

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JULY 11, 2005 - 7:00 p.m.

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

1. ROLL CALL

Jack Fraley
Ingrid Blanton
Donald Hunt
George Billups
Jim Kennedy (arrived late)
Mary Jones
Wilford Kale

ALSO PRESENT

Marvin Sowers, Planning Director
Leo Rogers, County Attorney
Matthew Arcieri, Senior Planner
Toya Ricks, Administrative Services Coordinator

2. MINUTES

Mr. Fraley corrected page 4....“vote 5-0 (Kennedy absent; Kale abstained)” and page 11...Fraley “would” support.

Ms. Jones corrected page 3...spelling of “Committee”, “New Town”, “environmental.”

Ms. Blanton corrected page 4...spelling of “environmental” and page 10.....spelling of “Mr. Krapf”.

Mr. Kale motioned to approve the minutes as amended.

Mr. Fraley seconded the motion.

In a unanimous voice vote the minutes were approved as amended (6-0, Kennedy absent).

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered 7 cases at its June 1st meeting. Six of the cases were deemed routine and unanimously recommended for preliminary approval pending agency comments: Stonehouse - The Fairways, Stat Services, Williamsburg Indoor Sports Complex Expansion, Warhill Sports Complex – Basketball Facility, New Town – Neighborhood Green Site, and the proposed third high school. A follow-up meeting will be held on Wednesday, June 8th to discuss concerns about the feasibility of the design for the high school to meet future expansion needs.

Mr. Kale motioned the approved the report.

Ms. Blanton seconded the motion.

In a unanimous voice vote the report was approved (6-0, Kennedy absent).

B. OTHER COMMITTEE REPORTS - None

4. PUBLIC HEARINGS

- A. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
- B. Z-7-05/MP-5-05 Jamestown Retreat
- C. Z-9-05/MP-6-05 Governor's Grove
- D. Z-8-05 Williamsburg Wicker and Rattan Retail Center
- E. Z-6-05/MP-4-05 Warhill Tract
- F. SUP-4-05 Christian Life Center Tower

Mr. Hunt stated that the applicants for items 4-A through 4-E requested deferral of those cases until the July 11th meeting. The applicant for item 4-F requested an indefinite deferral.

Mr. Hunt opened the public hearing.

Mr. Kale stated his concerns about a by-right tower on the Christian Life Center site. He requested staff to investigate any potential problems.

Mr. Sowers talked about the height requirements for towers and stated that staff would investigate the matter.

Mr. Hunt asked if the tower would be camouflaged.

Mr. Sowers said the applicant had not submitted a final design proposal.

Mr. Fraley stated his agreement with Mr. Kale's comments.

Mr. Billups spoke about a previous cell tower application. He suggested that the Commission and Board consider the future of towers in the County and be equitable in applying the policy.

Mr. Hunt stated that with the changes in technology the policy concerning towers continues to be an on-going process.

Mr. Sowers briefed the Commissioners on the history of the Wireless Communications Facilities Policy and related Ordinance.

Mr. Kennedy said the need for such facilities increases as the demand for cellular phones continues to rise.

Mr. Sowers mentioned an Initiating Resolution concerning Wireless Communications Facilities in the R-4 District that the Commissioners would be asked to consider later in the evening.

Hearing no requests to speak, the public hearings were continued to July 11, 2005 except Case No. SUP-4-5 Christian Life Center Tower which was indefinitely deferred.

G. AFD-7-86 Mill Creek – Andrews Addition

Mr. Matthew Arcieri presented the staff report. Eugene and Mary Andrews have applied to add 102.85 acres into the existing Mill Creek Agricultural and Forestal District (AFD). On May 26, 2005 the AFD Advisory Committee recommended approval. Staff also recommended approval.

Mr. Kale asked about the portion of the parcel adjacent to North Riverside Drive.

Mr. Arcieri said the parcel is a flag lot with 25 feet of road frontage on North Riverside Drive.

Ms. Jones asked Mr. Arcieri to explain the AFD program.

Mr. Arcieri explained that in exchange for a reduction in property taxes a landowner agrees to place certain restrictions on the development of their property.

Mr. Sowers added that it is a tool used by the Board and County to preserve open space, farmland, and woodlands.

Mr. Hunt said that the policy also added protection to landowners against encroachments from easements.

Mr. Kale asked about the location of the Mill Creek District.

Mr. Arcieri showed the District on the location map.

Mr. Hunt opened the public hearing.

Hearing no request to speak, the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote, the motion passed (7-0). AYE: Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups (7); NAY: (0).

H. ZO-3-04 Zoning Ordinance Amendment – Mixed Use Fast Food

Mr. Matthew Arcieri presented the staff report. Mr. Arcieri stated that during a review of recent Mixed Use Rezoning cases Staff discovered the omission of fast food restaurants. In December 2004 the Planning Commission Policy Committee recommended that fast food restaurants be included as a Specially Permitted Use. Staff recommended approval.

Ms. Blanton asked if there had been discussions on drive-thrus.

Mr. Arcieri said he thought the Committee's primary concern was that impacts of fast food restaurants including their drive-thru lanes could not be mitigated through the by-right development process and that Planning Commission and Board review would allow mitigation of such impacts.

Ms. Blanton asked for examples of developments where this has been an issue.

Mr. Arcieri named the current and recently approved Mixed Use Districts.

Ms. Blanton commented on the varying degrees of vehicular, pedestrian, and bicycle traffic among the Districts.

Mr. Arcieri said that he thought the concern was that Districts with less formal design review processes would not be able to mitigate impacts as well as those with a more formal process.

Mr. Billups said that a by-right use would not allow the same amount of control over impacts. He said the SUP process allows for appropriate mitigations based upon the needs of the surrounding area.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, the public hearing was closed.

Mr. Kennedy abstained from voting stating his involvement in the restaurant business.

Mr. Fraley motioned to approve the application.

Ms. Blanton seconded the motion.

On a roll call vote, the vote was (6-0-1). AYE: Billups, Kale, Fraley, Blanton, Jones, Hunt (6); NAY:(0); ABSTAIN: Kennedy (1).

I. ZO-3-05 Zoning Ordinance Amendment – Zoning Fee Change

Mr. Arcieri presented the request. Staff prepared a proposal to increase rezoning acreage fees, remove the cap on rezoning fees and to increase fees for residential site plan review. The fee increase was estimated to generate \$30,000 in additional revenue which was included in the Fiscal Year 2006 budget approved by the Board of Supervisors. Staff recommended approval.

Mr. Kennedy asked about the steep increase in fees.

Mr. Arcieri stated that after reviewing all the Division's fees staff felt the rezoning fees and residential site plan were the only ones that could be increased and still be competitive.

Mr. Sowers added that the Division was asked by the Board to identify fees that have some room for adjustment. He stated that the fees were high when compared with surrounding localities. He also stated that the proposed fees were within the range of other Virginia localities that are attempting to recover a larger percentage of staff services for development review.

Mr. Kennedy wanted to know if other localities had a cap on rezoning fees.

Mr. Arcieri did not know if a cap existed in other localities.

Mr. Kennedy felt the proposal was punitive to larger landowners who, after having kept their property rural, might now find themselves having to develop it.

Mr. Arcieri told the Commissioners that the Board asked staff specifically to consider removing the rezoning cap. He stated that he understood the reasoning to be that larger acreage means larger staff workload and resources.

Mr. Billups asked if the purpose of the increase was staff pay or retarding growth. He also stated that he had a problem with charging to compensate for staff services.

Mr. Sowers answered that staff was trying to identify a figure to generate revenue and did not have any goals relative to growth.

Mr. Kennedy confirmed that the increase would fund the \$30,000 newly created half-time position. He also stated that he felt the funds could be found somewhere in the County's \$135.2 million budget.

Ms. Blanton said if fees had to be increased then this proposal was more appropriate than the previous request. She said she agreed with Mr. Kennedy that imposing fees was not an appropriate way to address budgetary needs.

Mr. Fraley agreed with Mr. Kennedy and Ms. Blanton. He said the proposal would make the County extremely non-competitive with Williamsburg and York County especially at the 10 acre level. He asked about a comparison with other localities on residential fees.

Mr. Arcieri said he thought James City County was on the higher end of those fees as well.

Mr. Sowers said that residential site plan fees were calculated differently in the different localities making comparison more difficult.

Mr. Kale asked the rationale behind instituting the \$15,000 rezoning cap initially.

Mr. Sowers assumed it was put in place so as to not be unfair to large landowners and to keep fees more competitive.

Mr. Hunt thought it might have been to limit the punitive nature on large developments.

Mr. Kennedy pointed out the resignation of Senior Planner, Chris Johnson, and other Planners recently. He encouraged the Board to look at the quality of people that are being lost and to start paying staff accordingly and to look at upward mobility for them. Mr. Kennedy recommended the County find a way to fund the \$30,000 half-position and other positions as well.

Ms. Jones also stated her concern with funding a position through fees. She asked what would happen if the fees generate an overage or shortfall or if the position were eliminated.

Mr. Arcieri and Mr. Sowers explained that the funds are deposited into the General Fund which funds all the County departments so that any overage or shortfall would be absorbed into the County budget. Mr. Sowers also said the fees would not be reduced if the position were eliminated absent any Board or Commission action.

Mr. Hunt opened public hearing.

Mr. Robert Duckett, Peninsula Housing and Builders Association (PHBA) Director of Public Affairs, stated that the group was not opposed to increased fees when the increase is tied to the administrative costs of providing a service, but this was not the case. Mr. Duckett recommended the request be denied.

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

Mr. Kennedy said that fee increases, when needed, should be adjusted according to need and included as a part of the budget. He also said he needed more information on other localities, but could consider a cap of \$20,000.

Mr. Billups stated that salaries should be included in the budget. He said he could consider increasing fees if the cap were maintained.

Mr. Kale stated that he did not like the proposal. He suggested a base fee of approximately \$650 with a cap of approximately \$20,000.

Ms. Blanton said she did not think this was an appropriate way to fund the position.

Mr. Fraley motioned to deny the request.

Mr. Kennedy seconded the motion.

The request was denied by a unanimous voice vote. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY (0).

5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. Mr. Sowers stated staff's request for approval of an Initiating Resolution to consider a Zoning Ordinance amendment to permit wireless communications facilities in the R-4 Zoning District with a Special Use Permit.

Mr. Billups and Mr. Sowers discussed possible scenarios.

Mr. Fraley asked if any towers would be allowed by-right or if all towers would require Special Use Permits.

Mr. Arcieri said that the types of towers that are currently allowed by-right would continue to be allowed by-right.

Mr. Kale wanted to know what the amendment would allow.

Mr. Arcieri said that approval of an SUP by the Board would allow wireless communications facilities in excess of 120 feet.

Mr. Sowers said the amendment would make the District consistent with other Master Planned Communities.

Ms. Blanton clarified that Commissioners were only considering the Initiating Resolution.

In a voice vote the resolution passed (6-1). AYE: Hunt, Jones, Blanton, Fraley, Billups, Kennedy (6); NAY: Kale (1).

Mr. Sowers informed the Commissioners that three new staff members have been hired to fill recent vacancies and that recruiting was underway for two up-coming vacancies.

Mr. Billups pointed out that one of the up-coming vacancies was a new position that the Board approved and funded.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 9:04 p.m.

Donald Hunt, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 6/1/2005 THROUGH: 6/30/2005

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-063-03	Warhill Sports Complex, Parking Lot Expansion
SP-025-04	Carter's Cove Campground
SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-093-04	Powhatan Plantation Ph. 9
SP-104-04	Williamsburg Community Chapel, Second Entrance
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-108-04	Williamsburg Office Complex
SP-136-04	Stonehouse - Fieldstone Glen Townhomes
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amendment
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 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-031-05	7839 & 7845 Richmond Road Office/Retail
SP-035-05	Baylands Federal Credit Union
SP-042-05	STAT Services, Inc.
SP-043-05	4881 Centerville Second Tower (SP Amend.)
SP-047-05	D.J. Montague E.S. Trailer Amend.
SP-054-05	Whitehall Restaurant, Outdoor Walk-In
SP-062-05	Greenmount-DCB LLC Storage
SP-063-05	New Town, Block 5 Amend.
SP-064-05	TGI Friday's
SP-065-05	Williamsburg Indoor Sports Complex Expansion
SP-066-05	Warhill Sports Complex Basketball Facility
SP-067-05	WindsorMeade Marketplace, Outparcels 9-11
SP-069-05	Baseball Field Drainage for JHS- SP Amend.
SP-070-05	St. Bede Church Dam Improvement Plan
SP-071-05	Merrimac Center Parking Expansion
SP-072-05	New Town, Block 3, Parcel B
SP-073-05	Jeanne Reed's Office/Warehouse
SP-074-05	Hickory Neck Church New Worship Facility
SP-075-05	Kingsmill Marina Shed
SP-076-05	Warhill Multiuse Trail
SP-077-05	New Town, Block 10
SP-078-05	Hooker Shed Addition
SP-079-05	Warhill Water Facility Improvements
SP-080-05	Stonehouse Water Facility Improvements
SP-081-05	Cookes Gardens Shed Addition
SP-082-05	Warhill- Western Pond Dam Renovations

SP-083-05	New Town - Block 8 Ph 1B Amend.
SP-084-05	New Town - Block 8, Parcel E
SP-085-05	Truck Scale Addition SP Amend.
SP-086-05	JCC-Toano Convenience Center

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-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-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /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-003-05	Williamsburg National- Golf Maintenance Facility	2 /28/2006
SP-011-05	Citizens and Farmers Bank Parking Extension	3 /1 /2006
SP-025-05	New Town, Sewage Lift Station & Force Main	6 /7 /2006
SP-026-05	Williamsburg Plantation, Sec. 10 Amendment	4 /14/2006
SP-028-05	Oaktree Office & Airtight Self Storage Expansion	5 /2 /2006
SP-030-05	Wedmore Place at Williamsburg Winery	5 /2 /2006
SP-032-05	New Town, Village Square	4 /29/2006
SP-040-05	The Retreat Well Lot SP Amend.	5 /18/2006
SP-041-05	Warhill - Third High School	5 /13/2006
SP-052-05	Jamestown Christian Fellowship Shed Addition	5 /10/2006
SP-053-05	New Town, Ph. 5, Sec. 4 Roadway	6 /14/2006
SP-057-05	Warhill - High School Access Road	5 /13/2006
SP-058-05	Warhill - Water and Sanitary Sewer Improvements	5 /13/2006
SP-059-05	Warhill - Storm Trunk System Improvements	5 /19/2006
SP-060-05	Warhill - Community Sports Stadium Improvements	5 /27/2006
SP-061-05	Warhill - Centerville Road / Route 60 Improvements	5 /13/2006
SP-068-05	New Town, Block 3 SP Amend.	6 /15/2006

C. FINAL APPROVAL

DATE

SP-143-04	Portable 1000 Gallon Diesel Fuel Tank	6 /2 /2005
SP-002-05	WindsorMeade Marketplace, Amend. No. 1	6 /13/2005
SP-036-05	New Town, Block 6 & 7, Parcel C	6 /29/2005
SP-044-05	Jamestown H.S. Trailer Amend.	6 /7 /2005
SP-048-05	Norge E.S. Trailer Amend.	6 /13/2005
SP-051-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2005
SP-056-05	Norge Neighborhood SP Amend.	6 /15/2005

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-034-04	Warhill Tract BLE / Subdivision
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-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-003-05	Waterworks & S. Clement 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-019-05	Monticello Woods Ph. 2 Lots 74-112 & 114-129
S-033-05	3918 Rochambeau Drive Family Subdivision
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-042-05	Toano Business Cente, Lots 5-9
S-044-05	Colonial Heritage Road & Sewer Infrastructure
S-046-05	Te-ata R. Hery, of the Te-ata R. Hery Living Trust
S-049-05	Campbell Family Subdivision
S-051-05	Ripley Property Subdivision
S-053-05	Kingsmill-Spencer's Grant
S-054-05	Williamsburg Landing
S-055-05	Dandridge BLE
S-056-05	Landfall Lot 88 & 89 BLE
S-057-05	Croaker Road Subdivision
S-058-05	Ironbound Square BLE & Plat Amend.
S-059-05	Peleg's Point, Sec. 6
S-060-05	Oaktree Office Park BLE
S-061-05	7839 & 7845 Richmond Road BLE
S-062-05	New Town, Main St. Block 1, 2, & 3
S-063-05	John Barry Davidson BLE
S-064-05	Stonehouse Commerce Park, Sec. D, Parcels A & B
S-065-05	Argo Subdivision
S-066-05	8739 Richmond Rd Subdivision
S-067-05	136 Magruder- Sadie Lee Taylor
S-068-05	New Town Block 10 Parcels B, C & D
S-069-05	Stonehouse Glen Sect I Utility Amend

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /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-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 (Hiden)	3 /1 /2006
S-037-04	Michelle Point	7 /12/2005
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-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
S-119-04	The Retreat Ph. 2	1 /27/2006
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2006
S-007-05	Armistead Point- Kingsmill BLA	3 /15/2006
S-015-05	Colonial Heritage Ph. 3, Sec. 2	4 /27/2006
S-017-05	Polk Estates	4 /27/2006
S-045-05	Greensprings West Ph. 4B & 5	6 /14/2006
S-047-05	Colonial Heritage Ph. 2, Sec. 1 Lots 14-73	6 /14/2006
S-048-05	Waltrip BLA	6 /10/2006
S-052-05	2050 Bush Neck Subdivision	6 /14/2006

C. FINAL APPROVAL

		DATE
S-105-04	Gross Family Subdivision	6 /22/2005
S-028-05	Elizabeth Jones Estate Subdivision	6 /6 /2005
S-040-05	4450 Rochambeau Drive	6 /16/2005
S-041-05	Paddock Green BLE	6 /23/2005
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2005

DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT MEETING OF JULY 6, 2005

Case No. C-7-03 New Town Attributed Parking Space Study

Mr. Larry Salzman of New Town Associates submitted a conceptual plan detailing updates to shared and off-site parking for a DRC quarterly review. The sites under review are identified as sections 2 & 4, blocks 2, 3, 4, 5, 6, 7, 8 and 10 in New Town, further identified as parcel (1-50) on James City County Tax Map (38-4).

DRC Action: The DRC recommended preliminary approval of the July 2005 quarterly update for shared parking in New Town, Section 2&4, Blocks 2,3,4,5,6,7, 8 & 10 as well as continuation of quarterly parking update presentations to the DRC by a 4-0 voice vote.

Case No. SP-53-05 Kingsmill-Spencer's Grant

Mr. Mark Richardson applied on behalf of Busch Properties, Inc. with a subdivision application proposing 51 lots on 49 acres at Wareham's Pond Road. The site is further identified as parcel (1-4), (1-5) on James City County Tax Map (50-3). DRC action is necessary because the development proposes more than 50 lots, and because the applicant applied for a cul-de-sac waiver for a cul-de-sac in excess of 1000 feet as well as a sidewalk waiver for a sidewalk required by ordinance along Warehams Pond Road.

DRC Action: The DRC recommended preliminary approval subject to agency comments, approval of the cul-de-sac waiver, and approval of the sidewalk waiver by a vote of 3-1, with Mr. Kale dissenting.

Case No. S-91-04 Marywood Subdivision

Mr. Jason Grimes of AES Consulting Engineers applied on behalf of Centex Homes proposing 114 lots on 115.27 acres adjacent to the Kingswood and Druid Hills neighborhoods off Jamestown Road. The site is further identified as parcel (1-47) on James City County Tax Map (47-2). DRC action is necessary because the development proposes more than 50 lots.

DRC Action: The DRC recommended disapproval of the proposal by a voice vote of 3-1, with Mr. Hunt dissenting. The DRC determined that the proposal did not properly minimize environmental impacts and created a traffic situation harmful to the safety, health and general welfare of the public.

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DRC Action: The DRC recommended disapproval of the proposal by a voice vote of 3-1, with Mr. Hunt dissenting. The DRC determined that the proposal did not properly minimize environmental impacts and created a traffic situation harmful to the safety, health and general welfare of the public.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code Section 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 Section 15.2-2286; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider amending Code Section 24-122 for the allowance of wireless communication facilities with a special use permit in the R-4, Residential Planned Community District. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Donald C. Hunt
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 11th day of July, 2005.

section24-122WCF.res

REZONING 6-05/Master Plan 4-05. Warhill Tract

Staff Report for the July 11, 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:

County Government Complex

June 6, 2005 - 7:00 p.m., Building F Board Room

July 11, 2005 - 7:00 p.m., Building F Board Room

August 1, 2005 - 7:00 p.m., Building F Board Room

Board of Supervisors:

September 13, 2005 - 7:00 p.m., Building F Board Room (tentative)

SUMMARY FACTS

Applicant / Landowner:

James City County

Proposed Use:

Williamsburg - James City County Third High School, Thomas Nelson Community College, and Future Commercial Development

Location:

6450 Centerville Road and 5700 Warhill Trail; Powhatan District

Tax Map and Parcel Nos.:

(32-1)(1-12) and (32-1)(1-13)

Primary Service Area:

Inside

Parcel Size:

± 155 acres

Existing Zoning:

PUD-C, Planned Unit Development - Commercial and M-1, Limited Business/Industrial, with Proffers

Proposed Zoning:

PUD-R, Planned Unit Development - Residential, and PUD-C, Planned Unit Development - Commercial, with amended Proffers

Comprehensive Plan:

Mixed Use

STAFF RECOMMENDATION:

Staff recommends deferral of the above referenced cases until the August 1, 2005, Planning Commission meeting to allow additional time to draft amended proffers for the property and resolve outstanding master plan issues.

Staff Contact:

Matthew Arcieri

Phone: 253-6685


Matthew Arcieri

REZONING-08-05. Williamsburg Wicker and Rattan Retail Center
Staff Report for the July 11, 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

June 6, 2005 (deferred)

July 11, 2005

Board of Supervisors:

August 1, 2005 (tentative)

SUMMARY FACTS

Applicant:

Mr. James Peters of AES Consulting Engineers

Land Owner:

Oscar B. And Elva W. Harrell

Proposed Use:

5,000+/- SF Furniture Store; 3,300+/- SF Retail; 3,000+/- SF Storage;
2,400+/- SF Caretaker Unit

Location:

7414 Richmond Road

Tax Map and Parcel No.:

(23-2)(2D-1A)

Parcel Size:

1.13 acres

Proposed Zoning:

B-1, General Business District, with Proffers

Existing Zoning:

A-1, General Agricultural District and B-1, General Business District

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside


STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission defer this case until the August 1, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact:

Ellen Cook

Phone: 253-6685


Ellen Cook

Attachments:

1. Deferral Letter



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

June 28, 2005
Via FAX

Ms. Ellen Cook
JCC Development Management
101-A Mounts Bay Rd
Williamsburg, VA 23187-8784

RE: Williamsburg Wicker and Rattan Retail Center
AES Job No. 9556
JCC Case No. Z-08-05



Dear Ms. Cook:

The above referenced case is scheduled to be presented to the James City Planning Commission at its public hearing scheduled for July 11, 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.

Our client, Williamsburg Wicker & Rattan is currently working with a local designer to prepare building elevations to convey architectural character complimentary to the character envisioned for the Norge area.

Therefore, the applicant requests that any action on this case by the Planning Commission be deferred until the August 1, 2005 Planning Commission meeting to allow sufficient time to respond to all comments.

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

Sincerely,
AES Consulting Engineers

A handwritten signature in black ink, appearing to read 'James S. Peters'.

James S. Peters, L.A.
Landscape Architect
jpeters@aesva.com

cc:
Vernon Geddy III (via fax)
Oscar Harrell (via fax)

S:\Jobs\9556\00-7414 Richmond Rd\Wordproc\Document\95560-L02-def2.JSP.doc

**SPECIAL USE PERMIT SUP-21-05/MP-9-05, Olde Towne Timeshares Amendment
Staff Report for July 11, 2005, Planning Commission Meeting**

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

July 11, 2005

August 9, 2005 (tentative)

SUMMARY FACTS

Applicant:

Mr. Robert Anderson of McKinney and Company

Land Owner:

Heritage Resorts, Inc.

Proposed Use:

Timeshare Units

Location:

5380 Olde Towne Road

Tax Map/Parcel:

Parcel No. (1-26), (1-26A), and (1-36) on Tax Map No. (32-4) and
Parcel No. (1-30) on Tax Map No. (33-3)

Parcel Size:

130.40 acres

Zoning:

R-2, General Residential District, Cluster

Comprehensive Plan:

Low Density Residential District

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested that the Planning Commission defer this case until the August 1, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact:

Ellen Cook, Planner

Phone: 253-6685

Ellen Cook

Ellen Cook

ATTACHMENTS:

1. Deferral Letter



Urban Planning

Land Planning

Landscape Architecture

Geotechnical Engineering

Environmental Engineering

Civil Engineering

Architecture

Structural Engineering

Mechanical Engineering

Electrical Engineering

Process Engineering

Facilities Engineering

Project Management

Construction Management

Construction Materials Testing

McKINNEY AND COMPANY
planning • design • construction

June 29, 2005

Mr. O. Marvin Sowers
Director of Planning
101-A Mount Bay Road
Williamsburg, Virginia 23185

RE: Olde Towne Road Timeshares
SUP 21-05/MP 09-05

Dear Mr. Sowers:

On behalf of the owner, as the applicant for the above referenced SUP and MP we are writing to request that our submission be deferred to the next Planning commission meeting.

Your cooperation in this matter will be greatly appreciated.

Respectfully Submitted,
McKinney and Company

Robert D. Anderson, LA
CLARB Certified Landscape Architect

c J.P. Ottino
C. Caldwell
M. Spruill
V. Geddy

HEADQUARTERS
100 South Railroad Avenue
Ashland, Virginia 23005
(804) 798-1451
(804) 798-7072 Fax

WILLIAMSBURG
460 McLaws Circle, Suite 150
Williamsburg, Virginia 23185
(757) 220-5400
(757) 229-6301 Fax

PANAMA
McKinney Internacional
Calle Aquilino de la Guardia
Torre Banco General, Piso II
Panamá, República de Panamá
(507) 265-0165
(507) 265-1185 Fax

www.mckinney-usa.com

REZONING CASE NO. Z-07-05: Jamestown Retreat
MASTER PLAN CASE NO. MP-05-05: Jamestown Retreat
Staff Report for the July 11, 2005 Planning Commission Meeting

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Center

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

June 6, 2005 at 7:00 pm (Deferred)

July 11, 2005 at 7:00 pm

Board of Supervisors:

September 13, 2005 at 7:00 pm (Tentative)

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, III

Land Owner:

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

Proposed Use:

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, Multi-Family Residential

Existing Zoning:

LB, LB, and R-2, Limited Business and General Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Yes

STAFF RECOMMENDATION:

The applicant has requested that the above referenced case be deferred until the August 1, 2005 Planning Commission meeting to allow additional time to address comments and to submit proffers.

Staff Contact:

Matthew J. Smolnik, Planner

Phone: 253-6685

Matthew J. Smolnik

Attachment:

1. Deferral letter from applicant

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.**ATTORNEYS AT LAW****E-mail: vgeddy@widomaker.com****1177 JAMESTOWN ROAD
WILLIAMSBURG, VIRGINIA 23185****TELEPHONE: (757) 220-6500****FAX: (757) 229-5342****MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379****VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN****ANDREW M. FRANCK
RICHARD H. RIZZ****July 5, 2005****Mr. Matthew Smolnik
James City County Planning
Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185****Re: Jamestown Retreat/Case No. Z-07-05 and MP-05-05****Dear Matt:**

I am writing on behalf of the applicant to request deferral of the referenced case until the August 1, 2005 Planning Commission meeting.

Very truly yours,**GEDDY, HARRIS, FRANCK & HICKMAN, LLP**

A handwritten signature in dark ink, appearing to be "Vernon M. Geddy, III".

Vernon M. Geddy, III**VMG/ch**

SPECIAL USE PERMIT-19-05, Branscome, Inc. Borrow Pit Renewal (Amendment to SUP-009-00)
SPECIAL USE PERMIT-20-05, USA Waste of Virginia Landfills, Inc. Renewal (Amendment to SUP-008-00)
Staff Report for the July 11, 2005 Planning Commission Meeting

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Center

July 11, 2005

7:00 p.m.

August 9, 2005 (Tentative)

7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, III

Land Owner:

Branscome, Inc. (SUP-019-05) and USA Waste of Virginia Landfills, Inc. (SUP-020-05)

Proposed Use:

Continued operation of a borrow pit (i.e. a surface mine for sand and clay)

Location:

Approximately 1.2 miles southeast of the terminus Blow Flats Road

Tax Map/Parcel:

(60-3) (1-2) is the Branscome owned property
(60-3) (1-3) in the USA Waste of Virginia, Inc. property

Parcel Size:

The two parcels together are approximately 420 acres in size

Zoning:

M-2, General Industrial

Comprehensive Plan:

General Industrial

Primary Service Area:

Yes

STAFF RECOMMENDATION:

The applicant has requested that the above referenced cases be deferred until the August 1, 2005 Planning Commission meeting to allow additional time to address comments.

Staff Contact:

Matthew J. Smolnik, Planner

Phone: 253-6685

Matthew J. Smolnik

Attachment:

1. Deferral letter from applicant

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

E-mail: vgeddy@widomaker.com

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

ANDREW M. FRANCK
RICHARD H. RIZK

July 6, 2005

Mr. Matthew J. Smolnik
James City County Planning
Division
101-A Mounts Bay Road
Williamsburg, Virginia 23185



Re: SUP-019-05 and SUP-020-05

Dear Matt:

I am writing on behalf of the applicant to request that consideration of this case be deferred until the August 1, 2005 Planning Commission meeting to give us an opportunity to address with you comments raised at the last minute by Virginia Department of Transportation and to further look at the proposed conditions on the case.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

Vernon M. Geddy, III

VMG/ch

**REZONING-9-05/MASTER PLAN-6-05. Governors Grove at Five Forks
Staff Report for the July 11, 2005, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
June 6, 2005, 7:00 p.m. (deferred)
July 11, 2005, 7:00 p.m.
Board of Supervisors: August 9, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Eric Nielsen, National Housing Corporation
Land Owner: Five Forks Virginia, Inc. and E.H. Saunders, Trustee
Proposed Use: Construction of 132 condominium units and 25,000 square feet of office/commercial
Location: 4310 and 4360 John Tyler Highway; 3181 and 3191 Ironbound Road
Tax Map and Parcel No.: (46-2)(1-14), (46-2)(1-37), (47-1)(1-35), (47-1)(1-36)
Primary Service Area: Inside
Parcel Size: 23.26 acres
Existing Zoning: R-8, Rural Residential and B-1, General Business
Proposed Zoning: MU, Mixed Use, with proffers
Comprehensive Plan: Moderate Density Residential
Staff Contact: Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally 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 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 (CIP contribution)	\$796 per lot
CIP projects (including schools)	\$1,000 per lot
Powhatan Creek Restoration	\$500 per lot
Road Contribution	\$24,162
Total Amount (2005 dollars)	\$327,234
Total Per Lot (excluding road contribution)	\$2,296 per lot

Project Description

National Housing Corporation, has submitted an application to rezone 23.26 acres located on John Tyler Highway from R-8, Rural Residential and B-1, General Business, to MU, Mixed Use, with proffers. The property is bisected by John Tyler Highway into a northern portion of 14.93 acres and a southern portion of 8.33 acres.

