

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
MAY 2, 2005 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
  - A. April 4, 2005 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC) Report
  - B. Other Committee Reports
4. PUBLIC HEARINGS
  - A. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
  - B. SUP-4-05 Christian Life Center Tower
  - C. Z-7-05/MP-5-05 Jamestown Retreat
  - D. SUP-16-05 Treleaven Warehouse & Nursery
  - E. SUP-36-04 Farm Fresh Gas Pumps
  - F. Z-15-04/MP-11-04/SUP-34-04 The Villas at Jamestown
5. PLANNING COMMISSION CONSIDERATION
  - A. ZO-3-05 Initiating Resolution – Zoning Ordinance Amendment  
Zoning Fee Change
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF APRIL, 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. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u>                             | <u>ABSENT</u> |
|    | Jack Fraley      | John Horne, Development Manager                 | Wilford Kale  |
|    | Ingrid Blanton   | Michael Drewry, Assistant County Attorney       |               |
|    | Donald Hunt      | Kathryn Aston, Deputy County Attorney           |               |
|    | George Billups   | Marvin Sowers, Planning Director                |               |
|    | Jim Kennedy      | Allen Murphy, Zoning Administrator              |               |
|    | Mary Jones       | Christopher Johnson, Senior Planner             |               |
|    |                  | Matthew Arcieri, Senior Planner                 |               |
|    |                  | Trey Davis, Planner                             |               |
|    |                  | Matthew Smolnik, Planner                        |               |
|    |                  | Kimberly Finnigan, Law Intern                   |               |
|    |                  | Toya Ricks, Administrative Services Coordinator |               |

2. MINUTES

Ms. Blanton corrected page 3, committee and commission reports and page 6, top paragraph as well as page 13.

Mr. Kennedy motioned to approve the minutes as amended.

Ms. Blanton seconded the motion.

The Planning Commission approved the minutes as amended with a unanimous voice vote. (6-0, Kale absent)

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley informed members that the March 30 DRC meeting was deferred to April 6, 2005 at 4 pm. The Planning Commission will reconvene at 7 pm April 6 to consider the Committee's recommendations.

B. OTHER COMMITTEE REPORTS

4. PLANNING COMMISSION CONSIDERATION

- A. Initiating Resolution - Zoning Ordinance Amendment – Administrative Fees

Mr. Sowers made the request for approval of an initiating resolution to consider an amendment to the Zoning Ordinance for site plan fees.

Ms. Blanton confirmed that approval of the resolution allowed the Commissioners to review to the amendment at a later time.

Mr. Drewry answered yes.

The resolution was approved with a unanimous voice vote. (6-0, Kale absent)

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

Mr. Hunt stated that the applicants requested deferral until the May 2 meeting.

Mr. Hunt opened the public hearing.

Hearing no requests, the public hearing was continued.

E. ZO-2-05 Zoning Ordinance Amendment – Proffer Appeal Process

Ms. Kimberly Finnigan, Law Intern presented the staff report. An ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article 1, In General, Section 24-19, Petition for review of decision, to clarify the process for the Board of Supervisors to consider appeals of actions or decisions of the Zoning Administrator in regards to administering and enforcing conditions attached to a rezoning or amendment to a zoning map.

Staff recommended approval.

Mr. Hunt opened the public hearing.

Hearing no requests, the public hearing was closed.

Mr. Kennedy motioned to approve the amendment.

Ms. Blanton seconded the motioned.

Mr. Billups asked for more information regarding the types of cases that may be affected.

Mr. Murphy stated that the Zoning Administrator's decisions regarding enforcement and administration of proffers are binding unless appealed. This amendment establishes procedures for such appeals to take place along with some other provisions.

Mr. Billups wanted to know if this was considered a due process procedure.

Mr. Murphy responded yes.

The amendment was approved by a unanimous voice vote.

F. Z-5-05 James River Commerce Center Proffer Amendment

Mr. Matthew Smolnik presented the staff report. Mr. Keith Taylor, Economic Development Authority, applied to amend the proffers for approximately 219 acres at 8907 Pocahontas Trail currently zoned M-1, Limited Business/Industrial, with proffers. This property was zoned M-1 in 1995 following approval by the Board of Supervisors for James City County. 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. Staff recommended approval.

Ms. Blanton recused herself as an employee of Colonial Williamsburg, co-owner of the Commerce Center.

Mr. Billups wanted to know what new uses were being proposed.

Mr. Smolnik said the amendment proposes to update the proffered uses to make them consistent with uses already permitted in the M-1 Zoning District.

Mr. Sowers explained that when the proffers were originally adopted they spelled out the uses that were allowed at that time. Since then new uses have been added to the M-1 Zoning District.

Mr. Billups wanted to know how the new uses would impact surrounding uses.

Mr. Smolnik said the new uses are consistent with other uses in the Commerce Center.

Mr. Hunt opened the public hearing

Hearing no requests, he closed the public hearing

Mr. Kennedy motioned to approve the application.

Mr. Fraley seconded the motion.

Mr. Billups asked what prompted this amendment to come forward at this time.

Ms. Aston answered that the changes are administrative in nature. This proposal amends the proffers to match current M-1 uses that have been added this rezoning was approved in 1995. This gives potential owners clear understanding of uses that would be allowed.

In a roll call vote the motioned passed 5:0. AYE: Billups, Kennedy, Fraley, Jones, Hunt (5). Blanton abstained, Kale Absent.

G. Z-2-05/MP-3-05 Ironbound Square Redevelopment

Mr. Trey Davis presented the staff report. Mr. Rick Hanson of the James City County Office of Housing and Community Development, 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.

Ms. Blanton asked for elaboration on storm water management issues referenced in the staff report.

Mr. Davis said that the Virginia Department of Transportation, and County Environmental and Housing agencies have had discussions regarding creating a regional storm water management facility in this area for the entire Ironbound neighborhood redevelopment. Those discussions have not been completed so on-site management is included with this proposal.

Ms. Blanton asked about the need for an age restriction.

Mr. Davis said the Comprehensive Plan update in 2003 identified this need. He also indicated that the restrictions are a part of Housing and Urban Development (HUD) requirements.

Mr. Hunt opened the public hearing.

Mr. Rick Hanson, Housing and Community Development, gave a presentation on the proposal giving the history of the project.

Mr. Joshua Gemerek, BayAging, represented the developer. He gave the company's credentials and talked about similar projects in Virginia.

Ms. Jones asked about the approximate square footage of the units.

Mr. Gemerek said the units would be approximately 550 square feet.

Mr. Billups wanted to know if elevators would be installed.

Mr. Gemerek answered yes.

Mr. Billups wanted to know how a denial of the various variance requests would affect the project.

Mr. Hanson explained that the requests are due to the nature of the concept for the proposal itself.

Mr. Fraley asked about the request for a variance for landscaping.

Mr. Davis said the landscape modification request would be reviewed at the time of site plan approval.

Mr. Hanson told the members that a portion of the property would be leased to the County for use as a park.

Mr. Kennedy wanted to know how much of the land had been acquired through condemnation.

Mr. Hanson said none of the property in this was proposal was obtained by that method.

Mr. Kennedy thought the original proposal for the property was for single family affordable housing.

Mr. Hanson confirmed that it had been designated as such during the revitalization plan but that after meeting with neighbors the actual re-development plan designated the property for senior housing with no stipulation for attached or detached.

Mr. Kennedy inquired about the status of two of the five single family homes that were not designated as affordable like the other three.

Mr. Hanson said that was to allow for the possibility that one or two of the buyers might be slightly above the 80% median income.

Mr. Kennedy asked about the price points for those over the 80% threshold.

Mr. Hanson said prices might be from \$100,000 to \$150,000 and might not differ between the two income levels.

Mr. Kennedy and Mr. Hanson discussed the possibility of the applicant amending the proposal later.

Ms. Jones asked what the rents would be for the senior housing.

Mr. Hanson said it would be based on their incomes.

Mr. Hanson and Ms. Jones discussed approximate rental amounts.

Mr. Hanson and Mr. Fraley talked about HUD's requirement that the units be no more than 550 square feet and the amount of common area in the proposal.

Ms. Blanton questioned if the development would be a good fit for seniors raising grandchildren.

Mr. Gemereck acknowledged that none of their other communities had occupants under age 62 living in them primarily because there is only one bedroom.

Ms. Blanton expressed concern about accessibility for pedestrians crossing over Ironbound Road to New Town.

Mr. Hanson said they are working with the state to address that issue. There is currently a proposal for a signal at Watford Lane.

Ms. Blanton asked about accessibility to public transportation.

Mr. Hanson answered that the area is on a public transportation route that will eventually be re-routed to eliminate the need to cross over to access transportation traveling in the opposite direction.

Mr. Billups asked if the proposal had support from the community.

Mr. Hanson said several public meetings were held including participating in a tour of similar projects in Richmond and West Point.

Hearing no other requests, Mr. Hunt closed the public hearing.

Mr. Kennedy felt the proposal had good merit and although he had some concerns he will support it.

Ms. Blanton stated she will support the proposal but requested the applicant to continue to work on transportation aspects.

Mr. Billups also voiced concerns but stated he will support the application.

Mr. Fraley supported the application stating that it was consistent with the Comprehensive Plan.

Ms. Jones supported the project echoing Ms. Blanton's concerns regarding accessibility to New Town.

Mr. Hunt shared Mr. Kennedy's concerns but stated he will also support the project.

Mr. Kennedy motioned to approve the application.

Ms. Blanton seconded motion.

Mr. Drewry confirmed that the motion included a waiver of parking requirements.

In a unanimous roll vote the application was approved 6-0. AYE: Billups, Fraley, Kennedy, Blanton, Jones, Hunt (6); NAY (0); Absent Kale.

H. Z-16-04/MP-12-04/SUP-35-04 Burlington Woods

Mr. Chris Johnson presented the staff report. Mr. Michael Baust of Rickmond Bury applied on behalf of property owner Tidewater Partners Property & Development, LLC to rezone approximately 17.32 acres from R-8, Rural Residential, to R-2, General Residential, with proffers for the construction of a 26 lot single family subdivision. The property is located at 3931 Longhill Road.

Mr. Kennedy asked about concerns expressed by adjacent property owner, Mr. William Lee, in a letter included in the staff report.

Mr. Johnson said the drainage issue referenced in the letter will be resolved during development stage. Staff did not support the request for installation of an 8 ft privacy fence.

Ms. Blanton asked what amount of cash proffers would cover costs associated with this development.

Mr. Johnson shared the many variables used for those calculations stating that the overall fiscal impact was expected to be positive given the expected sales prices of the homes.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy, representing the applicant, stated he agreed with the staff recommendations including mending the proffers prior to the Board of Supervisor's meeting and made himself available for questions.

Ms. Elizabeth Marotta, 3973 Longhill Road, stated she does not believe all impacts have been adequately addressed. She felt the proposal would have negative impacts on the surrounding community.

Mr. Thomas Wallace, 3897 Longhill Road, spoke to the character of the current property owner. Mr. Wallace, prior owner, stated he is satisfied with the project and the quality of homes to be built. He considered the surrounding community before agreeing to sell the property.

Mr. William Lee, 3975 Longhill Road, said the proposal conflicts with the County's desire for more green space. He stated his concerns regarding drainage and his desire for a fence to keep trespassers off his property.

Hearing no other requests, Mr. Hunt closed the public hearing.

Ms. Blanton thought the proposal was suitable for the property but wasn't convinced that it represented the best way to develop the site. She was also concerned about the cost of the homes.

Mr. Geddy answered questions regarding the low density residential designation in the Comprehensive Plan allows for a range between 1 and 4 units per acre. This project requests 1.5 units per acre. He pointed out that the surrounding single family communities have a greater density. He reminded Commissioners that the applicant has meet every County policy. The proposed sales prices reflect the high demand for this level of housing in James City County. The small scale of this project will not drive out affordable housing.

Mr. Kennedy believed the Board of Supervisors had requested Planning staff to review amending the Ordinance for R-8 and A-1 Zoning Districts as well as developing a Cash Proffer Policy.

Mr. Johnson confirmed that Planning staff had been asked to review rural lands for R-8 and A-1 but that committee had not been formed. A committee had been formed to consider a Cash Proffer Policy.

Mr. Sowers confirmed that Staff had been asked to review areas located outside of the Primary Service Area (PSA). A recommendation on a Cash Proffer Policy would not be submitted until late spring or early summer.

Mr. Kennedy highlighted his concerns related to schools and over crowding and water. He liked the proposal but would not support it.

Mr. Hunt was confident that Mr. Lee's concerns would be met. He stated he has had similar concerns but also believed in the rights of property owners.

Mr. Fraley shared Mr. Kennedy's concerns regarding proffers and schools. However; he thought more moderate priced housing would mean increased density. He also was confident that Mr. Lee's concerns would be addressed at the site plan level. He supported the proposal.

Mr. Billups said many proposals had been approved with much higher density particularly inside the PSA. He had no objections to this project.

Ms. Jones supported Mr. Smith's right to sale and develop this property. She was comfortable with the density. Ms. Jones was sympathetic with Mr. Lee's concerns and said drainage issue should be monitored.

Mr. Fraley motioned to approve the application and conditions.

Mr. Billups seconded the motion.

In a roll call vote the application was approved 5-1. AYE: Billups, Blanton, Fraley, Jones, Hunt (5); NAY: Kennedy (1). Absent Kale

I. Z-3-05/SUP-6-05 Centerville Road Subdivision

Mr. Matthew Arcieri presented the staff report. Mr. Henry Stephens has applied on behalf of Armin Ali and Powhatan Old Towne Square LLC to rezone 43.429 acres of land from A-1, General Agricultural, to R-2, General Residential District, with proffers. The applicant proposes to develop 78 single family lots at a gross density of 1.8 units per acre. The property is located at 6001 and 6061 Centerville Road,

Mr. Billups wanted to know if an R-8 designation would support the proposal.

Mr. Arcieri answered no.

Ms. Blanton asked for clarification of the fiscal impact.

Mr. Arcieri said that experience has shown that there tends to be a slightly positive fiscal impact with homes in this price range.

Ms. Blanton wanted an explanation of the request for a buffer reduction.

Mr. Arcieri said the applicant has offered increased landscaping as required by the ordinance when a reduction is granted.

Mr. Fraley asked for the motivation for the reduction in buffer.

Mr. Arcieri deferred the question to the applicant.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He agreed with the staff recommendation. Mr. Geddy gave reasons for the buffer reduction request.

Ms. Blanton asked about the character of surrounding property.

Mr. Geddy said the property is designated for this type of development and that surrounding properties are of slightly higher or comparable densities.

Mr. Donald Blair, Foxridge resident, expressed concern about the location of the entrance into the development and water run-off.

Ms. Parker, adjacent property owner, was concerned about the buffer to her property and drainage and asked to be kept abreast of the status of the project.

Mr. Stephens offered to contact Ms. Parker to keep her informed about the status of the project.

Mr. Geddy pointed out that Mr. Stephens had made an effort to meet with adjacent owners and he also showed the correct location of the entrance on the location map.

Mr. Billups and Mr. Geddy discussed traffic impacts.

Mr. Matt Hipple, 120 Jolly Pond Road, did not want to stand in the way of the owners developing their property. He met with Mr. Stephens previously where he requested a berm be installed adjacent to his property.

Hearing no requests, Mr. Hunt closed public hearing

Ms. Jones supported the project. She believed it was a good location.

Mr. Fraley asked for and received confirmation that the development plan would be considered by the Development Review Committee (DRC) where the drainage concerns will be addressed. He supported the project.

Ms. Blanton was reluctant to approve a proposal for high end homes.

Mr. Kennedy was inclined to oppose the proposal.

Mr. Billups said his only concern was storm water management issues. If those matters are taken into consideration he will support the proposal.

Mr. Hunt stated he will support the proposal. He echoed concerns regarding drainage.

Mr. Fraley motioned to approve.

Ms. Jones seconded the motion.

In a roll call vote the application was approved 4-2. AYE: Billups, Fraley, Jones, Hunt (4); NAY: Blanton, Kennedy (2); Absent Kale.

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

Mr. Arcieri presented the request. As a part of the 2006 Budget the County Administrator has recommended the creation of a half time Development Management position to focus on high priority projects such as open space protection and special projects. To fund this position a fee increase for site plan non-residential square footage from \$ .024 to \$ .05 is proposed. This increase would generate the approximately \$30,000 necessary to fund the new position. Staff recommended approval.

Ms. Blanton asked what other avenues had been explored for funding this position.

Mr. Arcieri informed the Commission that during the 2004 budget process the Board of Supervisors increased all other fees including the base fee for site plans. Staff felt the other fees had been raised and this was one of the few remaining fees that could be raised. The amount needed was relatively small and increasing other fees would impact a lot of smaller projects. This fee would affect only about 40 of the site plans reviewed each year.

