduction is currently an open field with little or no vegetation and the depth of the parcel along this portion of frontage is between 400 to 600 feet. The applicant, in accordance with criteria three, has proposed a landscaped berm in the buffer and has proffered that the Planning Director shall approve the buffer design and landscaping plan. The buffer will be designed to include a ten-foot wide multi-use path. A majority of the developable area gained from the buffer reduction will be used as a playing field and recreation area for the development. With these provisions and given the lack of vegetation and existing depth of the parcel, staff recommends the Planning Commission approve the buffer reduction as proposed.

CONCLUSIONS AND CONDITIONS

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with surrounding land uses and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the rezoning, special use permit and master plan applications. The voluntary proffers, as currently submitted, are not acceptable to staff; however, based on discussions with counsel for the owner, staff believes that our issues will be resolved prior to the proposal being considered by the Board of Supervisors. Should these issues not be resolved prior to consideration by the Board, staff will recommend that the applications be remanded back to the Planning Commission for reconsideration. Staff recommends the special use permit include the following conditions:

1. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining a land disturbing permit.
2. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall not invalidate the remainder.

Matthew D. Arcieri

Attachments:

1. Location map
2. Master Plan (under separate cover)
3. Conceptual Berm Cross Section (under separate cover)
4. Fiscal Impact Statement
5. Citizen Comments
6. Proffers

MEMORANDUM

Date: April 4, 2005
To: The Planning Commission
From: Matthew D. Arcieri, Senior Planner
Subject: Case No. ZO-3-05, Zoning Fee Change

Attached for consideration is a proposed ordinance to increase the site plan fee from \$0.024 per square foot to \$0.05 per square foot. The proposed fee increase is intended to cover the cost of a half-time position working directly for the Development Manager focusing on high priority programs and special projects, some of which have progressed more slowly due to the demands of development plan review.

RECOMMENDATION:

Staff recommends the Commission recommend approval of the proposed fee change.

Matthew D. Arcieri

Attachments:

1. Revised Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-7, Administrative fees.

Chapter 24. Zoning

Article I. In General

Sec. 24-7. Administrative fees.

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	\$1,200.00 plus \$50.00 per acre, not to exceed \$15,000.00
(2) Applications for special use permits:	
a. Generally (General special use permits processed with a rezoning shall pay a rezoning fee only)	\$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot.	100.00
c. Family subdivision under section 24-214.	100.00
d. Amendment to a special use permit	400.00
e. Wireless communications facilities under division 6	1,500.00

(3) Master plan review:

- a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only) 200.00
- b. Revision of approved plan:
 - 1. Residential Cluster 75.00
 - 2. R-4, PUD, Mixed Use 150.00

(4) Site Plan Review:

a. Administrative review:

- 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

b. Planning commission review:

- 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

c. Amendment to an approved plan:

- 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
- 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
- 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

d. Zoning administrator and fire department review only, \$20.00.

(5) Sign permits, \$5.00 per square foot of gross sign area.

(6) Appeals to the board of zoning appeals, \$250.00

(7) Application for a height limitation waiver to the board of supervisors, \$200.00

(8) Application for administrative variance, \$100.00

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2005.

adminfees.ord

PLANNING DIRECTOR'S REPORT

April 2005

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. Cash Proffers and Rural Lands. At its work session on February 22, the Board of Supervisors decided to continue pursuing a cash proffer policy. A committee has been appointed which will make recommendations to the Board. Because of potential impacts of such a policy on Rural Lands, the Board also decided to consider amendments to the ordinances and policies pertaining to Rural Lands. Staff continued to develop a methodology for assessing challenges to rural lands and specifically addressing rural residential clusters and minimum lot sizes outside the County's Primary Service Area (PSA).
2. Virginia Capital Trail and Green Springs Trail Projects. Staff continued to work with VDOT and adjacent property owners on the design and location of the trail. Construction is scheduled 2005.
3. 2007 Community Activities Task Force. The Task Force continued to meet in March to plan and coordinate community activities and beautification efforts.
4. Corridor Steering Committee. The Committee continued to meet in March on the Jamestown Road demonstration project. Detailed landscape plans have been completed for two areas by Planning Division staff and planting has been completed in one of the areas. The Committee also approved a grant incentive program to encourage property owners to enhance their buildings and grounds.
5. New Town Cases. The New Town Design Review Board considered the following cases at its March 17th meeting:
 - Consent Agenda: Subdivision Plats
 - Sign Review.
 - 1st Advantage Credit Union – Block 2.
 - C.D.& A. Building – Block 2.
 - Old Point National Bank.
 - Resubmission - Developers Realty/New Town Associates.
 - Village Square - Town Center Blocks 6, 2 & 3.
 - Main Street Retail Phase 2 – Town Center Blocks 2 & 3.
 - Initial Submission Langley Federal Credit Union – Section 9.
 - Initial Submission Youngblood/Henderson Mixed-Use Building – Town Center Block 7.
 - Initial Submission Dr. Shuman Medical Building – Town Center Block 3.
 - Initial Submission Windsor Meade Marketplace 3 Outparcel Buildings.
 - Initial Submission Sewer Pump Station Building – Town Center Block 10.