If approved, the developer would construct a new multifamily housing complex on the northern portion. The development, to be known as Governor's Grove, would consist of up to 132, one, two- and three-bedroom condominiums. These units would be a for-sale product, sold at market rates. On the southern portion the developer proposes preserving 5.33 acres as permanent open space. The remaining three acres would be reserved for 25,000 square feet of office/commercial with access exclusively from Ironbound Road adjacent to the Zoom's Convenience Store.

On December 14, 2004 the Board of Supervisors denied the applicant's original proposal for rental apartments for this property. Below is a comparison of this proposal with the original proposal.

	Original Proposal	Revised Proposal
Residential Units/density	213 (9.2 dwelling units per acre)	132 (6.5 dwelling units per acre)
Unit Type/Pricing	Apartment/affordable	Condominium/market rate
Commercial Square Footage	30,000 square feet	25,000 square feet
Commercial Acreage/Acreage of Commercial Buffers	1.4 acres/0.6 acres	1.7 acres/1.3 acres
Open Space (southern portion)	6.33 acres	5.33 acres

Public Impacts*Archaeology*

The County archaeological policy is proffered.

Environmental Impacts

Watershed: Powhatan Creek

Environmental Proffers:

Conservation Area: The applicant will preserve 5.33 acres of the property as permanent open space. This constitutes the entire southern frontage of John Tyler Highway. This piece of property will remain undisturbed in a permanent natural state. While normally preservation would be accomplished through a conservation easement dedicated to the County, the applicant has stated, for tax purposes, they do not wish to provide an easement. The open space is protected by the master plan and proffers.

Master Stormwater Management Plan: In order to address the recommendations of the Powhatan Creek Watershed Management Plan, the applicant has proffered to develop and implement a master stormwater management plan for the property and included the use of low-impact design features as depicted on the master plan.

Cash Contribution for Stream Restoration: For each unit, a cash contribution of \$500 is proffered to be used for off-site stream restoration and stormwater management.

Staff Comments: The Environmental Division notes that this project is located in the tidal mainstem portion of the Powhatan Creek. Therefore the goals and priorities of the watershed master plan apply to this case. This project will be subject to special stormwater criteria. These issues will be addressed through the proffered stormwater master plan and during development review.

Public Utilities

Primary Service Area (PSA):

The site is inside the PSA and 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.

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 \$24,400.

Proffers: Cash Contribution: For each unit a cash contribution of \$1,000 for County CIP projects, including schools, is proffered.

Staff Comments: The Department of Financial and Management Services concludes that annual revenues from the residential units would appear to cover projected annual expenses. Adding the modest projected fiscal benefit of the commercial/office the annual impact is projected to be positive or, at a minimum, break even.

Schools

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Design Capacity</i>	<i>Program Capacity</i>	<i>Current Enrollment (9/30/2005)</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
Clara Byrd Baker Elementary	804	691	772	12	784
James Blair Middle	625	621	583	6	589
Jamestown High	1,250	1,250	1,451	8	1,459

Staff Comments: The applicant has not proffered that 20% of the units will contain only one bedroom and therefore staff has adjusted the above calculations from those listed in the applicant's community impact statement.

Although program capacity is exceeded at the elementary school, the adequate public schools facility test is based on design capacity. In addition, as part of the FY06 budget the Board of Supervisors approved construction of an eighth elementary school. Therefore, the proposal passes the adequate public school test at the elementary school.

The proposal passes for the middle school.

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

Impacts to the John Tyler Highway Community Character Corridor

Overall this project proposes to preserve a significant portion of the Community Character Corridor through preservation of the southern portion of the site as permanent open space and through a 150 foot buffer along the northern portion of the site.

Early on in the rezoning staff identified preservation of the John Tyler Highway tree canopy as a primary concern for any development of this property. Staff has evaluated the impacts of the proposed turn lanes on the tree canopy. The right turn taper (reduced from a full turn lane in the original proposal) will be constructed on already cleared right-of-way and should not impact the adjacent tree canopy on the north side of John Tyler Highway. The left turn lane has been reduced from a 400 foot turn lane and taper to a 300 foot turn lane and taper and is designed to impact the tree canopy on the south side of John Tyler in order to avoid exposing the power lines along the north side of John Tyler. Staff believes that the loss of trees along the southern property is acceptable as all of the adjoining site will not be developed and the proposal prevents the visual exposure of the power lines. The revised proposal also includes new proffer language that requires a buffer plan be submitted as part of the development plan for review and approval by the Planning Director. The plan will include supplemental landscaping which will mitigate the impact of tree

clearing for the turn lanes, the proposed stormwater facility and where the buffer is thin due to the existing motel that will be demolished during site redevelopment.

Traffic

According to the applicants traffic study, the residential portion of this property with access onto John Tyler Highway will generate approximately 887 trips per day with 67 AM peak hour vehicle trips and approximately 82 PM peak hour vehicle trips. The commercial portion with access onto Ironbound Road will generate approximately 275 trips per day with 39 AM peak hour vehicle trips and approximately 37 PM peak hour vehicle trips.

2005 Traffic

Counts: Ironbound Road: 8,219 vehicles per day; John Tyler Highway: 10,336 vehicles per day

2026 Volume

Projected: John Tyler Highway shows 12,000 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. This portion of Ironbound Road is not listed in the 2003 Comprehensive Plan although the portion north of the intersection with John Tyler Highway is listed on the "watch" category.

Road

Improvements: The residential component of the property will require the construction of a 150' right turn taper and a 150' left turn lane with a 150' left turn taper. No improvements are required for the commercial property's entrance on Ironbound Road; however, the commercial entrance and will be limited to a right in right out only.

Traffic Proffers: Private Driveways: Roads internal to the project shall remain as private driveways - not VDOT streets. The applicant's proffers provide for an initial deposit of \$13,200 into the property owners association reserve fund.

Road Improvements: The proffers provide for the road improvements listed above and for only one entrance on John Tyler Highway and Ironbound Road.

Cash Contribution to the Five Forks Intersection Improvements: The applicant has proffered a pro-rata share of the costs of the intersection improvements (\$24,162) as recommended in the Primary Principles for the Five Forks Area adopted by the Board of Supervisors on September 28, 2004.

Limits on Commercial Development The applicant has proffered out three uses: fast food restaurants, gas stations and convenience stores. If a commercial use is proposed with higher traffic rates than what was shown in the applicant's traffic study, the applicant has proffered an updated traffic study for review and approval by the County and proffered to provide an additional cash contribution towards the John Tyler Highway/Ironbound Road intersection improvements. If the additional traffic exceeds the traffic caps adopted as part of the Primary Principles for Five Forks, the use would not be approved.

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

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for Moderate Density Residential development. Moderate density areas are residential developments or land suitable for such developments with a minimum density of four dwelling units per acre, up to a maximum of twelve dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for Moderate Density Residential requires that these developments be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher density development is compatible with nearby development and the natural and wooded character of the County. These Moderate Density Residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial, or mixed-use areas. The timing and density of development for a Moderate Density Residential site may be conditioned on the provision of least cost housing or the provision of open space. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

Staff Comments: 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 on the northern property along John Tyler Highway to existing commercial property and to Ingram Road in conformance with the Five Forks sidewalk inventory. The proposal also proffers a 35 foot easement through the southern property. The Greenway Master Plan calls for the construction of a multi use trail in this easement eventually connecting Jamestown High School to Five Forks. The proposal proffers a 35 foot easement through the western buffer of the northern property. This easement provides the final trail segment for the County to construct the Powhatan Creek nature trail connecting Monticello Avenue with John Tyler Highway.

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 106 new trips during the AM peak results in the use of approximately 30% of the new trip threshold without geometric improvements and approximately 21% with geometric improvements. The introduction of 119 new trips during the PM peak results in the use of approximately 24% of the new trip threshold without geometric improvements and approximately 18% with geometric improvements.

Currently three other proposals have been reviewed or approved in the Five Forks Area (Oaktree Expansion, Ingram Road Office Building, Villas at Five Forks). When combined with the Governor's Grove proposal 34.8% of the intersection capacity (without improvements) has been used.

Environmental: The proposal sets aside 5.33 acres of the southern property as permanent open space. A ten foot construction setback from all open space and buffers is proffered. The applicant has proffered a stormwater master plan to implement the recommendations of the Powhatan Creek Watershed Management Plan and included the use of low-impact design features on the master plan.

Land Use: The proposal proffers architectural review by the Planning Director in accordance with the architectural guidelines contained in the principles and contains a height limit for all structures of 45 feet. Staff is concerned that the three twelve unit buildings, as depicted on the master plan, are not consistent with the Primary Principles recommendation for buildings to be of similar mass with existing structures in Five Forks, such as the historic schoolhouse. However, staff recognizes that the units proposed are, both in mass and general architecture more in accordance with the principles than the previous proposal.

The project's overall residential density is 6.5 dwelling units per acres in accordance with the recommended maximum density for areas designated moderate density residential. The proposal protects the John Tyler Highway community character corridor through preservation of the property on the south side and the provision of a 150 foot buffer on the north property.

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

Setback Waiver

The applicant has requested modification to perimeter setback requirements for the commercial parcel. Mixed Use districts require a fifty foot perimeter setback from all adjacent properties. Setbacks shall be left in an undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover. It is possible to get a modification granted by the Planning Commission during the rezoning process if one or more of the criteria are met:

1. The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
2. the proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
3. the proposed setback is due to unusual size, topography shape or location of the property or other unusual conditions, excluding proprietary interests of the developer.

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

1. Reduce the buffer adjacent to the Zooms Convenience Store from 50 feet to 25 feet; and
2. Reduce the buffer adjacent to the open space parcel from 50 feet to 25 feet.

The reduced buffers will still substantially preserve existing vegetation on the site. In addition, the applicant has proffered architectural and landscape review by the Planning Director of any structures built on the site. With these provisions, staff recommends the Planning Commission approve the buffer reductions as proposed.

Conclusions

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff also finds that the proposed open space will provide significant protection to the John Tyler Highway Community Character Corridor. Staff recommends the Planning Commission recommend approval of the rezoning and master plan applications and acceptance of the voluntary proffers.



Matthew D. Arcieri

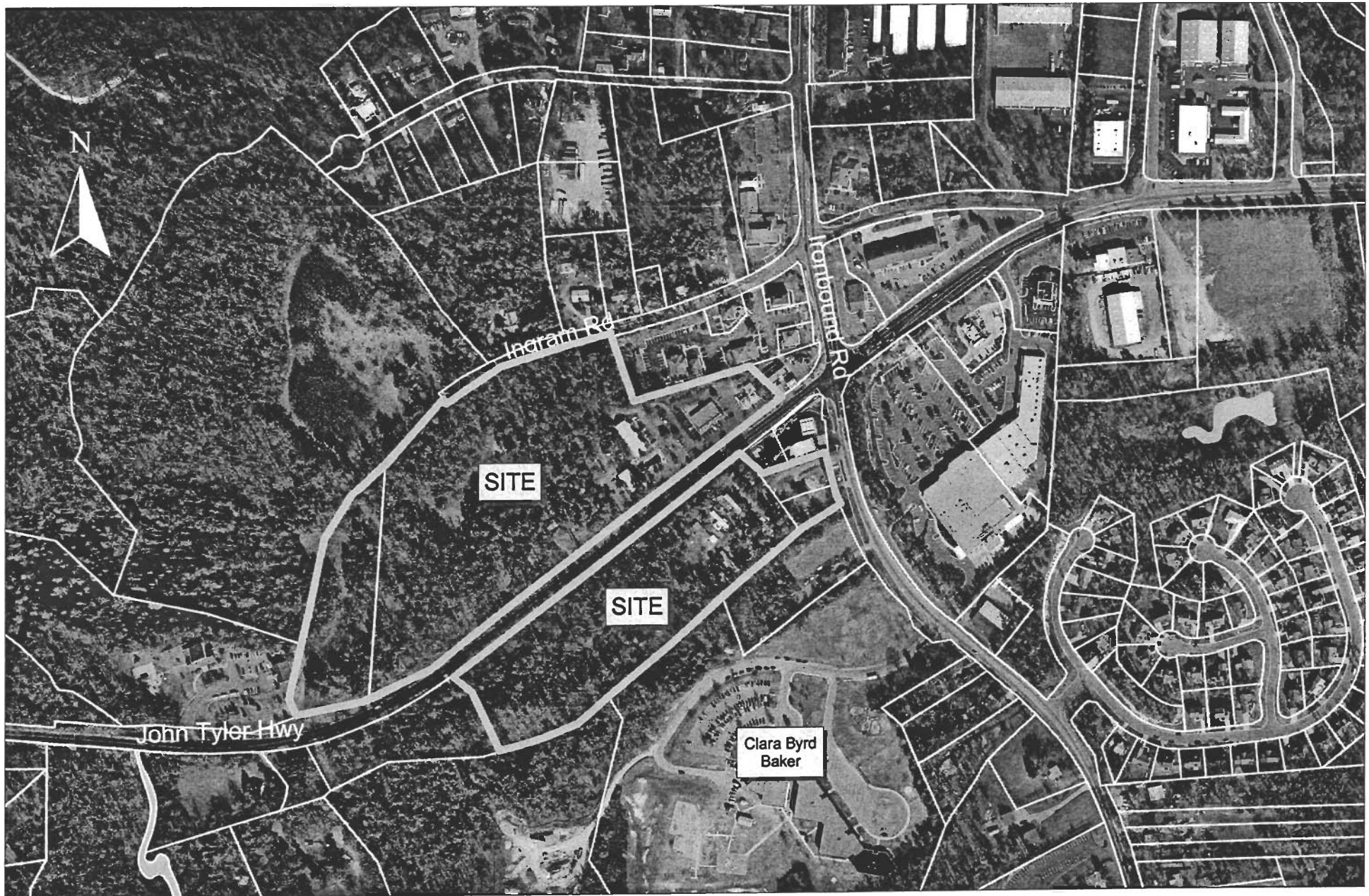
Attachments:

1. Location map
2. Master Plan (under separate cover)
3. Community Impact Statement
4. Proffers
5. Primary Principles for the Five Forks Area of James City County

Z-9-05/MP-6-05 Governor's Grove at Five Forks



35



Community Impact Study

For the

Master Plan

Prepared For

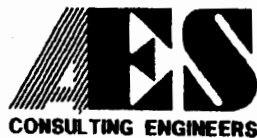
The Governor's Grove at Five Forks

National Housing Corporation

448 Viking Drive, Suite 245
Virginia Beach, VA 23452

April 18, 2005
(Revised June 22, 2005)
AES Project Number 9263

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I. INTRODUCTION

National Housing Corporation is proposing to rezone approximately 23.26 acres in James City County from R-8 and B-1 zoning to Mixed Use, MU zoning. Previously, National Housing Corporation submitted a rezoning Z-7-03 and master plan MP-8-03 for 275 affordable apartment dwelling units. National Housing Corporation is submitting a new Rezoning and Master Plan application that is significantly different than the previous application noted above. The new Rezoning and Master Plan for Governor's Grove will propose a different unit type, offer ownership rather than leasing, incorporate half the amount of units-per-acre than the previous package, and initiate more environmentally sensitive measures in this design.

The property is located on and bisected by John Tyler Highway (Route 5) just west of the Five Forks intersection at Ironbound Road. The property contains approximately 14.93 acres zoned R-8 and B-1 on the north side of Route 5 and approximately 8.33 acres zoned R-8 and B-1 on the south side of Route 5. Approximately 1.60 acres will remain B-1 along with the present commercial uses thereon.

The site currently houses 10 mobile home trailers, 10 sheds, several outbuildings, a motel, a campground office building, and an asphalt road network to serve the present uses. National Housing Corporation is proposing to redevelop and replace this aging facility by building 132 single-family attached homes on the northern portion of the property while retaining approximately 5,670 square feet of existing commercial and retail establishments that are currently in place. The southern portion of the property is proposed to redevelop the 3 acres comprising the mobile home trailer park as support commercial office/retail or light industrial. The remaining 5.33 acres will be left as natural open space.

The purpose of this report is to summarize and organize the planning efforts of the project team into a cohesive package for Staff review, which addresses the pertinent planning issues and the requirements of the Mixed Use zoning district.

National Housing Corporation has a long history of creating attractive housing communities and presently has developed over 6,000 homes throughout the United States with more than 2,500 of those units located in the Commonwealth of Virginia.

National Housing Corporation enjoys a long-standing history of housing construction in The Commonwealth and National Housing communities were some of the first constructed in partnership with the Virginia Housing Development Authority after its inception. Due to their sound construction, amenities, and the quality of life provided to its residents, these communities have typically stood at the forefront of the VHDA partnerships portfolio. Traditionally, National Housing Corporation's communities have become home to a wide range of residents, including young professionals, teachers, policemen, firemen, military personnel, service industry and staff level government employees who might otherwise be precluded by their income levels from residing in market rate equivalent, quality homes. With this experience in housing, National Housing Corporation is poised to provide a more upscale multi-family development to create a village concept in conformance with the adopted Five Forks Principals and James City County Comprehensive Plan. More information about National Housing Corporation and their existing properties is included in this booklet under the National Housing tab.

II. THE PROJECT TEAM

The organizations that participated in the preparation of the information provided in this impact study are as follows:

- Developer - National Housing Corporation
- Civil Engineering - AES Consulting Engineers
- Environmental - ECS Engineering Consulting Services, Ltd
- Traffic - DRW Consultants, Inc.
- Legal - Geddy, Harris, Franck, and Hickman
- Archaeological - ECS Engineering Consulting Services, Ltd.
- Fiscal - The Wessex Group, Ltd.
- Land Planning - AES Consulting Engineers

Key components of this Community Impact Study are:

- Analysis of Impacts to Public Facilities and Services
- Traffic Impact Study
- Fiscal Impact Study

III. PROJECT DESCRIPTION

National Housing Corporation is proposing to build 132 single-family attached homes on the northern portion of the property and leave the existing commercial and retail establishments in place. The southern portion of the property includes 5.33 acres of open space and approximately 3.0 acres of support commercial.

A site analysis revealed the following results:

Total acreage:	24.86 acres
Area remaining B-1:	1.60 acres
Wetland and stream areas:	0.65 acres
Areas of 25% or greater slope:	0.80 acres
Total area of non-developable acreage:	1.45 acres

The non-developable 1.45 acreage is approximately 6% of the total parcel acreage, well below the 35% threshold allowing for the density to be based on the total acreage per 24-523 of the zoning ordinance. See the Environmental Inventory drawing identifying areas of non-developable and net developable acres.

The proposed development is as follows:

The development of the northern portion of this development:

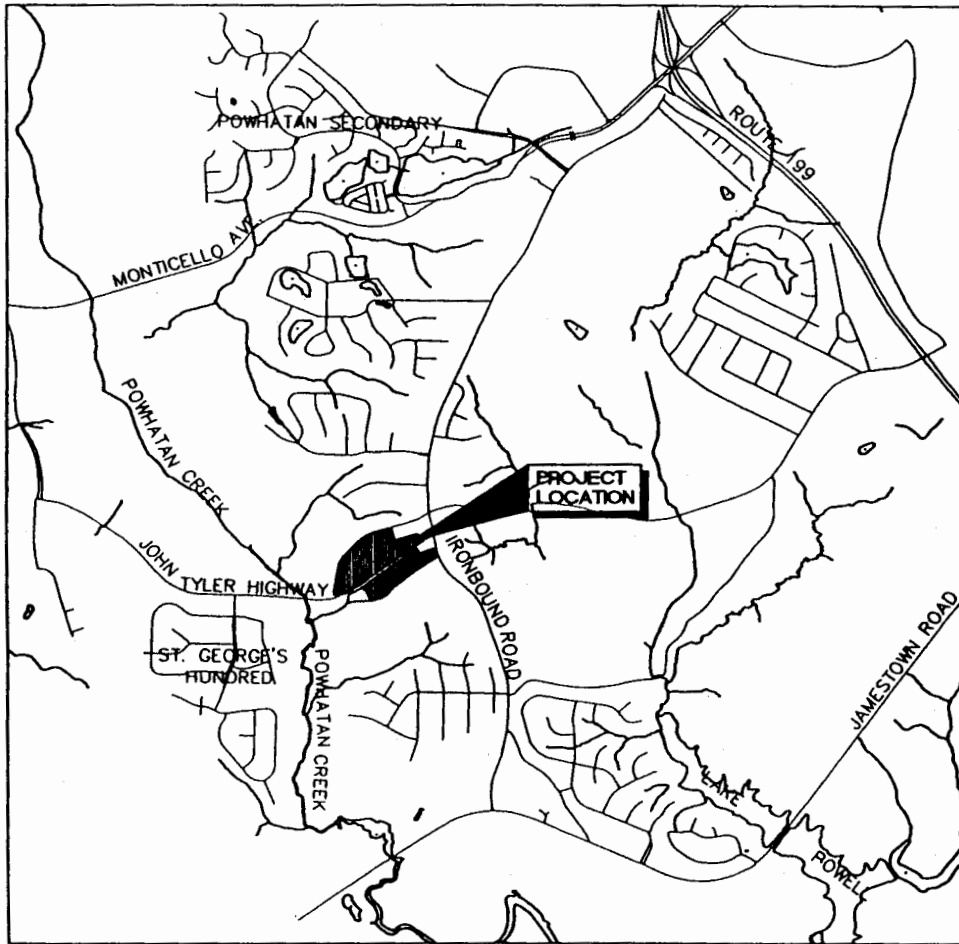
- 1) The existing commercial use consisting of approximately 5,670 square feet of existing commercial space will remain on approximately 1.60 acres, and this area will remain B-1. Approximately 0.65 acres of B-1 will be rezoned MU and the existing 10,770 square feet of motel/lodging and campground office building will be removed.
- 2) 132 single-family attached units, recreational facilities and a storm water facility will be built on approximately 14.93 developable acres (Use Designation D and J).

The development of the southern portion of this project:

- 3) Commercial use consisting of approximately 25,000 square feet commercial space (Use Designations E, F or G) on approximately 3 acres, and;
- 4) 5.33 Acres will remain as open space and a storm water facility (Use Designation J).

The project location is shown on the following exhibit:

Exhibit 1



A. Planning Considerations

A review of the Comprehensive Plan of James City County shows this area designated as "Moderate Density Residential." Under this classification, a minimum density of four dwelling units per acre up to twelve dwelling units per acre is allowed. The Mixed Use, MU Zoning will achieve the goals of the comprehensive plan which states for the Five Forks area: that limited commercial developments continue at the intersection with moderate density residential encouraged as a secondary use. The

Mixed Use zoning promotes "a multi-use planned community which may include residential, commercial, industrial (with a predominant focus on light industrial,) office and other nonresidential uses. Mixed Use zoning provides flexibility, unity and diversity in land planning and permits densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts (Section 24-514 of the James City County Zoning Ordinance). The proposed Master Plan conforms to the current Comprehensive Plan's recommendation for Medium Density Residential. With this proposal, 132 residential units are planned for 23.26 acres, yielding 6.5 dwelling units per acre. This density also is within the density outlined in the Resolution for the "Primary Principles for Five Forks Area of James City County approved September 28, 2004 by the James City County Board of Supervisors.

An additional planning consideration is conformance to open space and density requirements for the zoning designation. Under Section 24-524 of the Code of James City County, 10% of the net developable area of any Mixed Use Development shall be retained in usable open space. This development will exceed this obligation with a minimum open space area estimated at approximately 15 acres of the 20.26 acres of the parcel, or 60 % of the gross area.

The residential sections will be developed under designation D (Attached structures of three stories or more and containing more than four dwelling units) and designation J for open space and recreational uses. Per 24-523 of the Code of James City County, designation D allows up to 18 dwelling units per acre. The JCC Comprehensive Plan for Moderate Density Residential allows up to 12 units per acre. The density of these parcels is based on the net developable area with the provision of 10 % open space. Areas of wetlands and slopes greater than 25% are not counted towards meeting the 10% open space requirement. The 132 single-family attached units will yield a gross density of 6.5dwelling units per total acre. This density is below the thresholds of maximum density, outlined in Section 24-523 of the Code of James City County.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

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

A. Public Water Facilities

The subject property will be served with public drinking water by the existing JCSA water distribution system in the general area. A 12-inch water main presently exists along John Tyler Highway, (Route 5) and will be the primary potable water source connection for this proposed development. The property may be irrigated but the irrigation system will recycle water from the proposed on-site wet pond with a well as a back-up system in times of drought. It should be noted that adjacent to the property, and currently under construction is the new JCSA Desalination and well facility that will be online prior to the construction of this residential community.

A preliminary water model will be completed prior to final plans. The model will examine volume and pressures throughout the immediate water system area. The water model will account for all multi-family residential buildings having sprinkler fire suppression system meeting NFP-13R.

B. Public Sewer Facilities

The subject property will be served by extensions to the public sewer system of JCSA. The sanitary sewer extension will be gravity sewer connection to the existing Powhatan Creek Collector that flows into existing Lift Station 1-1. Presently a good portion of the flow to this lift station will be redirected with the alterations to Lift Station 1-2. Lift Station 1-2 currently lifts wastewater to the trunk line that will serve Governor's

Grove. The construction of lift station 1-2 is underway and near completion. These renovations will allow the lift station to adequately provide sewer service for the entire "sewershed," by re-directing the sewage flows from the lift station towards a nearly complete Hampton Roads Sanitation District 30-inch force main paralleling John Tyler Highway. This wastewater flow would then no longer go to lift station 1-1 or the existing sanitary trunk line that serves Governor's Grove.

Table 1

Development	Units	(GPD/Unit)	Flow (GPD)	(hrs)	(GPM)	Peak Flow
RESIDENTIAL						
Single-family attached	132	250	33,000	24	22.9	57.3
NON-RESIDENTIAL						
Commercial office/retail	25,000 SF	0.2	5,000	12	7	17
Active Recreation	2	300	600	12	0.8	2
subtotal			5,600		8	19
Total GPD			38,600		31	77

Table 1 above shows the proposed flows that will be generated by this new development. The flows from this development will not have an impact on the existing system, as they will come on line after the rerouting of lift station 1-2.

C. Public Schools

Governor's Grove is located within the Clara Byrd Baker Elementary School, James Blair Middle School, and Jamestown High School districts. Under the proposed Master Plan, a total of 132 single-family attached residential uses are proposed with approximately 20% one bedroom, approximately 20% of the units will be three bedrooms and the remaining units will be two bedrooms. Approximately 20% or 26 units will be one bedroom and not have school age children. Table 2 below shows the projected students generated from the proposed development. The normal projection would be .2 students per attached dwelling unit or 26 school age children, but due to the 26 one bedroom units the .2 multiplier is applied to 106 residential units. Table 3 shows the current school capacities and enrollments for the 2004 – 2005 school year.

Table 2

student generation	residences	2&3 BedRoom	generator	total students
attached housing units	132	106	0.20	21

Table 3

Existing Public School Facility	Design Capacity	Program Capacity	2004- 2005 Enrollment		% of student breakdown	Additional students
Clara Byrd Baker	804	691	772	32	47.00%	10
James Blair Middle School	625	621	583	42	24.00%	5
Jamestown High School	1250	1250	1451	-201	29.00%	6
subtotal	2679	2562	2806	-127	100.00%	21

As the chart in Table 3 shows, there is design capacity for this development at Clara Byrd Baker Elementary School but not for program capacity. Five Temporary trailers have been installed to meet current program capacity. On April 5, the Williamsburg-James City County Public School Board was presented with 4 plans of boundary adjustment to the districts for Clara Byrd Baker and Rawls Byrd elementary schools. The board approved scenario 3 that adjusts the boundaries between the two schools. This change will improve the current overcrowding at Baker elementary school by moving 65 children from Baker to Byrd elementary school for the fall of 2005. The 2007 annual budget also includes building an 8th elementary school in the near future to meet the growing elementary school population.

There is design and program capacity at James Blair Middle School.

Table 3 also shows that presently Jamestown High School is currently over design and program capacity. On May 13, 2003 the James City County Board of Supervisors voted to purchase land for a third high school to solve current enrollment capacity issues and prepare for future growth in the county. A school bond referendum was passed in the November 2004 election to fund the new high school. The new High School facility is scheduled to open August 2007 and will solve the current overcrowding of Lafayette and Jamestown High Schools and create adequate design and program capacity.

D. Fire Protection and Emergency Services

As a single-family attached housing community, demand for fire protection and emergency service to this one location may be higher than normal. There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) services to James City County. The closest fire station to the subject site is station

services to James City County. The closest fire station to the subject site is station number 3 located at 5077 John Tyler Avenue, east of this project. From this station, an estimated response time would be less than four minutes.

The next closest fire station to the subject site would be station number 5 at 3201 Monticello Avenue. Although more distant than the John Tyler station, response time to the site is satisfactory if an emergency event occurs requiring additional fire and life safety support. Taken collectively, these two fire stations, and the emergency medical staff available at these stations, will provide more than adequate response in emergencies.

There are fiscal impacts associated with the performance of the additional services needed for this proposed development. Fiscal impact information for fire protection and emergency services can be found in the fiscal impact report prepared by The Wessex Group, Ltd.

E. Solid Waste

The proposed development on the subject property will generate significant quantities of solid wastes that will require collection and disposal to promote a safe and healthy environment. Private contractors will be hired either by the individual homeowner or the HOA management to handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to the nearest solid waste transfer station.

F. Utility Service Providers

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified plus with new land development these utility service providers are required to place all new utility service underground.

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Preliminary Wetland Determination

Investigations were conducted by Engineering Consulting Services, Inc. (ECS) in the summer of 2003 for the entire Governor's Grove property. The technical criteria outlined in the 1987 Corps of Engineers Wetland Delineation Manual were applied in order to map wetland resources that would fall under the jurisdiction of Section 404 of the Clean Water Act. The wetlands have been reviewed and approved by the COE and a Jurisdictional Determination letter dated July 7, 2003 is attached in the appendix. The extent of wetland features is shown on the Environmental Inventory plan for this development.

Based on the investigation by ECS and field surveying by AES approximately 0.65 acres of wetlands are present on the Governor's Grove property, associated with several drainage-ways of Powhatan Creek. USGS mapping does not show the existing swales that are incorporated into these wetlands as either perennial or intermittent.

In the Illustrative Plan for the proposed development, some disturbance of the wetland environment is shown. A small portion of the parking on the northern residential section will impact a very narrow wetland area. In addition there may be some temporary disturbances associated with gravity sewer connections and the grading associated with constructing the stormwater/best management ponds.