Ms. Blanton wanted to know how the proposed increase compared with imposing an increase on residential plans. She felt those fees more aligned with the duties of the new position.

Mr. Arcieri stated that it would take a much larger increase to residential site plan fees to generate an equal amount of revenue. This would also cause a disparity when compared to subdivision plans.

Mr. Sowers said staff felt that subdivision fees were as high as they should be and agreed with Mr. Arcieri concerning the disparity in fees.

Mr. Kennedy asked what types of projects would be affected.

Mr. Arcieri explained that cases generating a significant amount of square footage and new developments that go before the Development Review Committee or Zoning Administrator would be affected.

Mr. Kennedy asked about using funds from the Purchase of Development Rights or Green Space Acquisitions portion of the County's budget.

Mr. Horne stated that it is unusual to divert capital projects funds for operational funding. He also said that the focus of the new position may change over time. Mr. Horne discussed the County's directive for departments to provide funding for any new positions.

Mr. Billups did not believe fees should be increased to fund personnel. He thought the Board of Supervisor's should provide other funding for any legitimate need.

Mr. Kennedy supported the need but opposed the fee increase.

Mr. Horne asked the Commission to forward a recommendation to the Board to allow them to make a decision.

Mr. Hunt opened public hearing.

Mr. Mark Rinaldi, Economic Development Authority (EDA) Planning Commission Liaison, stated that given the current economic climate and the highly competitive market for commercial/industrial development the EDA is concerned about the proposed increase. He thought this proposal would adversely affect business prospects who would not gain any benefit from the creation of this position.

Hearing no other requests, Mr. Hunt closed the public hearing

Mr. Fraley stated his support for the position. He also thought the funds could be found elsewhere in the County budget. He suggested drafting a recommendation to the Board of Supervisor's supporting the position and urging them to find another source of funding.

Ms. Jones stated that she had not received enough information to be able to support the need for this position.

Mr. Billups clarified that if funding is not found then the projects mentioned would not receive attention.

Mr. Horne confirmed that the position had already been proposed in the budget and stated that the matter that is before the Commission is the fee increase only.

Mr. Kennedy agreed and suggested the Planning Commission liaison to the Board address the issue at the Board's pre-budget meeting.

Mr. Fraley made a motion to deny the request.

Mr. Kennedy seconded the motion.

The motion was approved 6-0 by a unanimous voice vote (Kale absent).

The Commission also unanimously agreed to draft a statement on this issue to present to the Board of Supervisor's. Given that this meeting would be recessed until April 6, the Commission agreed to act on the statement at that meeting.

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. He reminded Commissioners that tonight's meeting would adjourn until April 6 at 7 p.m. to consider recommendations from the DRC meeting that will be held at 4 p.m. that same day.

Mr. Fraley gave the reason for the change in format.

7. ADJOURNMENT

There being no further business, at 10:00 p.m. the April 4, 2005 Planning Commission adjourned until April 6, 2005 at 7:00 p.m.

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Donald Hunt, Chairman

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O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 4/1/2005 THROUGH: 4/30/2005**

**I. SITE PLANS**

**A. PENDING PRELIMINARY APPROVAL**

SP-063-03	Warhill Sports Complex, Parking Lot Expansion
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-136-04	Stonehouse - Fieldstone Glen Townhomes
SP-140-04	Monticello Woods Clubhouse Modification
SP-143-04	Portable 1000 Gallon Diesel Fuel Tank
SP-145-04	Colonial Heritage Ph. 2, Sec. 1
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-016-05	New Town- Retail Ph. 2
SP-017-05	Williamsburg Community Chapel Building Expansion
SP-021-05	Villages at Powhatan Ph. 5 SP Amend.
SP-022-05	James River Commerce Center Shell Building
SP-024-05	Norge Water System Improvements
SP-025-05	New Town- Sewage Lift Station and Force Main
SP-027-05	Williamsburg Nursing and Rehab. SP Amend.
SP-028-05	Oaktree Office Park and Airtight Self Storage Exp.
SP-030-05	Wedmore Place at Williamsburg Winery
SP-031-05	7839 & 7845 Richmond Road Office/Retail
SP-032-05	New Town, Village Square
SP-035-05	Baylands Federal Credit Union
SP-036-05	New Town, Block 6 & 7, Parcel C
SP-038-05	Jamestown H.S. SP Amend. - Baseball Field Drainage
SP-039-05	Haynes Distribution Center SP Amend.
SP-040-05	The Retreat Well Lot SP Amend.
SP-041-05	W-JCC Third High School, Warhill Tract

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SP-042-05	STAT Services, Inc.
SP-043-05	4881 Centerville Second Tower (SP Amend.)
SP-044-05	Jamestown High School Trailers SP Amend
SP-045-05	Lafayette High School Trailers SP Amend
SP-046-05	Toano Middle School Trailers SP Amend
SP-047-05	D.J. Montague School Trailer SP Amend.
SP-048-05	Norge E.S.- Temp. Classroom Trailers
SP-049-05	Clara Byrd Baker E.S. Trailer SP
SP-050-05	Stonehouse E.S. Trailer Amend

#### **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-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-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-126-04	New Town, Sec. 2, Block 3	12/22/2005
SP-132-04	St. Bede Catholic Church, Rectory Building	12/30/2005
SP-135-04	Williamsburg Landing Parking Addition	4 /11/2006
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
SP-141-04	Carolina Furniture Warehouse	4 /6 /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-015-05	New Town - Hagee Building, Block 8	3 /22/2006
SP-026-05	Williamsburg Plantation, Sec. 10 Amendment	4 /14/2006

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

#### **DATE**

SP-124-04	J.W. Crossing, Ph. 2	4 /19/2005
SP-142-04	Lafayette High School Track Drainage Improvements	4 /21/2005
SP-146-04	Settlement at Monticello Temp Sales Office	4 /1 /2005
SP-019-05	New Town, Block 6 & 7	4 /27/2005
SP-029-05	New Town United Methodist Church Waterline	4 /25/2005
SP-034-05	Fieldstone Parkway SP Amend.	4 /13/2005
SP-037-05	Let It Grow Accessory Shed	4 /21/2005

## **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-108-03	Leighton-Herrmann Family Subdivision
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-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-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-002-05	The Pointe at Jamestown Sec. 2B
S-003-05	Waterworks & S. Clement BLA
S-007-05	Armistead Point- Kingsmill 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-017-05	Polk Estates
S-019-05	Monticello Woods Ph. 2 Lots 74-112 & 114-129
S-020-05	Ward Subdivision
S-028-05	Elizabeth Jones Estate Family Subdivision
S-030-05	3406 N. Riverside Drive BLA
S-033-05	3918 Rochambeau Drive Family Subdivision
S-034-05	John and Mary Hogge Family Subdivision
S-035-05	Colonial Heritage Ph. 2, Sec. 1, Lots 1-13
S-036-05	3851 & 3899 John Tyler BLA & Conserv. Easement
S-037-05	3851 & 3899 John Tyler BLA
S-038-05	Bruce's Super Auto Body
S-039-05	Hofmeyer Limited Partnership
S-040-05	4450 Rochambeau Drive

S-041-05 Paddock Green BLE  
S-042-05 Toano Business Centre Lots 5 through 9

**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 /2006
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-116-03	Stonehouse Glen, Sec. 2	4 /6 /2006
S-002-04	The Settlement at Monticello (Hidden)	3 /1 /2006
S-036-04	Subdivision at 4 Foxcroft Road	6 /15/2005
S-037-04	Michelle Point	7 /12/2005
S-045-04	ARGO Ph. 1	6 /28/2005
S-059-04	Greensprings West Ph. 6	9 /13/2005
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-105-04	Gross Family Subdivision	11/23/2005
S-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-111-04	Colonial Heritage Ph. 3, Sec. 1	1 /12/2006
S-119-04	The Retreat Ph. 2	1 /27/2006
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-067-03	Ford's Colony Sec. 33	4 /6 /2005
S-035-04	Colonial Heritage Blvd., Ph. 2	4 /7 /2005
S-038-04	Greensprings West Ph. 4B & 5	4 /7 /2005
S-071-04	Cowles Subdivision -163 Howard Drive	4 /14/2005
S-097-04	Cowles Estate BLA	4 /15/2005
S-100-04	Williamsburg National Golf Course BLA	4 /25/2005
S-110-04	New Town, Blocks 8B & 5F, Lots 1-20 & 25-34	4 /13/2005
S-001-05	Toano Business Center	4 /11/2005
S-004-05	New Town Block 2G, 3I, 6/7-A	4 /20/2005

S-010-05 2886 Lake Powell Road BLA  
S-016-05 Frazier BLA  
S-018-05 105 Wake Robin Road BLA

4 /18/2005  
4 /1 /2005  
4 /1 /2005

**D. EXPIRED**

**EXPIRE DATE**

## **DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT**

**4/27/05**

### **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 DRC deferred the case.

### **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 recommended preliminary approval subject to agency comments by unanimous vote.

### **Case No. C-026-05**

### **Olde Towne Timeshares**

Mr. Robert Anderson submitted a conceptual application for a master plan of 365 timeshare units within a residential cluster. The site is further identified as parcels (1-26); (1-26A); and (1-36) on James City County Tax Map (32-4) and includes parcel (1-30) on James City County Tax Map (33-3). DRC action is necessary because the applicant proposes changes to the approved master plan (SUP-18-99/MP-7-99), including road layout, building placement, and stormwater management facilities.

**DRC Action:** The applicant requested, and the DRC approved, deferral of the case.

### **Case No. SP-028-05**

### **Oaktree Office Park and Airtight Self Storage Expansion**

Mr. Blair Wilson submitted a site plan application proposing a 60,000 square foot warehouse expansion and additional 3,200 square foot office building at 3292 and 3356 Ironbound Road. The site is further identified as parcels (1-24) and (1-26) on James City County Tax Map (47-1). DRC action is necessary because the petitioner proposes more than 30,000 square feet of new building area.

**DRC Action:** The DRC recommended preliminary approval of the case by a unanimous vote.

### **Case No. SP-030-05**

### **Wedmore Place at the Williamsburg Winery**

Mr. Kenneth Jenkins submitted a site plan application proposing a 28 room hotel at 5810 Wessex Hundred. The site is further identified as parcel (1-10D) on James City County Tax Map (48-4). DRC action is necessary because the applicant proposes more than 30,000 square feet of new building area.

**DRC Action:** The DRC recommended preliminary approval by a vote of 3-1.

**Rezoning 4-05, Special Use Permit 7-05. Langley Federal Credit Union at New Town  
Staff Report for the May 2, 2005, Planning Commission Meeting**

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

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**PUBLIC HEARINGS**

Building F Board Room; County Government Center

**Planning Commission:** April 4, 2005, 7:00 p.m. (deferred)  
May 2, 2005, 7:00 p.m.  
June 6, 2005, 7:00 p.m.

**Board of Supervisors:** July 12, 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 Size:** 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 proffer and master plan issues. Staff concurs with the request.

**ATTACHMENT:**

1. Deferral Request Letter

**Jones, Blechman, Woltz & Kelly, P.C.**  
ATTORNEYS AND COUNSELORS AT LAW

April 26, 2005

Herbert V. Kelly  
Raymond H. Suttle  
B. M. Millner  
Ralph M. Goldstein  
John T. Tompkins, III  
Conway H. Sheild, III  
Svein J. Lassen  
David W. Otey  
Herbert V. Kelly, Jr.  
Richard B. Donaldson, Jr.  
David W. Otey, Jr.  
Michael B. Ware  
Robyn H. Hansen  
Leonard C. Heath, Jr.  
Raymond H. Suttle, Jr.  
Bryan H. Schempff  
Matthew W. Smith  
Helena S. Mock

Daniel R. Quarles  
Matthew D. Meadows  
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www.jbwk.com

**Via Facsimile 253-6822**

**and First Class Mail**

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 May 2<sup>nd</sup> Planning Commission meeting and we hereby asking for a deferral to June 6<sup>th</sup> meeting. I appreciate your cooperation in this matter.

Very truly yours,

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

  
Raymond H. Suttle, Jr.

RHSjr/acl

c: Thomas K. Horner via fax 825-7543  
Alex Stern via fax 873-2525  
Richard Costello via fax 220-8994  
Vernon Geddy, Esq. via fax 229-5342

347796

*100 Year Anniversary*

**SPECIAL USE PERMIT 4-05. Christian Life Center Tower**  
**Staff Report for May 2, 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**

	Building F Board Room; County Government Center
Planning Commission:	April 4, 2005 7:00 p.m. (Deferred)
	May 2, 2005 7:00 p.m.
	June 6, 2005 7:00 p.m.
Board of Supervisors:	July 12, 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

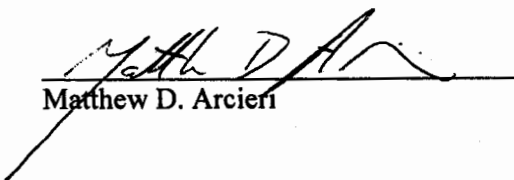
**Comprehensive Plan:** Low Density Residential

**Primary Service Area:** Inside

**STAFF RECOMMENDATION**

The applicant is evaluating other potential locations for this tower and has requested deferral of this case until June 6, 2005.

**Staff Contact:** Matthew Arcieri Phone: 253-6685

  
Matthew D. Arcieri

**REZONING CASE NO. Z-07-05: Jamestown Retreat**  
**MASTER PLAN CASE NO. MP-05-05: Jamestown Retreat**  
**Staff Report for the May 2, 2005. Planning Commission Public Hearing**

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

**PUBLIC HEARINGS**

Planning Commission:

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

May 2, 2005 at 7:00 pm (Deferred)

June 6, 2005 at 7:00 pm

Board of Supervisors:

July 12, 2005 at 7:00 pm (Tentative)

**SUMMARY FACTS**

**Applicant:**

Tom Derrickson

**Land Owner:**

Norman and Helen Nixon Estate, Edward F. and Mamie Nixon,  
and Helen N. Norman

**Proposal:**

The applicant has proposed to rezone three parcels of land and to construct seven 3-story buildings containing a total of 84 condominium rental units at a density of 5.6 dwelling units per acre.

**Location:**

1676 & 1678 Jamestown Road and 180 Red Oak Landing

**Tax Map/Parcel**

Parcels (1-36), (1-37), and (1-39) on tax map (47-3).

**Parcel Size**

16.5 acres

**Proposed Zoning:**

R-5

**Existing Zoning:**

LB, LB, and R-2

**Comprehensive Plan:**

Low Density Residential

**Primary Service Area:**

Inside

**STAFF RECOMMENDATION** The applicant has requested deferral of this case until June 6, 2005 to further address comments and to submit proffers.

Staff Contact: Matthew Smolnik, Planner

Phone: 253-6685

  
Matthew J. Smolnik



5248 Olde Towne Road, Suite 1, Williamsburg, VA 23188  
614 Moorefield Park Drive, Richmond, VA 23236

(757) 253-0040  
(804) 330-8040  
www.aesva.com

April 15, 2005  
Via Hand Delivery

Matthew Smolnik  
JCC Development Management  
101-A Mounts Bay Rd  
Williamsburg, VA 23187-8784

**RE: Jamestown Retreat**  
**AES Job No. 9462**  
**JCC Case No. Z-07-05 and MP-05-05**



Dear Mr. Smolnik:

The above referenced case is scheduled to be presented to the James City Planning Commission at its public hearing scheduled for May 2, 2005. The applicant and its consultants are working diligently to respond to the various comments received from the James City County Department of Development Management. We are waiting for comments from James City Service Authority, Virginia Department of Transportation and the Environmental Division of James City County. Without these comments we are not able to submit proffers in time for the May 2<sup>nd</sup>, Planning Commission meeting. Accordingly, the applicant recognizes it is not likely to have addressed all comments in time to meet the May 2<sup>nd</sup>, Planning Commission public hearing. Therefore, the applicant requests that any action on this case by the Planning Commission be deferred until the June 6, 2005 Planning Commission meeting.

If you have any further questions, Please do not hesitate to call me at 757-253-0040.

Sincerely,  
AES Consulting Engineers

Thomas W. Derrickson L.A.  
Landscape Architect  
[tderrickson@aesva.com](mailto:tderrickson@aesva.com)

cc: Vernon Geddy III (via fax)  
Mike Brown (via fax)  
James Peters  
J. David Fuss (via mail)

S:\Jobs\9462\00-Jamestown Rd Condos\Wordproc\Document\946200-L02-def1.TWD.doc

**SPECIAL USE PERMIT CASE NO. SUP-16-05 Treleaven Warehouse and Nursery  
Staff Report for the May 2, 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:

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

May 2, 2005, 7:00 PM

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

**SUMMARY FACTS**

**Applicant:**

Mr. Stanley Treleaven, T&S Associates, Inc.