The request letter to the U.S. Army Corps of Engineers for Jurisdictional Determination is in the Appendix along with a copy of the Field Approval Jurisdictional Determination.

B. Resource Protection Areas

ECS's analysis of on-site resources included a review of the wetland features and adjacent creek systems to determine the extent of RPA features subject to jurisdiction under the Chesapeake Bay Preservation Act. The USGS mapping does not show the existing drainage swales as either perennial or intermittent, the existing on-site wetlands are not adjacent to the non-tidal mainstem Creek and as such should not be considered RPA features.

C. Powhatan Creek Watershed

In a report prepared for James City County by the Center for Watershed Protection "*Powhatan Creek Watershed Management Plan*", 'Draft' dated November 2001, it was noted that rapid development has occurred within the Powhatan Creek watershed, posing a threat to natural habitats and the water quality benefits of this tributary. In 2001, the Center for Watershed Protection made recommendations for various sub-watersheds of Powhatan Creek to maintain the quality of this stream habitat. The Governor's Grove is located along the upper limit of the Tidal Mainstem of Powhatan Creek. The recommendations for the area of the Governor's Grove are:

Watershed Education

- Fecal coliform problem and source education—septics, pets, natural sources.
- The importance of natural buffers for wetlands and other aquatic resources.

Aquatic Buffers

- Establishment of a program to assist landowners in the creation of buffer zones.

- Preservation in the form of a buffer up to 300 feet on new development to protect important marsh transition zones is important to wildlife and marsh bird species as a refuge during high tide.
- Increased forest buffer on the Paleochannel wetlands on the south side of the Mainland farm.

Better Site Design

- Cluster type development to allow for the preservation of the marsh buffers.

Stormwater Management

- Stormwater management with an added focus on fecal coliform removal.

The development of the Governor's Grove will be supporting the recommendations to maintain the quality of Powhatan Creek through the following:

1. The development will incorporate stormwater management facility(s) / best management practice design(s) to honor James City County's stormwater management goals, maintain high stream quality and address the fecal coliform issue.
2. The development will provide 50', 75' and 150' buffers areas at the perimeter of the development, encompassing existing wetlands and preserving the majority of the wetland areas associated with the Powhatan Creek. The majority of the buffers will be left natural.
3. The development on the south side is to remain undisturbed closest to the limits of the RPA of Powhatan Creek to maintain the quality of the RPA.
4. LID measures will be incorporated to serve 40% of the developed site.

To make a quantitative comparison of how the land development by the proposed Master Plan supports the goals of the *Powhatan Creek Watershed*

Management Plan, the existing site was reviewed under the guidance of this plan with the following results quantified:

- The site contains very little wetlands. Only 0.65 acres of wetlands were verified by the COE on this site. The proposed disturbance will require an Activity 1, Category 1 permit through the Virginia Department of Environmental Quality. Any wetland area disturbed will either be mitigated on-site or contribution made to recreate wetlands off-site.
- The development will provide approximately 15 acres of open space (60% of the site) as natural areas (greenbelt buffers, peripheral setbacks and transitional screening, parking islands and other open space). These areas provide added benefit by limiting opportunities for impervious cover on this site and in the tidal mainstem of the Powhatan Creek.

In summary this is not a vacant property but the redevelopment of an aging commercial campground, mobile home park and motel. Rezoning the site to MU and providing additional buffers along the perimeter is an opportunity for improvement over the existing development. The new mixed-use development is similar to cluster development and helps this development meet the overall goals of the Powhatan Creek Watershed Study.

D. Archaeology

In July of 2003, ECS conducted research and a walkover in lieu of a Phase I archaeological survey of the Governor's Grove property along both sides of John Tyler Highway. That walkover and research by ECS found no identifiable archaeological sites or locations. Additionally, a search of the database of the Department of Historic Resources of the Commonwealth of Virginia was performed by ECS. That database and mapping does not show any records of historic sites on the Governor's Grove property. A copy of the correspondence between ECS and the Virginia Department of Historic Resources can be found in Appendix II.

E. Soils and Vegetation

Soils

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA 1985) maps several soil types within the Governor's Grove property boundary. The Governor's Grove property is predominantly situated on well-drained soils of Emporia, Craven, and Slagle. The hydrologic classifications of these soil types are within group C. The mapping can be seen on the attached Environmental Inventory Drawing. Also the northern portion of the property has been investigated and a Preliminary Subsurface Exploration and Geotechnical Engineering Analysis by ECS Ltd are included in this booklet.

Vegetation

The site is located in the Coastal Plain Floristic Province as described in *The Natural Geography of Plants* (Gleason and Cronquist 1964). The typical forest of this province contains extensive stands of pines with over two-dozen other hardwood species intermixed. James City County color aerial photography and a site visit determined that the site is 85% forested with mixed hardwoods and evergreen trees.

Vegetation communities on this property may be classified into three general categories as follows: 1) upland hardwoods; 2) secondary growth or scrub/shrub complexes; and 3) wetlands (see wetlands report by ECS Ltd). Of the forested regions on the Site, the predominant community type consists of hardwood stands intermixed with mature Loblolly pines. The forested uplands are situated on nearly level to steep slopes, and are characterized by a well-developed, layered structure, with most canopy specimens ranging from 50-70 feet in height. Typical canopy species include beech (*Fagus grandifolia*), oak (*Quercus* spp.), hickory (*Carya* spp.), tulip tree (*Liriodendron tulipifera*), sweet gum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), and loblolly pine (*Pinus taeda*). Understory species include American holly (*Ilex opaca*), wax myrtle (*myrica*), hardwood saplings, and huckleberry (*Gaylussacia* spp.).

VI. ANALYSIS OF STORMWATER MANAGEMENT/BMP

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

The goal of the stormwater management plan is to adhere to local and state stormwater requirements using Best Management Practices (BMP's) that provide the maximum coverage while minimizing environmental impacts. In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the unique site characteristics are considered. Preliminary site observations and mapping identify unique site characteristics considered in stormwater management planning:

- Small areas of non-tidal wetlands of Powhatan Creek exist in three existing swales.
- The majority of the site drains to the tidal main stem of Powhatan Creek.

Stormwater management for this site seeks to manage the quality and quantity of the stormwater runoff. In James City County, the Environmental division requires a 3-step, 10-point Best Management Practice (BMP) method to demonstrate compliance with the County's Chesapeake Bay Preservation Ordinance (CBPO). The methodology allocates open space credit for land that is not developed and provides credit for all segments of the site that drain and are controlled by an adequately sized structural BMP. BMP credits can also be accumulated for providing stormwater quality improvement for off-site development and parcels within the watershed of the proposed stormwater management / best management practice facility (SWM / BMP). Structural BMP's are assigned from 4 to 10 points depending on particular design and storage volume. Highly efficient wet ponds, infiltration basins, and marsh BMPs receive 9 or 10 points of credit. Additional points can be earned by the use of Low Impact Development measures. These LID measures are designed to return the drainage area to pre-development conditions not only in peak discharge, but in volume and time of concentration. As a result these measures are treated the same as open space in the BMP point system. The total point value for the site is obtained by taking the fraction of the site served by a structural BMP or open space/LID

credit and multiplying it by its assigned point value and then summing the values. A total of ten points for the site is necessary to demonstrate satisfactory compliance.

In preliminary analysis of the subject, stormwater management and improvement in stormwater quality may be achieved with the construction of several SWM / BMP facilities located on adequate acreage and appropriate conditions to handle the watershed. When combined with the quality benefits provided by the naturally occurring non-tidal wetlands on the proposed development of the Governor's Grove under the Amended Master Plan will have minimal impacts to the surrounding environment.

Specifically, two SWM / BMP are envisioned for Governor's Grove. The southern section of Governor's Groves will contain a SWM / BMP facility in the area labeled section 3 that fronts on Ironbound Road. The facility will be on the lower portion of section 3 but will still be away from the wetlands and RPA buffer areas located on section 2, which is the 5.3 acre parcel that will be left undisturbed. For the purposes of the BMP point calculations, the 5.3 acre parcel is excluded from the overall site area. The northern section will be served by a separate SWM / BMP facility in the location indicated on the Illustrative Plan. Both of these facilities will treat not only the impervious area of the site, but also some off-site areas that are currently untreated. To address the added focus of fecal coliform removal stressed in the Powhatan Creek Watershed Management Plan, design considerations will employ a combination of the fecal bacteria removal methodologies outlined in table 5 of the Powhatan Creek Stormwater Master Plan. Low Impact Development measures will be employed on the northern section to aid in this effort. To achieve the remaining points required by the Environmental Division, Open Space Conservation Easements will be placed over portions of the buffers in sections 1 and 3 of the Master Plan.

This conceptual solution to stormwater management and water quality minimizes the impacts of the proposed development on the surrounding environment to an acceptable stormwater management and water quality compliance. In addition water quality treatment will be provided per the special stormwater criteria for stream protection with an emphasis on removal of nutrients and bacteria. As a part of this impact study, a preliminary BMP point analysis has been prepared for the Governor's Grove, and is presented in Appendix III.

VII. ANALYSIS OF IMPACTS TO TRAFFIC

A Traffic Study has been prepared by DRW, Inc. A copy of the findings from this traffic study is found separately in this booklet at the Traffic Impact tab. This study utilizes ITE land use code 220 for rental apartments. The traffic consultant chose this land use code to reflect the highest possible impact. is development may not go rental and be for sale attached residential units which is ITE land use code 230. ITE code 230 has lower traffic generation numbers than ITE code 220. The developer will be contributing to the geometric improvements outlined in the adopted Five Forks Principals. These geometric improvements in conjunction with the right turn in, right turn out only entrance to the commercial property will offset some of the traffic impacts outline in the TIA.

VIII. ANALYSIS OF FISCAL IMPACTS

A Fiscal Impact Study was prepared by The Wessex Group with a rezoning and master plan submission Z-7-03/MP-8-03 for the National Housing Corporation. National Housing Corporation is submitting a new Rezoning and Master Plan application that is significantly different than the previous application noted above. A letter outlining the reduced fiscal impact is found separately at the Fiscal Impact tab.

IX. CONCLUSION

In summary, this proposed development is not first-time construction on a vacant property but rather the redevelopment of an aging commercial campground, mobile-home park and motel sites that have current, existing debris and environmental concerns. Rezoning and redeveloping the site to MU will lead to a clean-up of existing issues while providing new/additional buffers, green areas and add quality housing to the local inventory. This Community Impact study concludes the following:

- Adequate public facilities (water and sewer, fire), and utility service provider services (gas, electric cable TV, telephone), are available for development.
- A Mixed Use development is proposed with this rezoning, which complements the intended land use designated on the current Comprehensive Plan for this area.
- Stormwater runoff from this site can be controlled and enhanced at acceptable levels.
- A proper balance is achieved with this Rezoning to support the goals of the *Powhatan Creek Watershed Management Plan* and maintain the orderly development and enhancement of the Five Forks area.

Traffic Analysis For Governor's Grove

JAMES CITY COUNTY, VIRGINIA

For:
National Housing Corporation

By:
DRW Consultants, LLC
Midlothian, VA

March 18, 2005

INTRODUCTION

National Housing Corporation proposes to develop a residential area and a small commercial property in the Five Forks area of James City County. The name for the overall development is Governor's Grove. The Governor's Grove site location in the Williamsburg region is shown on Exhibit 1.

The locations of the two different areas of Governor's Grove are shown on Exhibit 2. All of the areas are located west of Ironbound Road (Rt. 615). 132 apartments are proposed for the residential area located on the north side of Rt. 5, which will have access to a single driveway on Rt. 5. The residential area is currently occupied by the Five Forks campground and motel. A small commercial parcel with access on Ironbound Road south of Rt. 5 is planned for office use with a single driveway on Ironbound Road.

This traffic study has been prepared to determine the turn lane needs for Governor's Grove access and traffic levels of service. This traffic study is an update of two previous studies dated August 14, 2003 and August 29, 2004. The current Governor's Grove development plan had fewer residential units, and the commercial driveway on Ironbound Road is planned to be right turn in/right turn out only based on previous comments from VDOT. This traffic study has been updated to address the current proposed land uses and access.

EXISTING PEAK HOUR TRAFFIC

For this traffic study, turning movement traffic counts were conducted at the intersection of Rt. 5 and Ironbound Road. The counts were conducted from 7 to 9 AM on Wednesday, July 30, 2003 and from 4 to 6 PM on Tuesday, July 29, 2003. The tabulated count results are shown on Appendix Exhibits A1 and A2. Exhibit 3 shows AM and PM existing peak hour traffic at the intersection with existing approach lane configurations. Exhibit 3 also shows proposed access to the two components of Governor's Grove.

Existing peak hour level of service (LOS) calculations using Highway Capacity Software (HCS) are shown on Appendix Exhibits E1 and E2 for the AM and PM peak hours,

respectively. There is an existing LOS C overall for the signalized intersection of Rt. 5/Ironbound Road in the AM and PM peak hours.

2008 PEAK HOUR BACKGROUND TRAFFIC

Exhibit 4 shows daily traffic counts on Rt. 5 published by James City County and the resulting trend forecast to 2008 using linear regression analysis. Governor's Grove is anticipated to be built out within 5 years.

Stations 41 and 42 on Rt. 5 as shown on Exhibit 4 have differing results: Station 41 shows a continuous declining trend since 1999, whereas Station 42 shows a slight rate of decline. For purposes of this traffic study, a 1.10 growth factor is used, which reflects a 2% per year growth rate.

Exhibit 5 shows 2008 peak hour background traffic with a 1.10 growth factor. 2008 background traffic peak hour LOS calculations with the existing lane configuration are shown on Appendix Exhibits F3 and F4 for the AM and PM peak hours, respectively. There is LOS C overall for the intersection for 2008 AM and PM peak hour background traffic.

GOVERNOR'S GROVE TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

Exhibit 6 shows trip generation values for the two components of the Governor's Grove using Trip Generation, 7th Edition (TG7). For trip distribution of residential uses, a 35% west/65% east trip distribution is used. The 65% east distribution is split based on the percentage of turning movements at the Rt. 5/Ironbound Road intersection (see Appendix Exhibit B for the percentage calculations). For commercial office use, all traffic is assigned to right turn in/right turn out based on background traffic.

Table 1 on Exhibit 6 shows trip generation and distribution for the residential area, and trip assignments are shown on Appendix Exhibit C1. For the office use, trip generation and distribution are shown in Table 2 on Exhibit 6, and trip assignments are shown on Appendix

Exhibit C2. Exhibit 7 shows AM and PM peak hour site trip assignment for all of Governor's Grove.

TOTAL 2008 PEAK HOUR TRAFFIC

Exhibit 8 shows total 2008 AM and PM peak hour traffic (sum of Exhibit 5 background traffic and Exhibit 7 site traffic).

2008 total traffic peak hour LOS calculations with the existing lane configuration are shown on Appendix Exhibits E5 and E6 for the AM and PM peak hours, respectively, for the Rt. 5/Ironbound Road intersection. There is LOS C overall for the intersection for 2008 AM and PM peak hour total traffic.

At the Governor's Grove access on Rt. 5, LOS calculations are shown on Appendix Exhibits F1 and F2. There is LOS C for the southbound approach in the AM peak hour and PM peak hours for this unsignalized intersection. There is LOS A for eastbound left turns on Rt. 5 during both the AM and PM peak hours.

At the Governor's Grove residential driveway on Rt. 5, a left turn lane is warranted in the eastbound direction (see Appendix Exhibits G1 for left turn lane warrant graph). A right turn taper is warranted on westbound Rt. 5 (see Appendix Exhibit G2 for right turn lane warrant graph).

At the Governor's Grove commercial access on Ironbound Road, LOS calculations are shown on Appendix Exhibits F3 and F4. The eastbound approach has LOS A in the AM peak hour and LOS B in the PM peak hour.

At the Governor's Grove commercial driveway on Ironbound Road, no right turn lane or taper is warranted. See Appendix Exhibit G4 for right turn lane warrant graph.

SUMMARY AND CONCLUSIONS

The following table compares the overall LOS at the Rt. 5/Ironbound Road intersection for the different conditions presented in this study:

TABLE ONE
SIGNALIZED INTERSECTION LOS AT
RT. 5/IRONBOUND ROAD

CONDITION	AM PEAK HOUR LOS									
	Overall	EB Left	EB T/R	WB Left	WB Thru	WB Right	NB Left	NB T/R	SB Left	SB T/R
2003 Existing (w/o Site)	C – 25.1	C – 31.4	C – 23.2	C – 28.7	B – 18.8	B – 17.7	C – 32.4	C – 29.0	C – 33.4	C – 25.7
2008 Background (w/o Site)	C – 26.6	C – 31.8	C – 25.3	C – 28.7	B – 19.1	B – 17.9	C – 32.8	C – 31.7	C – 34.2	C – 27.0
Total 2008 (with Site)	C – 27.7	C – 32.8	C – 29.0	C – 29.1	B – 19.2	B – 17.9	C – 32.8	C – 31.7	C – 34.2	C – 27.7
CONDITION	PM PEAK HOUR LOS									
	Overall	EB Left	EB T/R	WB Left	WB Thru	WB Right	NB Left	NB T/R	SB Left	SB T/R
2003 Existing (w/o Site)	C – 28.5	D – 42.0	C – 29.8	C – 33.8	C – 26.5	C – 22.8	C – 32.7	C – 24.1	C – 36.5	C – 26.6
2008 Background (w/o Site)	C – 31.6	D – 47.5	C – 33.9	D – 35.2	C – 28.4	C – 23.2	C – 34.0	C – 26.9	D – 39.8	C – 31.0
Total 2008- Lead/Lag (with Site)	C – 33.0	D – 51.0	D – 36.5	D – 35.6	C – 30.1	C – 23.2	D – 35.0	C – 26.9	D – 39.8	C – 32.9

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS.

There is overall LOS C at the Rt. 5/Ironbound Road intersection for all conditions presented in this report.

The residential access on Rt. 5 will require an eastbound left turn lane and a westbound right turn lane. The commercial access on Ironbound Road will not require any additional turn lane improvements.

The following tables present LOS results for the two Governor's Grove accesses:

TABLE TWO
UNSIGNALIZED INTERSECTION LOS AT
RT. 5/GOVERNOR'S GROVE RESIDENTIAL ACCESS

CONDITION	AM PEAK HOUR LOS		PM PEAK HOUR LOS	
	Eastbound Left	Southbound Left/Right	Eastbound Left	Southbound Left/Right
Total 2008 (with Site)	A - 8.2	C - 18.6	A - 8.8	C - 20.4

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS.

TABLE THREE
UNSIGNALIZED INTERSECTION LOS AT
IRONBOUND ROAD/GOVERNOR'S GROVE COMMERCIAL ACCESS

CONDITION	AM PEAK HOUR LOS		PM PEAK HOUR LOS	
	Eastbound Right		Eastbound Right	
Total 2008 (with Site)	A - 9.9		B - 12.4	

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS.

All movements at the Governor's Grove accesses have LOS C or better.

Governor's Grove in Williamsburg

Fiscal Impact in James City County, Virginia

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **National Housing Corporation**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of developing Governor's Grove, a townhouse community proposed for a 25-acre site in the Five Forks area of the county. The units are planned to be sold at market value, and the specific development plans include the following:

- 26 one bedroom townhouse units (\$150,000 market value)
- 80 two bedroom townhouse units (\$210,000 market value)
- 26 three bedroom townhouse units (\$250,000 market value)
- Amenities for the residential development that include a clubhouse, swimming pool, picnic area and playgrounds
- Approximately 25,000 square feet of commercial development.

Development Schedule and Construction Investment: The developer anticipates that the 132 housing units, amenities and commercial development in Governor's Grove will be built over a five-year period with buildout in Year 6. The incremental residential population is estimated at 272 persons, including 21 public school children. A 25,000 square foot commercial parcel adjacent to Governor's Grove also is part of the development plans. Total construction investment is estimated at approximately \$30.5 million including \$100,000 in off-site improvements and \$150,000 in amenities for the residential community.

County Revenues, Expenditures and Net Fiscal Impact: Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. At buildout, Governor's Grove will provide an estimated \$485,000 annually in net new revenues for the county. In turn, the services that the county will provide to this community include police protection, fire protection and public education for the school children living in the development. Once fully developed and occupied, Governor's Grove is expected to incur costs for county services of approximately \$460,000 per year. The net fiscal impact to the county for this development is estimated to be about \$24,000 at buildout. The net present value of the cash flows from Year 1 to Year 6 equals a positive \$390,800 assuming a 5% discount rate. Cash inflows and outflows during development and at buildout are shown in Table A. All dollar figures contained in this report are expressed in 2005 dollars. No attribution for economic inflation has been made.

Table A
Governor's Grove - Net Fiscal Impact

Cash Inflow and Outflow	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Total Annual Revenues	\$81,600	\$183,400	\$266,100	\$413,600	\$470,300	\$484,500
Total Annual Expenditures	\$7,500	\$103,900	\$194,600	\$288,900	\$376,800	\$460,100
Net Fiscal Impact	\$74,100	\$79,500	\$71,500	\$115,300	\$93,500	\$24,400



Rezoning and Master Plan for **Governor's Grove** At Five Forks for



National Housing Corporation
448 Viking Drive, Suite 245
Virginia Beach, Virginia 23452

by



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: 757-253-0040 • Fax: 757-220-8994

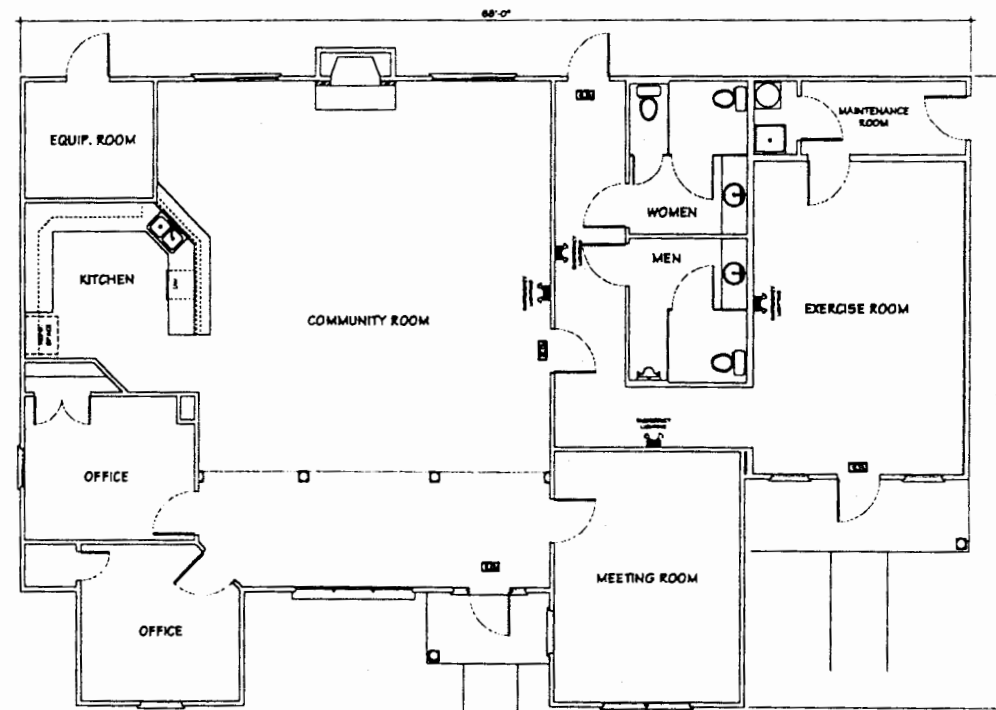
June 22, 2005

CONCEPT PRODUCT



FRONT ELEVATION

SCALE: NOT TO SCALE



FLOOR PLAN

SCALE: NOT TO SCALE

Governor's Grove at Five Forks
 Clubhouse Conceptual Elevation and Floorplan
 For National Housing, LLC

**WARNER and
 ASSOCIATES**
 ARCHITECTS

1401 Kempsville Road, Suite A
 Chesapeake, Virginia 23320
 Phone: (757) 312-9628 Facsimile: (757) 312-0991
 8 1/2" X 11" SHEET IS NOT TO SCALE



Governor's Grove at Five Forks
For National Housing, LLC

**WARNER and
ASSOCIATES**
ARCHITECTS

1401 Kempsville Road, Suite A
Chesapeake, Virginia 23320
Phone: (757) 312-9628 Facsimile: (757) 312-0991
8 1/2" X 14" SHEET IS NOT TO SCALE

PROFFERS

THESE PROFFERS are made this 16th day of May, 2005 by FIVE FORKS, VIRGINIA, INC., a Virginia corporation, and KATHRYN S. DALY, Successor Trustee to E. H. Saunders under the E. H. Saunders Revocable Trust dated July 29, 1997 (together with their successors and assigns, the "Owner") and NATIONAL HOUSING, LLC, a Virginia limited liability company ("Buyer").

RECITALS

A. Owner is the owner of four contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 4360 John Tyler Highway, Williamsburg, Virginia and being Tax Parcel 4620100014, the second with an address of 4310 John Tyler Highway, Williamsburg, Virginia and being Tax Parcel 4620100037, the third with an address of 3191 Ironbound Road, Williamsburg, Virginia and being Tax Parcel 4710100035, and the fourth with an address of 3181 Ironbound Road, Williamsburg, Virginia and being Tax Parcel 4710100036, being more particularly described on Exhibit A attached hereto (together, the "Property"). A portion of the Property is now zoned B-1 and a portion is now zoned R-8. The Property is designated Moderate Density Residential and Low Density Residential on the County's Comprehensive Plan Land Use Map.

B. Buyer has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from B-1 and R-8 to MU, Mixed Use District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan for Rezoning of Governor's Grove for National Housing Corporation" prepared by AES Consulting Engineers dated March 21, 2005 and revised May 23, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner has submitted to the County a traffic impact analysis entitled "Traffic Analysis for Governor's Grove" prepared by DRW Consultants, Inc. dated March 18, 2005 (the "Traffic Study") for the Property.

F. On September 28, 2004, the Board of Supervisors of James City County adopted Primary Principles for the Five Forks Area of James City County (the "Primary Principles")

G. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning

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

CONDITION

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 132 residential dwelling units on the Property. All residential dwelling units on the Property shall be offered for sale by the developer thereof.

2. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas,

private roads and parking areas, shall require each initial purchaser of a unit to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the unit (but no less than \$100.00) and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. **Water Conservation.** (a) Water conservation standards shall be submitted to the James City Service Authority for its review and approval as a part of the site plan or subdivision submittal for development on the Property and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

(b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan and shall not use James City Service Authority ("JCSA") water for irrigation purposes.

4. Cash Contributions for Community Impacts. For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.

(a) A contribution of \$796.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

(b) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for emergency

services equipment replacement and supply, school uses, off-site road improvements, library uses, transitional housing and public use sites.

(c) A contribution of \$500.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, off-site stream stabilization or other stormwater management projects in the Powhatan Creek watershed.

(d) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the Property at or prior to the final approval of the site plan or subdivision plat for such unit.

(e) The per unit contribution(s) pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution

be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

(f) A single lump sum contribution of \$24,162.00 shall be made to the County prior to the County being obligated to grant final development plan approval for any development on the Property in order to mitigate impacts on the County from the physical development and operation of the Property. The County

may use these funds for intersection improvements at the Route 5/Ironbound Road intersection or, if the County determines not to construct such improvements, for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property.

5. **Route 5 Buffer**. There shall be a 150 foot buffer along the Route 5 frontage of the Property north of Route 5 generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units and shall be undisturbed, except for the entrance, right turn taper and stormwater management facilities as shown generally on the Master Plan, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, for utilities, lighting, entrance features and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the County Engineer. A buffer plan showing the location of the stormwater management facility, trails, picnic facilities and providing for supplemental landscaping in the buffer area adjacent to the stormwater management BMP pond shown on the Master Plan and in the southeast corner of the buffer generally as shown on the Master Plan shall be submitted as a part of the development plan for Section 1 of the Property for review and approval by the

Director of Planning. The supplemental landscaping shown on the approved plan shall be installed or its installation bonded prior to the issuance of any certificates of occupancy for dwelling units in Section 1.

6. **Entrances/Turn Lanes**. There shall be one entrance into Section 1 of the Property to and from Route 5 and one entrance into Section 3 of the Property to and from Ironbound Road, all as generally shown on the Master Plan. An eastbound left turn lane and a westbound right turn taper on Route 5 shall be constructed at the entrance to the Property from Route 5. The turn lanes proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be completed prior to the issuance of the first certificate of occupancy. At the time of construction of the turn lanes proffered above, Owner shall install, to the extent not already existing, a three foot paved shoulder on the north side of Route 5. Owner shall reserve sufficient area for a future vehicular connection from Section 3 of the Property to the adjacent property to the north (Tax Parcel 4710100024). The entrance into Section 3 of the Property shall be designed and constructed to accommodate a shoulder bike lane along Ironbound Road.

7. Sidewalk Connections. There shall be a pedestrian walkway connection from the internal pedestrian walkway in Section 1 to the multi-use path adjacent to Route 5 generally as shown on the Master Plan. There shall be internal pedestrian walkways installed generally in the locations shown on the Master Plan, which may be installed in phases as residential units are constructed. Pedestrian walkways shall be installed concurrently with the construction of adjoining units.

8. Recreation. Owner shall provide the recreational facilities shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 30 dwelling units on the Property. The recreational facilities on the Property shall meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning.

9. Multi-Use Path/Easement. (a) There shall be a paved multi-use path at least five feet in width installed on Section 1 of the Property generally as shown on the Master Plan. The path shall be located to avoid mature or specimen trees where reasonably feasible and the exact location of the trail shall be approved by the Director of Planning. The path shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy.

(b) At or prior to the County being obligated to issue any building permits for residential dwelling units on the Property, Owner shall grant to the County free of charge an easement 35 feet in width over the area of Section 2 of the Property immediately adjacent to Route 5 permitting the County to construct and maintain a path in the easement area.

(c) At or prior to the County being obligated to issue any building permits for residential units on the Property, Owner shall grant to the County, free of charge, an easement 35 feet in width through the open space of Section 1 of the Property generally in the location shown on the Master Plan permitting the County to construct and maintain a trail in the easement area.

10. **Private Drives.** All entrance roads, interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property to Route 5 or Ironbound Road shall be private.

11. **Environmental Protections.** (a) The Owner shall maintain and preserve as open space with terms consistent with these Proffers the area designated on the Master Plan as Open Space generally in the locations shown on the Master Plan. The exact boundaries of the Open Space shall be shown on subdivision plats and/or site plans of the Property. The Open Space shall remain undisturbed by Owner and in its natural state, except as

set forth below. Dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Open Space with the approval of the County Engineer. With the prior approval of the Environmental Division utilities may intrude into or cross the Open Space and clearing and construction activities necessary therefor may take place in the Open Space. Pedestrian paths, trails and bridges generally as shown on the Master Plan may intrude into or cross the Open Space and clearing and construction activities necessary therefor may take place in the Open Space. Stormwater BMPs may be located in the Open Space but shall not be located in nor impact the channel flow of perennial streams unless specifically approved by the Environmental Division and any stormwater BMP in Section 2 shall be located only in areas already cleared as of the date hereof. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Open Space and Owner shall endeavor to design utility systems that do not intrude into the Open Space. The Open Space shall be exclusive of lots or dwelling units.