**Land Owner:**

VA/NC Laborer's District Council

**Proposal:**

To use the existing 6,500 square-foot building as a contractors warehouse and nursery. (Nurseries are permitted by-right in the A-1 district).

**Location:**

4191 Rochambeau Drive

**Tax Map/Parcel**

(13-4)(1-9B)

**Parcel Size**

4.74 acres

**Existing Zoning:**

A-1, General Agricultural

**Comprehensive Plan:**

Rural Lands

**Primary Service Area:**

Outside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the Special Use Permit application with the attached conditions.

**Staff Contact:**

Trey Davis, Planner

Phone: 253-6685

## **Project Description**

Mr. Stanley Treleaven of T&S Associates, Inc., has applied for a special use permit to allow for a contractors warehouse in addition to a nursery in an existing building. This property is located at 4191 Rochambeau Drive and is zoned A-1, General Agriculture. It is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map and can be further identified as parcel number (1-9B) on James City County Tax Map page (13-4).

The structure is currently used as a training facility by Virginia/North Carolina Laborer's District Council. Portions of the structure and site would be converted for use as a nursery, which is permitted by-right in the A-1 Zoning District. A special use permit to allow for a contractors warehouse would enable the applicant to rent the remainder of the space for this use.

## **Surrounding Zoning and Development**

The site is bordered by undeveloped rural land to the south and west and Faith Baptist Church to the northwest. The property to the east includes a residence and other rural land. All surrounding properties are zoned A-1, General Agricultural. The site is bordered by the Primary Service Area on the east and the property on that side is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

The laborers training center is considered an existing, non-conforming use in the A-1 district. It currently houses offices which are open five days a week and a warehouse area. Training at the site includes masonry work, hazardous material handling, general construction, and other OSHA-related training.

While the applicant does not yet have a specific tenant prepared to use the space as a contractors warehouse, staff feels comfortable that the attached conditions will sufficiently limit the impacts of the proposed use. The conditions of the special use permit would increase its compatibility with surrounding land uses. Staff believes that the proposed use, in general, is consistent with surrounding zoning and development and would be as acceptable as the current use of the site.

## **PUBLIC IMPACTS**

### **1. Environmental Impacts**

**Watershed:** Ware Creek

**Environmental Staff Conclusions:** The Environmental Staff has noted that any expansion of the site which includes new impervious cover (building, parking, etc.) may trigger the need for storm water management facilities which meet current County requirements. No expansion of the building or parking areas is proposed at this time.

### **2. Public Utilities**

The site is located outside the Primary Service Area and is served by a private well and septic system

**JSCA Staff Conclusions:** The applicant will be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing those standards. The applicant will need to submit all development plans to the Fire Department when a specific user is known for review and approval of the proposed fire protection methods. The applicant will also

need to work with JCSA to determine the appropriate backflow prevention needed based on the type of use.

### **3. Traffic**

A traffic impact statement is not required for this project as the ITE trip generation rates are below 100 trips per day.

**VDOT Conclusions:** VDOT Traffic Engineering has reviewed the proposal and has found that the existing roadway is sufficient to accommodate the proposed change in use. ITE trip generation for the contractors warehouse would be 51 daily trips. There will be no adverse impacts on the existing roadway network with regards to level of service. A standard stop sign at the entrance to Rochambeau Drive shall be included on the site plan, in addition to information regarding the site distances based on speed limit at the entrance. No additional improvements are needed in association with this special use request at this time, but a sight distance waiver may be required prior to final approval of any site plans.

**Staff Conclusions:** Staff agrees with VDOT's finding that no traffic improvements beyond the required stop sign would be needed for this project.

### **Comprehensive Plan**

The property is designated Rural Lands on the Comprehensive Plan Land Use Map. Appropriate primary uses for Rural Lands include "agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings". The Rural Lands section of the 2003 Comprehensive Plan also states that retail and commercial uses serving rural lands are encouraged to be placed at planned commercial locations on major thoroughfares. The Comprehensive Plan also states:


"However, a few of the 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 case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan."

**Staff Conclusions:** The proposed contractors warehouse, with the attached conditions, would be consistent with the existing use of the site and the character of the Rural Lands Designation. This would be a re-use of an existing commercial building and would not increase the commercial nature of the site. The proposed conditions prohibit any outdoor storage of materials for the contractors warehouse in order to preserve a more rural setting. Conditions have also been included which limit the hours of operation of the warehouse, the types of machinery operated, and the sound from any outdoor speaker systems.

## **RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

- 1.) The contractors warehouse shall be limited to the storage of lumber, drywall, plumbing fixtures, pipes, insulation, flooring, glass, concrete, fasteners, wires, and electrical fixtures or other materials as approved by the Planning Director. There shall be no outdoor storage of any of these materials.
- 2.) There shall be no outdoor operation of machinery in connection with the contractors warehouse other than forklifts and delivery vehicles at the site.
- 3.) Hours of operation for the contractors warehouse shall be limited to the time between 6AM and 9PM.
- 4.) A site plan shall be submitted by the applicant in accordance with the requirements of the Zoning Ordinance.
- 5.) The applicant shall provide one handicap-accessible parking space on the site.
- 6.) Any outdoor storage of material for the nursery shall be shown on the site plan and shall be screened by landscaping and/or fencing in a manner acceptable to the Planning Director.
- 7.) The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The applicant shall be responsible for enforcing these standards.
- 8.) The applicant shall submit the site plan to the Williamsburg Area Environmental Health office for review and approval to verify that the existing well, septic tank and drainfield are adequate to serve the intended use of the building.
- 9.) The installation of a stop sign at the entrance onto Rochambeau Drive shall be included on the site plan.
- 10.) Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.
- 11.) If final site plan approval is not obtained within thirty-six (36) months of the issuance of the special use permit, it shall become void.
- 12.) This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

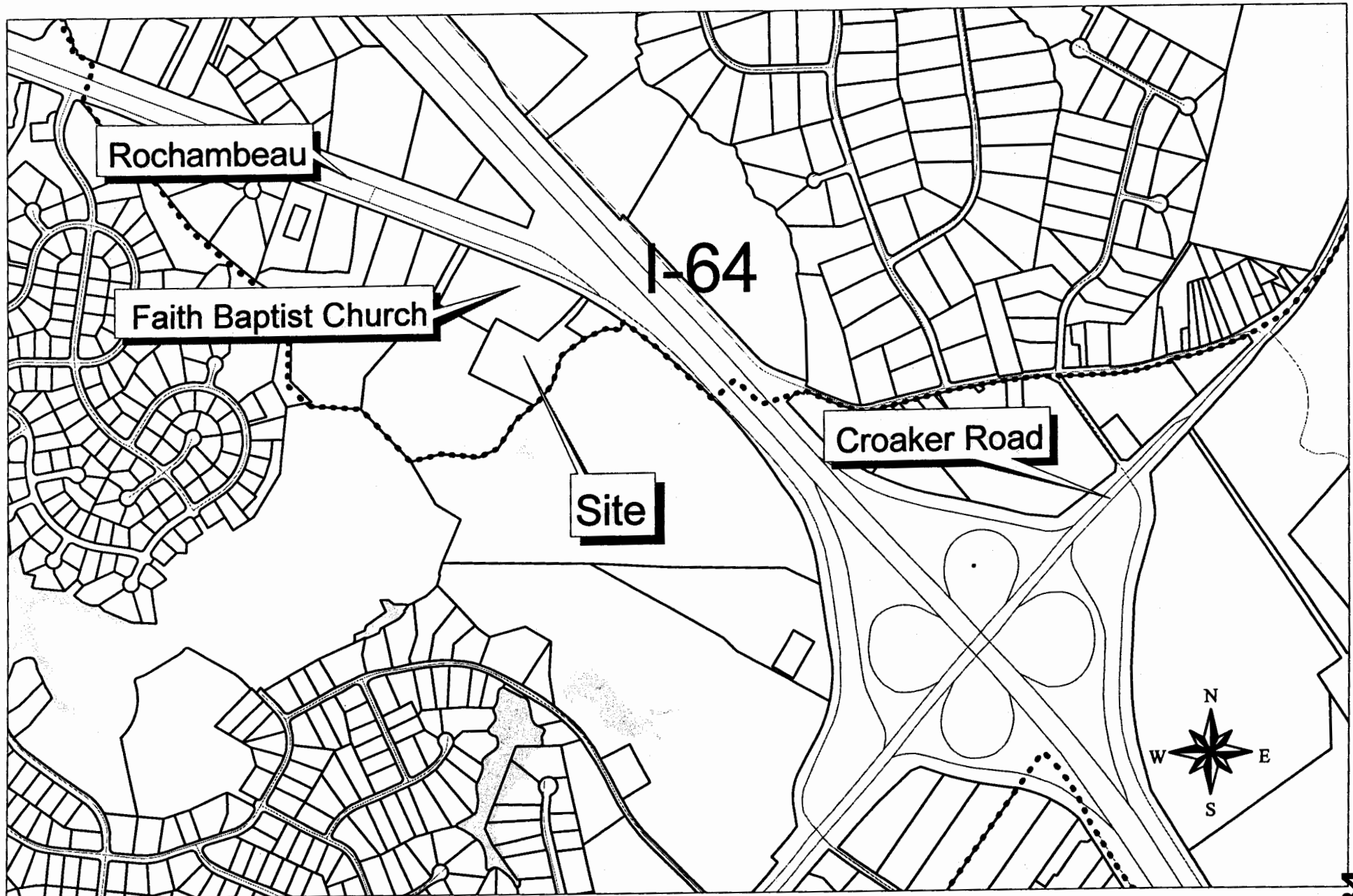
  
Trey Davis

Attachments:

1. Location map

# SUP-16-05

## Treleaven Warehouse and Nursery



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

### **Staff Report for the May 2, 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, 7:00PM (deferred)

March 7, 2005, 7:00PM (deferred)

April 4, 2005, 7:00PM (deferred)

May 2, 2005, 7:00 PM

Board of Supervisors:

June 14, 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**

With the attached conditions, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the Special Use Permit application with the attached conditions.

**Staff Contact:**

Trey Davis, Planner

Phone: 253-6685

## **Project Description**

Mr. Thomas C. Kleine of Troutman Sanders, LLP, has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for the placement of 4 gas pumps (8 fuel service positions) and a canopy in the parking lot of the Farm Fresh in the Norge Plaza. This property is located at 115 Norge Lane and it zoned B-1, General Business, with proffers. It is designated as Community Commercial on the 2003 Comprehensive Plan Land Use Map and can be further identified as parcel number (1-71F) on James City County Tax Map page (23-2). The fueling area would provide discount gas for Farm Fresh customers, and would also be available for use by the general public.

The canopy would be constructed to compliment the character of the Norge community. Other conditions of the special use permit would limit the type of lighting and signage and would provide for enhanced landscaping along Norge Lane.

## **Surrounding Zoning and Development**

The site is surrounded by commercial property zoned B-1, General Business, to the north, south, and west. The property to the east across Norge Lane is zoned A-1, Agricultural and the nearest adjacent residence is approximately 475 feet south east of the proposed gas pumps. Staff believes that the proposed use is consistent with surrounding zoning and development.

## **PUBLIC IMPACTS**

### **1. Environmental Impacts**

**Watershed:** Yarmouth Creek

**Environmental Staff Conclusions:** The Environmental Staff has noted that the existing stormwater management facilities for the shopping center are infiltration BMPs. Per appendix F of the County BMP Manual, vehicle fueling stations are considered to be "hot spot" activities and infiltration BMPs may not be used to control runoff from "hot spot" activities. An alternate BMP or filtration system must be included to accept drainage from the fueling area. A special use permit condition has been proposed which would ensure compliance.

The Environmental Staff suggested that the proposed additional parking spaces shown on the first submittal of the master plan would unnecessarily increase the impervious area. The additional parking is not required by the Zoning Ordinance and has been deleted on the subsequent master plan submittal. Currently, there are 206 spaces in the parking lot. This proposal would delete 32 of those spaces, leaving 174. The Ordinance requires 168 parking spaces for a store of this size in a shopping center.

As suggested by the Planning Commissioners, the applicant has provided a parking study which shows parking counts for the store's peak times on 7 different days. The highest usage recorded during any one period was 114 vehicles. Staff concurs that current parking levels do not warrant an expansion of the parking lot at this time.

## 2. Public Utilities

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

**JSCA Staff Conclusions:** The proposed site would be adjacent to existing water and sewer mains which serve the Norge Plaza. These lines run along the internal access road which is parallel to Richmond Road and a water line underneath the proposed location of the pumps connects to the fire hydrants which serve the Farm Fresh store. A minimum horizontal separation of 100 feet must be maintained between all water and sewer piping, the underground storage tanks and all associated piping.

The applicant has met with representatives from the James City Service Authority and the Fire Department and has revised the master plan to relocate the pumps, the water main serving the Farm Fresh store, and one fire hydrant so that the 100-foot horizontal separation is met. A special use permit condition has been proposed which would ensure compliance.

## 3. Traffic

The applicant submitted a traffic impact assessment prepared by Bryant B. Goodloe, P.C. The 8 fuel service positions would generate 97 AM peak hour trips and 111 PM peak hour trips. The assessment found that there will be minimal traffic impacts and that no traffic improvements would be needed for Richmond Road or Norge Lane as a result of this project.

**VDOT Conclusions:** VDOT Traffic Engineering has reviewed the Traffic Impact Study and has found that the existing roadway improvements are sufficient to accommodate the proposed pumps. There will be no significant adverse impacts on the signalized intersection on Richmond Road or the right-in/right-out entrance on Richmond Road with regards to level of service. No improvements are needed in association with this special use request at this time.

**Staff Conclusions:** Staff agrees with the applicant's traffic impact assessment and VDOT's finding that no traffic improvements would be needed for this project.

## Comprehensive Plan

The property is designated Community Commercial on the Comprehensive Plan Land Use Map. The property is also adjacent to the Richmond Road Community Character Corridor. The Community Character sections of the 2003 Comprehensive Plan reads in part:

The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area and feels these roads warrant a higher level of protection. Additional sections of Richmond Road (Route 60 West) have been added to the list of CCCs to include the segment from Anderson's Corner to the City of Williamsburg line to assist in regional beautification efforts.

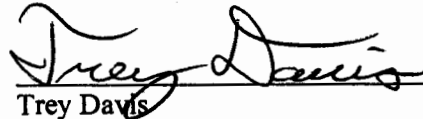
**Staff Conclusions:** The proposed gas pumps are consistent with the Community Commercial designation for this area. With the attached conditions, staff finds the proposal to be appropriate for this Community Character Corridor. Special use permit conditions are included which give the Planning Director control over the architectural features of the canopy and limit the amount of signage.

## **RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

- 1.) The architecture of the canopy shall be generally compatible with that of the Farm Fresh Store and contain architectural features, colors, and materials that reflect the surrounding character of the Norge community as determined by the Planning Director. The architectural design, color, and materials for the canopy shall be approved by the Planning Director prior to final site plan approval.
- 2.) There shall be no more than 4 gas pumps (a total of 8 vehicle fueling stations) permitted on the property. The pumps shall be arranged in a configuration generally consistent with the attached conceptual site layout titled "Exhibit for Special Use Permit", prepared by MSA, P.C. and dated 03/24/2005, herein after referred to as the "master plan".
- 3.) A minimum horizontal separation of 100 feet shall be maintained between all water and sewer piping, the underground storage tanks, and all associated petroleum piping. Water lines and fire hydrants shall be relocated by the applicant at no cost to the James City Service Authority or the County as shown on the attached master plan prior to the issuance of a Certificate of Occupancy. The applicant shall dedicate new utility easements for the relocated lines to the James City Service Authority prior to the issuance of a Certificate of Occupancy. A Certificate to Construct Water and Sewer Facilities shall be obtained prior to construction of the relocated utilities once final site plan approval has been granted.
- 4.) Now more than two signs shall be allowed on the canopy unless otherwise mentioned herein. Gas pricing signs may be allowed on a monument type sign in the parking area or the columns of the canopy. Signage shall be consistent with current zoning and sign regulations.
- 5.) An enhanced landscaping plan shall be provided for the landscaped area along Norge Lane. Unless reduced or waived by the Planning Director, the enhanced landscaping to be included with the site plan shall include a quantity of planting materials that is a minimum of 133% of the minimum ordinance requirements. A minimum of 50% of all trees and 50% of all shrubs shall be evergreen.
- 6.) The lighting for the site, to include canopy lighting, shall be reviewed and approved by the Planning Director prior to final site plan approval. The plan shall indicate no glare outside the boundaries of the additional parking area and fueling facility. All lights, including any canopy lighting, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or canopy ceiling.
- 7.) No outside display, sale, or storage of merchandise shall be permitted at the fueling facility. Merchandise shall include but not be limited to ice, soda, candy, and/or snack machines.
- 8.) Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.

- 9.) The area beneath the fuel area canopy shall not drain directly into the existing infiltration BMPs for the shopping center. An alternate BMP or a separation system to accept drainage from this project shall be shown on the site plan and shall be approved by the Environmental Division prior to final site plan approval.
- 10.) If construction has not begun on the project within thirty-six (36) months of the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
- 11.) The applicant shall design access ways, drive aisles, curbing, pavement markings and landscape islands in such a way as to provide for the safe flow of traffic in and around the fueling facility as determined by the Planning Director.
- 12.) This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

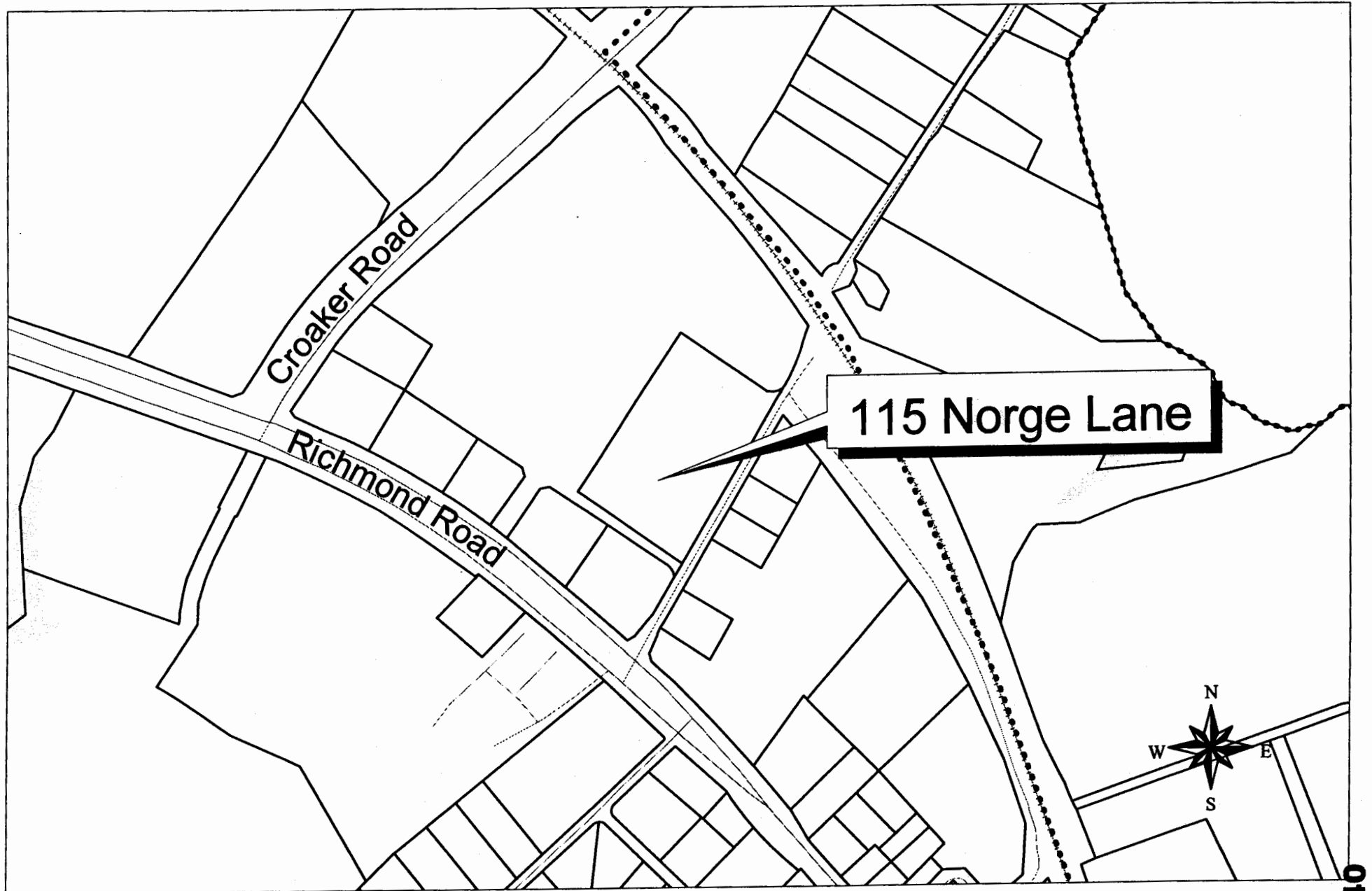
  
Trey Davis

**Attachments:**

1. Location map
2. Parking Count
3. Master Plan (under separate cover)

# SUP-36-04

## Farm Fresh Gas Pumps



### **335 Car Count**

\*\*\* please do a car count during the dictated times and dates- remit to Mike Griffith and Bob Stemann on Monday, April 25th

**15-Apr**  
**Friday**

**16-Apr**  
**Saturday**

**17-Apr**  
**Sunday**

**1030am-1230pm**

98	99	88
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**330pm-530pm**

114	102	86
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**21-Apr**  
**Thursday**

**22-Apr**  
**Friday**

**23-Apr**  
**Saturday**

**24-Apr**  
**Sunday**

**1030am-1230pm**

65	98	94	82
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**330pm-530pm**

78	113	88	94
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**REZONING-15-04/MASTER PLAN-11-04/SPECIAL USE PERMIT-34-04. VILLAS AT JAMESTOWN**  
**Staff Report for the May 2, 2005, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission: 7:00 p.m.; Building F Board Room; County Government Complex  
February 7, 2005 (deferred)  
March 7, 2005 (deferred)  
April 4, 2005 (deferred)  
May 2, 2005  
Board of Supervisors: June 14, 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 Contact: Ellen Cook - 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, the Comprehensive Plan, and the Primary Principles for Five Forks Area of James City County. Staff recommends the Planning Commission recommend approval of the rezoning, special use permit and master plan applications and acceptance of the voluntary proffers.

**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	\$796 per lot
Recreation	\$74 per lot
CIP projects	\$130 per lot
Transportation Items	\$6,335 total (not per lot)
<b>Total Amount (2005 dollars)</b>	<b>\$98,335</b>
<b>Total Per Lot</b>	<b>\$1,069 per lot</b>

As a comparison, the total per lot cash contribution for Colonial Heritage (which is also a proffered age-restricted development) is \$2,082. If the public use site contribution were not counted the total per lot amount would be \$1,332.

### Project Description

Mr. Greg Davis and Mr. Tim Trant have submitted an application to rezone 30.36 acres located on Ingram Road from R-8, Rural Residential, to R-2, General Residential, Cluster, with proffers. If approved, the developer would construct 23 quadriplexes for a total of 92 units; all units are proffered to be age-restricted.

This project proposes a gross density of 3 dwelling units per acre. In accordance with Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a special use permit (SUP) for residential cluster developments of more than two units per acre, but no more than three 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;
5. Implementation of the County's Natural Resources Policy;
6. Provision of pedestrian and/or bicycle trails; and
7. Construction of curb and gutter design on all streets within the development.

### Public Impacts

#### *Archaeology*

The County archaeological policy is proffered.

#### *Environmental Impacts*

Watershed: Powhatan Creek

Environmental  
Proffers/

Conditions: Low Impact Design. A SUP condition provides for the use of Low Impact Design (LID) practices on the site in accordance with the Master Plan.

Natural Resources: The County Natural Resource Policy is proffered.

Staff Comments: The Environmental Division finds that the proposal is consistent with and addresses recommendations outlined in the approved Five Forks Area Study (environmental sections) and the Powhatan Creek Watershed Management Plan.

#### *Public Utilities*

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

Public Utility Proffers: Cash Contribution: For each unit a cash contribution of \$796 is proffered.

Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

JCSA Comments: The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

#### *Parks and Recreation/Greenway*

The project proposes 23,783 square feet of community space; a minimum of 10,000 square feet of recreation area comprised of a pool, putting green, picnic area, gazebo, horseshoe pit and clubhouse; and approximately 1,795 feet of soft-surface walking trail.

The James City County Greenway Master Plan calls for a multi-use corridor along the Powhatan Creek which would link with the Hiden (Settlement at Monticello) Trail to the north. The applicant has proffered a Greenway Trail easement through the western portion of the site.

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

#### *Fiscal Impact*

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 approximately \$208,000 (based on the ten year analysis period).

Proffers: Cash Contribution: A cash contribution for CIP projects (library and Fire/EMS facilities) of \$130 per lot is proffered.

Staff Comments: The Department of Financial and Management Services generally concurs with the applicant's fiscal impact statement. The Department also concurs with the finding of a positive fiscal impact, although it projects a somewhat lower annual amount.

#### *Schools*

The applicant has proffered that occupancy of the proposed units shall be restricted to persons fifty-five years of age or older, and that no unit shall be occupied by a person under the age of eighteen. As such, no school children are projected to be generated by this proposal.

## Traffic

This proposal would be accessed from Ingram Road west of its intersection with Ironbound Road. According to the applicant's traffic study, this development will generate 320 trips per day with 7 a.m. peak hour trips and approximately 10 p.m. peak hour vehicle trips.

### 2003 Traffic

Counts: Ironbound Road: 11,183 vehicles per day

### 2026 Volume

Projected: Ironbound Road shows 13,000 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 right turn taper for the southbound Ironbound Road approach to Ingram Road.

Traffic Proffers: Road Improvements: The proffers provide for the road improvements listed above, as well as the following improvements to Ingram Road: a twenty-four to twenty-eight feet wide roadway, curb and gutter as measured from the face of curb; four foot wide sidewalk along one side; street trees along both sides except in specified locations.

### Cash Contributions

A) Five Forks Intersection Improvements: The applicant has proffered their pro-rata share of the costs of the intersection improvements (\$1,835) recommended in the Primary Principles for the Five Forks Area adopted by the Board of Supervisors on September 28, 2004.

B) Five Forks Pedestrian Improvements: The applicant has proffered \$1,500 toward pedestrian improvements for the Five Forks Intersection.

C) Bike Lane. The applicant has proffered \$3,000 towards construction of a bike lane along the right turn taper for the southbound Ironbound approach to Ingram Road.

VDOT Comments: VDOT concurs with the recommendations of the applicant's traffic study including recommended entrance improvements.

## Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for Low Density Residential Development, with a smaller portion of this property designated for Mixed Use. 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 a 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 Comprehensive Plan states that 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.

Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Specifically, the Five Forks Mixed Use area is the developed area in the immediate vicinity of the intersection of Route 5 and Ironbound Road which primarily serves nearby residential development. Moderate density residential development is encouraged as a secondary use.

**Staff Comments:** Section 24-549(a) of the Zoning Ordinance specifies what particular benefits must be offered in order to achieve a density of approximately three 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.

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

On September 28, 2004 the Board of Supervisors adopted the Primary Principles for the Five Forks Area of James City County. The Principles set forth specific recommendations for the Five Forks Area. This proposal addresses the following principles as follows:

**Pedestrian Improvements:** The proposal provides sidewalk connections along upgraded Ingram Road in conformance with the Five Forks sidewalk inventory, and provides a cash contribution for pedestrian improvements to the intersection. The proposal also proffers an easement through the western side of the property, in accordance with the Greenway Master Plan.

**New Trip Thresholds:** Trip generation thresholds presented in the Five Forks Area Study indicate the maximum number of vehicle trips that should be allowed within the Five Forks Area during either the AM or PM peak hours – with or without geometric improvements. The introduction of 7 new trips during the AM peak results in the use of approximately 2% of the new trip threshold without geometric improvements and approximately 1.4% with geometric improvements. The introduction of 10 new trips during the PM peak results in the use of approximately 2% of the new trip threshold without geometric improvements and approximately 1.5% with geometric improvements.

Currently two other proposals have been reviewed or approved in the Five Forks Area (Oaktree Expansion, Ingram Road Office Building). When combined with the Villas proposal, 15.1% of the intersection capacity (cumulative weighted percent) has been used.

**Environmental:** A SUP condition provides for the use of Low Impact Design (LID) practices on the site in accordance with the Master Plan.

**Land Use:** The proposal proffers that the architecture and exterior elevations of the units shall be generally consistent with those shown on the Architectural Sheet as determined by the Planning Director. With the Architecture Sheet, and the fact that the proposal is located such that it would not be visible from Ironbound Road or John Tyler Highway, staff finds that the proposal would not adversely affect the character of the Five Forks area. The project's overall residential density is three dwelling units per acre in accordance with the recommended maximum density for areas designated low density residential.

Staff finds that this proposal is consistent with the Primary Principles for Five Forks.

## CONCLUSIONS & 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, the Comprehensive Plan, and the Primary Principles for Five Forks Area of James City County. Staff recommends the Planning Commission recommend approval of the rezoning, special use permit and master plan applications and acceptance of the voluntary proffers. Staff recommends that 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. The applicant shall implement Low Impact Development (LID) practices on the site in accordance with the Master Plan and compatible with existing conditions, proposed grading, and drainage patterns. Such LID practices shall be shown on the site plan and shall be consistent with the County's Comprehensive Plan, the goals and strategies of the Powhatan Creek Watershed Management Plan adopted by the County Board of Supervisors, the Primary Principles for Five Forks Area, and applicable laws, ordinances, and regulations.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall not invalidate the remainder.

Ellen Cook  
Ellen Cook

### Attachments:

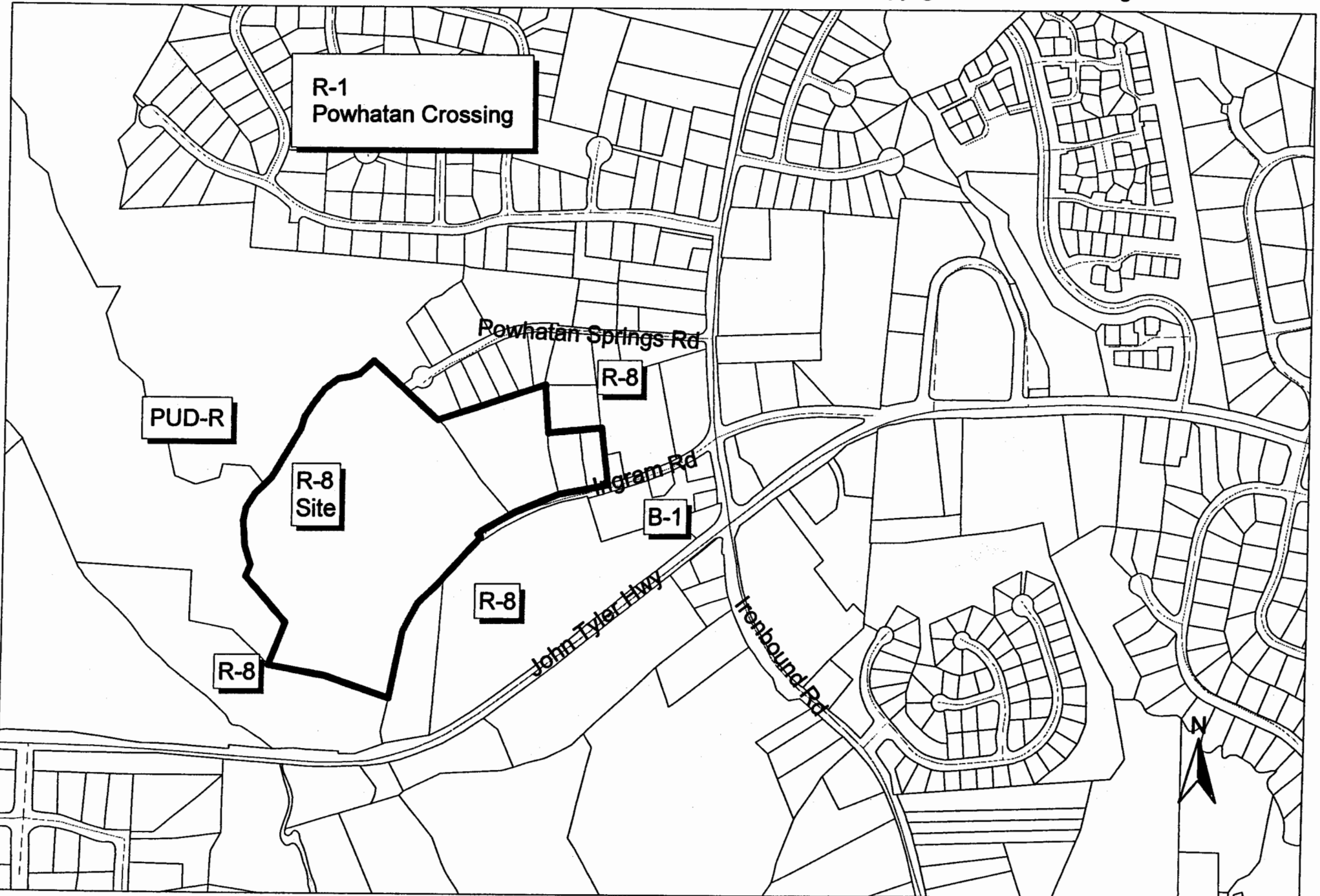
1. Location map
2. Master Plan
3. Fiscal Impact Statement
4. Proffers
5. Primary Principles for the Five Forks Area of James City County