(b) Owner shall submit to the County a master stormwater management plan as a part of the site plan submittal for the Property, including the stormwater management pond generally as shown on the Master Plan, dry swales and/or other low impact

design measures, methods and measures to reduce fecal bacteria, such as aeration and maintenance of appropriate water levels in the stormwater management pond, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(c) There shall be a 10 foot construction setback adjacent to the Open Space on the Property. No building shall be permitted in this setback area. This setback shall be shown on all development plans for those areas of the Property.

12. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a

Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the 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 Director of Planning 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 Standard 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 shall be adhered to during the clearing, grading and construction activities thereon.

13. Architectural Review. Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the guidelines from Article III, Section 5 of the Primary Principles and the architectural elevations submitted herewith entitled "Governor's Grove at Five Forks, Conceptual Elevations". The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Decisions of the Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Final plans and completed buildings shall be consistent with the approved conceptual plans.

14. Updated Traffic Study. If any use is proposed on Section 3 of the Property with a materiality, as determined by the Director of Planning, higher trip generation based on ITE trip generation figures than the use used in the Traffic Study which results in an overall materiality, as determined by the Director of Planning, higher trip generation from Section 3 of

the Property, then Owner shall submit with the proposed site plan for the new use an updated traffic impact study to the Director of Planning and VDOT based on the new proposed use for their review and approval to confirm that the new A.M. and P.M. peak hour new trips from the different use fall within the trip generation thresholds set forth in Article I, Section 5 of the Primary Principles. If the County does approve development plans for such a use, at the time of final plan approval Owner shall make an additional one time cash contribution to the County calculated pursuant to the formula set forth on Exhibit B attached hereto for the incremental trip generation from the new use over and above the trip generation from Section 3 assumed in the Traffic Study in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, intersection improvements at the Route 5/Ironbound Road intersection. If the update to the Traffic Study indicates trip generation from Section 3 exceeds the trip generation thresholds set forth in Article I, Section 5 of the Primary Principles, the County shall not be obligated to approve development plans for such use.

15. Height Limitation. No building in Section 1 or Section 3 of the Property shall exceed 45 feet in height.

16. Commercial Use Restrictions. The following uses shall not be permitted in Section 3 of the Property:

- Convenience store
- Automobile service station
- Fast food restaurant

17. Buffer/Open Space Landscaping. Any areas of buffer or open space proffered hereby that are disturbed by adjacent construction activity on the Property shall be landscaped in accordance with the County's landscape ordinance requirements, subject to any restrictions in applicable easements.

WITNESS the following signatures.

Five Forks, Virginia, Inc.

By: Kathryn Daly
Title:

Kathryn Daly
Kathryn S. Daly, Successor
Trustee

National Housing, LLC

By: _____
Title:

STATE OF VIRGINIA AT LARGE

~~CITY~~/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this 16th
day of May, 2005, by Kathryn Daly, as
of Five Forks, Virginia, Inc. on behalf of the corporation.

Vern M. DeBorja, Jr.
NOTARY PUBLIC

My commission expires: 12/31/08.

STATE OF VIRGINIA AT LARGE

~~CITY~~/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this 16th
day of May, 2005, by Kathryn S. Daly, Successor
Trustee to E. H. Saunders under the E. H. Saunders Revocable
Trust dated July 29, 1997.

Vernon M. Geddy III

NOTARY PUBLIC

My commission expires: 12/31/08.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____, as
of National Housing, LLC on behalf of the company.

NOTARY PUBLIC

My commission expires: _____.

Exhibit A
Property Description

Parcel I

All that certain tract, piece or parcel of land, with any and all the buildings and improvements thereon, situate, lying and being in Berkeley District, James City County, Virginia, formerly situated in Jamestown District, James City County, Virginia, lying just west of the "Five Forks" intersection on both sides of State Route 5, said parcel of land containing 27.38 acres, more or less, but hereby conveyed in gross and not by the acre, said property known as "Goat Hill", and being shown upon that certain blue print plat thereof entitled, "COMPILED PLAT SHOWING THE EMILY M. HALL PROPERTY, SITUATED IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA," made by Vincent D. McManus, C. L. S., and dated November, 1945, a blue print copy of which plat is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County in Plat Book 23, page 4, to which said plat reference is hereby made for a more particular description of the property conveyed herein.

LESS AND EXCEPT that certain lot of land, containing 1.70 acres, more or less, conveyed by Emily M. Hall, unmarried, to Albert M. Baker and Frances M. Baker, husband and wife, by deed dated December 18, 1951, and recorded December 19, 1951 in James City County Deed Book No. 46, page 210, said conveyance is more fully shown and described on that certain plat entitled, "Plat Showing Lot Surveyed For Emily M. Hall, Located Near Five Forks, James City County, Virginia", surveyed December, 1951, and made by W. D. Thomas, Surveyor, and duly recorded in James City County Plat Book No. 13, page 1, to which said plat reference is hereby made for a more particular description of the property excepted from the hereinabove referred to plat recorded in the aforesaid Clerk's Office in Plat Book 23, page 4.

AND FURTHER LESS AND EXCEPT all that certain piece or parcel of land, lying, situate and being in Berkeley District, James City County, Virginia, containing 0.485 acres, more or less, and shown and designated as PARCEL "A", on that certain blueprint plat entitled, "PLAT OF PART OF GOAT HILL, PROPERTY OF EDMUND H. SAUNDERS", dated February, 1968, and made by Stephen Stephens, C. L. S., a copy of which said blueprint plat is attached to a deed from the party of the first part to Heffner Oils, Incorporated, a Virginia corporation, dated April 30, 1968, and recorded in the aforesaid Clerk's Office on May 17, 1968 in Deed Book 116, page 290 and incorporated therein by reference, to which deed and plat reference is made for a more particular description of the property therein conveyed.

Parcel I being a portion of the property conveyed to the party of the first part by Deed dated September 30, 1965, from Emily M. Hall, unmarried, and recorded in the aforesaid Clerk's Office in Deed Book 103, page 52.

Parcel II

All that certain piece, parcel or lot of land, together with any improvements thereon, lying and being in Jamestown Magisterial District, James City County, Virginia, as shown and designated on a certain

blueprint plat entitled, "Plat Showing Portion of Land Belonging to A. M. Baker, Located Near Five Forks, James City County, Virginia", made by W. D. Thomas, C.S., November, 1952, a copy of which plat is duly of record at Plat Book 13, page 26, in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Williamsburg, Virginia. Said property is bounded and described as follows on said plat: Commencing at a point in the center of the road which leads from Powell's Pond to Five Forks; thence, S 76 20' W a distance of 212.3 feet along the line of the property thereby conveyed and the land formerly belonging to A. M. Baker; thence, N 30 00' W a distance of 100 feet along the line of the property thereby conveyed and the land formerly of Emily Hall; thence, N 76 02' E a distance of 263.4 feet along the line of the property thereby conveyed and the land formerly of A. M. Baker to a point in the center of the aforesaid road; thence up said road S 0 23' E a distance of 100 feet to the point of departure in the center of said road.

Being the same property as that conveyed to the party of the first part herein by deed dated June 7, 1968, from Lois S. Nixon and Lawrence N. Nixon, her husband, and Mary C. Taylor and Donald R. Taylor, her husband, which said deed is duly of record in the aforesaid Clerk's Office in Deed Book 117 at page 60

Parcel III

All that certain lot, piece or parcel of land together with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Berkeley District, James City County, Virginia, being described as follows: Commencing at a point in the center of the county road leading from Five Forks to Virginia State Route #615, said point being 276.13 feet southwest of the concrete marker set by the Highway Department to designate the southwest limit of the right of way for Virginia State Highway Route #5, at the intersection between the said Route #5 and the road leading from Five Forks to Route #615; thence, South 62 15' West a distance of 15 feet to an iron pipe, said iron pipe being the point where the said road and the property therein conveyed converge; thence continuing South 62 15' W. a distance of 159.19 feet, more or less, to an iron pipe, said pipe being the southwest boundary of the property thereby conveyed; thence North 30 00' West a distance of 105 feet, more or less, to a point, said point being the northwest corner of the property thereby conveyed; thence North 76 20' East a distance of 227.3 feet, more or less, to a point, said point being in the center of the road leading from Five Forks to Virginia State Route #615 and being the Northeast corner of the property thereby conveyed; thence South 0 23' East a distance of 65 feet, more or less, to the point of beginning.

Being the same property as that conveyed to the party of the first part from Walter H. Boswell and Louise C.

Boswell, husband and wife, by deed dated September 28, 1970 and recorded in the aforesaid Clerk's Office at Deed Book 128, page 268.

Parcel IV

All that certain lot, piece or parcel of land, containing a total of 2.77 acres+/- lying, being situate in Berkeley Magisterial District, James City County, Virginia, as shown, set forth and designated as 2.00 AC. and 0.77 AC. on that certain plat entitled, "PLAT SHOWING BOUNDARY LINE ADJUSTMENT AND PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OWNED BY : THE PATRICK COMPANIES, INC. AND FIVE FORKS, VIRGINIA, INCORPORATED"), DATED April 21, 1998 and prepared by AES, Consulting Engineers, which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, in Plat Book 69, at page 56

TOGETHER with all singular the rights, privileges, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining

The foregoing conveyance is made subject to all easements, conditions or restrictions of record or apparent on the ground insofar as they may lawfully affect the property conveyed hereby.

Exhibit B
Formula for Contributions to Intersection Improvements

Any increase in trip generation will increase the contribution according to the following formula:

1. $[(AM * X) + (PM * Y)] / (AM + PM) = \text{Weighted Percent of New Trips}$
2. $\text{Weighted Percent of New Trips} * \$123,850 = \text{Cash Contribution}$

Where AM=additional AM peak trips, PM=additional PM peak trips, $X=AM/500$, and $Y=PM/650$.

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 Traffix to promote public transportation incentives and the use of alternative commuting modes (park-and-ride, ride sharing, express routes, etc.) to both employers and employees.
- Investigate opportunities to increase ridership to/from centers of activity, businesses, residential areas and special event attractions.

5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process (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 I.1
 - AM peak should not exceed 500 new trips
 - PM peak should not exceed 650 new trips
- New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in Principle I.1 are either constructed or fully funded in the VDOT Six-Year Road Plan.
- New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

II. Environmental Principles

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

- 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

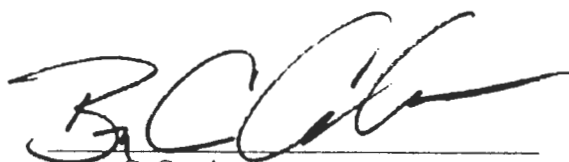
clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines, and cornices.

- 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.

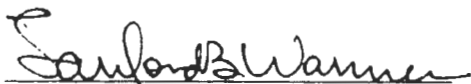
IV. Economic Development Principle

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

**4-05/SPECIAL USE PERMIT 7-05. Langley Federal Credit Union at New Town
Staff Report for the July 11, 2005, Planning Commission Meeting**

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

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: April 4, 2005, 7:00 p.m. (deferred)
May 2, 2005, 7:00 p.m. (deferred)
June 6, 2005, 7:00 p.m. (deferred)
July 11, 2005, 7:00 p.m.

Board of Supervisors: August 9, 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 7 drive-through lanes

Location: 5220 Monticello Avenue
Berkeley District

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

Parcel Size: 2 acres

Existing Zoning: M-1, Limited Business/Industrial

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

Staff Contact: Tamara A. M. Rosario, Senior Planner II Phone: 253-6685

STAFF RECOMMENDATION

Although staff finds the master plan for the proposal generally consistent with the New Town Design Guidelines and surrounding development, the proffers do not properly effectuate the master plan, provide adequate mitigation of public impacts, or provide sufficient safeguards for the orderly development of the area in accordance with its Mixed Use land designation. The ramifications of these shortcomings are important not only for this application, but also for the precedent it sets for the New Town rezonings anticipated in the near future. For these reasons, staff recommends the Planning Commission deny the setback modification, special use permit, and rezoning for the

proposed use.

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
Transportation Items	\$25,000 total
Total Amount (2005 dollars)	\$25,000

PROJECT DESCRIPTION AND PROPOSED OPERATION

Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, special use permit, and rezoning of approximately 2 acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000 square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. As shown on the attached master plan, the proposal also includes six drive-through teller lanes and one drive-through ATM lane at the rear of the building. Access to the site is from a side street off New Town Avenue. The property is located at 5220 Monticello Avenue and is further identified as Parcel (1-55) on James City County Tax Map (38-4).

The property is part of a larger collection of M-1 land originally owned by Philip Richardson and included in the 1995 New Town master planning effort, although not zoned at that time. Identified as Gateway Commercial Districts Sections 9 and 10 on the New Town Master Plan (see map), the land has incrementally developed since that time without being rezoned. Section 10, which consists of 12 acres south of the Monticello/New Town Avenue intersection, now exists as Advanced Vision Institute, the post office, and undeveloped land owned by Exxon. Section 9, which consists of 46 acres to the north of the intersection, is now broken into undeveloped parcels separately owned by Philip Richardson (2 acres), the Williamsburg Hospital Foundation (26 acres), and New Town Associates (18 acres). The 2-acre Richardson property is the subject of this staff report, while the Williamsburg Hospital Foundation property is currently under conceptual review as a 230,000 square foot retail shopping center and 68-unit residential complex known as Settler's Market. AIG Baker expects to apply to rezone the Settler's Market property to MU later this summer. New Town Associates also anticipates applying to rezone its property in Section 9 to MU around the same time.

With the exception of Sections 7 and 8, the remainder of the east side of New Town has been rezoned and is developing in accordance with the vision of the master plan. The area is increasingly becoming a magnet for financial institutions, with Old Point National Bank, TowneBank, Bank of America, SunTrust, First Advantage Credit Union, and Newport News Employees' Credit Union all in various stages of locating there. A Monticello Avenue bank site is also part of the Settler's Market proposal.

PUBLIC IMPACTS

Archaeology

♦ **Proffers:** The County's archaeological policy is proffered (Proffer No. 6).

Environmental Impacts

♦ **Watershed:** Powhatan Creek

♦ **Proffers:** Natural Resources - The County's Natural Resource Policy is proffered (Proffer No. 7).

♦ **Staff Comments:** As noted in the Community Impact Statement, the site was included in the overall project

area of the approved New Town Master Stormwater Management Plan for water quality treatment. Water quantity or flow attenuation will be stored on-site by means of a control structure and oversized underground pipes. The Environmental Division finds this approach and the master plan acceptable; however, since the applicant has not proffered membership in the New Town Commercial Property Owners' Association, staff is unclear as to how the applicant will be allowed to participate in or contribute to the maintenance of the New Town stormwater management facilities. If non-participation triggers a revision of the New Town Stormwater Management Plan, it may be difficult to achieve water quality requirements on-site.

Public Utility Impacts

- ◆ **Utilities:** The site is served by public water and sewer.
- ◆ **Proffers:** Water Conservation – Water conservation measures will be developed and submitted to James City Service Authority (JCSA) for review and approval prior to any site plan approval (Proffer No. 5).
- ◆ **Staff Comments:** JCSA has reviewed the proposal and generally concurs with the master plan and proffers. The applicant did not submit water daily flow information or clearly mark the water line extension as requested. These items will need to be resolved prior to site plan approval.

Traffic Impacts

The master plan shows access to the site from a side street located to the west of New Town Avenue (labeled "Proposed 60' Public ROW on the master plan). Should the applicant secure additional access rights to the side street, the applicant plans to extend the side street to allow for a second driveway. In addition to these primary access points, the applicant has requested, and submitted justification for, a right-out only exit lane from the property to Monticello Avenue. Access to Monticello Avenue is not shown on the approved New Town master plan. The applicant also proposes to construct sidewalks on the side street. According to the applicant's traffic study, this development will generate 2,878 vehicle trips per day with 136 trips in the AM peak hour and 358 trips in the PM peak hour.

- ◆ **2005 Traffic Counts for Monticello Avenue:** 23,662 vehicles per day
- ◆ **2026 Projected Volume:** 23,000 vehicles per day
- ◆ **Proffers:**
 - Road Improvements – The proffers provide for the development of the property and private drive in accordance with the master plan, which calls for a 60' public right-of-way for the side street (Proffer No. 1). However, the proffer intended to detail the design, construction, and maintenance of the private drive/side street (Proffer No. 3d) is missing language. It does not read as a complete statement, and the proffer does not adequately ensure that the side street will be *designed*, constructed, *and maintained* in accordance with the Virginia Department of Transportation (VDOT) *and New Town Design Guideline* standards. Furthermore, the County does not wish to receive funds to maintain the side street in the event it remains private. Instead, this can be handled by the applicant or in conjunction with the owner of the property on which the side street is located.
 - Right-Out Only Exit Lane – As it currently reads, Proffer No. 3c allows the property to be served by a right-only *entrance* lane, when in fact the master plan indicates a right-out only *exit* lane. This presents a direct conflict between the rezoning documents. The proffers should be corrected to refer to a right-out only exit lane.
 - Cash Contribution – The applicant has proffered \$25,000 as his contribution toward intersection improvements required at the Monticello/New Town Avenue intersection (Proffer 3b). New Town Associates and the County have already made the necessary vehicular improvements to the adjacent roadways, but the intersection requires specific pedestrian enhancements such as new curbs, ramps, a pedestrian signal, and striping to bring it to current standards. While the proffer provides sufficient funds for the estimated improvements, it lacks a specific timeframe and the appropriate language for the contribution to be made.
- ◆ **VDOT Comments:** VDOT concurs with findings of the applicant's traffic study and the addendum justifying

the right-out only exit lane. In addition, VDOT believes the master plan adequately addresses its initial design concerns and that refinements can be resolved during the site plan stage.

- ◆ **Staff Comments:** Staff concurs with VDOT on the traffic study, right-out only exit lane justification, and master plan design issues. However, staff believes the traffic proffers have serious deficiencies and conflicts which should be addressed prior to rezoning.

COMPREHENSIVE PLAN

- ◆ **Land Use Map Designation:** Mixed Use

Mixed Use areas are centers within the Primary Service Area where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area.

Specifically, the New Town mixed use area reflects the area of the New Town master plan and calls for the following:

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

- ◆ **Community Character Considerations:** The property is located in both the New Town Community Character Area (CCA) and along the Monticello Avenue Community Character Corridor (CCC). The New Town CCA specifically references the New Town Design Guidelines as a filter for development occurring in this area. The Monticello Avenue CCC is primarily suburban/urban in nature along the New Town border, and as such, places a priority on the built environment, formal landscaping, and pedestrian and other amenities as dominant features of the streetscape.
- ◆ **Proffers:** The proffers address a number of Comprehensive Plan issues related to public impacts and are detailed in the previous section. Other proffer conditions related to the Comprehensive Plan are detailed below:
 - Binding Master Plan – All property and the drive will be developed in accordance with the master plan (Proffer 1a). A major discrepancy on this item and throughout the proffers is that it defines the Property Master Plan as one entitled “*March Plan from Rezoning and Special Use Permit*” prepared by AES Consulting Engineers dated *May 17, 2005*” when in fact the one being used is “*Master Plan for Rezoning and Special Use Permit*” prepared by AES Consulting Engineers dated *February 22, 2005, and revised June 23, 2005*. This error should be corrected prior to the rezoning.
 - Design Review Board (DRB) Review and Approval – This proffer subjects all subdivision plans, site plans, landscaping plans, architectural plans and elevations, and other development plans for the property to DRB review and approval in accordance with the New Town Design Guidelines (Proffer No. 1).
 - Streetscapes – This proffer is intended to detail the development of the streetscapes to ensure their compatibility with other New Town streets (Proffer No. 4); however, inaccurate wording could hamper the enforceability of this proffer. This issue should be addressed prior to rezoning.
- ◆ **Staff Comments:** The New Town DRB has reviewed and approved the master plan and architectural elevations for the proposal as being consistent with the New Town Design Guidelines. Staff concurs. Major design features such as superior architectural design, building and accessory structures as the predominant features along Monticello and New Town avenues, minimization of the drive-through lanes through effective use of architectural features, site design, and landscaping, and emphasis on the pedestrian with sidewalks and public

entries on both Monticello and New Town avenues, will blend the site into the surrounding New Town area. Proffers for a binding master plan and future DRB review offer greater protections that this will remain the case. The streetscapes proffer requires more accurate language to provide the same assurances.

The most serious shortcoming of the proposal is its lack of commitment to the long-term cohesiveness and viability of the New Town area. As stated previously, the Mixed Use designation is intended to maximize the economic development potential of the area. This cannot occur unless the road network, public utilities, and mix of uses continue to operate in a synergistic manner. By making no provisions to join the New Town Commercial Property Owners' Association, even with a differential membership, the applicant proposes to benefit from the road improvements, utility extensions, infrastructure, critical mass of uses and densities, and reputation of New Town without obligating himself to the entity that makes those pieces work together. Moreover, the public has a reasonable expectation that the densities it conveys to Langley Federal Credit Union, and potentially to the substantial rezoning proposals expected soon thereafter, translate into a strong association that can maintain the significant shared facilities and ensure orderly development. In New Town more than any other Mixed Use area in the County, a fractured development pattern will undermine the success of the area and by extension, the intent of its Mixed Use land designation.

SETBACK MODIFICATION

In accordance with Section 24-527(d) of the Zoning Ordinance, the applicant has requested modification to the required 50' setback from road rights-of-way. Although the proposed bank meets the setback requirement on both its Monticello Avenue and side street frontages, it is set back 35' on the New Town Avenue side. The Planning Commission may grant recommend approval of a reduced setback upon finding that the proposed setback will achieve results which clearly satisfy the overall purposes and intent of the setback and landscaping requirement, that it will have no additional adverse impact on adjacent properties or public areas, and not result in detrimental impacts. In addition, one or more of the following criteria must be met:

1. The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
2. The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
3. The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

Due to the master plan's conformance with the approved New Town Design Guidelines and compatibility with the surrounding development, staff believes the reduced setback on New Town Avenue satisfies the intent of the ordinance and will have no adverse or detrimental impacts. Clearly, the proposed setback meets Criteria 1; however, since staff is recommending denial for the underlying rezoning and special use permit, the setback modification is recommended for denial as well.

CONCLUSIONS & CONDITIONS

Although staff finds the master plan for the proposal generally consistent with the New Town Design Guidelines and surrounding development, the proffers do not properly effectuate the master plan, provide sufficient mitigation of public impacts, or provide sufficient safeguards for the orderly development of the area in accordance with its Mixed Use land designation. The ramifications of these shortcomings are important not only for this application, but also in the precedent it sets for the New Town rezonings anticipated in the near future. For these reasons, staff recommends the Planning Commission deny the setback modification, special use permit, and rezoning for the proposed use.

ATTACHMENTS:

1. Location Map
2. Gateway Commercial District (Sections 9 & 10) Map
3. Master Plan (under separate cover)

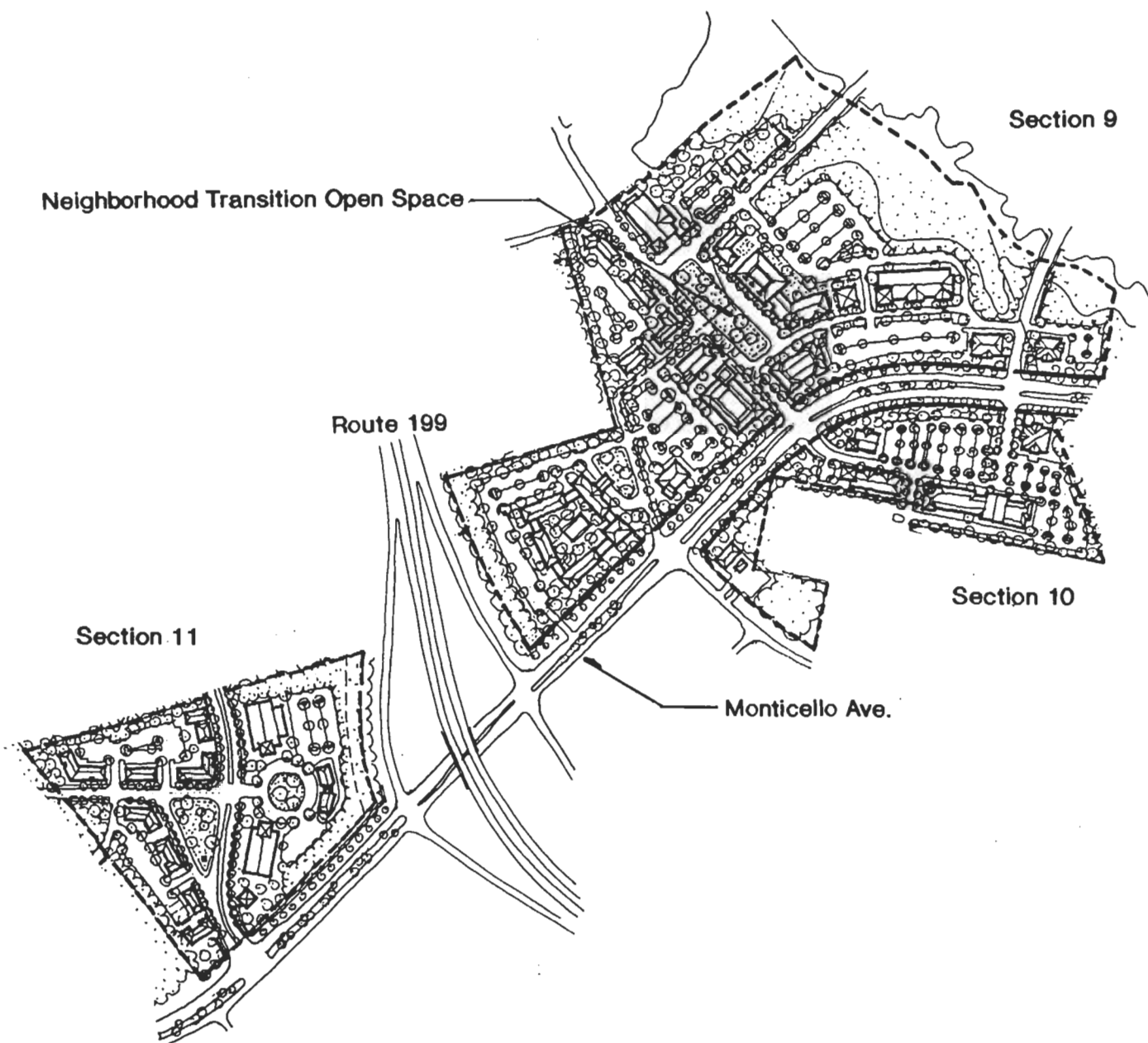
4. Architectural Elevation
5. Design Review Board Approval Letter
6. Proffers
7. Traffic Study Report & Addendum
8. Letter from New Town Association

Z-4-05/SUP-7-05. Langley Federal Credit Union



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Gateway Commercial District Illustrative Plan
Figure 16

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



May 17, 2005

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

**Re: Langley Federal Credit Union
Rezoning, Special Use Permit, and Master Plan**

Dear Ladies & Gentlemen;

This Board has received the proposed Master Plan entitled "Langley Federal Credit Union Master Plan for Rezoning and Special Use Permit" dated February 22, 2004 and revised April 11, 2005, prepared by AES Consulting Engineers, and the Conceptual Architectural Plans, prepared by Guernsey Tingle Architects. We have reviewed these plans in light of the factors set forth in the New Town Design Guidelines and the New Town Plan and have determined that they are consistent with the same. We support any further refinements to the Master Plan that are mutually agreeable to the James City County Planning Department and New Town Associates, LLC and that do not materially alter the design concept for Section 9 as proposed in the aforementioned versions of the Master Plan and design guidelines.

This letter shall serve as our written advisory recommendation to the James City County Planning Commission and Board of Supervisors with respect to such consistency as required under the New Town Proffers, dated December 9, 1997.

Sincerely,

NEW TOWN DESIGN REVIEW BOARD

By: 

Its: Chairman

NEW TOWN -
PORTION OF SECTION 9-
PROFFERS

THESE PROFFERS are made as of this 1st day of July 2005, by PHILIP RICHARDSON COMPANY, INC., a Virginia corporation (together with its successors and assigns, the "Owner").

RECITALS

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

R-2. Owner has contracted to sell the Property to Langley Federal Credit Union who intends to construct an office building on the Property.

R-3. In connection with said sale to Langley Federal Credit Union, Owner has applied for a rezoning of the Property from M1 to MU, Mixed Use (the "Rezoning"). The Rezoning of the Property to MU, with proffers, is in fact consistent both with the land use designation for the Property on the County's Comprehensive Plan and the statement of intent for the MU Zoning District set forth in Section 24-514 of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance").

R-4. The Property is located within the vicinity of a development commonly known as "New Town." The New Town development is subject to and governed by (i) certain proffers entitled the "New Town Proffers" dated December 9, 1997 of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument No. 980001284, (ii) a conceptual master land use plan entitled "New Town Plan" prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997 and revised December 8, 1997 (the "New Town Master Plan"), (iii) design guidelines entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA," prepared by Cooper, Robertson & Partners dated September 3, 1997 and (iii) the New Town Sections 2 and 4, Proffers dated November 1, 2001 of record in the Clerk's Office as Instrument No. 010023715 (the "New Town Design Guidelines"), (iv) New Town Sections 3 and 6, Proffers dated October 25, 2005, Instrument No. 040027471, (v) Supplemental Proffers New Town Sections 2 and 4, October 3, 2003, Instrument No. 030032005, and (vi) New Town Section Proffers, April 23, 2004, Instrument No. 040020235.

R-5. In connection with the rezoning of the Property, Owner intends to subject the Property to these Proffers which are consistent with the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines.

R-6. Owner has submitted to the County a master plan for the Property entitled "March Plan from Rezoning and Special Use Permit" prepared by AES Consulting Engineers dated May 17, 2005 (the "Property Master Plan").

R-7. Owner in conjunction with Langley Federal Credit Union has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a master plan entitled "Master Plan For Rezoning and Special Use Permit" dated May 17, 2005 for the Property, copies of which are on file with the County's Director of Planning.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the Property Master Plan and related documents, submitted herewith, and the rezoning set forth above, and pursuant to Section 15.2-2296 et seq. of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. In the event the requested rezoning is not granted by the County, these Proffers shall thereupon be null and void.

PROFFERS

1. Development Process and Land Use.

(a) Development. All the Property and the private drive into the property shall be developed, in one phase, in accordance with the Property Master Plan. The improvements shall be developed and constructed prior to the issuance of a final Certificate of Occupancy.