# Z-15-04/MP-11-04/SUP-34-04

## Villas at Jamestown



Photo Copyright 2002 State of Virginia





SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	ENVIRONMENTAL INVENTORY
3	MASTER PLAN

[illegible]



## GENERAL NOTES

PROPERTY:	TAX PARCEL ID	ADDRESS	OWNER	AREA
	4620100018	248 INGRAM RD	SPENCER BROTHER BUILDERS, INC.	24.34
	4620100019	130 INGRAM RD	SPENCER BROTHER BUILDERS, INC.	4.33
	4620100019	130 INGRAM RD	VILLA DEVELOPMENT, LLC	0.88
	4710100019	130 INGRAM RD	GEORGE W. PATTERSON & ROCKY A. TOTAL	30.84

- BOUNDARY SHOWN HEREON FROM A BOUNDARY SURVEY BY A.E.S.
- TOPOGRAPHY WITH 2' CONTOUR INTERVAL, SHOWN HEREON FROM JAMES CITY COUNTY MAPPING.
- TOTAL AREA: 30.84 ACRES
- NO TITLE REPORT FURNISHED
- EXISTING ZONING: R8
- ACCORDING TO FPM MAP PANEL SHOWN DATED DECEMBER 18, 1988
- THERE IS 100-YEAR FLOOD PLAIN ON THIS SITE.
- WETLANDS AND PERENNIAL STREAM ANALYSIS SHOWN HEREON DONE BY EBS AND CONFIRMED BY THE U.S. CORPS OF ENGINEERS
- ACCORDING TO JAMES CITY COUNTY GIS MAPPING THERE IS RPA ON THIS SITE, HOWEVER THE CODE NOW EXTENDS RPA ON STREAMS DETERMINED PERENNIAL THROUGH FIELD INVESTIGATION

## DEVELOPMENT NOTES

- PROPOSED ZONING: R-2 CLUSTER
- TOTAL ACREAGE: 30.84 AC
- TOTAL UNITS: 92
- OVERALL DENSITY: 3.0 DWELLING UNITS PER ACRE
- 30' BUFFER ALONG ADJACENT PROPERTIES
- 30' BUFFER ALONG INGRAM ROAD RIGHT OF WAY (CUL-DE-SAC)
- 30' BUILDING SETBACK FROM INTERNAL EDGE OF BUFFER
- NON-DEVELOPABLE AREA: 8.84 ACRES
- DEVELOPABLE AREA: 22 ACRES
- MIN. OPEN SPACE REQUIRED: 9.74 ACRES 44.1% PROVIDED
- CLUBHOUSE PARKING PER FIC LAND USE CODE 485
- REPAIR ROAD CUT IN DEGRADED NATURAL CHANNEL ALONG REARWEST PROPERTY LINE
- STORMWATER FACILITIES SHOWN HEREON ARE PRELIMINARY AND MAY VARY IN SIZE, TYPE, AND LOCATION AT SITE PLAN

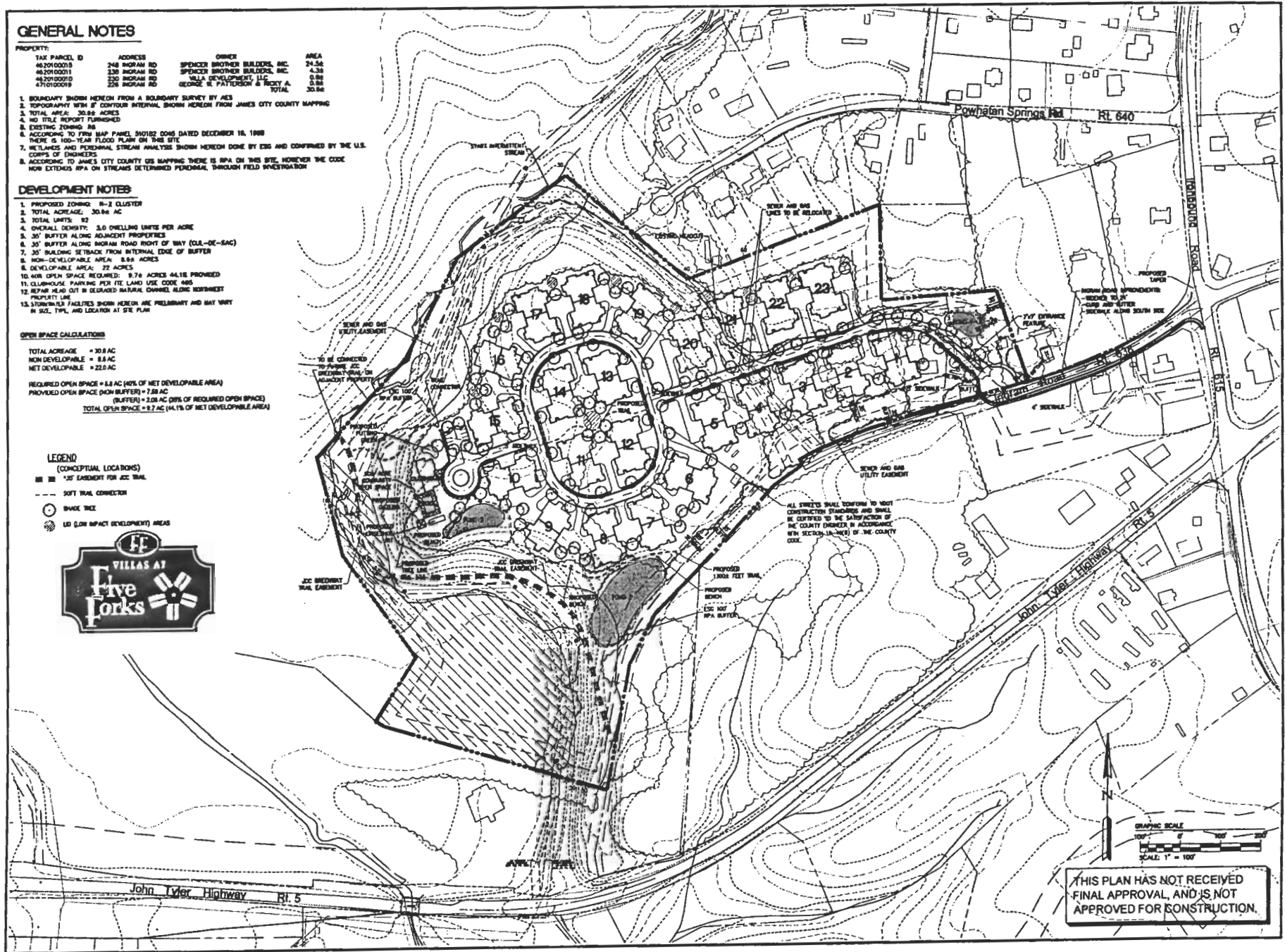
## OPEN SPACE CALCULATIONS

TOTAL ACREAGE = 30.84 AC  
 NON-DEVELOPABLE = 8.84 AC  
 NET DEVELOPABLE = 22.00 AC

REQUIRED OPEN SPACE = 8.8 AC (40% OF NET DEVELOPABLE AREA)  
 PROVIDED OPEN SPACE (NON-BUFFER) = 7.88 AC  
 (BUFFER) = 0.92 AC (4% OF REQUIRED OPEN SPACE)  
 TOTAL OPEN SPACE = 8.8 AC (40.1% OF NET DEVELOPABLE AREA)

## LEGEND

- (CONCEPTUAL LOCATIONS)
- 1" ST. EASEMENT FOR JOE TRAIL
  - SOFT TRAIL CONNECTION
  - BRIDGE TRAIL
  - 10' SLOW IMPACT DEVELOPMENT AREAS



NO.	DATE	BY	REVISION / COMMENT
1	12/17/04	WBS	PRELIMINARY SITE PLAN
2	12/17/04	WBS	REVISED SITE PLAN
3	12/17/04	WBS	REVISED SITE PLAN
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100	12/17/04	WBS	REVISED SITE PLAN

5248 Old Town Road, Suite 1  
 Williamsburg, Virginia 23188  
 (757) 253-0040  
 Fax (757) 220-8804



MASTER PLAN  
 VILLAGES AT FIVE FORKS  
 GRIESENAUER PROPERTY

DATE: 12/17/04  
 DRAWN BY: WBS  
 CHECKED BY: WBS  
 3 OF 3

# **Fiscal Impact Study**

*For*

## **Five Forks Project: Villas At Jamestown**

**To Be Developed by  
Villa Development Corporation**

**November 2004**

**Prepared By**

---

**Ted Figura,**  
*Fiscal Consultant*

FIVE FORKS PROJECT: VILLAS AT JAMESTOWN  
To be Developed by Villa Development Corporation

**FISCAL IMPACT STATEMENT**

This fiscal impact statement is submitted in conjunction with and in support of a rezoning application made by Villa Development, L.L.C. for four parcels totaling 31.363 acres and located between and including 226 Ingram Road and 248 Ingram Road ("the Property"). The fiscal impact statement will analyze the projected revenues to be generated for James City County ("the County") and costs to be borne by the County for the proposed project and for hypothetical developments permitted by right under the existing zoning (zoning category R-8, Rural Residential District) and the most likely alternative rezoning (zoning category R-2, General Residential District). This statement will compute the additional net revenue to the County projected to be derived from the proposed project over a ten-year analysis period.

The results of the fiscal impact statement are highly positive, particularly when compared to the two alternative scenarios. Over a ten-year analysis period, this project returns revenue to the County that is more than three times the project's costs to the County. By contrast, both of the alternative development scenarios generate net costs to the County. This is largely because, in contrast to the alternative scenarios, the proposed development is likely to generate no demand on the County's school system and, also, because the proposed development's higher density will generate a greater revenue impact for the County.

**Project Description**

The Villas at Jamestown will consist of 92 units of age-targeted, upper-middle income housing to be constructed in 23 quadruplexes ("the Project"). The target minimum age of Project householders is 50 years of age. Thus, it is anticipated that households buying into the Project will contain few, if any, school-aged children. The Project will be developed in a condominium regime with all common areas being owned by a condominium association and assessed proportionally to the several units. Thus, the value of the aggregate units incorporates the value of all common areas contained within the Project. These common areas include, but are not limited to, streets, sidewalks, utilities, clubhouse, pool, park benches, horseshoe pits and walking trails (if allowed to be developed by the County). The clubhouse is proposed to be approximately 3,000 square feet and contain a community room, kitchenette, living room, pool table, fitness room and meeting rooms. The pool will be an outdoor, heated pool.

The Villas of Jamestown is a franchised development concept that has been well received in the local market. Four styles of housing will be available to condominium purchasers in the Project. Three other Villa developments have been or are being developed in neighboring jurisdictions on the Virginia Peninsula. One development—Rainbrook—has been already completed. That 164-unit project sold out in less than fourteen months. The developer is projecting a similar absorption for the Villas at Jamestown. This projection is bolstered by the fact that the developer already has a waiting list of prospective purchasers should the Project be approved by the County.

In conjunction with the development of the Project, the developer will also make certain improvements to Ingram Road. These improvements will not only benefit the Project, but also the office park located along Ingram Road and the existing residential properties, as well. Furthermore, these improvements will benefit any future development that may take place along Ingram Road. Although the County has no immediate plans to improve Ingram Road, it can be anticipated that citizen and business demands would eventually cause the County to have to place improving the street in its capital budget. Thus, the improvements to be undertaken by the developer represent a cost savings to the County.

## **Methodology and Assumptions**

### ***Project Assumptions***

This fiscal impact statement first projects revenues and costs to the County that are associated with the Project. These revenues and costs are estimated over a ten-year analysis period. This period of time was chosen in recognition of the long-term nature of the Project revenue and cost impacts, while also recognizing that there is no compelling reason (such as the term of public bond financing) to extend the analysis period further.

### **Revenues**

The analysis projects the following Project revenues to the County: real estate property tax, personal property tax, sales tax, meals tax, business license tax and the cost savings associated with the Ingram Road improvements. Certain minor taxes and fees (e.g. telephone, tobacco, etc.) were not included in this analysis.

### **Real Estate Property Tax**

It is assumed that the original selling prices of the condominium units will form the basis of the County's real estate assessment. Since this can be determined directly from recordation, the original assessment is assumed to be 100% of the selling price. The selling price of the Project condominium units is anticipated to be as follows:

- 8 units @ \$175,000
- 8 units @ \$205,000
- 38 units @ \$225,000
- 38 units @ \$240,000

These prices (and assessments) include land and the units' pro-rata share of all common area within the Project. The existing real estate assessment of the Property (\$569,200) is subtracted from the projected Project assessment, leading to a net real estate Project assessment of \$20,140,800. Assessments are projected to increase by 3% annually. This is likely to be a conservative rate of assessment increase if current rates of appreciation persist for even a few years. The current property tax rate of \$0.825 per \$100 of assessed value is expected to remain unchanged during the analysis period.

### Household-based Taxes

Personal property, sales, meals and business license taxes are considered to be derived from new household expenditures. Conservatively, 50% of the households occupying the Project are projected to be new to the County. This estimate is based upon unfulfilled demand for Villa franchise products developed in other Virginia Peninsula jurisdictions and the high rate of in-migration into the County from the target age group. Thus, all of the household-based tax estimates (as well as cost estimates) are based on expenditures by 46 Project households.

The 2002 U.S. Bureau of Labor Statistics Consumer Price Survey (CPS) was used to estimate average expenditures by Project households. The ratio of average income to average owner-occupied housing unit value within Census tract 803.02, as reported in the 2000 U.S. Census, multiplied by the average Project housing unit selling price times the inflation factor (1999-2004 as reported by the U.S. Bureau of Labor Statistics Inflation Calculator) was used to estimate average Project household income (\$113,400). This income estimate, combined with percentage-of-income expenditures for the \$70,000+ income class households, adjusted for spending patterns of persons 55 and older, formed the basis for estimating the spending patterns of Project households, upon which household-based taxes were estimated.

### Personal Property Tax

Based upon the strong demand exhibited for this Project, housing units are expected to remain essentially 100% occupied. It is estimated that Project households will own an average of one vehicle per household (i.e., while some more elderly households may be without an automobile, at least an equal number of households is expected to own two automobiles). Based upon 2002 U.S. Bureau of Labor Statistics Consumer Price Survey (CPS) data, the original cost of vehicles owned by Project households is expected to average \$18,185.

It is assumed that the County's assessment of these vehicles is based upon a blue book value equal to 75% of the reported value. Thus, the average automobile value per Project household is estimated to be \$13,640. It is also assumed that the Commonwealth continues to reimburse the County for lost car tax revenue. The current personal property tax rate of 4% of assessed value is expected to remain unchanged during the analysis period. The aggregate assessed value is expected to remain unchanged during the analysis period as purchases of new automobiles compensate for the depreciation of automobiles held by their owners.

### Sales Tax

Based upon the estimated Project household income \$113,400, the age-adjusted average expenditure per household on sales-taxed goods was estimated to be \$16,110 annually. This was based on expenditures for food, alcohol, laundry products, household products, clothing, furnishings, electronics, personal care products and reading. The County's receipt of the 1% local option sales tax is expected to remain unchanged during the analysis period. An average annual inflation rate of 3% is assumed for the purpose of this analysis.

### Meals Tax

Based upon the estimated Project household income \$113,400, the age-adjusted average expenditure per household on meals subject to the County's 4% meals tax was estimated to be \$1,865 annually. This tax rate is expected to remain unchanged during the analysis period. As with general sales, an average annual inflation rate of 3% is assumed for the purpose of this analysis.

### Business License Tax

The estimated annual aggregate expenditures on goods subject to the sales tax by Project households was used to calculate business license tax revenues to the County by applying the County's retail business license tax rate of 0.2% (\$0.20 per \$100) to these expenditures. This tax rate is expected to remain unchanged during the analysis period.

### Incidental Fees and Taxes

The County will receive certain one-time taxes and fees associated with the development of the Project and the sale of condominium units. These include site plan or subdivision fees, building permit fees, utility hook-up fees, recordation taxes, etc. An exact estimation of these fees can be computed after the project has been fully designed and building plans submitted. However, a conservative estimate of this revenue source is \$50,000.