(b) DRB Authority, Duties and Powers. All subdivision plats, site plans, landscaping plans, architectural plans and elevations and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled "NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY", dated June 15, 2000, as the same may be amended by the DRB from time to time, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Property Master Plan and architectural plans. Evidence of DRB approval of plans required to be submitted to the County for approval shall be provided with any submission to the County Department of Development Management of such plans. The County shall not be required to review any subsequent development plans not receiving the prior approval of the DRB. In reviewing applications, development plans and specifications, the DRB shall consider the factors set forth in the Property Master Plan and architectural plans. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the applicable Property Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Property Master Plan and architectural plans, if circumstances, including, but not limited to, topography, natural obstructions, hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, unproved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

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

3. Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment.

(a) In accordance with the requirements of the New Town Proffers, Owner has or will submit to the County an updated traffic study (the "Traffic Study"), which is or will be on file with the County's Director of Planning.

(b) Owner will make a contribution of \$25,000 towards pedestrian improvements required at Monticello Avenue corridor which shall include the following: (i) demolishing existing handicap ramps and construction and installation of new ramps which meet current design standards; (ii) installation and construction of curbs and gutters which meet current design standards; and (iii) installation and construction of pedestrian signal and stripping of crosswalks all to current design standards.

(c) The Property may be served by one (1) right only entrance providing direct access to the Property from Monticello Avenue with a turn lane, as shown on the Property Master Plan. The entrance shall be governed by signage and design criteria approved by VDOT and the County's Director of Planning, which shall provide for right turn only use of such entrance from Monticello Avenue. No exit to, or left turn entrance from Monticello Avenue shall be permitted via the entrance described herein.

(d) All streets on the Property have the potential to be private; however, the intention is that all streets within the Property be public and constructed in conformance with VDOT will not approve any streets as substantially described in the Guidelines, in which event such streets not approved as public shall be private. Pursuant to Section 24-528 of the County Code, private streets within the Property shall be maintained by the Owner. The party responsible for construction of a private street shall deposit with the County an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the street to be designated as private.

4. Streetscapes. All site development and subdivision plans for development within the Property shall include streetscape plans for adjacent streets within the Property consistent with the Property Guidelines applicable to that property. The approved streetscape plan shall be implemented when the adjacent Property is developed.

5. Water Conservation. The owner(s) of the Property 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 (the "JCSA"). The standards shall address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of public water and groundwater. The standards shall be approved by the JCSA prior to approval of the first site plan for development of the Property or any portion thereof.

6. Archaeological Study. If deemed necessary by the County and pursuant to the County's Archaeological Policy adopted September 22, 1998, a Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the 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 Director of Planning 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 Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of 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. Natural Resource. If deemed necessary by the County and pursuant to the County's Natural Resource Policy adopted on July 27, 1999, the owner shall submit a natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon,

to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

MISCELLANEOUS PROVISIONS

8. Disposition of Proffered Property and Payments. In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years from the date of receipt by the County, the amounts and property not used shall be used at the discretion of the Board of Supervisors of the County for any other project in the County's capital improvement plan, the need for which is generated in whole or in part by development of the Property.

9. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligations of owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

10. Severability. In the event that any clause, sentence, paragraph, 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, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

11. Conflicts. In the event there is a conflict between: (1) these Proffers, (2) the Property Master Plan, (3) the New Town Proffers, (4) the New Town Master Plan and/or (5) the New Town Guidelines, then these Proffers, and the Property Master Plan shall govern. 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 or as otherwise provided by law.

12. Signature By The County. The County's Planning Director has executed these Proffers solely for purpose of confirming the filings and submissions described herein and confirming approval by the Board of Supervisors of the rezoning of the Property with these Proffers by resolution dated _____, 2005.

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

14. Conditions Applicable Only To The Property. Notwithstanding anything in these Proffers to the contrary, the failure to comply with one or more of the conditions here in

developing the Property shall not affect the rights of owner and its successors in interest to develop its other property in accordance with the other applicable provisions of the County Zoning Ordinances.

WITNESS the following signatures, thereunto duly authorized:

PHILIP RICHARDSON COMPANY, INC.,
a Virginia corporation

By: _____

Title: _____

THE COUNTY OF JAMES CITY, VIRGINIA

By: _____

Title: _____

APPROVED AS TO FORM:

County Attorney

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 1st day of July, 2005, by Philip O. Richardson, on behalf of PHILIP RICHARDSON COMPANY, INC., a Virginia corporation.

Ulen m. Sedberry

Notary Public

My commission expires:

12/31/09

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by _____ as _____ for the County of James City, Virginia.

Notary Public

My commission expires: _____
347901

EXHIBIT A

All that certain lot or parcel of land containing 2.00 Acres \pm located in James City County, Virginia shown and set out as "New Parcel, Area = 2.00 Acres \pm " as shown on the plat entitled "Plat of Subdivision Being a Portion of the Property Owned by WHS Land Holdings, LLC For Conveyance to Philip O. Richardson" made by AES Consulting Engineers dated 1/8/02 and recorded herewith in the Clerk's Office for the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 85 at page 16 (the "Plat").

Traffic Study For Federal Credit Union

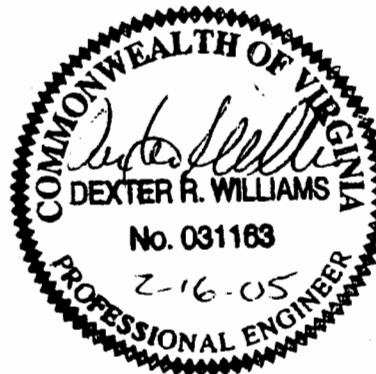
JAMES CITY COUNTY, VIRGINIA



For:
AES Consulting Engineers

By:
DRW Consultants, Inc.
Midlothian, VA

February 16, 2005



FOREWORD

The original traffic studies for New Town in 1997 used development names and references that have changed and evolved since the original traffic studies. Due to the expense of modifying the nomenclature details of this relative large traffic study, the original terminology of 1997 is largely used in this update. Following are correlations between current common terminology and that used in this report update:

1. The current New Town east and west of Rt. 199 was called Casey West and Casey East in the original studies.
2. Monticello Marketplace and Monticello Shoppes were called Beamer Commercial 1 and Beamer Commercial 2.
3. Current residential development on Powhatan Parkway off Old News Road was called Beamer Residential.
4. On the New Town west side, the traffic studies used Sections 12, 13 and 14 definitions, whereas the New Town Master Plan dated December 2, 1997 defined these sections as 11, 12, and 13.
5. On the New Town west side, Section 14 is defined as WindsorMeade (senior housing and care) and Section 12 is defined WindsorMeade Marketplace. Section 13 is the remaining property on the New Town west side.

The 1997 traffic studies included a forecast for the New Town Master Plan area and for rezoning of Section 1. For each subsequent rezoning since the 1997 traffic study for Section 1, the original Section 1 traffic study has been updated to include the proposed rezoning area.

The first traffic study update under the 1997 New Town proffers was prepared for WindsorMeade, dated July 24, 2000. The WindsorMeade study included several update elements as follows:

1. In 1999, the McCardle office park component of Section 1 (included in 1997 MU zoning) triggered a review of Section 1 access and background traffic on Old Ironbound Road. Access changes for Section 1 and modifications to background traffic from the McCardle study were included in the WindsorMeade study.
2. The boundary of Casey West was modified to reflect the sale of land to Ford's Colony.

3. Traffic for WindsorMeade (Section 14 in this traffic study), a retirement and elderly care community, was included.

The second traffic study update under the New Town proffers was prepared for rezoning of Sections 2 and 4, dated June, 2000. The Sections 2 & 4 update included the following update elements:

1. Traffic for the AVI and Post Office sites (formerly Section 10 of New Town) has been incorporated into 2015 background traffic forecast used in the 1997 studies.
2. Traffic for Sections 2 & 4 development.

The third traffic study update under the New Town proffers was prepared for rezoning of WindsorMeade Marketplace (Section 12 in this study) dated May 28, 2003. The WindsorMeade Marketplace study added traffic for the development and for the connection of access to Old News Road that was not included in the 1997 traffic studies.

A brief traffic study was prepared for Section 5 of New Town in January 2004 and only addressed Tewning Avenue.

The fourth traffic study update under the New Town proffers was prepared for rezoning of Sections 3 & 6 of New Town and dated May 28, 2004. An addendum to that study was prepared and dated August 24, 2004 that addressed a Section 2 driveway on Ironbound Road that permitted a left turn in but no left turn out and also presented a time-space signal coordination diagram for Monticello Avenue.

This traffic study includes traffic for the Federal Credit Union site at the corner of Monticello Avenue and New Town Avenue. This site was not included under the 1997 New Town proffers. Traffic for this site is incorporated with background traffic as was done for the AVI and Post Office sites. This study does not include details for the original development of background traffic in 1997. It does include all adjustments to background traffic since 1997.

INTRODUCTION

The general location of the Casey property (as defined in the original 1997 traffic studies) with respect to regional roads is shown on Exhibit 1. The Casey property is divided by Rt. 199 into two areas hereinafter referred to as Casey East and Casey West. Casey West has a single access on Monticello Avenue west of Rt. 199. Casey East has access on Monticello Avenue east of Rt. 199 at various locations, and also has access on Ironbound Road at various locations. The 1997 traffic studies also included the Beamer property (Monticello Marketplace and other development) as shown on Exhibit 1.

The Casey property New Town project was approved by the James City County Board of Supervisors in December 1997. The approval involved rezoning to R-8 with proffers, rural residential, and rezoning to MU with proffers for Section 1 of the project (encompassing the new courthouse area). In common language, a master plan was approved for all of the Casey property and zoning was granted for Section 1 in accordance with the Master Plan. The 1997 rezoning approval incorporated a traffic study dated April 15, 1997 and an executive summary with technical appendix dated July 2, 1997.

The 1997 proffers included section "4. Traffic Study" (see Appendix Exhibit P series for pages 12 through 16 of the 1997 proffers covering the traffic study criteria). These proffers require an update of the 1997 traffic studies for any further rezoning from R-8 with proffers, rural residential, to MU. To date, traffic study updates have been prepared for rezoning of Sections 2, 3, 4, 5, and 6 on the east side of New Town (Casey property) and for rezoning of Sections 12 and 14 as on the west side of New Town (Casey property) as shown on Exhibit 2. Previous updates are explained in the Foreword. New Town Sections 7, 8, 9 and 13 have not proposed for rezoning to date.

This traffic study has been prepared for the proposed Langley Federal Union site at the corner of Monticello Avenue and New Town Avenue. This site is located on property that was not a part of the 1997 rezoning for New Town and is not subject to the 1997 traffic study proffer.

However, because of the obvious proximity of this site to New Town, the structure of the New Town traffic study updates to date has been followed for this traffic study.

2015 BACKGROUND TRAFFIC TO DATE

For the 1997 studies, 2015 daily background traffic was specified by VDOT in a January 16, 1997 letter. The 2015 daily background traffic forecast is shown on Exhibit 3.

Adjustments to the VDOT daily background forecast in 1997 included cross street estimates. The resulting peak hour background traffic from the 1997 traffic studies is shown on Appendix Exhibits A2 and A3 for the AM and PM peak hours in 2015, respectively.

Background traffic was further modified in 1999 in conjunction with development of the McCardle property on Old Ironbound Road for other existing development on Ironbound Road. These modifications are shown on the Appendix Exhibit Q series, and have been included in all traffic study updates since 1997.

The AVI and post office sites were constructed on the south side of Monticello Avenue at the intersection of New Town Avenue. These properties were not part of the 1997 New Town proffers. Background traffic modifications for these properties are shown on the Appendix Exhibit R series, and have been included in all traffic study updates since the Section 2 & 4 rezoning in 2000.

The 2003 traffic study for WindsorMeade Marketplace (Section 12) included a further refinement in peak hour background traffic to include connections between WindsorMeade Marketplace and Old News Road. The peak hour background traffic in this study as shown on Exhibits 5 and 6 has the approved access connections between Old News Road and WindsorMeade Way.

TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT FOR FEDERAL CREDIT UNION

Trip generation, distribution and assignment for the Federal Credit Union are shown on the Appendix Exhibit S series. A seven drive-through bank facility is proposed. Trip generation using Trip Generation, 7th Edition (TG7) and trip distribution for the facility is shown on Appendix Exhibit S1. The modifications to background traffic to account for the Federal Credit Union facility is shown on Appendix Exhibits S2 and S3 for the AM and PM peak hours, respectively.

The AM and PM peak hour background traffic with all modifications to date and the Federal Credit Union traffic are shown on Exhibits 5 and 6 for the AM and PM peak hours, respectively. Please note that most Federal Credit Union traffic to and from Monticello Avenue uses New Town Avenue. Most of the traffic exiting the site to the west on Monticello Avenue uses an exit only driveway from the Federal Credit Union site.

TRIP GENERATION FOR BEAMER PROPERTY

The 1997 traffic studies used Trip Generation, 5th Edition (TG5) by the Institute of Transportation Engineers (ITE). Since the 1997 traffic studies, ITE has published Trip Generation, 6th Edition (TG6) and Trip Generation 7th Edition (TG7). Trip generation for all development has been recalculated using TG7.

The development inventory for the Beamer property in this traffic study is the same as that in the 1997 traffic studies. Detailed trip generation for each section of the Beamer property using TG7 is shown in the Appendix Exhibit D series, and summarized on Exhibit 7.

This traffic study uses the same on site capture/pass by trip criteria as that in the 1997 traffic studies as follows:

- 15% on site capture of the lower of residential versus non-residential uses. The remaining trips are defined as off site trips.

- 15% pass by trips is used for sections where no on site capture is applied, and
- 10% pass by trips is used for sections where on site capture is applied.

On site capture trips, off site trips, pass by trips and resulting primary trips are shown in detail on the Appendix Exhibit E series. The resulting total trips, on site capture trips, off site trips, pass by trips and primary trips for the Beamer property are tabulated on report Exhibit 7.

NEW TOWN TRIP GENERATION

Trip generation and assignment are included in this report for the following sections of New Town have been zoned previously:

- Section 1: Courthouse and various uses (1997).
- Section 14: Windsor Meade senior housing and care (2000).
- Sections 2 & 4: Retail and office use (2000).
- Section 12: Windsor Meade Marketplace (retail, 2003).
- Section 5: Tewning Avenue property (light industrial/warehouse 2004).
- Sections 3 & 6: Office and residential use (2004).

For all Beamer and Casey property traffic, total trip generation for each section is shown in the Appendix Exhibit D series and internal trip and pass by capture calculations are shown in the Appendix Exhibit E series. Total trip generation for the Casey and Beamer properties is shown on Exhibit 7.

NEW TOWN AND BEAMER TRIP DISTRIBUTION AND ASSIGNMENT

Trip distribution for Casey and Beamer property primary trips is shown on Exhibit 8 and explained as follows:

1. North: 30% via Rt. 199 north and the Longhill Connector (providing access to Rt. 199 at the Longhill Road interchange).

2. South: 30% via Rt. 199 south and Strawberry Plains Road (providing access to Rt. 199 at the Rt. 5 interchange).
3. East: 10% via Monticello Avenue and Ironbound Road.
4. West: 30% via Alt. Rt. 5, Ironbound Road and News Road.

This is the same trip distribution used in the 1997 traffic studies.

Trip distribution and assignment for all development presented in this study are presented in the Appendix Exhibits as follows:

- Trip distribution for each development section is shown in the Appendix Exhibit F series.
- Casey property trip assignment is shown in the Appendix Exhibit G and H series.
- Beamer property trip assignment is shown on the Appendix Exhibit I and J series.

Some traffic from Monticello Marketplace (formerly Beamer Commercial 1) has been diverted to WindsorMeade Way via the connections to Old News Road. All traffic from Beamer Et. Al. Residential (with access on Old News Road) to Monticello Avenue eastbound has been diverted through Windsormeade Way.

The traffic assignment for Section 2 in this study includes a left turn in only crossover on Ironbound Road between Monticello Avenue and Discovery Avenue.

TOTAL 2015 PM PEAK HOUR TRAFFIC AND LEVEL OF SERVICE RESULTS

Exhibits 9 and 10 respectively show total 2015 AM and PM peak hour traffic. LOS calculations are provided for the following intersections:

- Monticello Avenue/WindsorMeade Way
- Monticello Avenue/Rt. 199
- Monticello Avenue/New Town Avenue
- Monticello Avenue/Courthouse Street

- Monticello Avenue/Ironbound Road
- Ironbound Road/Section 2
- Ironbound Road/Discovery Avenue
- Ironbound Road/Watford Lane
- Old Ironbound Road/Strawberry Plains/Section 1

The Ironbound Road/Tewning Road intersection is not included because the previous traffic study for Section 5 determined that signalization is not warranted at the intersection.

Overall intersection LOS results are shown on Exhibits 9 and 10 for each existing and planned signalized intersection. The intersection lane configurations shown on Exhibits 9 and 10 are the same as those shown in the August 24, 2004 traffic study addendum for New Town Sections 3 & 6. The lane configuration for Monticello/Ironbound includes the planned widening of Monticello at Ironbound (without widening Ironbound Road to four lanes).

The August 24, 2004 traffic study addendum for New Town Sections 3 & 6 included the first signal progression diagram for Monticello Avenue. Exhibit 11 shows the signal progression diagram updated to include the information in this report. There is very nearly perfect coordination between the progressive traffic speed and signal green times for eastbound and westbound through movements for all signalized intersections presented in this report.

The Appendix Exhibit M series shows the 2015 AM peak hour LOS calculations, and the Appendix Exhibit N series shows the 2015 PM peak hour LOS calculations. Overall LOS C or better is achieved for each intersection. Some lane groups on the Monticello Avenue corridor with signal progression have LOS D as has been the case in the previous two traffic study updates for New Town.

SUMMARY AND CONCLUSIONS

With the Langley Federal Credit Union, the overall level of service results are the same as those presented in the previous Section 3 and 6 traffic study addendum. All intersection continue to have overall LOS C with LOS D only on lane groups with signal coordination on Monticello Avenue.



MEMORANDUM

TO: Mark Richardson
FROM: Dexter R. Williams
SUBJECT: Langley FCU: Right Turn Out Driveway
DATE: April 16, 2005

Safe and efficient traffic operations on an arterial highway such as Monticello Avenue typically require that left turn traffic be concentrated at major intersections (typically with traffic signals), and with relative spacing between major intersections to allow traffic progression in both directions on the arterial. While concentration of left turn traffic at a limited number of signalized intersections on an arterial is the best way to serve both through traffic and left turn traffic, it does not mean that additional access on the arterial will not serve to improve overall traffic operations and safety. If right turn in and out driveways or even channelized left turns do not conflict with adjacent traffic maneuvers, then additional access points on an arterial can benefit overall traffic operations and provide enhanced convenience to the traveling public.

There will be less traffic delay and congestion at the first crossover on New Town Avenue north of Monticello Avenue with the Langley FCU right turn out driveway than there will be without the right turn out driveway. Enclosed Exhibit A shows the 2015 PM peak hour traffic forecast from the February 16, 2005 traffic study for the Langley Federal Credit Union. The upper section shows the forecast with the right turn out driveway, and the lower section shows the forecast without the right turn out driveway. The Exhibit A forecast traffic also includes traffic assignments at the first crossover on New Town Avenue north of Monticello Avenue and for the Block 12 site (approved with a right turn in driveway) that were not included in the February 16, 2005 traffic study.

Enclosed Exhibits B and C respectively show the unsignalized intersection level of service (LOS) at the New Town Avenue/first crossover intersection with and without the Langley FCU right turn out driveway. As is typical with any unsignalized intersection in a commercial area, there is LOS A, B and C for the movements that have right of way and LOS E and F for stop sign controlled driveway approaches. However, there is over 80 seconds more delay for the westbound left turn (left turn traffic exiting Block 12) without the Langley FCU right turn out driveway than there is with the Langley FCU driveway. This is because forcing all Langley FCU traffic (without the right turn out driveway) to the first crossover impedes the flow of other traffic and increases delay and potential safety problems.

As I have noted to you previously, the right turn out driveway connection on westbound Monticello should be separated from the downstream right turn lane and taper. There should be a tangent point on the westbound Monticello Avenue two-lane section face of curb between the right turn out driveway radius and the downstream right turn land taper. The purpose is to provide separation between the right turn out driveway entering maneuver onto westbound

Mark Richardson
April 16, 2005

Monticello Avenue and the right turn lane exiting maneuver from westbound Monticello.

Enclosed Exhibits D and E respectively show the signalized LOS at the Monticello Avenue/New Town Avenue intersection with and without the Langley FCU right turn out driveway. There is little difference in LOS at this location.

The right turn out driveway will be controlled by a stop sign. There will be no weave maneuvers on Monticello Avenue.

In summary, the Langley FCU right turn out driveway reduces traffic delay and congestion at the crossover on New Town Avenue. Please advise if you need additional information.

Leo P. Rogers, Esquire
County Attorney
James City County
101-C Mounts Bay Road
Williamsburg, VA 23187-8784

Re: Rezoning Richardson Parcel, Northwest Corner of
Monticello Ave. and New Town Ave., New Town Associates, LLC

Dear Leo:

New Town Associates, LLC has a history of working with Mr. Richardson to integrate his approximately two acre parcel (Richardson site) at the intersection of Monticello Avenue and New Town Avenue into the New Town mixed-use development. It is a gateway site into New Town, and so it is a very important site to us. This site will use New Town Avenue as its primary access and benefits from the median and street landscaping along New Town Avenue, and the sidewalks, street lights, walking trails and public parks and squares installed by New Town Associates and maintained by New Town Commercial Property Owners Association (Commercial POA). The site will also make use of the New Town storm water management facilities including a regional BMP maintained by the Commercial POA.

We worked closely with Langley Federal Credit Union on their concept site and building plans on the Richardson site for the New Town Design Review Board. While they had to make some accommodations to satisfy the Board, I hope that they believe that they will have a better building and site as a result of our input and that of the DRB. We are excited about their coming to New Town, and we've felt that they are excited about being a part of New Town which is quickly becoming the financial center of the Williamsburg area.

Clearly, the Richardson site benefits directly and indirectly from being part of New Town and having the use of various community improvements that will be maintained by the Commercial POA. As excited as we are about the proposed Langley Federal Credit Union building and site, we are opposed to their rezoning application with out a commitment that the Richardson Site be included in the Commercial POA. Not only does the Richardson Site directly benefit from POA owned and maintained improvements, but excluding the site from the Commercial POA sets a precedent where it might be difficult to require that the adjacent Community Hospital Foundation land in New Town Section 9 be a part of the Commercial POA.

If the Richardson Site owner agrees to proffer Commercial POA membership, then New Town Associates will strongly support their zoning application to MU with proffers.

Sincerely,
New Town Associates, LLC

John P. McCann
Executive Director

REZONING Z-10-05 / MASTER PLAN MP-07-05 / SPECIAL USE PERMIT SUP-17-05 VILLAGES AT WHITE HALL (La Grange)

REZONING Z-11-05 / MASTER PLAN MP-08-05 / SPECIAL USE PERMIT SUP-18-05 VILLAGES AT WHITE HALL ("Three Villages": Taskinas, Hickory Neck and Rochambeau)

Staff Report for the July 11, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
Planning Commission: July 11, 2005, 7:00 p.m.
Board of Supervisors: August 9, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS - Z-10-05 / MP-07-05 / SUP-17-05 (La Grange)

Applicant: Mr. Vernon Geddy on behalf of Rauch Development Co., LLC
Land Owner: Robert W. Cowan and Judy G. Cowan
Proposed Use: 20 three and four family housing units with a total of 79 residential units
Location: 8716, 8724 and 8720 Barhamsville Road and 3225 Old Stage Road
Tax Map and Parcel No.: (12-1)(03-02), (12-1)(03-01), (12-1)(01-21), (12-2)(01-21)
Parcel Size: 22.81 acres
Proposed Zoning: R-2, General Residential District, Cluster Overlay, with Proffers
Existing Zoning: A-1
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

SUMMARY FACTS - Z-11-05 / MP-08-05 / SUP-18-05 (Taskinas, Hickory Neck, Rochambeau)

Applicant: Mr. Vernon Geddy on behalf of Rauch Development Co., LLC
Land Owner: Hazelwood-Waverly, LLC; R.M. Hazelwood, Jr.; David and Cindy Johnson
Proposed Use: 268 single family dwelling units, 56 two-family dwelling units and 119 multi-family housing units (townhouses), 8,000 square foot non-residential building
Location: 3400, 3610, 3611 and 3505 Rochambeau Drive and 8350 Richmond Road
Tax Map and Parcel No.: (12-2)(01-14), (12-2)(01-24), (12-2)(01-22), (12-2)(01-19), (12-2)(01-18)
Parcel Size: 138.54 acres
Proposed Zoning: R-2, General Residential District, Cluster Overlay, with Proffers; R-5 Multifamily Residential District, Cluster Overlay, with Proffers; and B-1, General Business District, with Proffers
Existing Zoning: A-1 General Agricultural District and B-1 General Business District
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the rezoning, special use permit and master plan application for LaGrange Village, accepting the attached voluntary proffers and applying the special use permit conditions listed in the staff report. Public benefits including the preservation of scenic views and resource protection areas are incorporated into the LaGrange Village master plan in such a manner that earns the residential cluster density bonus to support the proposed 3.46 dwelling units per acre and sufficiently meet the requirements found in the Comprehensive Plan.

Staff recommends the Planning Commission deny the rezoning, special user permit and master application for the Taskinas, Rochambeau and Hickory Neck Village. The unique features located within these three villages are not adequately protected and do not provide sufficient public benefits to earn the residential density bonus to support the proposed 3.2 dwelling units per acre. Staff further believes that this rezoning application establishes a precedent that will make the visions for Anderson's Corner detailed in the Comprehensive Plan difficult to achieve in the future. However, if the Planning Commission should choose to approve this application, staff recommends acceptance of the voluntary proffers and approval of the special use permit conditions listed in the staff report.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy. However, there are multiple technical corrections that concern staff and will need to be corrected prior to the Board of Supervisors' public hearing.

Cash Proffer Summary – La Grange (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$796 per single family attached DU
Sewer	\$67.50 per residential DU
CIP projects – Schools	\$1,750 per single family attached DU
CIP projects – All other uses	\$750 per single family attached DU
Total Amount (2005 dollars)	\$265,716.50
Total Per Lot	\$3365.44 per unit, 79 units

Cash Proffer Summary – Three Villages (Taskinas, Hickory Neck and Rochambeau) (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$1,061 per single family detached DU and \$796 per single family attached DU
Sewer	\$67.50 per residential DU
CIP projects – Schools	\$3,750 per single family detached DU and \$1,875 per single family attached DU
CIP projects – All other uses	\$1,250 per single family detached DU and \$750 per single family attached DU
Total Amount (2005 dollars)	\$2,225,925.50
Total Per Lot	\$6128.50 per single family detached 268 DU \$3488.50 per single family attached 175 DU

Project Description

Mr. Vernon Geddy has submitted an application on behalf of Gayle Rauch of Rauch Development Co. LLC to rezone 161.35 acres from A-1, General Agricultural District and B-1, General Business District, to: R-2, General Residential District, Cluster Overlay, with proffers; R-5 Multifamily Residential District, Cluster Overlay, with proffers; and B-1, General Business District, with proffers.

These projects have been presented in two separate rezoning applications – one for La Grange Village and one for Taskinas, Rochambeau and Hickory Neck Villages – but the applicant views them as parts of one development. As a result, staff will review the two applications separately on their individual merits in a combined staff report.

If approved, the applicant would develop within the next ten years four related neighborhoods collectively called “The Villages at White Hall” proposing a total of 522 new homes. The four neighborhoods would be La Grange Village, Taskinas Village, Rochambeau Village and Hickory Neck Village which are comprised of the following dwelling unit types.

1. La Grange Village: 20 three- and four-family building units with a total of 79 dwelling units.
2. Taskinas Village: 70 townhome style multi-family units.
3. Rochambeau Village: 31 single family detached homes, 49 townhome style multi-family units and 14 duplex two-family units for a total of 94 units
4. Hickory Neck Village: the largest of the neighborhoods with 279 dwelling units, comprised of 237 single family detached homes and 42 duplex-style two-family units, tennis courts, clubhouse and swimming pool.

An 8,000 square foot commercial building is proposed on an approximate 5.91 acre parcel located at the intersection of Rochambeau Road and Old Stage Road. This parcel is currently zoned B-1, General Business and is proposed to be rezoned to B-1, General Business with proffers prohibiting the following permitted by-right uses:

1. Automobile Service Stations
2. Hotels, Motels, Tourist Homes and Convention Centers
3. Indoor Sports Facilities
4. Indoor Theaters
5. Radio and Television stations and accessory antennas
6. Fast Food Restaurants
7. Wholesale and Warehousing.

Residential Cluster Density Bonuses:

The Residential Cluster Overlay District is intended “to achieve innovative and quality designs of residential developments above one dwelling unit per acre that provide avenues for affordable housing, minimize environmental impacts, provide for usable and meaningful open space, and provide recreation amenities within a more practical and efficient development.” Further, to achieve densities greater than three units per acre, it is expected that the development will provide community benefits such as “mixed-cost housing, affordable housing, unusual environmental protection or development that adheres to the principles of open space development design.”

For La Grange, the developer proposes a gross density of 3.46 dwelling units per acre. For the remaining villages, the developer proposes a gross density of 3.20 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 ***with staff comments in bold italics***:

1. Implementation of the County’s Streetscape Guidelines; ***which have been proffered for all villages.***
2. Implementation of the County’s Archaeological Policy; ***which has been proffered for all villages, however please see staff comments on the following page.***
3. Provision of sidewalks along one side of all internal streets; ***which have been proffered for all villages.***

4. Provision of recreation facilities in accordance with the County's Parks and Recreation Guidelines; ***which have been proffered for all villages.***
5. Implementation of the County's Natural Resources Policy. ***Information has been submitted with the rezoning applications that has been reviewed and approved by the Department of Conservation and Recreation in accordance with the County's policy.***
6. Provision of pedestrian and/or bicycle trails; ***which have been proffered for all villages.***
7. Construction of curb and gutter design on all streets within the development; ***which have been proffered for all villages.***

Further, the Board of Supervisors may award density bonuses for more than three units per acre but not more than four units per acre for developments that meet one or more of the following ***with staff comments following in bold italics:***

1. An additional 0.5 units per acre may be awarded for every ten percent of the total number of dwelling units dedicated to affordable housing.
Only twenty-six townhouse units in LaGrange are proffered to be sold at or below \$185,000. This figure does not meet the County's definition of affordable housing; therefore no credit should be given for this density bonus.

2. An additional 0.5 units per acre for superior layout and quality design which incorporates environmentally sensitive natural design features such as preservation of scenic vistas, preservation of natural areas, protection of wildlife habitat corridors, the creation of buffer areas around RMA wetlands and sustainable building practices as referenced in *The Sustainable Building Sourcebook* from the City of Austin's Green Building Program or the *Sustainable Building Technical Manual* by the United States Department of Energy.
For LaGrange Village, credit is given for a density bonus for superior design that provides buffers around resource protection areas and preservation of scenic vistas through the use of proffered landscaping to screen the view shed of the historic Whitehall Tavern located on adjacent property. Sustainable building practices have been proffered as referenced in the Sustainable Building Sourcebook from the City of Austin.