### Capital Expenditures Cost Savings

The developer projects that improvements to be made to Ingram Road will cost \$98,850. For purposes of this analysis, it is assumed that the County would make similar improvements to Ingram Road during the last year of the analysis period. A 3% annual inflation rate is used to calculate the cost of such improvements in the year 2015 (\$132,850). The estimated future cost of the County undertaking this capital improvement is counted as revenue derived by the County from the Project.

### Costs

The Project will generate no direct costs for the County. Indirect costs will be generated by the projected population increase associated with the Project. These indirect costs are estimated based upon the per capita cost of applicable local government services delivered to the target population. The projected population of the Project is estimated to be 1.7 persons per household (source: AARP) multiplied by the number of households (92), or 156. Consistent with the assumption made to calculate County revenues, only 50% of the Project residents (78) are projected to be new to the County. Thus, costs to the County are the product of the per capita service delivery costs times 78.

Per capita costs were estimated for the following service categories, where a population increase could be assumed to lead to an increase in County costs (i.e., variable as opposed to fixed costs). Variable cost designation was conservatively estimated. Per capita costs for variable cost services are shown below, based on a 2003 population of 53,100 and the approved FY 2004 County Budget.

Service Delivery Category	Per Capita Cost
Financial Administration	\$60.53
Public Works	\$71.80
Code Compliance	\$17.20
Mosquito Control	\$1.42
Judicial	\$45.04
Public Safety	\$263.94
Community Services	\$9.69
Parks and Recreation	\$86.03
Library and Arts Center	\$68.52
Health Services	\$20.85
Human Resources (pro-rata)	\$7.24

### Absorption Rate

An absorption rate of 10 units per month and a construction lag time of 6 months were estimated for the Project. This is a conservative estimate and absorption could be higher than 12 units per month. At the estimated rate, buildout for the project will occur in fifteen (15) months from the Project start date. Real estate and other taxes are phased in accordingly during the Project's early years.

### *Assumptions for Project Alternatives*

The fiscal impact statement then projects revenues and costs to the County associated with hypothetical developments permitted "by right" under the Property's current R-8 zoning and under the Property's most likely R-2 alternative rezoning (assuming no cluster overlay or other augmentation to the "by right" density).

## Revenues

All revenue categories applicable to the Project were used, except the capital cost savings category. Except as stated below, the assumptions made for the Project remain the same for the two alternative development scenarios.

### Real Estate Property Tax

The real estate property tax was calculated based upon an assumption that new housing will be priced at 1.5 times the average selling price for Census Tract 803.02, as reported by the 2000 U.S. Census, inflated at a rate of 3% annually. The projected housing prices are estimated to be \$241,800 in 2006. The total number of new housing units to be constructed is estimated to be the maximum allowable under the respective zoning categories: eleven (11) under R-8 zoning and thirty-three (33) under R-2 zoning.

### Household-based Taxes

A somewhat higher percentage of alternative project housing is estimated to be purchased by in-migrants—67%, as opposed to 50% for the Project. This is based on an assumption of stronger demand for housing by in-migrants than among County residents in the general population (all age groups) as opposed to a significant demand by older County residents for a change of housing within the County. This assumption results in an addition of 8 new households under the current zoning and 22 new households under the most likely alternative rezoning.

The 2002 U.S. Bureau of Labor Statistics Consumer Price Survey (CPS) was used to estimate average expenditures by Project households. The ratio of average income to median owner-occupied housing unit value within Census tract 803.02, as reported in the 2000 U.S. Census, multiplied by the projected average unit selling price was used to estimate Project household income (\$121,800). This income estimate, combined with percentage-of-income expenditures for the \$70,000+ income class formed the basis for estimating the spending patterns of alternative project households, upon which household-based taxes were estimated.

### Personal Property Tax

The number of automobiles per household is estimated at two (2). The average automobile value is calculated at \$26,830, based upon the percentage of income spent on vehicle purchase for households earning more than \$70,000, times the estimated income per household for the alternative projects.

### Sales Tax/Meals Tax/Business License Tax

These taxes are computed based upon expenditure patterns as reported in the CPS for households earning more than \$70,000 annually and applied to the average household income for the alternative projects.

### Incidental Taxes and Fees

Taxes and fees incidental to development are estimated as a proportion of the amount estimated for the Project, based upon the number of units developed.

### Capital Expenditures Cost Savings

No improvements to Ingram Road are projected under the alternative development scenarios.

### Costs

The average number of persons per household in Census Tract 803.02, as reported in the 2000 U.S. Census (2.59 persons) was used to determine the additional population added by each of the alternative projects. The per capita costs of County service delivery, as stated above, were then applied. Additionally, the 2000 U.S. Census showed an average of 0.5 school age children per household in Census Tract 803.22. This was multiplied by a per school age child expenditure of \$7,329 (as calculated from the Census and the approved FY 2004 County Budget), to calculate education costs for the alternative projects.

### Absorption Rate

Based upon the high demand for housing currently experienced in the region and expected to continue, the absorption rate for the alternative projects was assumed to equal that for the Project. However, for mathematical convenience, this absorption rate was specified at eleven (11) units per month. This results in an R-8 zoning project being sold out in one month and an R-2 rezoning project being sold out in three months, with a six month construction lead time.

Since no potential alternative project is now being proposed, it was assumed that the earliest that units in an alternative development would be constructed would be January 2006, allowing 2005 for development planning, approvals and construction to take place. Obviously, the alternative development scenarios could easily be delayed beyond this timeframe, thus reducing the net revenues to the County and making the Project more attractive from a net fiscal impact perspective.

### Present Value Calculation

The present value of projected revenue and cost streams for the Project and the alternative projects was calculated using a discount rate of 5%. This rate was chosen based upon a normal return on investment of 2% above the projected long-term inflation rate (3%). Present value is used to more accurately determine fiscal impacts occurring over an extended time period.

## **Fiscal Impact Analysis Results**

Costs and revenues accruing to the County from the Project and the two alternative projects were calculated and compared. Current dollar results for the first year of full development and full taxation (2007 for all projects) and for the cumulative ten-year analysis period are shown in Table 1, attached. Discounted (present value) total costs and total revenues for the cumulative period are shown in Table 2, attached. As stated above, discounted costs and revenues most accurately reflect the true fiscal impact of the Project on the County over time.

The Project is estimated to have a significantly positive fiscal impact for the County. The ratio of cumulative discounted revenues to costs (the best measure of fiscal impact) is 3.5:1 for the Project. Alternative development scenarios, however, create a negative fiscal impact for the County. The ratios of cumulative discounted revenues to costs is 0.71:1 for a project undertaken under the current zoning and is 0.82:1 for a project undertaken with a change of zoning to R-2. Despite housing prices and household incomes estimated to be somewhat higher under the alternative development scenarios, the combination of greater density and, particularly, the absence of County education costs for the Project, as well as the expenditure on improvements to Ingram Road to be made by the Project developer, are primarily responsible for the significantly better fiscal performance of the Project.

The Project is projected to generate more than \$2,000,000 in revenues to the County during the ten-year analysis period (almost \$1,600,000 in discounted dollars), while generating costs of less than \$600,000 (about \$450,000 discounted dollars) during that period. Thus, the Project generates a significant revenue surplus for its size. Since both alternative development scenarios produce net revenue losses (more than \$110,000 in discounted dollars with R-8 zoning and more than \$175,000 in discounted dollars with R-2 zoning), a net revenue comparison (subtracting the alternative development net revenue from the Project) would only lead to an improvement in the fiscal impact of the Project. Nevertheless, a net revenue comparison is shown in Table 3, attached.

Besides the positive fiscal impact of the proposed Project, one intangible benefit of the Project should be considered. The properties to be developed have become an informal dumpsite and an eyesore in the Five Forks area. In the process of constructing the Villas of Jamestown, the developer will remove accumulated trash and significantly improve the aesthetic environment along Ingram Road. This cannot fail to have a positive long-term impact on property values, as well as on citizen welfare.

**Table 1**  
**Projected Revenues and Costs**  
**Villas of Jamestown and Alternative Developments**  
**(Current dollars)**

	Project		Alternative R-8		Alternative R-2	
	2007	Total	2007	Total	2007	Total
<b>Costs</b>						
Financial Admin.	\$5,022	\$54,254	\$1,331	\$13,966	\$3,659	\$38,106
Public Works	\$5,957	\$64,356	\$1,578	\$16,567	\$4,340	\$45,200
Code Compliance	\$1,427	\$15,417	\$378	\$3,969	\$1,040	\$10,828
Mosquito Control	\$118	\$1,273	\$32	\$328	\$86	\$894
Judicial	\$3,737	\$40,370	\$1,020	\$10,392	\$2,723	\$28,354
Public Safety	\$21,897	\$236,575	\$5,976	\$60,900	\$15,955	\$166,159
Community Serv.	\$804	\$8,685	\$219	\$2,236	\$586	\$6,100
Parks and Rec.	\$7,137	\$77,111	\$1,948	\$19,850	\$5,201	\$54,159
Library & Arts Ctr.	\$5,685	\$61,416	\$1,551	\$15,810	\$4,142	\$43,135
Health Services	\$1,730	\$18,688	\$472	\$4,811	\$1,260	\$13,126
Human Resources	\$601	\$6,489	\$164	\$1,671	\$438	\$4,558
Schools	\$0	\$0	\$32,995	\$346,157	\$85,529	\$944,874
<b>Total Costs</b>	<b>\$54,115</b>	<b>\$584,634</b>	<b>\$47,664</b>	<b>\$496,657</b>	<b>\$124,959</b>	<b>\$1,355,493</b>
<b>Revenues</b>						
Real Estate Tax	\$144,970	\$1,508,165	\$17,765	\$197,723	\$62,968	\$695,638
Personal Prop. Tax	\$25,095	\$242,224	\$12,878	\$115,906	\$35,416	\$318,740
Sales Tax	\$7,747	\$87,437	\$1,779	\$19,225	\$4,750	\$52,477
Business License	\$1,549	\$17,487	\$356	\$3,845	\$950	\$10,495
Meals Tax	\$3,588	\$40,489	\$882	\$9,533	\$2,355	\$26,022
Incidental Development Taxes and Fees*	\$50,000	\$50,000	\$5,694	\$5,694	\$17,081	\$17,081
Capital Cost Saving	\$0	\$132,850	\$0	\$0	\$0	\$0
<b>Total Revenues</b>	<b>\$232,949</b>	<b>\$2,078,652</b>	<b>\$39,354</b>	<b>\$351,926</b>	<b>\$123,520</b>	<b>\$1,120,453</b>

\*2005 for Villas of Jamestown; 2006 for Alternatives R-8 and R-2

**Table 2**  
**Discounted Costs and Revenues**  
**Ten-year Analysis Period**

	<b>Project</b>	<b>Alternative R-8</b>	<b>Alternative R-2</b>
<b>Discounted Costs</b>	\$455,163	\$380,332	\$1,036,091
<b>Discounted Revenues</b>	\$1,591,180	\$268,624	\$854,431
<b>Net Discounted Revenues</b>	\$1,136,017	(\$111,708)	(\$181,660)

**Table 3**  
**Net Cumulative Discounted Revenue Comparison**

<b>Project Net Cumulative Discounted Revenue</b>	\$1,136,017
<b>Project Net Cumulative Discounted Revenue over R-8 Alternative</b>	\$1,247,725
<b>Project Net Cumulative Discounted Revenue over R-2 Alternative</b>	\$1,317,677

**PROFFERS**  
**VILLAS AT FIVE FORKS**

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## VILLAS AT FIVE FORKS PROFFERS

THESE PROFFERS are made as of this 18th day of April, 2005, by VILLA DEVELOPMENT, LLC, a Virginia limited liability company, SPENCER BROTHERS BUILDERS, INC., a Virginia corporation, GEORGE W. PATTERSON, and RICKY A. PATTERSON (collectively, together with their successors and assigns, "Owner") (index each as a "grantor"), and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County") (index as the "grantee").

### RECITALS

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

R-2. Owner has filed a rezoning application, a master plan application, and a special use permit application (collectively, the "Application") requesting a change of zoning for the Property. The Application has been designated by the County as Case Numbers Z-15-04, MP-11-04, and SUP-34-04.

R-3. In the Application, Owner has requested that the zoning of the Property be changed from R8-Rural Residential to R2-General Residential with Cluster Overlay with proffers as described by Section 24-251 *et seq.* and Section 24-538 *et seq.* of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance"), Section 24-1 *et seq.* of the County Code, in order to permit the construction of clustered "Residential Units" (hereinafter defined) at a density of three (3) "Residential Units" per "Gross Acre" (hereinafter defined). The term gross acre or gross acreage ("Gross Acre" or Gross Acreage") shall mean the total land area of a parcel, including but not limited to stream beds, areas subject to flooding, marsh and areas

with slopes exceeding twenty-five percent (25%) gradient, within the outermost boundary lines of the parcel as established by existing property lines or future subdivisions.

R-4. A conceptual plan of development ("Master Plan") entitled "Master Plan for Rezoning of Villas at Five Forks for Villa Development, LLC James City County, Virginia", dated December 17, 2004, last revised April 18, 2005, prepared by AES Consulting Engineers, has been submitted to the County Planning Director for review by the County in connection with the Application. The Master Plan is on file in the office of the County Planning Director.

R-5. A community impact statement ("Community Impact Statement") entitled "Community Impact Study for the Master Plan Prepared for Villas at Five Forks", dated December 17, 2004, last revised April 18, 2005, prepared by AES Consulting Engineers, has been submitted to the County Planning Director for review by the County in connection with the Application. The Community Impact Statement is on file in the office of the County Planning Director.

R-6. A traffic impact study ("Traffic Impact Study") entitled "The Villas at Jamestown Traffic Impact Study James City County, Virginia" dated November 10, 2004, prepared by URS Corporation, has been submitted to the County Planning Director and the Virginia Department of Transportation ("VDOT") for review in connection with the Application. The Traffic Study is on file in the office of the County Planning Director.

R-7. An Environmental Inventory ("Environmental Inventory") was conducted on the Property as detailed in that certain report entitled "Report of Findings Small Whorled Pogonia (Isotria Medeoloides (Pursh.) Raf.) James City County, Virginia", dated July 22, 2004, prepared by Alan J. Neumann, Ph.D. The Environmental Inventory identified no small whorled pogonias on the Property and did not identify any potential habitat for the same within the developable areas of the Property. The Environmental Inventory has been submitted to, reviewed and

approved by the County Planning Director, and is on file in the office of the County Planning Director.

R-8. Photographs and graphic examples of architectural elevations proposed for construction on the Property ("Architecture Sheet") entitled "Villas at Five Forks Sample Architecture Sheet" dated March 22, 2005, prepared by Villa Development, LLC has been submitted to the County Planning Director for review in connection with the Application. The Architecture Sheet is on file in the office of the County Planning Director.

R-9. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of its application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296, *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

R-10. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the County of the Application, and pursuant to Section 15.2-2296, *et seq.*, of the Virginia Code and Section 24-16 of the Zoning Ordinance, Owner agrees that it shall meet and comply with the following conditions and proffers as indicated in developing the Property.

PROFFERS:

1. Plan of Development. The Property shall be developed generally in accordance with the Master Plan with only minor changes thereto that the County Development Review Committee determines do not change the basic concept or character of the development. The

Master Plan is a conceptual plan for proposed development on the Property and provides only for the general location of buildings, proposed streets, parking, drainage facilities, areas of open space, buffer areas and recreation facilities. All of such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

2. Condominium Owners Association. A condominium owners' association ("Owners Association") shall be established in accordance with the Virginia Property Owners' Association Act, § 55-508 *et seq.* of the Virginia Code, in which all owners of Residential Units within the portions of the Property currently lying inside the development area shall be members by virtue of their property ownership. The articles of incorporation or organization and bylaws of the Owners Association and declaration of restrictive covenants enforceable by the Owners Association (collectively, the "Governing Documents") shall be submitted to and reviewed by the County Attorney for consistency with this proffer. The Governing Documents shall require or provide for, *inter alia*, the following:

(a) The Owners Association shall adopt an annual maintenance budget and assess all of its members for the maintenance of the properties owned or maintained by the Owners Association.

(b) The Owners Association shall be granted the right to adopt and enforce rules and regulations with respect to the use of common areas and with respect to other areas of responsibility of the Owners Association.

(c) The Owners Association shall have the power to assess its members in order to provide for the budget described above, and shall further have the power to levy special assessments, and to have a lien upon property owned by its members for collection and

enforcement of such assessments, and for the cost of remedying violations of the rules and regulations established by the Owners Association.

(d) The Owners Association shall implement and enforce the water conservation standards proffered herein.

3. Parks and Recreation. In accordance with the County Comprehensive Parks and Recreation Plan proffer guidelines, as in effect on the date hereof, the following recreation facilities ("Recreation Facilities") shall be constructed/installed on the Property:

(a) A minimum of .546 acres of community space as shown generally on the Master Plan;

(b) A minimum of ten thousand (10,000) square feet of recreation area comprised of a pool, real or artificial turf putting green, picnic area, gazebo, horseshoe pit, and clubhouse with exercise equipment at locations to be shown on a site plan for development of the Property; and

(c) Eight (8) foot wide, mulch or other soft surface pedestrian/jogging trail(s) a minimum of .34 miles in length at locations to be shown on a site plan for development of the Property.

The design and location of the Recreation Facilities shall be subject to the review of the County Planning Director for consistency with these Proffers. The Recreation Facilities shall be open to all residents of the development, and maintained and regulated by the Owners Association. The Recreation Facilities shall be completed or guaranteed ("Guaranteed") in accordance with Section 15.2-2299 of the Virginia Code (or any successor provision) and the applicable provisions of the County Code of Ordinances (such performance assurances to be hereinafter referred to as a "Guarantee" or "Guarantees") prior to final site plan or subdivision plan approval for residential construction on the Property exceeding fifty (50) Residential Units.

4. Transportation Improvements.

(a) Owner shall construct/install the following entrance and road improvements ("Transportation Improvements") to Virginia Department of Transportation ("VDOT") standards and specifications for Ingram Road (as designated in the Traffic Study):

(1) A right turn taper for the southbound Ironbound Road approach to Ingram Road; and

(2) Improvement of Ingram Road from Ironbound Road to the entrance to the Property to provide (i) a twenty-four (24) to twenty-eight (28) feet wide roadway, curb and gutter as measured from the face of curb, (ii) sidewalk four (4) foot wide along one side of Ingram Road; and (iii) street trees along both sides of Ingram Road in accordance with the County's Streetscape Guidelines Policy, a copy of which is attached hereto as **EXHIBIT B**, except that no street trees shall be required on the side of Ingram Road adjacent to the property located at 220 Ingram Road (County Tax Parcel I.D. # 47010100018) and 224 Ingram Road (County Tax Parcel I.D. # 47010100020).

(b) The Transportation Improvements shall be completed or Guaranteed prior to issuance of a building permit for the twenty-fifth (25<sup>th</sup>) Residential Unit on the Property.

(c) Prior to final site plan or subdivision plan approval for development of the Property:

(1) Owner shall make a contribution to the County in the amount of One Thousand Eight Hundred Thirty-Five Dollars (\$1,835.00), determined by the Owner utilizing the formula developed by Kimley-Horn and Associates, Inc. as a part of a Five Forks Area study, in order to mitigate traffic impacts resulting from development of the Property. The County shall use these monies to construct improvements to the intersection of Ironbound Road and John Tyler Highway as outlined in the "Primary Principles for the Five Forks Area of James

City County” adopted by the County Board of Supervisors on September 28, 2004 (the “Primary Principles”).

(2) Owner shall make a contribution to the County in the amount of One Thousand Five Hundred Dollars (\$1,500.00), determined by the Owner utilizing the cost estimates developed by Kimley-Horn and Associates, Inc. as a part of a Five Forks Area study, representing its share of the cost of pedestrian improvements to the intersection of Ironbound Road and John Tyler Highway recommended in the Primary Principles, and in order to mitigate traffic impacts resulting from development of the Property. The County shall use these monies to construct pedestrian improvements to the intersection of Ironbound Road and John Tyler Highway as outlined in the Primary Principles.

(3) Owner shall make a contribution to the County in the amount of Three Thousand Dollars (\$3,000.00), determined by the Owner utilizing the cost estimates developed by AES Consulting Engineers, for the County’s construction of a bike lane along the right turn taper proffered above. The County shall use these monies to construct a bike lane along the right turn taper for the southbound Ironbound Road approach to Ingram Road.

(d) All streets, internal to the Property, may be private, but shall conform to VDOT construction standards. The construction of all private streets shall be certified by the County Engineer for conformance with these Proffers prior to issuance of a final Certificate of Occupancy for the eightieth (80<sup>th</sup>) Residential Unit on the Property.

5. Contribution for Public Facilities.

(a) Water. A contribution shall be made to the James City Service Authority (“JCSA”) in the amount of Seven Hundred Ninety-Six Dollars (\$796.00), for each individual residential dwelling unit (individually, a “Residential Unit”, and collectively, the “Residential Units”) developed on the Property (the “Per Unit Water Contribution”). JCSA shall make these

monies available for development of water supply alternatives, the need for which is deemed by JCSEA to be generated, in whole or in part, by the development of the Property.

(b) Recreation. A recreation contribution shall be made to the County in the amount of Seventy-Four Dollars (\$74.00), for each Residential Unit developed on the Property (the "Per Unit Recreation Contribution"). The County shall make these monies available for development of recreational facilities, the need for which is deemed by the County to be generated by the development of the Property.

(c) Library Facilities. A contribution shall be made to the County in the amount of Sixty Dollars (\$60.00) for each Residential Unit developed on the Property (the "Per Unit Library Contribution"). The County shall make these monies available for the development of library space, the need for which is deemed by the County to be generated by the development of the Property.

(d) Fire/EMS Facilities. A contribution shall be made to the County in the amount of Seventy Dollars (\$70.00) for each Residential Unit developed on the Property (the "Per Unit Fire/EMS Contribution"). The County shall make these monies available for the acquisition of fire and rescue facilities and equipment, the need for which is deemed by the County to be generated by the development of the Property.

(e) The Per Unit Water Contribution, Per Unit Recreation Contribution, Per Unit Library Contribution, and Per Unit Fire/EMS Contribution (collectively, the "Per Unit Contributions") shall be payable for each of the Residential Units to be developed within the Property at the time of final site plan or subdivision plan approval for the particular Residential Unit or grouping of Residential Units then to be developed or at such other time as may be approved by the County Planning Director.

6. Archaeological Study. A Phase I Archaeological Study for the Property shall be submitted to the County Planning Director for his review and approval prior to issuance of a land disturbing permit for any soil disturbing activity on the Property. A treatment plan shall be submitted to, and approved by, the County Planning Director for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the County Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the County Planning Director for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the County Planning Director prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's 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 site, and the clearing, grading or construction activities thereon.

7. Age Restriction. Occupancy of Residential Units developed upon the Property shall be age restricted to persons fifty-five (55) years of age or older in accordance with the following parameters:

(a) It is the intent of Owner that Residential Units shall be occupied by persons fifty-five (55) years of age or older and that no Residential Unit shall be occupied by a person under the age of eighteen (18). In some instances, persons under the age of fifty-five (55) but over the age of eighteen (18) shall be entitled to occupy Residential Units, subject, at all times, to the laws and regulations governing age fifty-five (55) and over restricted housing as more particularly set forth and described in subparagraph (b) below; and

(b) Each Residential Unit within the Property shall have a master bedroom and bath on the main floor of such unit and shall be developed in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons fifty five (55) years of age or older, including but not limited to: the Fair Housing Act, 42 U.S.C. §3601 *et seq.* and the exemption therefrom provided by 42 U.S.C. §3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. §3601 *et seq.*; the Virginia Fair Housing Law Va. Code §36-96.1 *et seq.*; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in the Governing Documents of the Owners Association.

8. Water Conservation. The Owners Association shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on 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. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management

plan shall be implemented to accomplish the limitation on use of public water and groundwater. The standards shall be submitted to and reviewed by the County Attorney for general consistency with this proffer and shall be approved by JCSA prior to final approval of the first site plan or subdivision plan for development of the Property or any portion thereof.

9. Streetscapes, Sidewalks, and Curb and Gutter. All site plans and/or subdivision plans for development within the Property shall:

(a) Comply with the County's Streetscape Guidelines Policy, a copy of which is attached hereto as **EXHIBIT B**;

(b) Provide for a sidewalk at least five (5) feet in width on at least one (1) side of all internal streets; and

(c) Provide for curb and gutter design of all internal streets.

Sidewalks along internal streets shall be constructed concurrently with the construction of adjacent Residential Units.

10. Limitation on Number of Residential Units. There shall be no more than 92 Residential Units constructed on the Property.

11. Architecture. The architecture and exterior elevations of the Residential Units constructed on the Property shall be generally consistent with that shown on the Architecture Sheet, and shall be subject to the review of the County Planning Director for consistency with these Proffers.

12. Greenway Trail Easement. Within in sixty (60) days of receipt by Owner of a written request from the County, Owner shall grant the County an easement for a trail through the Property in the general location shown on the Master Plan as "James City County Greenway Trail" subject to any existing easements and related easement rights of third parties. The easement shall provide, *inter alia*, that County shall be entitled to construct a soft surface trail

with a minimum ten (10) foot wide travel path (which will be open to the general public during daylight hours only), any necessary bridges, and to install passive amenities such as benches, tables, gazebos, educational or descriptive markers or individual fitness stations. The easement shall be located inside the resource protection area on the Property.

13. Natural Resource Inventory. Owner shall cause a survey to be conducted of the Property for Virginia least trillium. Such survey shall be submitted to the County Planning Director for review and approval prior to land disturbance activities on the Property. If the survey confirms that Virginia least trillium either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the County Planning Director for the affected area. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the County Planning Director, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

14. Consumer Price Index Adjustment. All cash contributions contained in these Proffers (collectively, the "Proffered Amounts"), to include but not be limited to Per Unit Contributions, shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. The adjustment shall be made by multiplying the Proffered Amounts for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the

CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Proffered Amounts to approximate the rate of annual inflation in the County.

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

16. Severability. In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, 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, subparagraph, section or provision hereof.

17. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not a part of these Proffers.

18. Conflicts. In the event that there is any conflict between these proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of supervisors and the Courts as otherwise provided by law.

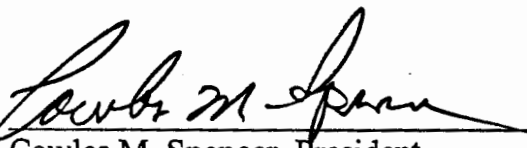
19. Void if Application not Approved. In the event that the Application is not approved by the County, these Proffers and the Master Plan shall be null and void.

20. Incorporation of Recitals. The Recitals set forth above shall be included and read as a part of these Proffers and are incorporated herein by reference.

WITNESS the following signatures, thereunto duly authorized:

VILLA DEVELOPMENT, LLC

By:

  
Cowles M. Spencer, ~~President~~ *Member* *CMS*

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF York, to wit:

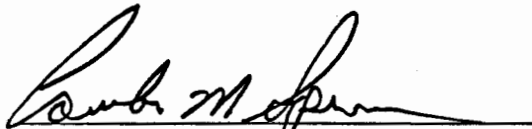
The foregoing instrument was acknowledged before me this 20th day of April, 2005 by Cowles M. Spencer as ~~President~~ *Member* of Villa Development, LLC, a Virginia limited liability company, on its behalf.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 6-30-05

SPENCER BROTHERS BUILDERS, INC.

By:

  
Cowles M. Spencer, ~~President~~  
President *CKS*

COMMONWEALTH OF VIRGINIA

~~CITY~~/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2005 by Cowles M. Spencer as President of Spencer Brothers Builders, Inc., a Virginia corporation, on its behalf.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 6-30-05

George W. Patterson  
GEORGE W. PATTERSON

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of April, 2005 by George W. Patterson.

Sara Rosenberg  
NOTARY PUBLIC

My commission expires: 3-31-2008

Ricky A. Patterson SR  
RICKY A. PATTERSON

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of April, 2005 by Ricky A. Patterson.

[Signature]  
NOTARY PUBLIC

My commission expires: 6-30-05

#6061638v5

## Exhibit A

### **Parcel 1**

**Address: 248 Ingram Road**

**Parcel ID: 4620100015**

All that certain tract or parcel of land situate in James City County, Virginia, containing 24.30 acres as shown on that certain plat entitle, "Map showing property containing 24.30 - Acres situated north of Route No. 5 and being the extreme Eastern portion of the Green Spring Plantation James City County, VA, standing in the name of the Pine Dell Land Co., Inc." dated May 20, 1942, and made by J. Temple Waddill, Certified Civil Engineer, duly recorded in the Clerk's Office of the City of Williamsburg and County of James City, Virginia, in Plat Book 14 at Page 99, to which reference is here made.

Being the same property conveyed to Grantors hereunder by deed of gift dated May 23, 1989, from Gertrude M. Griesenauer (formerly Gertrude M. Thompson) widow, which deed was recorded in the aforesaid Clerk's Office in Deed Book 436, page 324.

### **Parcel 2**

**Address: 238 Ingram Road**

**Parcel ID: 4620100011**

## **I**

All that certain piece, parcel or lot of land, situate, lying and being in Jamestown District, James City County, Virginia, more Particularly bounded and described as follows: Beginning at a chopped white oak on the north side of the road leading from Williamsburg to Greenspring, said chopped white oak being on the line dividing the property hereby conveyed from that property now or formerly known as the estate of Charlie Wynne; thence running northerly along the dividing line between the property hereby conveyed and the property now or formerly known as the estate of Charlie Wynne 70 yards to a point marked by an iron rod driven in the ground; thence in an easterly direction in a straight line 70 yards to another point marked by an iron rod driven in the ground; thence in a southerly direction in a straight line 70 yards to a point marked by another iron rod driven in the ground on the northern line of the Williamsburg-Greenspring road; thence westerly along the northern line of the Williamsburg-Greenspring road 70 yards to the point of the beginning.

## **II**

All that certain piece or parcel of land situate in Jamestown District, James City County, Virginia, on the north side of the road leading from Five Forks to Barretts Ferry and described as follows: Beginning on the North side of said road, where the eastern boundary line of C. V. Mahone's property intersects the same, thence along said road in an easterly direction the distance of 10 yards to an iron stake, thence in a northerly direction the distance of 70 yards, more or less, to an iron stake, thence in a westerly direction the distance of 45 yards to an iron stake, the corner of C. V. Mahone, thence in a southeasterly direction along the aforesaid boundary line of C. V. Mahone the distance of 70 yards to an iron stake, the point of beginning.

## **III**

All that certain piece or parcel of land containing three acres, more or less, situate in Jamestown District, James City County, Virginia, near Five Forks and bounded and described as follows: Beginning at an iron stake at the northwest corner of a one acre parcel owned by C. V. Mahone, on the eastern boundary of the land of Pine Dell Land Corporation, at a point seventy (70) yards north of the old Green Spring Road, a

portion of which road had been abandoned, thence in a northwesterly direction along the Pine Dell boundary line the distance of 108 yards to an iron stake, thence in an easterly direction of the distance of 169 yards to an iron stake, thence in a southerly direction the distance of 108 yards to an iron stake at the corner between the and hereby conveyed and that of Elsie E. Mahone; thence in a westerly direction along the northern boundary line of the land of Elsie E. Mahone and C. V. Mahone the distance of 115 yards to an iron stake, being the point of beginning.

Being the same property as that conveyed unto Andrew F. Rumfelt and Mary Ethel Rumfelt, husband and wife, by deed dated October 16, 1962 from Katie Lou Mahone, single, and recorded in the aforesaid Clerk's Office in Deed Book 87, page 493. The said Mary Ethel Rumfelt having departed this life on June 8, 1994.

**Parcel 3**

**Address: 230 Ingram Road**

**Parcel ID: 4620100010**

All that lot of land, .936 acres, located in Berkley District, James City County, Virginia, being a portion of that property conveyed to George R. Patterson and Mildred J. Patterson from Dallas Onley, widower, by Deed dated June 30, 1958, recorded in James City County Clerk's Office in Deed Book 65, page 281, and being more specifically described by the survey plat thereof, entitled "Plat of That Part of Property of George R. and Mildred J. Patterson to be conveyed to George W. and Lanora A. Patterson" dated August 1968, made by Stephen Stephens, C.L.S., a copy of which is duly of record in Deed Book 117, at page 613.

Being the same real estate conveyed to Villa Development, LLC, by Deed from George W. Patterson dated May 7, 2004, recorded May 14, 2004 in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, as Instrument No. 040012780.

**Parcel 4**

**Address: 226 Ingram Road**

**Parcel ID: 4710100019**

All the unsold portion of a tract or parcel of land, with the building and improvements thereon, situate near Five Forks, in Jamestown District, James City County, Virginia, on the westerly side of the highway leading from Five Forks to Casey's Corner, estimated to contain two (2) acres, but sold in gross and not by the acre.

Less and except a parcel consisting of .936 acres conveyed to George W. Patterson and Lanora A. Patterson, husband and wife, recorded September 5, 1968 in Deed Book 117, at page 612.