For the three villages, Taskinas, Rochambeau and Hickory Neck, staff does not believe that credit should be given for this density bonus. Sustainable Building Practices are proffered, however, the design of these three villages does not take advantage of the unique features or scenic vistas located on the property adequately with this issue discussed in greater detail along with the review of the Comprehensive Plan Land Use designation issue later in the staff report. Resource protection areas are protected as required by the Zoning Ordinance yet the open space is not contiguous to provide significant protection to wildlife habitat corridors.

3. An additional 0.5 units per acre for superior layout and quality design which incorporates community design features such as interconnecting streets, multiple entrance/exit points to the development, a mixture of unit types and/or unit prices, and group or shared parking. These layout and design elements are expected to appear on any residential cluster plan submitted for a special use permit.
Staff does not believe that any of the Villages of Whitehall adequately achieve this density bonus. While there are interconnecting streets within each village, there are no connecting streets between the proposed villages other than existing external public roads. Staff has safety and convenience concerns for residents moving

between villages. No shared parking is proposed in any of the villages. A mixture of housing types are presented, but only within two of the four villages.

No density bonus is allowed for improvements, designs or actions that are otherwise required by county, state, or federal law.

Public Impacts

Archaeology

La Grange & Taskinas, Rochambeau, Hickory Neck:

The County archaeological policy is proffered in both applications, however architectural resources are not required to be researched and protected by the County policy.

Staff Comments: An initial Phase IA Cultural Resource Assessment of the total 165 acres has been completed and forwarded to the Virginia Department of Historic Resources (DHR). DHR recommends a Phase I archeological investigation for some parcels is necessary to determine the effects of the project upon cultural resources.

Regarding architectural resources, DHR recommends a qualified historian evaluate the Waverly Farm at the Phase II level to determine its eligibility and the potential for the project to affect its integrity. DHR also recommends the Hickory Neck Church and Geddy Farm House/White Hall Tavern be investigated at the Phase I level by a qualified architectural historian, as there may be indirect effects to these properties as a result of planned construction.

Architectural protection of the above referenced sites is not proffered by the applicant. The proposed development will have a significant visual impact on Anderson's Corner which contains one of the few remaining rural historic structures in the County, the Whitehall Tavern. The Comprehensive Plan further notes that future development in the Anderson's Corner area should occur in a manner that maintains an appropriate historic setting for the Whitehall Tavern and preserve the rural, historic character of the area.

Environmental Impacts

La Grange & Taskinas, Rochambeau, Hickory Neck:

Watershed: Ware Creek

Environmental
Proffers/

Conditions: Master Stormwater Management Plan: Development of a master stormwater management plan is proffered for both applications with the use of low impact design techniques utilized where applicable.

Shared Stormwater Management Facilities: The applicant proffers to design the stormwater BMPs in Taskinas Village and Hickory Neck Village to serve the proposed expansion of Hickory Neck Church and to serve Stonehouse Elementary School and the Christian Fellowship Church.

Environmental

Staff Comments: To construct both projects, the resource protection area buffer on site will be impacted and mitigation for these impacts will be required. Staff strongly suggests the eradication of all kudzu, *Pueraria thunbergiana*, be undertaken; however the exact details will be formalized during development plan review by Environmental staff. Additionally the resource protection area line will need to be revised on the master plan for Taskinas, Hickory Neck and Rochambeau Villages prior to the Board of Supervisors public hearing.

Per the letter dated April 22, 2005 from the Corps of Engineers, the current environmental violation located within LaGrange Village located on Tax Parcel (12-2)(1-21), must be resolved by either complete removal of the dam structure or complete reconstruction. Environmental staff notes that a corrective land disturbing permit, with surety is required from the Division prior to approval of any development plans along with an approved plan that addresses the existing erosion problems. A permit has not been issued to date, thus the proposed special use permit condition listed at the end of the staff report.

Public Utilities

Primary Service
Area (PSA):

The site is inside the PSA and is served by public water and sewer.

Public Utility
Proffers

(La Grange):

Cash Contribution: A cash contribution of \$796 is proffered for each single family attached dwelling unit for improvements to the water system. A cash contribution of \$67.50 is proffered for each residential dwelling unit for improvements to the sewer system.

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

(Taskinas,
Rochambeau,
Hickory Neck):

Cash Contribution: A cash contribution of \$1,061 for each single family detached dwelling unit and \$796 for each single family attached dwelling unit is proffered for improvements to the water system. A cash contribution of \$67.50 is proffered for each residential dwelling unit for improvements to the sewer system.

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

Stonehouse Elementary/Williamsburg Christian Academy/Christian Fellowship Church: The applicant proffers to extend gravity sewers to the development that are sized to accommodate Stonehouse Elementary School, Williamsburg Christian Academy and the Christian Fellowship Church.

JCSA Comments: Cash contributions for water impacts are acceptable. The cash contribution for sewer impacts for Taskinas, Rochambeau and Hickory Neck Villages will need to be revised prior to the Board of Supervisors public hearing based upon the number of units utilizing the two respective sewer lift stations servicing these villages.

JCSA has requested that a master water and sewer plan shall be submitted to JCSA for review prior to the initial site plan submittal for this development. JCSA is concerned about how the entire Villages of Whitehall project will be engineered into the current public water and sewer system. No proffer has been offered regarding the timeline of submitting a master water and sewer plan, therefore a special use permit condition has been proposed.

Parks and Recreation/Greenway

La Grange:

The project proposes 3.97 acres of recreation and conservation land. The Master Plan indicates development of a recreation area and trail system within the village and access to recreation facilities located within Hickory Neck Village.

Taskinas, Rochambeau, Hickory Neck:

The project proposes 24.15 acres of recreation and conservation land. The developer proffers to preserve the Waverly Farm farmhouse for use as a clubhouse/community facility, while reserving the right to relocate it to a different location on the property. Further, the developer proffers 4.45 acres of parkland, two play areas with playground equipment, four tennis and/or multi-use courts, approximately 1.27 miles of soft surface walking trails and a swimming pool with pool house. All proffered facilities will be available to residents of all four sections of this project. The developer also proffers to provide other recreational facilities or cash contributions if necessary to meet the County's Recreation Master Plan. All proffered facilities are subject to approval by the Development Review Committee.

Staff Comments: Staff finds the proffered recreation amenities acceptable, however there are concerns regarding the location of the amenities and for pedestrian travel between all villages. LaGrange Village residents can use the facilities at Hickory Neck Village, however the properties are not contiguous and there are no trails or sidewalks proffered connecting these two villages.

Fiscal Impact

La Grange:

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 a negative annual fiscal impact of approximately \$33,000.

Proffers: Cash Contribution: A cash contribution for CIP projects (library and Fire/EMS facilities) of \$750 per single-family attached dwelling unit is proffered.

Taskinas, Rochambeau, Hickory Neck:

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 a negative annual fiscal impact of approximately \$411,000.

Proffers: Cash Contribution: A cash contribution for CIP projects (library and Fire/EMS facilities) of \$1,250 per single-family detached dwelling unit and \$750 per single-family attached dwelling unit is proffered.

Staff Comments: The Department of Financial and Management Services questions some of the assumptions in the submitted fiscal impact statements as to whether the projected negative annual fiscal impact on the county will be greater than the estimated \$411,000. The proposed 8,000 square feet of commercial space

should not materially reduce the annual fiscal deficits at build out. FMS adds that this type of development will accelerate the need for new elementary schools, thus accelerating the County's \$18 million capital investment.

Schools

La Grange:

The applicant has proffered \$1,750 per single-family attached dwelling unit.

Taskinas, Rochambeau, Hickory Neck:

The applicant has proffered \$3,750 per single-family detached dwelling unit and \$1,875 per single-family attached dwelling unit.

Adequate Public School Facilities Test:

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permits or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Design Capacity</i>	<i>Program Capacity</i>	<i>Current 2005 Enrollment</i>	<i>Projected Students Generated by Proposal</i>	<i>Current 2005 Enrollment and Projected Student Total</i>
Stonehouse Elementary	588	516	505	84	589
Toano Middle	775	782	888	43	931
Lafayette High	1,250	1,296	1,535	52	1587
<i>Total</i>	<i>2,613</i>	<i>2,594</i>	<i>2,928</i>	<i>179</i>	<i>3,107</i>

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

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

Traffic

2005 Traffic

Counts: Route 60 (from Barhamsville Road to Forge Road): 9,966 vehicles per day.

2026 Volume

Projected: The section of Route 60 from Barhamsville Road to Croaker Road is projected to carry 24,000 vehicles per day in the 2003 Comprehensive Plan.

La Grange:

This proposal would be accessed from Barhamsville Road and Old Stage Road. Note that future road connections are proposed from La Grange Village to adjacent property for future developments with or without rezonings.

Road
Improvements
(La Grange):

The Barhamsville Road entrance (right turn in/out only) will require construction of a right turn taper and should contain a channelized island.

Traffic Proffers: Road Improvements: The proffers provide for construction of a 150 foot right turn taper at the Barhamsville Road entrance and a channelized island.

An updated traffic impact study shall be submitted to the Planning Director and VDOT for their review and approval prior to the time of issuances of building permits for 75% of the total number of dwelling units permitted on the property. If the updated traffic study results in a warranted turn lane, the applicant is so obligated to construct.

Taskinas, Rochambeau, Hickory Neck:

These Villages have several access points from multiple roads in the area. Taskinas Village will be accessed from a single entry/exit located on School House Road. Rochambeau Village will have a single access point on the westbound side of Rochambeau Drive. This access point will share a proposed crossover with Hickory Neck Village. Hickory Neck Village will have three entry/exit points: two along the eastbound side of Rochambeau Drive and one on the westbound side of Route 60. Each of the entry/exit points for Hickory Neck Village will be at a crossover on either Rochambeau Drive or Route 60. Note that future road connections are proposed from Hickory Neck Village to adjacent property for future development as it occurs.

Road Improvements
(Taskinas,
Rochambeau,
Hickory Neck):

Left turn lanes with 200 foot lanes and 200 foot tapers are required at each entrance point that uses a crossover at a four-lane divided highway. At the Hickory Neck entrance on Route 60, a minimum of a 150 foot right turn taper is required. This right foot taper is also required for the entrances to Hickory Neck from Rochambeau Village. The entrance to Rochambeau Village requires a minimum 150 foot right turn taper.

Traffic Proffers: Road Improvements: The applicant has proffered the construction of the above improvements. Additionally, the applicant has proffered to install landscaping in the Route 60 median along the Hickory Neck Village Route 60 frontage. Further, the applicant has proffered the installation of buffers to provide visual screening that enhances the look of a forested edge along the Rochambeau Drive frontage of Taskinas Village, Rochambeau Village and Hickory Neck Village.

An updated traffic impact study shall be submitted to the Planning Director and VDOT for their review and approval prior to the time of issuances of building permits for 75% of the total number of dwelling units permitted on the property. If the updated traffic study results in a warranted turn lane or other entrance improvements, the applicant is so obligated to construct. Additionally, private streets located within these three villages will be constructed to VDOT standards and a private street maintenance fund established for the property owners association.

VDOT

Comments: VDOT concurs with the trip generation rates, distribution patterns and background growth rates stated in the study for both applications. For La Grange, VDOT staff recommends construction of a channelized island in the Barhamsville Road entrance. For Taskinas, Rochambeau and Hickory Neck, VDOT staff emphasizes that there must be 800 feet of separation between existing crossovers and that this must be noted on future submissions. The entrance medians for these areas are excessively wide and will create unnecessary turning movement conflict. The streets in Rochambeau Village and Hickory Neck Village will be subject to additional special design considerations since they are designated to be public streets on the Master Plan. For both applications, approval of the access locations will not be granted until design plans have been reviewed and found to be satisfactory based on sight distances, minimum entrance standards, etc. Additional analysis will be required at such time as the future connections as shown on the Master Plan are developed. Future connections may warrant additional roadway improvements. The traffic study for this project should be updated as the development approaches buildout.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for Low Density Residential Development and the property is in close proximity to the Anderson's Corner Mixed Use area. 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 including mixed use cost housing, affordable housing, unusual environmental protection or adherence to open space design properties. 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.

Adjacent Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are generally encouraged. However, the Plan identifies the Anderson's Corner Mixed Use area as one of the few remaining areas within the PSA with significant rural agricultural vistas and rural historic sites. Development within the Anderson's Corner Mixed Use area should maintain the appropriate historic setting for the Whitehall Tavern and preserve the rural, historic character of the area. Views from Route 60 and Route 30 should receive especially high protection. The Plan states that "significant amounts of open land and farm fields should be preserved along with agricultural and rural structures in a manner that creates a traditional rural village surrounded by permanently protected farm fields."

Staff Comments: The La Grange portion of this proposal is directly adjacent to the Anderson's Corner Mixed Use area while the other three sections are within close proximity, which significantly impact the viewshed and the ability to achieve the Comprehensive Plan's vision for the Anderson's Corner Mixed Use Area. While Section 24-549(a) of the Zoning Ordinance specifies what particular benefits

must be offered in order to achieve a density of greater than three dwelling units per acre, the vision and objective of the Comprehensive Plan should also be considered. Staff believes that the vision for Anderson's Corner Mixed Use Area and the Low Density Residential objectives should also be strongly considered. The Low Density residential designation states that the character and density of surrounding development and buffers among other items should be considered when awarding gross densities up to one dwelling unit per acre. As noted above certain public benefits should be provided to go beyond one dwelling unit per acre and up to four dwelling units per acre.

Staff believes that LaGrange Village is in keeping with the Low Density residential land use designation and offers public benefits as discussed earlier in the staff report including preservation of scenic vistas in a manner consistent with nearby historical structures and the Anderson's Corner Mixed Use Area.

Staff does not believe that the three villages, Taskinas, Hickory Neck and Rochambeau Villages are consistent with the low density residential land use designation nor adequately protects historical structures or scenic vistas, nor sufficiently help achieve the Anderson's Corner Mixed Use Area vision. Given the vision laid out in the Comprehensive Plan for creating a mixed use center at Anderson's Corner with increased intensity use resembling a traditional rural village surrounded by open space and permanently protected farm fields, it is difficult to construct this vision on the limited land actually designated mixed use. Staff believes that for the goals of the mixed use area to be achieved at Anderson's Corner, the adjacent property including the three villages must incorporate design features to support the goals. Staff believes that the three villages do not sufficiently protect the views from Richmond Road, Route 30 nor are significant amounts of open land and farm fields preserved. Further, staff is concerned with the preservation of the Waverly farmhouse, its view shed and the view shed of Hickory Neck Church due to the location and proximity of development within the view sheds. Further discussion regarding the buffer follows in the next section of the staff report.

Community Character Corridors

The Comprehensive Plan designates certain sections of the County as Community Character Corridors. These Corridors "promote the rural, natural, or historic character of the County. 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 high level of protection." Some of the Community Character components that the Plan seeks to preserve are: "the natural topography; large wooded areas of tall deciduous forests; open vistas across ravines, wetlands, and water bodies; . . . and small scale, low intensity development."

Toward this end, the Plan's stated goals relating to Community Character Corridors are to "1. Improve the overall appearance of the County's urban and rural environment. 2. Enhance and preserve the County's scenic, cultural, rural, farm, forestal, natural, and historic resources as being essential to the County's rural and historic character, economic vitality, and overall quality of life." To achieve these goals, the Plan seeks to "ensure that development is compatible in scale, size, and location to surrounding existing and planned development" and "ensure that development along Community Character Corridors and Area protects the natural views of the area, promotes the historic, rural or unique character of the area." The Plan also seeks to "ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery, and scenic views." Finally, the Plan instructs the County to "identify vistas and

other scenic resources that should be protected and encourage building, site, and road designs that enhance the natural landscape and preserve valued vistas.

These projects affect two sections of road designated as Community Character Corridors. La Grange Village has an entrance on Barhamsville Road in the Route 30 Corridor. Hickory Neck Village fronts on the Richmond Road Corridor.

Staff Comments: Staff finds that the proposal for La Grange Village is substantially in keeping with the community character corridor.

Staff finds that portions of the Hickory Neck Village are substantially incompatible with requirements set forth by the Comprehensive Plan for open space preservation, protection of scenic views, compatibility with surrounding existing development and the Route 60 Community Character Corridor. Staff does not believe that the proposed landscaped buffer along Richmond Road, fifty feet more than is required by the Zoning Ordinance, is of sufficient depth to both screen residences and establish a viewshed characterized by open fields to maintain a sense of open space. Further the proposed buffers in the three villages establish a precedent for future adjacent developments in a manner that will not support the goals of the Anderson's Corner mixed use areas.

Per Section 24-543 of the Zoning Ordinance, Buffer Requirements for Residential Cluster Developments, wetponds, dry detention basins and other structural BMP's shall not generally be permitted in the buffers except that the Planning Commission may approve them under the following circumstances ***with staff comments in bold italics:***

1. The need is necessitated by site conditions rather than economic factors. ***Staff recommends that the Planning Commission approve the location of the storm water management ponds located in Rochambeau Village and Hickory Neck Village that slightly impact the buffer along Rochambeau Drive due to the natural drainage patterns on site. However, staff believes that the stormwater management pond located on Richmond Road within Hickory Neck Village is not necessitated by site conditions and is discussed further below.***
2. The screening /buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary. ***The applicant has proffered a variable width buffer along Route 60 that shall be a minimum of 200 feet deep with an average depth of at least 306 feet deep across. The buffers shall have a gentle slope from Route 60 to a low landscaped berm adjacent to the first row of lots. The BMP is proffered to be designed and landscaped to retain a sense of open farmland or pasture while screening the Village from Richmond Road. The Development Review Committee will review the landscape plan. However, staff does not believe that a minimum 200 foot width buffer is an adequate width to preserve scenic vistas or a sense of open space nor sufficient to screen the development give the presence of the pond. With this inadequate buffer, the pond location is not supported by staff.***

Comprehensive Plan-Zoning Map Inconsistencies

The Comprehensive Plan recognizes that there are inconsistencies between the Plan's land use designations and existing zoning. Of relevance for these proposals, the Plan acknowledges that there are inconsistencies in the land use designations in the Anderson's Corner area and the existing zoning in that area. These inconsistencies stem from the Low-Density Residential designation for the area surrounding Anderson's Corner and the approximately 120 acres in this area that are currently zoned B-1, General Business. Approximately 111 acres of the 138 acres that comprises the three villages is zoned B-1 and proposed to be rezoned to residential, supporting the goals of the Comprehensive Plan. The Plan sets out criteria for evaluating proposed development involving land that is zoned B-1. Proposed development in the area are as follows **with staff comments in italic bold:**

1. Protect adjacent residential areas,
Adjacent low density residential areas are protected from commercial development but not from high density residential areas.
2. Limit curb cuts and minimize negative traffic impacts,
Curb cuts are limited and traffic impacts of this project are mitigated. However, when this project is reviewed cumulatively with other developments in the area, staff is not completely convinced that traffic impacts are mitigated.
3. Discourage "strip" development and
Strip commercial development has been mitigated.
4. Promote a coordinated and comprehensive development plan for the entire area, and encourage pedestrian travel.
Coordinated and comprehensive plans are viable within each village but not between villages except through pedestrian travel.
5. Further, preference is to be given to office and limited industrial uses.
While preference has not been give to office and limited industrial use, the Economic Development Authority has made no comment on this particular proposal due to the existing large tracts of undeveloped property commercially zoned in the upper part of the county.

CONCLUSIONS & CONDITIONS

Staff recommends the Planning Commission approve the rezoning, special use permit and master plan application for LaGrange Village, accepting the attached voluntary proffers and applying the special use permit conditions listed below. Public benefits including the preservation of scenic views and resource protection areas are incorporated into the LaGrange Village master plan in such a manner that earns the residential cluster density bonus to support the proposed 3.46 dwelling units per acre and sufficiently meet the requirements found in the Comprehensive Plan.

Staff recommends the Planning Commission deny the rezoning, special user permit and master application for the Taskinas, Rochambeau and Hickory Neck Village. The unique features located within these three villages are not adequately protected and do not provide sufficient public benefits to earn the residential density bonus to support the proposed 3.2 dwelling units per acre. Staff further believes that this rezoning application establishes a precedent that will make the visions for Anderson's Corner detailed in the Comprehensive Plan difficult to achieve in the future. However, if the Planning Commission should choose to approve this application, staff recommends acceptance of the voluntary proffers and approval of the special use permit conditions listed below:

1. A master water and sewer plan for all Villages shall be submitted for review by JCSA prior to the submittal of any development plans for any portion of property.

2. Prior to the submittal of any development plans for any portion of the Villages of Whitehall project, a land disturbing permit with surety will be issued by the Environmental Division after review and approval of an erosion control plan, to mitigate impacts from the current environmental violation located within LaGrange Village located on Tax Parcel (12-2)(1-21), Parcel.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

Karen Drake

Attachments:

1. Location map
2. Master Plan
3. Illustrative Plan
4. Open Space Diagram
5. Fiscal Impact Statement—Executive Summary
6. Proffers
7. Citizen Comments

Z-10-05, Z-11-05, SUP-17-05, SUP-18-05, MP-7-05 & MP-05.

The Villages at Whitehall: LaGrange, Taskinas, Hickory Neck and Rochambeau



DEVELOPABLE AREAS SUMMARY

DESCRIBED AREA		ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
NON OPEN SPACE AREAS	ROADS, PARKING LOTS & PARKING ISLANDS	2.25	11.0.%	9.9%
	BLDG. FOOTPRINTS AND 10' PERIMETERS	3.94	19.2%	17.3%
	SUBTOTAL	6.19	30.2%	27.2%
OPEN SPACE	AREAS OF COMMON OPEN SPACE & BUFFERS	12.82	62.6%	56.2%
	OTHER OPEN SPACE IN NET DEVELOPABLE AREA (NOT PART OF ANY ADDITIONAL REQUIRED YARD)	1.48	7.2%	6.5%
SUBTOTAL		14.3	69.8%	62.7%
TOTAL DEVELOPABLE ACRES		20.49	100%	-

LANDUSE & DENSITY TABULATION

AREA DESIGNATION	PROPOSED USE	AREA IN ACRES	TOTAL UNITS	DENSITY PER GROSS ACRE*
B,J	CONDOMINIUM/RECREATION	± 22.81	79	3.46

*DENSITY PER GROSS ACRE = DWELLING UNITS/ ACRE

OPEN SPACE SUMMARY

	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
OPEN SPACE WITHIN NON-DEVELOPABLE LAND	25% SLOPES & GREATER	1.54	N/A	6.8%
	WETLANDS & STREAM BEDS	0.78	N/A	3.4%
	SUBTOTAL	2.32	N/A	10.2%
OPEN SPACE WITHIN DEVELOPABLE LAND	PERIMETER BUFFERS	3.62	17.7%	15.8%
	OTHER RECREATION & CONSERVATION LAND	3.97	19.4%	17.4%
	ADDITIONAL RESOURCE PROTECTION	5.23		
SUBTOTAL		12.82	62.6%	56.1%
PROPOSED BMP		1.01	4.9%	4.4%
TOTAL PROJECT OPEN SPACE		16.15	-	70.7%

DESIGNATED LAND USE KEY:
B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS

J: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED

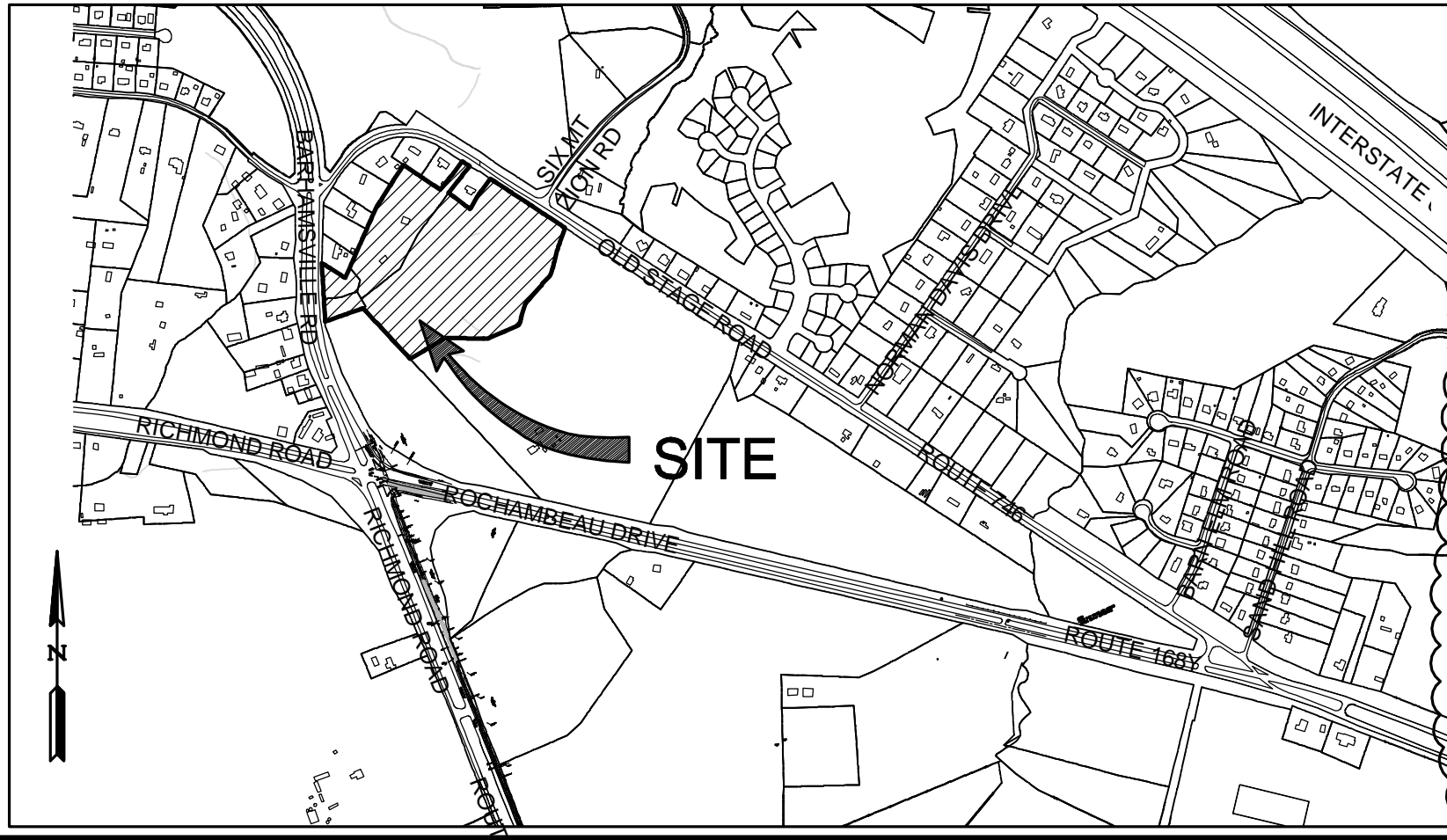
LEGEND

- PERIMETER BUFFER
- OPEN SPACE
- PARKS/ RECREATION
- TRAIL (.34 MILES)
- MULTI USE PATH
- TOT LOT

GENERAL NOTES

- BOUNDARY AND TOPOGRAPHY SHOW HEREON FROM JAMES CITY COUNTY GIS.
- NON-DEVELOPABLE AREAS CONSIST OF STREAM BEDS, WATER BODIES, AREAS SUBJECT TO FLOODING UNDER THE 100 YEAR STORM EVENT, WETLANDS AND AREAS WITH SLOPES EXCEEDING 25% GRADIENT. THE ACREAGE INDICATED IS SUBJECT TO CHANGE AS FINAL SITE DATA IS MADE AVAILABLE.
- THE OWNER RESERVES THE RIGHT TO LOCATE UTILITIES, BMP FACILITIES, AND RECREATION FEATURES, INSIDE THE OPEN SPACE AREAS. BMP FACILITIES LOCATED WITHIN OPEN SPACE AREAS WILL NOT BE COUNTED TOWARDS MEETING MINIMUM OPEN SPACE REQUIREMENTS.
- SIDEWALKS WILL BE LOCATED ON BOTH SIDES OF ALL ROADS WITHIN THE DEVELOPMENT.
- A 150' BUFFER IS PROVIDED ALONG RT. 30 AND A 75' BUFFER IS PROVIDED ALONG OLD STAGE ROAD ACCORDING TO THE JAMES CITY COUNTY COMPREHENSIVE PLAN.
- NO WETLAND OR ENVIRONMENTAL PERMITTING IS GIVEN WITH THE APPROVAL OF THIS MASTER PLAN.
- A TRAIL SYSTEM WILL BE ESTABLISHED BETWEEN AREAS AND TO ADJACENT PROPERTIES. SYSTEM SHALL BE FINALIZED DURING SUBDIVISION AND/OR SITE PLAN REVIEW.
- THE DESIGN OF ALL STORM WATER FACILITIES WILL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE JAMES CITY COUNTY GUIDELINES FOR DESIGN AND CONSTRUCTION OF STORM WATER MANAGEMENT BMP'S.