Being a portion of the same real estate conveyed to George R. Patterson and Mildred J. Patterson, as tenants by the entirety with the right of survivorship as at common law, by deed from Dallas Onley, widower, dated June 30, 1958, recorded in the Clerk's Office, Circuit Court, James City County, Virginia in Deed Book 65, page 281. The said Mildred J. Patterson died December 14, 1977, thereby vesting fee simple title in George R. Patterson by operation of law. The said George R. Patterson died testate on April 20, 1988 and by his last will and testament probated April 26, 1988 in Will Book 30, page 270, he devised said real estate to George W. Patterson and Ricky Allan Patterson.

Exhibit B

RESOLUTION

STREETSCAPE GUIDELINES POLICY REVISION

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2003 Comprehensive Plan identified the need for a revision of the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and location of street trees due to site constraints such as utilities; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 17, 2004; and

WHEREAS, the James City County Planning Commission endorsed the revisions to the Streetscape Guidelines Policy on March 1, 2004.

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

STREETSCAPE GUIDELINES POLICY

**Goal**

To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

**Guidelines for Street Trees**

In all residential subdivisions; deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

- Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.

- The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.
- Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% of the street frontage.
- All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1 ½". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.
- Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the Planning Director. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
- Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings and installation are to be bonded.

Upon completion of installation, a Virginia Landscape Architect shall verify, in writing, that the specified trees or shrubs were installed in the locations shown on the plans. A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.

#### **Guidelines for Entrances and Common Areas**

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

**Table 1. Suggested Street Trees**

*Acer campestre*, Hedge Maple  
*Acer rubrum*, Red Maple  
*Fraxinus pennsylvanica*, Green Ash (seedless cultivars)  
*Ginkgo biloba*, Maidenhair Tree (male cultivars)  
*Nyssa sylvatica*, Black Tupelo  
*Ostrya virginiana*, American Hophornbeam  
*Quercus phellos*, Willow Oak  
*Quercus shumardii*, Shumard Oak  
*Ulmus parvifolia*, Lacebark Elm  
*Zelkova serrata*, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

**Table 2. Suggested Plant Material for Entrances and Common Areas**

**Trees**

*Betula nigra*, River Birch  
*Carya ovata*, Shagbark Hickory  
*Cercis Canadensis*, Eastern Redbud  
*Cornus kousa*, Kousa Dogwood  
*Juniperus virginiana*, Eastern Redcedar  
*Pinus taeda*, Loblolly Pine

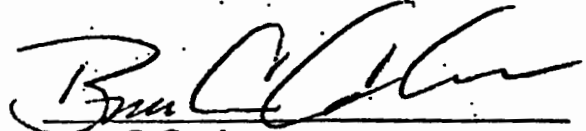
**Shrubs**

*Hamamelis virginiana*, Witch Hazel  
*Ilex opaca*, Inkberry  
*Ilex vomitoria*, Yaupon Holly  
*Myrica cerifera*, Wax Myrtle  
*Viburnum dentatum*, Arrowwood Viburnum

**Groundcovers and other Herbaceous Plants**

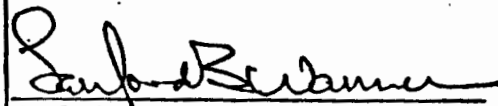
*Calamagrostis acutiflora*, Feather Reed Grass  
*Ceratostigma plumbaginoides*, Plumbago  
*Coreopsis verticillata*, Threadleaf Coreopsis  
*Deschampsia caespitosa*, Tufted Hair Grass  
*Festuca cinerea*, Blue Fescue  
*Helictotrichon sempervirens*, Blue Oat Grass  
*Hemerocallis*, Daylily  
*Hypericum calycinum*, St. Johnswort  
*Liriope muscari*, Blue Lily-turf  
*Miscanthus sinensis*, Japanese Silver Grass  
*Panicum virgatum*, Switch Grass  
*Potentilla fruticosa*, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Warner  
Clerk to the Board

SUPERVISOR	VOTE
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2004.

streetscape.res

## MEMORANDUM

**Date:** May 2, 2005  
**To:** The Planning Commission  
**From:** Matthew D. Arcieri, Senior Planner  
**Subject:** Case No. ZO-3-05, Zoning Fee Change Initiating Resolution

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At it April 14, 2005 budget worksession the Board of Supervisors endorsed an alternate fee proposal that will increase rezoning fees and fees for residential site plans. No increase to the fee for non-residential site plans is proposed. Acting on guidance from the Board, staff is forwarding the attached resolution to initiate the ordinance necessary to make these fee changes.

Staff recommends adoption of the attached initiating resolution for the alternate proposal. A public hearing for this item will be held at the Planning Commission's June 6, 2005 meeting.

  
Matthew D. Arcieri

## **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 by the Board of Supervisors of James City County, Virginia, does hereby initiate review of Section 24-7 of the Zoning Ordinance to increase the fees charged for rezoning and 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:

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O. Marvin Sowers, Jr.  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 2nd Day of May, 2005.

initiateAmend.res

## PLANNING DIRECTOR'S REPORT

May 2005

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

- Ordinance Amendments. The Planning Commission considered two ordinance amendments at its April 4, 2005 meeting. Case number ZO-2-05, which was approved, set forth in greater specificity the procedure to have a decision of the Zoning Administrator reviewed by the Board of Supervisors which pertains to conditions attached to a rezoning or zoning map amendment. Case number ZO-3-05, which was not approved, raised site plan fees for nonresidential projects. Acting on direction from the Board of Supervisors, staff will be presenting a revised fee proposal at the May 2, Planning Commission meeting.
- Cash Proffers. At its work session on February 22, the Board of Supervisors decided to pursue a cash proffer policy. The Cash Proffer Committee continued to meet during April.
- 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 for summer/fall 2005. At the April 12 and April 26, 2005 Board of Supervisors meetings staff presented several items to the Board pertaining to right of way dedication and county funding.
- 2007 Community Activities Task Force. The Task Force continued to meet in April to plan and coordinate community activities and beautification efforts.
- Corridor Steering Committee. The Committee continued to meet in March on the Jamestown Road demonstration project. Planning Division staff completed landscaping projects in two of the areas (median between Jamestown Road and the parallel service road and the right of way across from Settlers Landing). The Committee also approved a grant incentive program to encourage property owners to enhance their buildings and grounds. The screening in front of the pine trees at the campsites are being installed right now and the additional wax myrtles have been installed beside the pie company and the Sandy Road BMP.
- Building A Landscaping. The Planning Division implemented a landscape plan for its new office building, Building A. Landscaping materials were funded by a grant and installation was done by Planning Division staff.

## **RESOLUTION**

### **PRIMARY PRINCIPLES FOR FIVE FORKS AREA OF JAMES CITY COUNTY**

WHEREAS, Economic Development Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area; and

WHEREAS, on June 8, 2004, the Board of Supervisors created the Five Forks Area Study Committee to conduct a comprehensive study of the area and develop a set of guiding principles for future development; and

WHEREAS, these principles will be used by citizens, staff, Planning Commission, and the Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area; and

WHEREAS, after four public meetings the Five Forks Area Study Committee unanimously adopted primary principles for the Five Forks area of James City County; and

WHEREAS, on September 13, 2004, the James City County Planning Commission recommended the adoption of the primary principles by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Vision and Principles to be used alongside the 2003 Comprehensive Plan when reviewing Rezoning, Special Use Permits, and other development activities in the Five Forks area:

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

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

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

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

### Vision Statement

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

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

### I. Transportation Principles

#### 1. Capitalize on and Enhance Existing Roadway Network (see the Environmental Principles for relevant information related to these recommended actions):

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

#### 2. In conjunction with any development proposals using Ingram Road West for access, encourage developers to make road improvements (reopening access from Ingram Road East from John Tyler Highway was considered but was not recommended. Such reopening might prove to be unsafe and possible benefits appear to be minimal. The initiative might prove to be beneficial at some time in the future depending on future development on Ingram Road East.):

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

3. Promote pedestrian and bicycle facility interconnectivity within Five Forks area (see the Land Use and Environmental Principles for relevant information related to these recommended actions):
  - Utilize available funds in the Sidewalk Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the phasing plan listed below.
  - Ensure that new development either provides sidewalks along public road frontages in accordance with the recommendations of the sidewalk inventory, or contributes funds to the Sidewalk Capital Improvement Program.
  - Coordinate the design and construction of roadway improvement projects with bicycle and pedestrian facilities. Bicycle and pedestrian facilities should be designed with an emphasis on safety, adequate lighting, signage, and Americans with Disabilities Act (ADA) compliant features.

#### Phase I

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

#### Phase II

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

4. Promote opportunities for bus service in Five Forks:

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

5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process (trip levels above the threshold result in the Level of Service decreasing from C to D. These new trip generation threshold numbers are on top of projected 2008 background trips.):

- Without Geometric Improvements
  - AM peak should not exceed 350 new trips
  - PM peak should not exceed 500 new trips
- With Geometric Improvements recommended by Principle 1.1
  - AM peak should not exceed 500 new trips
  - PM peak should not exceed 650 new trips
- New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in Principle 1.1 are either constructed or fully funded in the VDOT Six-Year Road Plan.
- New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

## II. Environmental Principles

1. Maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek Watersheds by minimizing the amount of additional impervious cover and treating existing and additional stormwater runoff.
  - Develop a coordinated stormwater master plan for Five Forks. The stormwater master plan should address possibilities for regional treatment or other treatment approaches for new and existing development as well as opportunities to reduce and/or treat runoff from the existing roadway into Powhatan Creek and Mill Creek.
  - Minimize drainage of new sidewalks, multiuse paths, or other transportation improvements. Encourage drainage of these improvements into a treatment facility such as a grassy swale, regional and structural Best Management Practices (BMP), or other appropriate options.

- For new or modified residential or commercial development in the Powhatan Creek and Mill Creek watershed, encourage the use of Low Impact Design (LID) and Better Site Design (BSD) techniques such as, but not limited to, those listed in the 2003 Comprehensive Plan; the Builders for the Bay James City County Local Site Planning Roundtable consensus document (expected to be completed in Fall 2004); and the booklet entitled *"Better Site Design: An Assessment of the Better Site Design Principles for Communities Implementing Virginia's Chesapeake Bay Preservation Act."*
  - Work with the Village Square Homeowners Association to ensure maintenance of the Village Square BMP and encourage the community to improve the existing BMP by pursuing a grant through the County PRIDE mini-grant program. Explore options for retrofitting and/or maintaining other Five Forks area BMPs.
  - Investigate options for and encourage the undertaking of stream restoration projects in the Powhatan Creek and Mill Creek Watersheds.
2. Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors on February 26, 2002:

Watershed Management Plan Recommendations:

- Non-tidal mainstem in the Five Forks area (west of Ironbound and north of Ingram Road): By encouraging the use of expanded buffers along the Powhatan Creek mainstem.
  - Tidal mainstem in the Five Forks area (west of Ironbound Road and south of Ingram Road): By encouraging the use of expanded buffers along the Powhatan Creek mainstem stormwater management with an added focus on fecal coliform removal.
  - Stormwater Recommendations: Use of Special Stormwater Criteria; specialized on-site BMP design with emphasis on removal of nutrients and bacteria; minimize stormwater outfalls on steep slopes.
3. Explore options for land conservation in Five Forks:
- Through the rezoning and special use permit process; encourage developers to set aside land as permanent open space.
  - Continue to target County Green Space Acquisition Funds to acquire properties that are environmentally sensitive or preserve the John Tyler Highway Community Character Corridor.

### **III. Land Use Principles**

1. Promote mixed-use, pedestrian-friendly land-use patterns (see Principles III.6 for Land Use recommendations, including recommendations on moderate- and low-income housing):
- Pursue regulatory and investment strategies that promote a safe and healthy mix of uses (e.g., retail, residential, office, and public facilities).

- Continue to promote Five Forks as a center of community activity with complementary mixed uses.
  - Promote development patterns that support compact development, interconnected streets (connections to existing neighborhoods should be permitted only where practical and desired by those residents), sidewalks, etc., in an effort to encourage walkable neighborhoods within the Five Forks area.
2. Identify and re-utilize vacant buildings and properties that are no longer utilized:
- Encourage master planning of available land for redevelopment or new uses in order to promote shared parking, fewer entrances onto arterial roads, better utilization of land and increased open space.
  - Promote reuse and redevelopment of blighted and no longer utilized properties.
  - Target capital investments by James City County (e.g., infrastructure, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
  - Through the Office of Housing and Community Development, investigate ways to renovate and rehabilitate the existing housing stock in the Five Forks area where appropriate. Work with private nonprofit groups such as Habitat for Humanity, the Community Action Agency and Housing Partnerships, Inc., to improve the condition and availability of the existing housing stock and assist residents that may be displaced by new development.
3. Reduce conflicts between incompatible land uses:
- Promote transitional uses between different land uses.
  - Through the rezoning/special use permit process and standards in the subdivision and zoning ordinance, reduce the impacts of higher intensity on lower intensity uses (requirements for landscaping, buffering, signage, screening, noise, odor, light, traffic, etc.).
4. Connect the land use pattern to a supportive, multi-modal transportation system:
- Establish compact, mixed-use development patterns that create a walkable environment and reduce the need to use the automobile by local residents.
  - Provide convenient pedestrian access from outlying residential areas to the Five Forks community activity center in accordance with Principle I.4.
5. Establish guidelines to define and maintain the historic, cultural, and aesthetic character of the Five Forks area:
- As part of the 2008 Comprehensive Plan update, designate Five Forks as a Community Character Area and incorporate the following guidelines as part of the Community Character element:
    - Building architecture, scale, materials, spacing, height, and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary

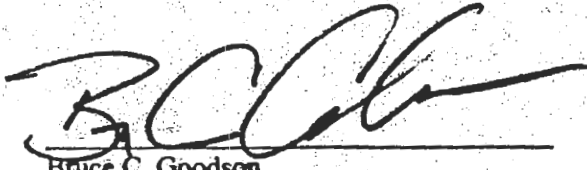
clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines, and cornices.

- Buildings that are traditional in character, massing, and detailing are preferred. Contemporary interpretations of traditional architecture are acceptable, if based on the scale and proportions of traditional architecture, and compatible with the context of the Five Forks village character.
  - Building facade materials and architectural treatment should be consistent on all sides of buildings, including side and rear elevations.
  - Where possible, parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees. Shared access and parking should be pursued before constructing new access breaks and parking facilities.
  - Existing specimen trees and shrubs should be preserved to the extent possible. New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
  - Signage should be of a scale, size, color, and materials to complement the village character of the area. Monument style signs, rather than pole signs, are the preferred type.
  - All mechanical equipment should be screened from view with architectural elements, fencing, or landscaping.
  - In addition to the above standards, residential buildings should have varied roof lines, wall articulations, window placements, and other features to reduce building mass and unbroken building lines. Arrangement and siting of buildings should preserve the buffers along the Community Character Corridor and complement existing structures such as the historic schoolhouse and maintain the village character of Five Forks.
  - Develop and maintain defining traits that can be reflected through landscaping or streetscape design.
  - Protect and enhance the visual character of John Tyler Highway and Ironbound Road. Transportation improvements and new development should be carefully sited to minimize loss to the existing tree canopy over the roads.
6. Ensure that future residential and non residential development/redevelopment is compatible with the vision and principles for the Five Forks area:
- Ensure new trip generating developments do not exceed new trip thresholds in accordance with Principle 1.5 through the rezoning/special use permit process.
  - Ensure proposed land uses are in compliance with the land use section of the 2003 Comprehensive Plan. The following descriptions provide additional guidance on acceptable land use proposals:

- **Low Density Residential:** Recommended gross densities are 1 to 3 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low- and moderate-cost housing developments; low- and moderate-income (Low income housing is defined as housing for persons earning less than 50 percent of area median income. Moderate income housing is defined as housing for persons earning 50 percent to 80 percent of the area median income.) housing; mixed-cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan.
- **Moderate Density Residential:** Recommended gross densities are 4 to 10 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low- and moderate-cost housing developments; low-income housing (including persons earning less than 30 percent of area median income); moderate income housing; mixed cost housing; or extraordinary environmental protection, including low-impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan. Recommended housing types include townhouses, apartments, or attached cluster housing.
- **Mixed Use:** The recommended mix of uses includes offices and community commercial uses serving residents of the Five Forks area. Moderate-density housing may be a secondary use provided it is designed in accordance with these principles.
- As part of the 2008 Comprehensive Plan update, incorporate the above guidance into the Land-Use element.

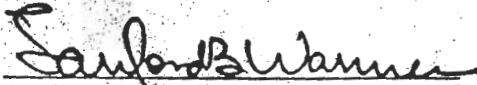
#### IV. Economic Development Principle

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



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	NAY
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2004.

fiveforkredev.res