LOCATION MAP (SCALE : 1" = 1000')



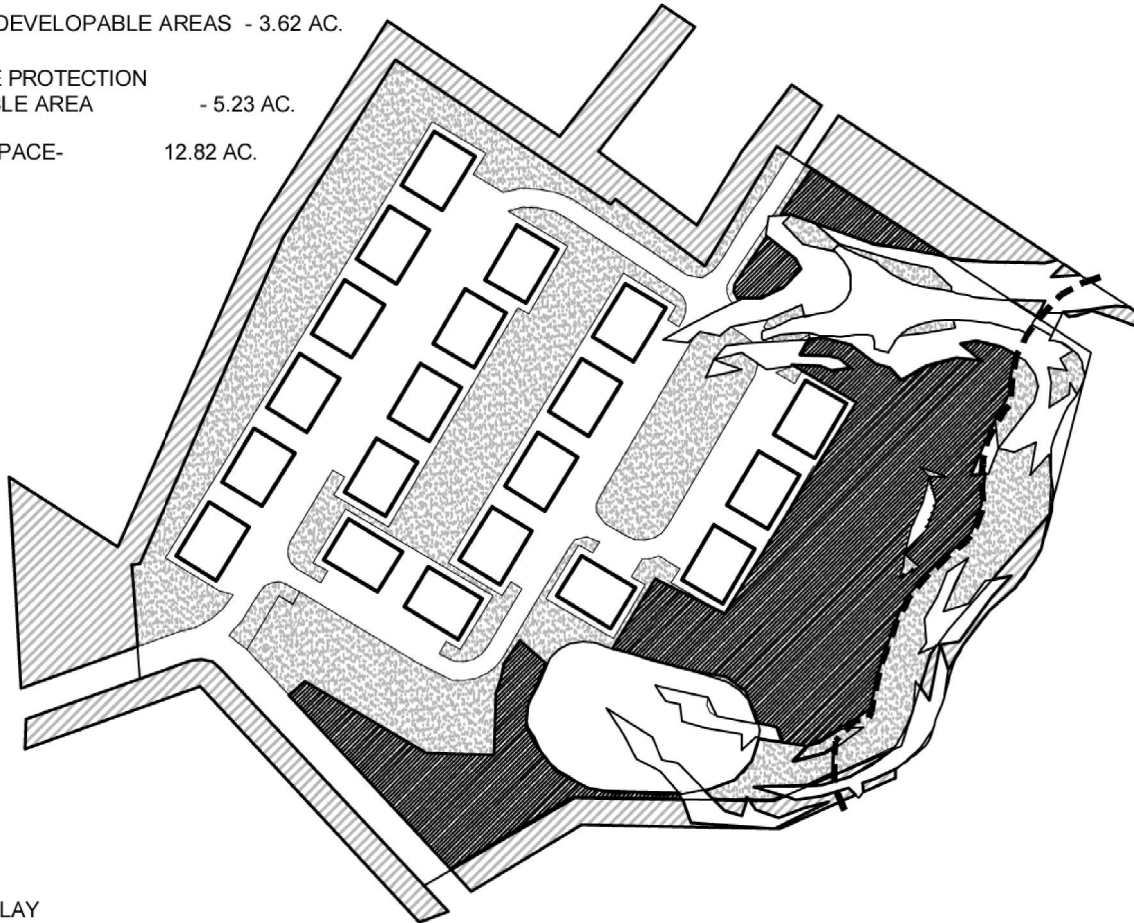
RECREATION SUMMARY

JCC RECREATION PLAN REQUIREMENTS	REQUIRED	PROVIDED **
PARK LAND .0087 ACRES/ UNIT	.69 ACRES	2.99 ACRES
PLAYGROUND .0029 PLAYGROUNDS/ UNIT	1 PLAYGROUND	1 PLAYGROUND (TOT LOT WITH 4-8 ACTIVITIES)
TRAILS .0043 MILES/ UNIT	.34 MILES	.34 MILES (1,800 L.F.)
COURT .0022 COURTS/UNIT	.18 COURTS	1 PAVED TETHER BALL COURT
BALL FIELD .00058 FIELDS/UNIT	.04 FIELDS	PORTION OF 2.99 ACRES RECREATION AREA

** IN ADDITION TO RECREATION AREAS AND AMENITIES ILLUSTRATED ON THIS PLAN, LAGRANGE VILLAGE RESIDENTS WILL HAVE USE OF THE SHARED FACILITIES PROPOSED FOR THE VILLAGES AT WHITE HALL. THESE FACILITIES INCLUDE 2.03 MILES OF TRAIL, 7.41 AC. OF RECREATION AREA, 2 ADDITIONAL TOT LOTS, 2-4 TENNIS COURTS, SWIMMING POOL AND COMMUNITY CENTER AT WAVERLY FARM.

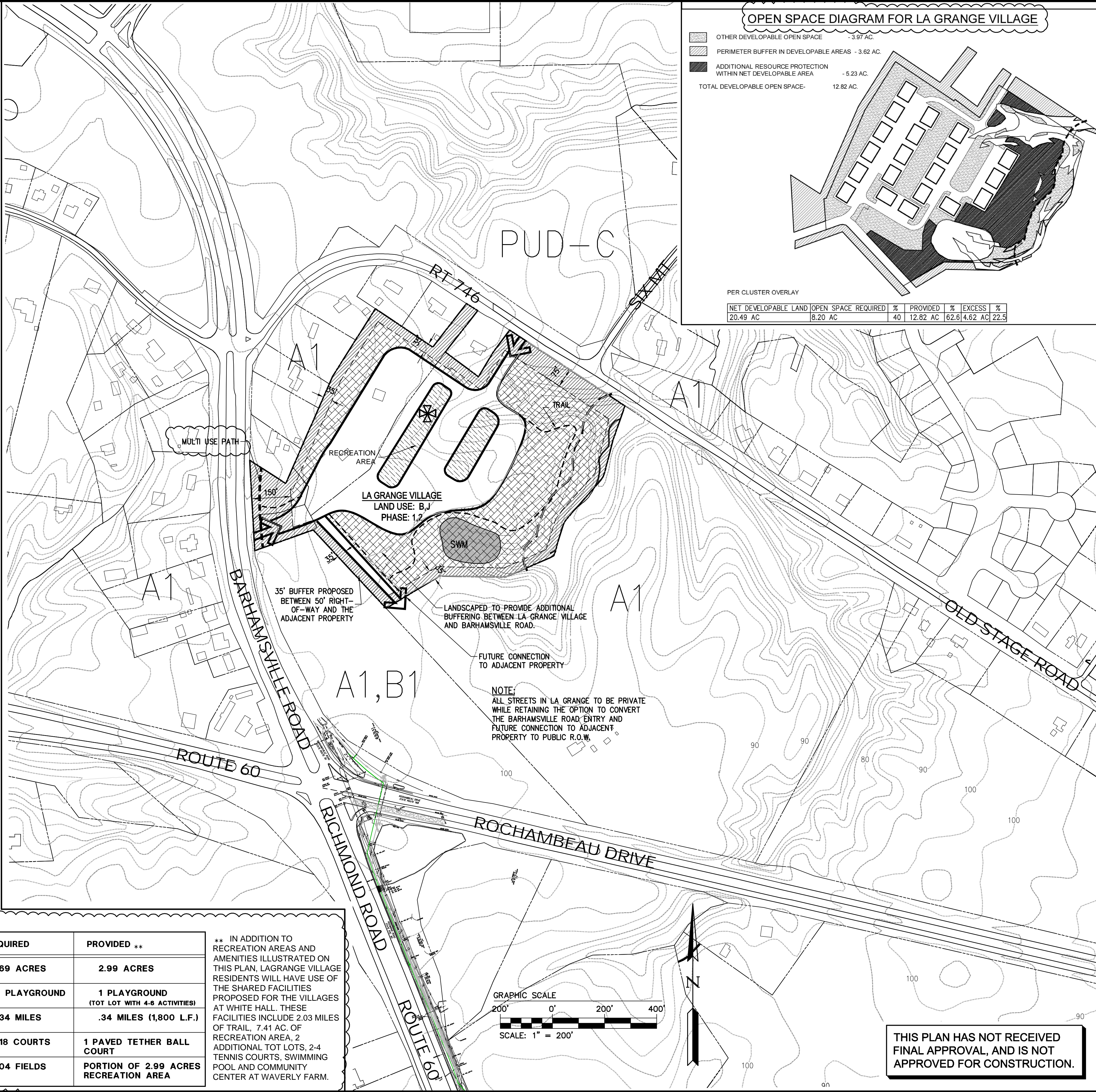
OPEN SPACE DIAGRAM FOR LA GRANGE VILLAGE

- OTHER DEVELOPABLE OPEN SPACE - 3.97 AC.
- PERIMETER BUFFER IN DEVELOPABLE AREAS - 3.62 AC.
- ADDITIONAL RESOURCE PROTECTION WITHIN NET DEVELOPABLE AREA - 5.23 AC.
- TOTAL DEVELOPABLE OPEN SPACE- 12.82 AC.



PER CLUSTER OVERLAY

NET DEVELOPABLE LAND	OPEN SPACE REQUIRED	%	PROVIDED	%	EXCESS	%
20.49 AC	8.20 AC	40	12.82 AC	62.6	4.62 AC	22.5



THIS PLAN HAS NOT RECEIVED FINAL APPROVAL, AND IS NOT APPROVED FOR CONSTRUCTION.

MASTER PLAN
THE VILLAGES AT WHITE HALL
LA GRANGE VILLAGE
BY RAUCH DEVELOPMENT L.L.C.

STONEHOUSE JAMES CITY COUNTY VIRGINIA

CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND

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

No.	DATE	REVISION / COMMENT / NOTE	BY
2	06/24/05	REVISED PER JCC MEETING AND COMMENTS	KSU
1	06/10/05	REVISED PER JCC COMMENTS	KSU

Designed JSP	Drawn KSU
Scale 1"=200'	Date 4/25/05
Project No. 9048-00	
Drawing No. 3 OF 4	

DEVELOPABLE AREAS SUMMARY

DEVELOPABLE AREAS SUMMARY	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
	ROADS & ALLEYS	28.37	21.9%	20.5%
NON OPEN SPACE AREAS	RESIDENTIAL LOTS	48.05	37.0%	34.7%
	SUBTOTAL	76.42	58.9%	55.2%
OPEN SPACE	AREAS OF COMMON OPEN SPACE & BUFFERS *	53.27	41.1%	38.5%
	OTHER OPEN SPACE IN NET DEVELOPABLE AREA (NOT PART OF ANY ADDITIONAL REQUIRED YARD)	-	-	-
	SUBTOTAL	53.27	41.1%	38.5%
	TOTAL DEVELOPABLE ACRES	129.69	100%	93.7

* DOES NOT INCLUDE ROADSIDE LANDSCAPE EASEMENTS

LANDUSE & DENSITY TABULATION

AREA NUMBER	AREA DESIGNATION	PROPOSED USE	AREA IN ACRES	PERCENT OF TOTAL SITE	TOTAL UNITS	DENSITY PER GROSS ACRE*
1	A,B,C,J	SF/DUPLEX/TH/REC.	+31.83	23.0%	70-110	2.2-3.45 DU/AC
2	A,B,C,J	SF/DUPLEX/TH/REC.	+14.38	10.4%	50-70	3.5-4.9 DU/AC
3	A,B,C,J	SF/DUPLEX/TH/REC.	+92.33	66.6%	275-320	3.0-3.5 DU/AC
TOTALS			138.54	100%	443	3.20 ***

** DENSITY PER GROSS ACRE : DWELLING UNITS/ ACRE (NON DEVELOPABLE AREAS ARE LESS THAN 35% OF TOTAL AREAS)
*** WHILE UNIT MIX AND DENSITY MAY VARY WITHIN AREAS 1,2&3 THE TOTAL NUMBER OF UNITS NOT TO EXCEED 443 OR 3.20 DU/ACRE.

DESIGNATED LAND USE KEY:
A: SINGLE FAMILY DWELLING UNITS
B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS
C: ATTACHED STRUCTURES LESS THAN THREE STORIES AND CONTAINING MORE THAN FOUR DWELLING UNITS
J: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED

B-1 PARCEL AREA SUMMARY *****	
SITE AREA	4.59 AC
COMMERCIAL ENVELOPE	2.02 AC
GFA (MAX.)	8000 S.F.
OPEN SPACE WITH-IN NON-DEVELOPABLE LAND	
25% SLOPES	.06 AC
OPEN SPACE WITH-IN DEVELOPABLE LAND	
PERIMETER BUFFERS	1.41 AC
OTHER RECREATION & CONSERVATION LAND	1.10 AC
***** PARCEL WITH PROFFERS	

OPEN SPACE SUMMARY

	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
OPEN SPACE WITHIN NON-DEVELOPABLE LAND	25% SLOPES OR GREATER	4.34	-	3.1%
	WETLANDS	2.02	-	1.5%
	PONDS & STREAM BEDS	2.49	-	1.8%
	SUBTOTAL	8.85	N/A	6.4%
OPEN SPACE WITHIN DEVELOPABLE LAND	PERIMETER BUFFERS	19.02	14.7%	13.7%
	OTHER RECREATION & CONSERVATION LAND	34.25	26.4%	24.7%
	5' LANDSCAPE EASEMENTS	2.83	2.2%	2.0%
	SUBTOTAL	56.10	43.3%	40.0%
ALLEYS*****		7.27	5.6%	5.2%
PROPOSED BMP'S		2.53	1.9%	1.8%
TOTAL PROJECT OPEN SPACE		74.75	-	46.0%

***** IF ALLEYS WERE INCLUDED AS DEVELOPABLE OPEN SPACE THE PERCENT OF OPENSACE IN THE NET DEVELOPABLE LAND WOULD BE 48.8%.

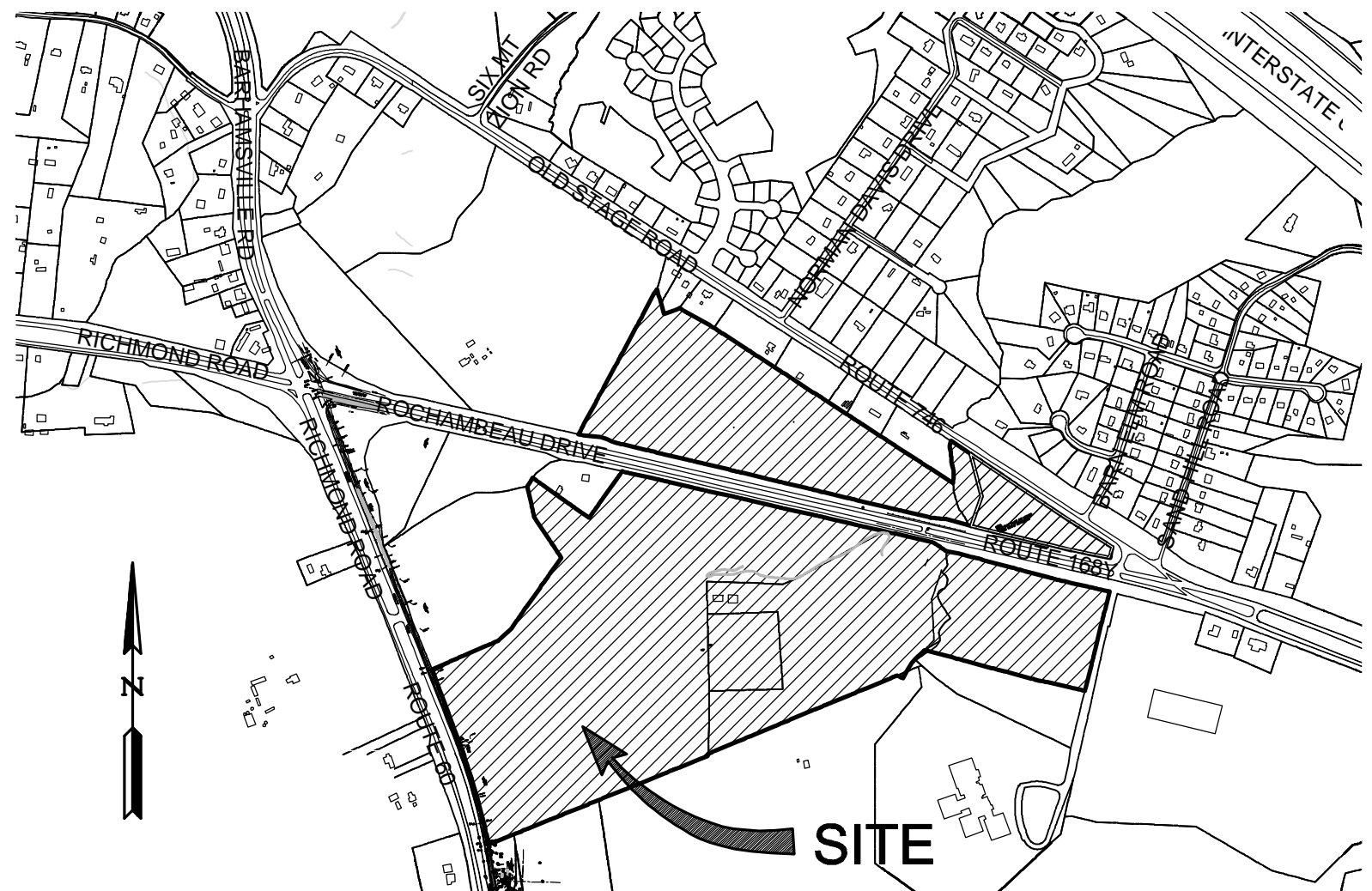
GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHY SHOW HEREON FROM JAMES CITY COUNTY GIS.
2. NON-DEVELOPABLE AREAS CONSIST OF STREAM BEDS, WATER BODIES, AREAS SUBJECT TO FLOODING UNDER THE 100 YEAR STORM EVENT, WETLANDS AND AREAS WITH SLOPES EXCEEDING 25% GRADIENT. THE ACREAGE INDICATED IS SUBJECT TO CHANGE AS FINAL SITE DATA IS MADE AVAILABLE.
3. THE OWNER RESERVES THE RIGHT TO LOCATE UTILITIES, BMP FACILITIES, AND RECREATION FEATURES, INSIDE THE OPEN SPACE AREAS. BMP FACILITIES LOCATED WITHIN OPEN SPACE AREAS WILL NOT BE COUNTED TOWARDS MEETING MINIMUM OPEN SPACE REQUIREMENTS.
4. SIDEWALKS WILL BE LOCATED ON BOTH SIDES OF ALL ROADS WITHIN THE DEVELOPMENT.
5. A 150' BUFFER IS PROVIDED ALONG RT. 60 AND A 75' BUFFER IS PROVIDED ALONG ROCHAMBEAU DR. ACCORDING TO THE JAMES CITY COUNTY COMPREHENSIVE PLAN.
6. NO WETLAND OR ENVIRONMENTAL PERMITTING IS GIVEN WITH THE APPROVAL OF THIS MASTER PLAN.
7. A TRAIL SYSTEM WILL BE ESTABLISHED BETWEEN AREAS AND ADJACENT PROPERTIES. SYSTEM SHALL BE FINALIZED DURING SUBDIVISION AND/OR SITE PLAN REVIEW.
8. THE DESIGN OF ALL STORM WATER FACILITIES WILL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE JAMES CITY COUNTY GUIDELINES FOR DESIGN AND CONSTRUCTION OF STORM WATER MANAGEMENT BMP'S.

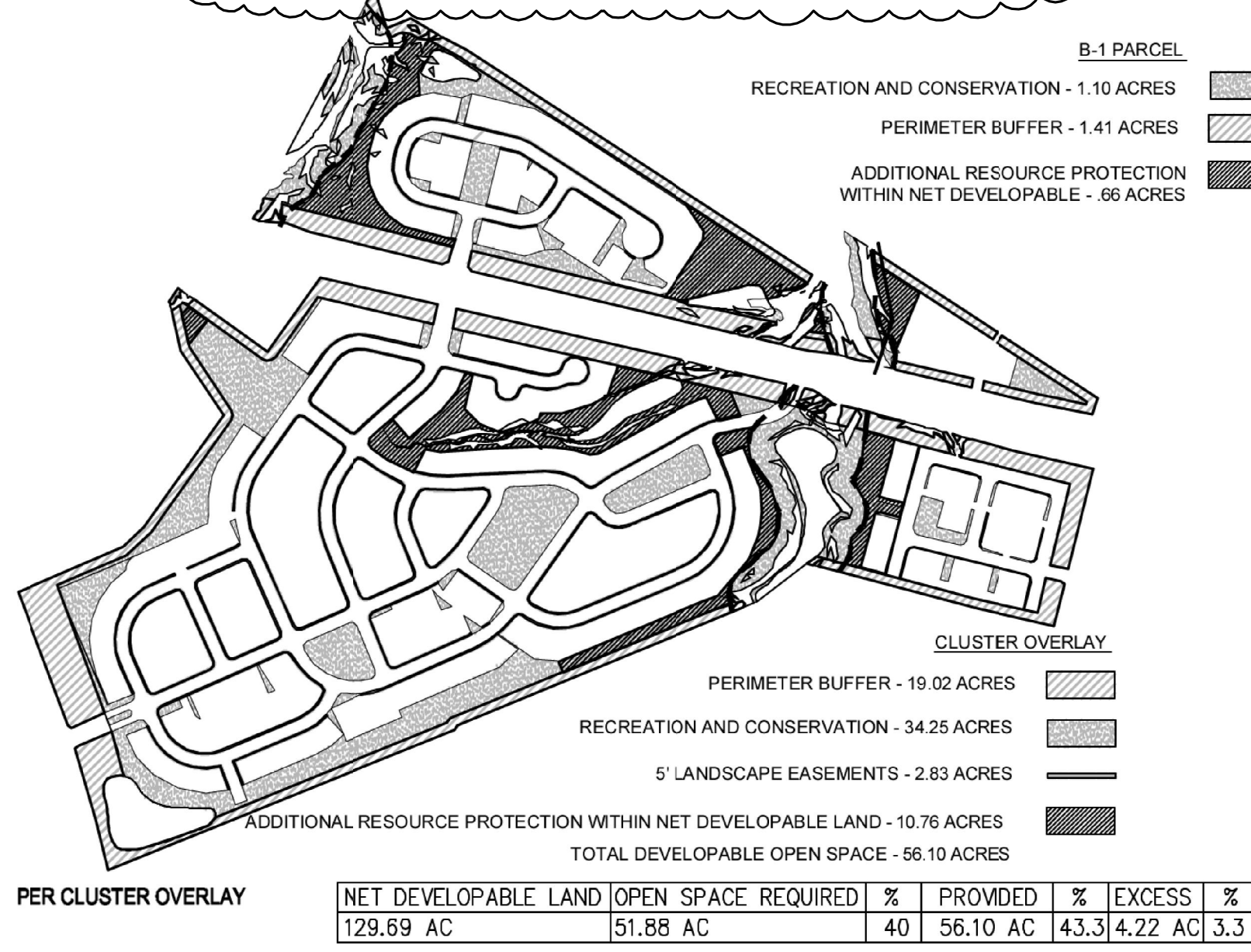
LEGEND

- PERIMETER BUFFER
- OPEN SPACE
- PARKS/ RECREATION
- TRAILS (2.03 MILES)
- MULTI USE PATH
- TOT LOT

LOCATION MAP (SCALE : 1" = 1000')



OPEN SPACE DIAGRAM FOR THE VILLAGES OF TASKINAS, ROCHAMBEAU, AND HICKORY NECK



THIS PLAN HAS NOT RECEIVED FINAL APPROVAL, AND IS NOT APPROVED FOR CONSTRUCTION.

RECREATION SUMMARY

JCC RECREATION PLAN REQUIREMENTS	REQUIRED	PROVIDED *****
PARK LAND .0087 ACRES/ UNIT	3.96 ACRES	12.48 ACRES (7.41 ACRES RECREATION AREA)
PLAYGROUNDS .0029 PLAYGROUNDS/ UNIT	1.32 PLAYGROUNDS	2 PLAYGROUNDS (TOT LOTS W/ 4-6 ACTIVITIES)
TRAILS .0043 MILES/ UNIT	1.96 MILES	2.03 MILES
COURTS .0022 COURTS/UNIT	1 COURT	2-4 TENNIS COURTS
BALL FIELDS .00058 FIELDS/UNIT	.26 FIELDS	PORTION OF THE 7.41 ACRES RECREATION AREA

***** RECREATION PACKAGE WILL ALSO INCLUDE AT A MINIMUM ONE 25 METER SWIMMING POOL WITH POOL HOUSE AND COMMUNITY BUILDING.

No.	DATE	REVISION / COMMENT / NOTE	BY
2	06/24/05	REVISED PER JCC MEETING AND COMMENTS	KSU
1	06/10/05	REVISED PER JCC COMMENTS	KSU

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MASTER PLAN

THE VILLAGES AT WHITE HALL
ROCHAMBEAU, TASKINAS AND HICKORY NECK VILLAGES
BY RAUCH DEVELOPMENT L.L.C.

STONEHOUSE JAMES CITY COUNTY VIRGINIA

Designed JSP	Drawn KSU
Scale 1"=200'	Date 4/25/05
Project No. 9048-00	Drawing No. 3 OF 4



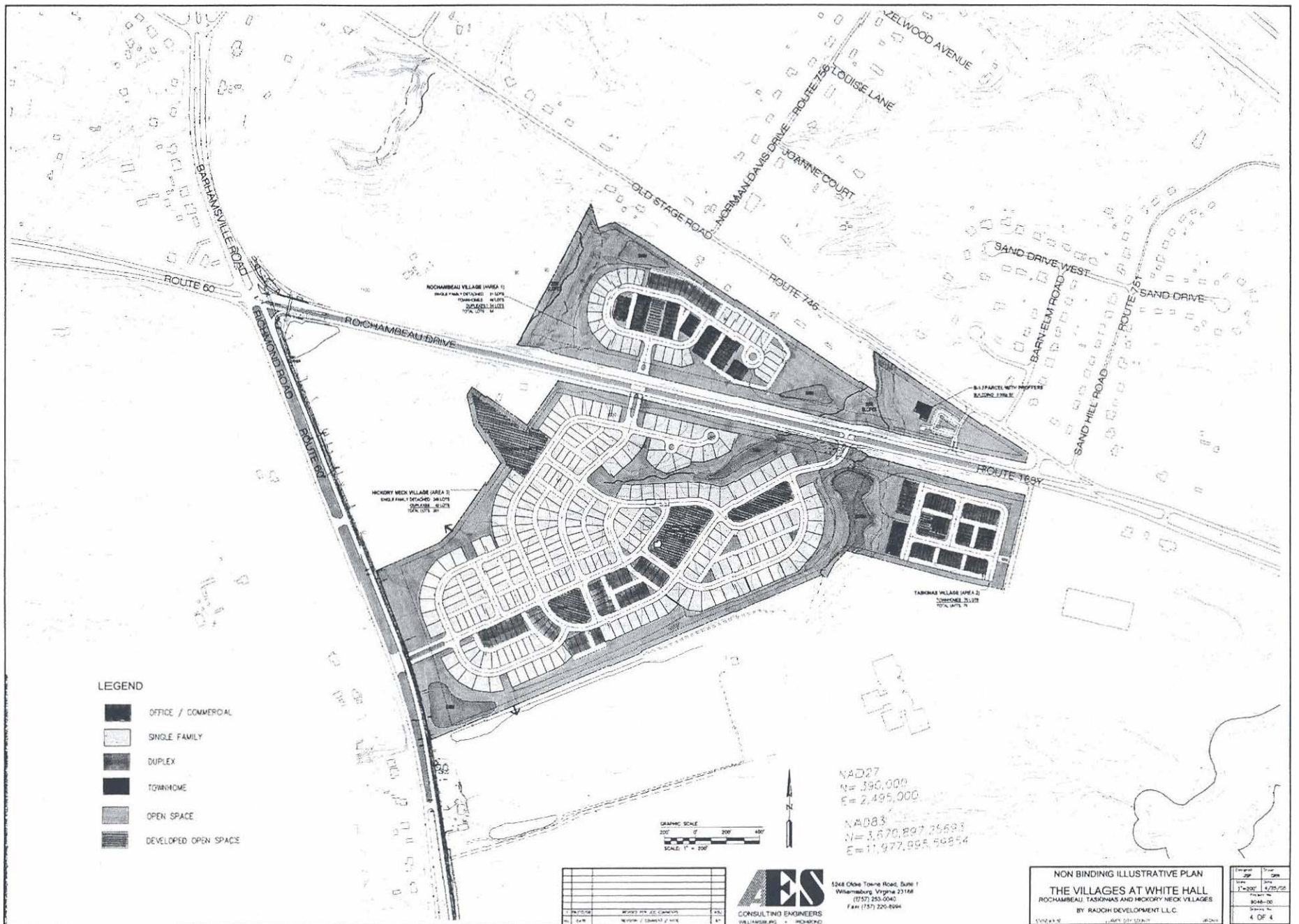
NON BINDING ILLUSTRATIVE PLAN
THE VILLAGES AT WHITE HALL
LA GRANGE VILLAGE
BY RAUCH DEVELOPMENT LLC
JAMES CITY COUNTY VIRGINIA

AES
CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND

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Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994

NO.	DATE	REVISION / COMMENT / NOTE	BY
1	04/23/05	REVISED PER AEC COMMENTS	KSL

Drawn by JSP	Checked by KSL
Scale 1"=100'	Date 4/25/05
Project No. 9048-00	Drawing No. 4 OF 4



DATE	REVISION	BY	DATE
10/1/00	1	WILLIAMSON	10/1/00
10/1/00	2	WILLIAMSON	10/1/00
10/1/00	3	WILLIAMSON	10/1/00
10/1/00	4	WILLIAMSON	10/1/00
10/1/00	5	WILLIAMSON	10/1/00
10/1/00	6	WILLIAMSON	10/1/00
10/1/00	7	WILLIAMSON	10/1/00
10/1/00	8	WILLIAMSON	10/1/00
10/1/00	9	WILLIAMSON	10/1/00
10/1/00	10	WILLIAMSON	10/1/00

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HICKORY, VA

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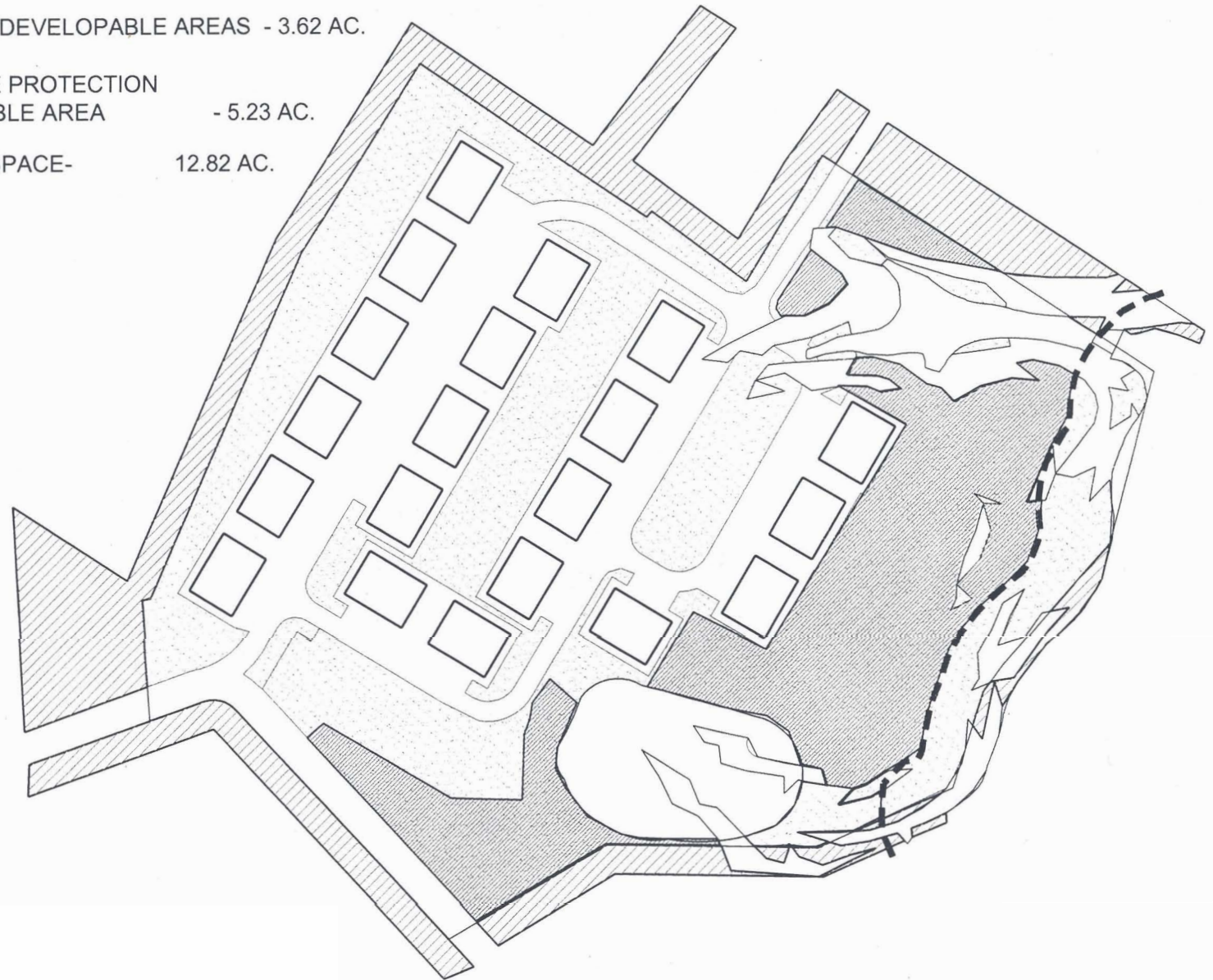
NON BINDING ILLUSTRATIVE PLAN
THE VILLAGES AT WHITE HALL
ROCHAMBEAU, TASKINAS AND HICKORY NECK VILLAGES
BY RAUCH DEVELOPMENT LLC

DATE	BY	DATE	BY
10/1/00	WILLIAMSON	10/1/00	WILLIAMSON
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10/1/00	WILLIAMSON	10/1/00	WILLIAMSON

4 OF 4

OPEN SPACE DIAGRAM FOR LA GRANGE VILLAGE

	OTHER DEVELOPABLE OPEN SPACE	- 3.97 AC.
	PERIMETER BUFFER IN DEVELOPABLE AREAS	- 3.62 AC.
	ADDITIONAL RESOURCE PROTECTION WITHIN NET DEVELOPABLE AREA	- 5.23 AC.
TOTAL DEVELOPABLE OPEN SPACE-		12.82 AC.



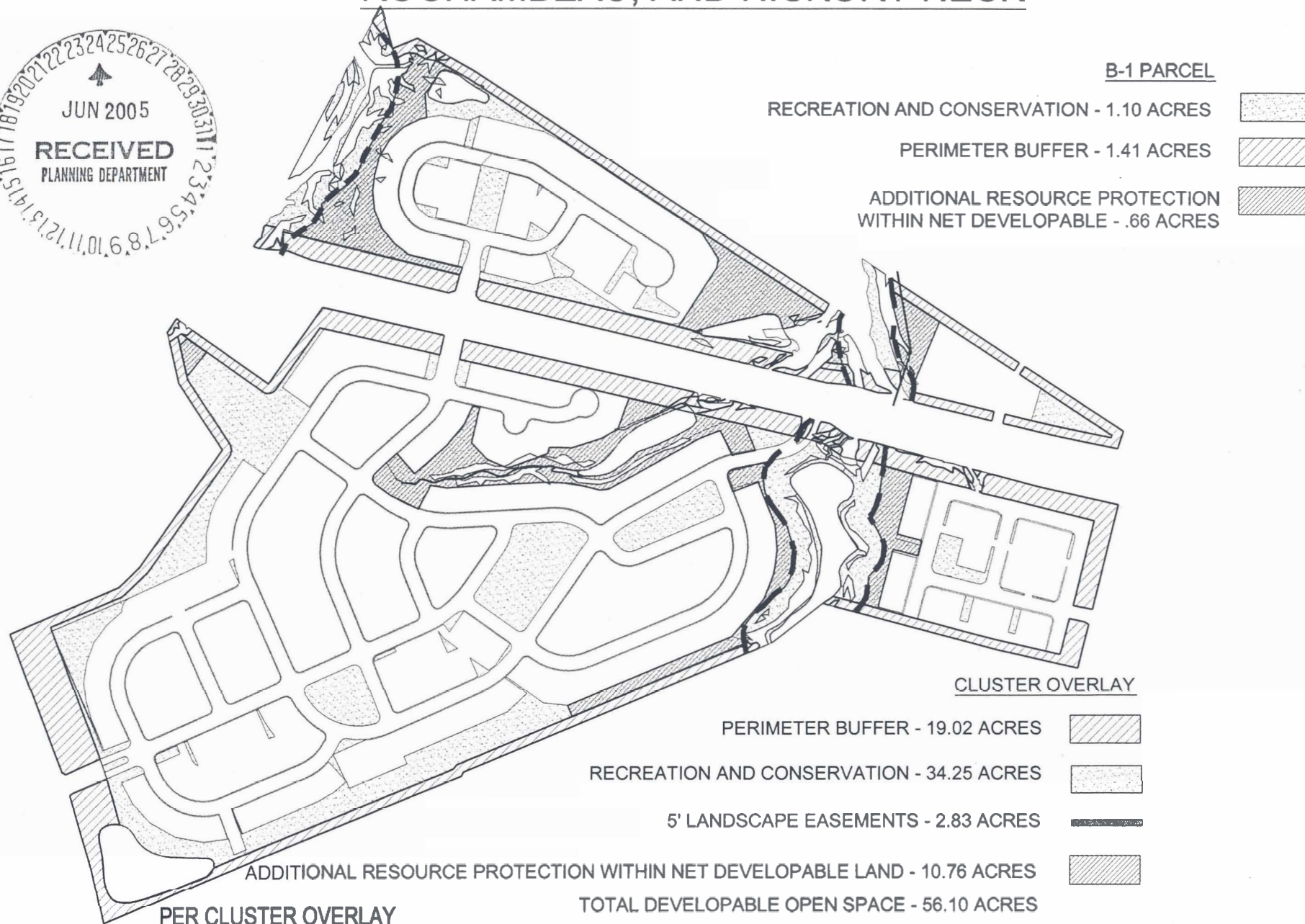
PER CLUSTER OVERLAY

NET DEVELOPABLE LAND	OPEN SPACE REQUIRED	%	PROVIDED	%	EXCESS	%
20.49 AC	8.20 AC	40	12.82 AC	62.6	4.62 AC	22.5



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OPEN SPACE DIAGRAM FOR THE VILLAGES OF TASKINAS, ROCHAMBEAU, AND HICKORY NECK



PER CLUSTER OVERLAY

NET DEVELOPABLE LAND	OPEN SPACE REQUIRED	%	PROVIDED	%	EXCESS	%
129.69 AC	51.88 AC	40	56.10 AC	43.3	4.22 AC	3.3



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La Grange Village at Whitehall **A Condominium Development**

Fiscal Impact in James City County, Virginia

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **Rauch Development Company, LLC**, this report from **The Wessex Group, Ltd. (TWG)** presents estimates of the fiscal impact of building a community called La Grange Village at Whitehall. TWG submitted a fiscal impact study, *The Villages of Whitehall – Fiscal Impact on James City County, Virginia* in February 2005 to the County. The County then requested the developer to revise the study, presenting La Grange Condominiums separately from the other Villages. This report only describes the fiscal impact of La Grange Condominiums on the County. This development would consist of approximately 23 acres located in James City County on Jamestown Road. Development plans include 79 residential condominium units, comprised of 39 units, each 1,400 square feet in size, and 40 units at 1,750 square feet. A percentage of the total costs, based on the number of condominium units, has been allocated to La Grange Village for community amenities. Approximately \$207,000 of community amenities, such as walking and biking trails, a clubhouse, tennis courts, playgrounds, park space and a swimming pool are included in the development, and will be available to all residents of The Villages of Whitehall.

Development Schedule and Construction Investment: The developer anticipates that the 79 condominiums in La Grange Village will be built over a four year period and fully occupied in Year 5. The cumulative residential population is estimated at 166 persons. Total construction investment is estimated at \$16.9 million.

County Revenues, Expenditures and Net Fiscal Impact: Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. At buildout, La Grange Village will provide an estimated \$275,000 annually in new revenues for the county. In turn, the services that the county will provide to this community include police protection, fire protection and public education for the school children living in the development. Once fully developed and occupied, La Grange Village will incur costs for county services of approximately \$308,000 per year. At buildout, the net fiscal impact is estimated at (\$33,000) annually, as shown in Table A. The net present value of this development discounted at 5% is nearly \$385,000. All dollar figures contained in this report are expressed in 2005 dollars. No attribution for economic inflation has been made.

Table A
La Grange Village at Whitehall – Net Fiscal Impact

	Year 1	Year 2	Year 3	Year 4	Buildout
Total Annual County Revenues	144,100	204,800	269,900	329,600	275,000
Total Annual County Expenditures	6,200	83,100	160,900	238,900	308,000
Annual Net Fiscal Impact (Revenues Less Expenditures)	137,900	121,700	109,000	90,700	(33,000)

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Memo

TO: Gayle Rauch, Rauch Development Company, LLC; James Peters, AES
FROM: Stephanie Harper
DATE: June 15, 2005
SUBJECT: The Villages of Taskinask, Hickory Neck and Rochambeau at Whitehall Fiscal Impact Study– Revision

This memorandum presents the net change of the net fiscal impact to James City County due to the addition of 8,000 square feet of commercial space, the reduction of single-family homes by 23, an increase of 11 townhouse units, and an increase in the multi-family proffer amount from \$3,296 to \$3,421 to the proposed development called The Villages of Taskinask, Hickory Neck and Rochambeau at Whitehall. The fiscal analysis was originally performed in April 2005, entitled *The Villages of Taskinask, Hickory Neck and Rochambeau at Whitehall – Fiscal Analysis on James City County, Virginia*. All expenditure and revenue data presented in this memo are based on the adopted 2005 county budget.

Table 1 presents the development schedules and construction investment for the previous plan and the current plan. As shown in the June 2005 plan, the number of single-family homes decreased by 23 homes (291 to 268). For the multi-family units, the number of units increased by 11 (164 to 175). With these adjustments, the overall number of dwelling units has decreased by 12 compared to the April development plan (455 to 443). Cumulative residential population is expected to be reduced to 1,011 from 1,043, and the expected number of school-aged children also will be decreased by 9 children by buildout.

An addition of 8,000 square feet of commercial space is planned to be built in Year 1. As suggested by the developer, the commercial component will be a retail store such as a local hardware/feed and seed specialty store.

With the changes described above, residential construction investment decreased nearly by \$4.5 million. The retail store is estimated to cost more than \$837,000 to construct including infrastructure costs. Consequently, cumulative construction investment for the current plan versus the April plan decreased by about \$3.6 million as shown in Table 1 on the next page.

Table 1
Development Schedule and Construction Investment

Development Component	April 2005 Plan			June 2005 Plan		
	Yrs 1-4	Yrs 5-8	B-out	Yrs 1-4	Yrs 5-8	B-out
Single-Family Units	180	111	0	157	111	0
Multi-Family Units	116	48	0	121	54	0
Total Residential Units	296	159	0	278	165	0
Annual Units Occupied	226	210	19	211	213	19
Cumulative Units Occupied	226	436	455	211	424	443
Incremental Residential Population	517	481	46	481	485	46
Cumulative Residential Population	517	997	1,043	481	965	1,011
Cumulative School-aged Children	87	169	178	80	160	169
Commercial Square Footage	0	0	0	8,000	0	0
Construction Investment (\$millions)						
Residential	\$110.6	\$62.9	\$0.0	\$104.2	\$64.9	\$0.0
Commercial	0.0	0.0	0.0	0.837	0.0	0.0
Total Construction Investment	110.6	62.9	0.0	105.0	64.9	0.0
Cumulative Construction Investment	\$110.6	\$173.5	\$173.5	105.0	169.9	169.9
Construction Materials & Supplies (\$millions)						
Annual Total	\$55.3	\$31.5	\$0.0	\$52.5	\$32.4	\$0.0
Purchases in James City County	5.5	3.1	0.0	5.3	3.2	0.0
Construction Payroll	\$44.2	\$25.2	\$0.0	\$42.0	\$25.9	\$0.0

Local government revenues generated by this development are shown in Table 3. Due to the adjustments previously described including the increase in multi-family proffer amount to the development plan, revenues have decreased by approximately \$382,000 in Years 1-8. At buildout and beyond, total revenues are expected to be reduced by about \$37,000.

Table 3
Fiscal Revenues for James City County (\$000's)

Property Tax Revenues	April 2005 Plan			June 2005 Plan		
	Yrs 1-4	Yrs 5-8	B-out	Yrs 1-4	Yrs 5-8	B-out
Real Property Taxes	\$2.422	\$5.278	\$1.478	\$2.306	\$5.152	\$1.447
Personal Property Taxes	393	1,285	394	373	1,243	0.385
Proffers	1.473	831	0	1.366	858	0.0
Meals Tax	27	88	27	25	85	26
Retail Sales Tax	85	277	85	114	302	91
BPOL Taxes	194	156	17	198	171	20
Building Permits, Water & Sewer, etc.	256	140	0	240	143	0
Recordation	385	239	18	264	243	17
Miscellaneous Revenues	243	621	180	229	597	174
Total Annual Revenues	\$5.478	\$8.914	\$2.199	\$5.215	\$8.794	\$2.162

Table 4 reflects the changes in county expenditures as a result of the changes to the development plan for The Villages. During Years 1 through 8, the development will incur approximately \$10.8 million in expenditures, a reduction of about \$715,000 from the previous plan. At buildout, expenditures are expected to be almost \$119,000 less than the April plan.

Table 4
Local Government Expenditures (000's)

Expenditure Component	April 2005 Plan			June 2005 Plan		
	Yrs 1-4	Yrs 5-8	B-out	Yrs 1-4	Yrs 5-8	B-out
General Government & Administration	\$138	439	\$134	\$129	\$420	\$130
Health & Welfare	69	224	69	64	215	67
Statutory, Unclassified	104	277	81	99	267	79
Recreation & Culture	165	515	157	154	493	152
Public Safety	387	1,042	306	364	1,002	297
Public Works	186	587	179	174	562	174
Capital Improvements (Non-School)	76	202	59	72	195	58
Capital Improvements Schools	194	620	194	178	578	184
Education – Operating Costs	1,507	4,819	1,511	1,380	4,492	1,432
Total Annual Expenditures	\$2.826	\$8.724	\$2.691	\$2.613	\$8.223	\$2.573

The net fiscal impact for the previous development plan and the current plan are shown in Table 5. For Years 1-4, the net fiscal impact to the county will be reduced by about \$49,000. During Years 5-8, a significant increase in net fiscal impact of \$381,000 is expected. At buildout and beyond, the net loss to the county should decrease by approximately \$81,000 as shown below. The net present value of this development (discounted at 5%) escalates by nearly \$286,000.

Table 5
Net Fiscal Impact of The Villages at Whitehall (\$000's)

Development Component	April 2005 Plan			June 2005 Plan		
	Yrs 1-4	Yrs 5-8	B-out	Yrs 1-4	Yrs 5-8	B-out
Total Annual Government Revenues	\$5.478	\$8.914	\$2.199	\$5.215	\$8.794	\$2.162
Total Annual Gov. Expenditures	2.826	8.724	2.691	2.613	8.223	2.573
Net Fiscal Impact	\$2.652	\$190	(\$492)	\$2.603	\$571	(\$411)
Net Present Value of Cash Flows	\$2.229			\$2.515		

THE VILLAGES AT WHITEHALL

LAGRANGE VILLAGE

PROFFERS

THESE PROFFERS are made this 1 day of ~~June~~ *July*, 2005 by ROBERT W. COWAN, individually, ROBERT W. COWAN and JUDY G. COWAN, husband and wife (together with their successors in title and assigns, the "Owners"); and RAUCH DEVELOPMENT COMPANY, LLC, a Virginia limited liability company ("Buyer").

RECITALS

A. Owners are the owners of four tracts or parcels of land located in James City County, Virginia, with addresses of 8716 Barhamsville Road, 8724 Barhamsville Road, 8720 Barhamsville Road, and 3225 Old Stage Road, Toano, Virginia, respectively, and being Tax Parcels 1210300002, 1210300001, 1210100021 and 1220100021, respectively, containing a total of approximately 22.95 acres, being more particularly described on Schedule A hereto (the "Property").

B. Buyer has contracted to purchase the Property.

C. The Property is now zoned A-1. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

D. Buyer, with the consent of the Owners, has applied to rezone the Property from A-1 to R-2, with proffers, and for a special use permit for a residential cluster with a density in excess of three units an acre.

E. Buyer has submitted to the County a master plan entitled "Master Plan, The Villages at Whitehall for Rauch Development, LLC" prepared by AES Consulting Engineers dated February 22, 2005, last revised June 24, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance

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

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 79 single family attached dwelling units on the Property. The Property shall be developed as a part of The Villages at Whitehall, Hickory Neck, Rochambeau and Taskinas

Villages development with a single master property owners association for all villages as provided in Condition 2.

2. **Owners Association.** There shall be organized a master owner's association for the Villages at Whitehall development (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized a separate owner's associations for LaGrange Village in which all owners in the Village, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying

violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

3. Water Conservation. (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection or, with the approval of the General Manager of the James City Service Authority ("JCSA"), from a shallow (less than 100 feet) well and shall not use James City Service Authority water for irrigation purposes.

4. Cash Contributions for Community Impacts. (a) A contribution of \$796.00 for each dwelling unit on the Property

shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$67.50 for each dwelling unit on the Property shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds to defray the costs of JCSA Lift Station 9-7 or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$750.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, off-site road improvements, library uses, and public use sites.

(d) A contribution of \$1,750.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(e) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit unless the County adopts a written policy or ordinance calling for payment of cash proffers at a later date in the development process.

(f) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (d) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the

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

5. Entrances; Traffic Improvements. (a) At the entrance from Route 30 into the Property as shown on the Master Plan, a 150 foot right turn taper and a channelized island shall be constructed. The entrance shall be designed to accommodate a shoulder bike lane within the existing public right of way across the Route 30 frontage of the Property.

(b) The turn taper and island proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed or their completion bonded in form satisfactory to the County Attorney

prior to the issuance of the first building permit for the Property.

c. The Owner shall submit an updated traffic impact study to the Director of Planning and VDOT for their review and approval prior to the time of the issuance of building permits for 75% of the total number of dwelling units permitted on the Property under the Master Plan, unless the Director of Planning and VDOT waive such requirement. The updated traffic study shall include actual traffic counts from the developed portions of the Property and utilize ITE trip generation figures for undeveloped portions of the Property and shall account for all other traffic utilizing the entrance road into the Property and shall determine whether a full right turn lane at the main entrance to the Property is warranted. If the approved updated study determines such a turn lane is warranted, the County shall not be obligated to issue any further building permits for further development on the Property until such turn lane has been installed or its installation commenced and surety for its completion in form acceptable to the County Attorney has been posted with the County.

6. **Route 30 Community Character Buffer.** There shall be a 150 foot buffer along the Route 30 frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units and shall be undisturbed, except

landscaping and berms installed pursuant to a landscaping plan approved by the Director of Planning, for the entrance, turn lanes/tapers as shown generally on the Master Plan, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, for utilities, lighting, entrance features and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

7. Perimeter Buffer. In the areas of the perimeter buffer and in the open space immediately adjacent thereto indicated on the Master Plan (excluding the 150 foot buffer proffered in Condition 6) and around the stormwater BMP pond shown on the Master Plan, the area shall be planted as set forth herein to provide a visual screen between the Rochambeau Drive and Route 30 and the Village through a reforestation plan. This plan may include some earth moving and berming and shall include a seeding and planting plan as recommended by the State of Virginia's Department of Forestry and approved by the Director of Planning. The planting mix shall include at least two types of evergreen trees and a variety of deciduous trees including Oak, Maple and Gum as well as native understory trees including Redbud and Dogwood. The planting shall achieve an effective visual screen (6'-8' height of plantings and berming) within six years from time of installation. In addition to the planted open space and

perimeter buffer and the properties to the south, a 20 foot wide by 300 foot long strip located south of the line of street trees shall be planted in accordance with landscape ordinance requirements, with an emphasis on evergreen trees and shrubs to further screen the Village from direct view from Route 30. The planted area shall be left undisturbed to reforest with the exception of a more groomed landscape at the Village entrance. ~~The area shall be planted or the planting bonded prior to the~~ County being obligated to issue certificates of occupancy for dwelling units in LaGrange Village.

8. Mixed Costs Housing Units. (a) At least 26 residential dwelling units on the Property shall be reserved and offered for sale at a price of \$185,000.00, subject to adjustment as provided below. The maximum price set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2005 until January 1 of the ~~year in question. The annual increase shall not exceed five~~ percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified

buyers from the James City County Office of Housing and Community Development.

9. **Pedestrian Connections to Adjacent Properties.** Owner shall provide pedestrian connections between the Property and the adjacent properties generally as shown on the Master Plan, with the plans, location and materials for such connections subject to review and approval by the Director of Planning and with such connections to be shown on the development plans for the Property. The connections shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any buildings on the Property.

10. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i) installed within six months of the issuance of a certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of a certificate of occupancy for any residential units in adjacent structures.

11. **Archaeology.** A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the

supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

12. Design Guidelines and Review. Owner shall prepare and submit design review guidelines to the County setting forth design and architectural standards for the development of the Property attempting to capture the architectural character of the Toano area and generally consistent with the architectural styles embodied in "Villages at Whitehall, Supplemental Community Information" prepared by AES Consulting Engineers submitted as a part of the rezoning application and incorporating appropriate and suitable sustainable building practices as recommended in the Sustainable Building Sourcebook of the City of Austin for the approval of the Development Review Committee prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the Guidelines may not be amended without the approval of the Development Review Committee. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans.

13. **Sidewalks.** There shall be sidewalks installed on both sides of each of the public streets, if any, on the Property and may be installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of certificates of occupancy for adjacent dwelling units.

14. **Curb and Gutter.** Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

15. **Master Stormwater Management Plan.** Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP pond, and where appropriate and feasible, low impact design techniques and, if not already remedied, providing for a remedy approved by the Environmental Division and the U.S. Army Corps of Engineers for the existing wetlands violation on Tax Parcel 1210100021 within the Property as detailed in the letter from the U.S. Army Corps of Engineers dated April 22, 2005, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final

development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

16. **Private Streets.** All private streets on the Property shall conform to VDOT construction standards. Private streets shall be maintained by the Association or a neighborhood association. The party responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

17. **Reserved Right of Way.** Owner shall reserve the area 50 feet in width shown on the Master Plan as "Future Connections to Adjacent Property" for a possible future road connection to the adjacent parcels to the south and west of the Property. Owner shall have no responsibility to construct a connecting road in

this area and shall not be obligated to permit the owners of the adjacent parcels to construct a road in such area unless and until Owner and the owner of the adjacent parcels have entered into an agreement providing for the equitable sharing of the cost of maintenance of such road and the main entrance road into the Property, agreed upon a restriction limiting the use by the adjacent parcel of such roads to cars and light duty trucks and obligating the owner of the adjacent parcel to pay for any required road or traffic signal improvements warranted by the additional traffic from the adjacent parcels.

18. Recreation. (a) The following recreational facilities shall be provided: (i) approximately 2.99 acres of parkland; (ii) one playground (tot lot), with four to six activities; (iii) one paved tetherball court and (iv) approximately 1,800 feet of trails/paths. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

(c) There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan or in lieu of such additional facilities Owner shall make cash contributions to the County in amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being

determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(e)) or some combination thereof. All cash contributions proffered by this Condition 18 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

19. **Route 30 Median Landscaping.** Owner, subject to the approval of VDOT, shall install landscaping in the Route 30 median along the Route 30 frontage to LaGrange Village. This landscaping shall be designed to compliment the adjacent buffer landscaping and shall include trees, shrubs and groundcovers in accordance with a plan submitted to and approved by the Director of Planning. The median will be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units in LaGrange Village.

WITNESS the following signatures.

R. W. Cowan
Robert W. Cowan

Judy G. Cowan
Judy G. Cowan

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF JAMES CITY, to-wit:
COUNTY

The foregoing instrument was acknowledged this 1st
day of July, 2005, by Robert W. Cowan.

Van M. Diddy IV
NOTARY PUBLIC

My commission expires: 12/31/09

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this 1st
day of July, 2005, by Judy G. Cowan.

Van M. Diddy IV
NOTARY PUBLIC

My commission expires: 12/31/09

Rauch Development Company, LLC

By: _____
Title: _____

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____, as _____
_____ of Rauch Development Company, LLC on behalf of
the company.

NOTARY PUBLIC

My commission expires: _____

Exhibit A
Property Description

THE VILLAGES AT WHITEHALL
HICKORY NECK, ROCHAMBEAU AND TASKINAS VILLAGES

PROFFERS

THESE PROFFERS are made this 1 day of ~~June~~ *July*, 2005 by HAZELWOOD-WAVERLY, L.L.C., a Virginia limited liability company ("HW"); R. M. HAZELWOOD, JR., TRUSTEE OF THE NETTIE A. HAZELWOOD REVOCABLE TRUST DATED MAY 4, 2003 ("Hazelwood"); DAVID JOHNSON and CINDY JOHNSON, husband and wife ("Johnsons") (together with their successors in title and assigns, the "Owners"); and RAUCH DEVELOPMENT COMPANY, LLC, a Virginia limited liability company ("Buyer").

RECITALS

A. HW is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 3400 Rochambeau Drive, Toano, Virginia, and being Tax Parcel 1220100014, containing approximately 83.07 acres, being more particularly described on Schedule A hereto (the "HW Property").

B. Hazelwood is the owner of two tracts or parcels of land located in James City County, Virginia, with addresses of 3610 Rochambeau Drive and 3611 Rochambeau Drive, Toano, Virginia, respectively, and being Tax Parcels 1220100022 and 1220100024, respectively, containing a total of approximately 19.99 acres, being more particularly described on Schedule A hereto (the "Hazelwood Property").

C. Johnsons are the owners of two tracts or parcels of land located in James City County, Virginia, with an address of 3850 Richmond Road, Toano, Virginia, and being Tax Parcel 1220100018, containing approximately 4.69 acres, and with an address of 3505 Rochambeau Drive, Toano, Virginia, and being Tax Parcel 1220100019, containing approximately 23.20 acres, both being more particularly described on Schedule A hereto (the "Johnson Property").

D. The HW Property, the Hazelwood Property, and the Johnson Property are sometimes herein collectively referred to as the "Property."

E. Buyer has contracted to purchase the Property.

F. The Johnson Property is now zoned A-1. The HW Property and the Hazelwood Property is now zoned B-1. All of the Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

G. Buyer, with the consent of the Owners, has applied to rezone a portion of the Property from A-1 and B-1 to R-2, with proffers, and a portion of the Property from A-1 and B-1 to R-5, with proffers, a portion of the Property from B-1 and to B-1, with proffers, and for a special use permit for a residential cluster with a density in excess of three units an acre.

H. Buyer has submitted to the County a master plan entitled "Master Plan, The Villages at Whitehall for Rauch Development, LLC" prepared by AES Consulting Engineers dated February 22,

2005, last revised June 24, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

I. Buyer and Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2 and R-5.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 443 single family attached and detached dwelling units on the Property. The Property shall be developed in conjunction with The Villages at Whitehall, LaGrange Village, development with a single master property owners association for all villages as provided in Condition 2.

2. **Owners Association.** There shall be organized a master owner's association for the Villages at Whitehall development

(the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized separate owner's associations for individual Villages or neighborhoods within Villages in which all owners in the Village or neighborhood, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement

allocating responsibility for maintenance and expenses for common areas described above between the Associations.

3. Water Conservation. (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection from the two surface water ponds that are shown on the Master Plan and shall not use James City Service Authority ("JCSA") water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a

waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

4. Cash Contributions for Community Impacts. (a) A contribution of \$1,061.00 for each detached dwelling unit on the Property and of \$796.00 for each attached dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$67.50 for each dwelling unit on the Property shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds to defray the costs of JCSA Lift Stations 9-7 and 9-5 or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$1,250.00 for each detached dwelling unit on the Property and of \$750.00 for each attached dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and

operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, off-site road improvements, library uses, and public use sites.

(d) A contribution of \$3,750.00 for each detached dwelling unit on the Property and of \$1,875.00 for each attached dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(e) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit unless the County adopts a written policy or ordinance calling for payment of cash proffers at a later date in the development process.

(f) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared

and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (d) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. Entrances; Traffic Improvements. (a) At the entrance from Route 60 into Area 6 of the Property as shown on the Master Plan, a north bound 150 foot right turn taper and a south bound

200 foot left turn lane and 200 foot left turn taper shall be constructed.

(b) At the western entrance from Route 30 into Area 6 and Area 3 of the Property as shown on the Master Plan, an east bound 150 foot right turn taper a west bound 200 foot left turn lane and 200 foot left turn taper, a west bound 150 foot right turn taper and an east bound 200 foot left turn lane and 200 foot left turn taper shall be constructed.

(c) At the eastern entrance from Route 30 into Area 6 of the Property as shown on the Master Plan, a east bound 150 foot right turn taper and a west bound 200 foot left turn lane and 200 foot left turn taper shall be constructed.

(d) At the entrance from Route 30 into Area 4 of the Property as shown on the Master Plan, a west bound 150 foot right turn taper shall be constructed.

(e) The turn lanes and tapers proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed or their completion bonded in form satisfactory to the County Attorney prior to the issuance of the building permit for the Master Plan Area served thereby.

(f) The Owner shall submit an updated traffic impact study to the Director of Planning and VDOT for their review and approval prior to the time of the issuance of building permits for 75% of the total number of dwelling units permitted on the

Property under the Master Plan, unless the Director of Planning and VDOT waive such requirement. The updated traffic study shall include actual traffic counts from the developed portions of the Property and utilize ITE trip generation figures for undeveloped portions of the Property and shall account for all other traffic utilizing the entrance road into the Property and shall determine whether a full right turn lane at the entrances to the Property are warranted. If the approved updated study determines such a turn lane is warranted, the County shall not be obligated to issue any further building permits for further development on the Property until such turn lane has been installed or surety for its completion in form acceptable to the County Attorney has been posted with the County.

6. **Route 60 Community Character Buffer.** (a) There shall be a variable width buffer along the Route 60 frontage of the Property to provide screening between the Village of Hickory Neck and Route 60 and an appropriate foreground to historic Hickory Neck Church. Owner shall submit a landscape plan for this buffer for review and approval by the Development Review Committee. This landscape plan may include a landscaped farm pond also serving as a stormwater BMP as shown on the Master Plan and shall contain trees, shrubs, groundcovers and/or grasses, fencing and berming to retain and/or create a sense of open farmland or pasture while screening the Village from the direct view of

vehicles traveling on Route 60. The buffer shall be graded to create a gentle slope from Route 60 to a low landscaped berm located behind the lots adjacent to the buffer. The buffer provided shall measure a minimum of 200 feet deep and shall have an average depth of at least 306 feet deep across the entire Village frontage. The buffer shall be exclusive of any lots or units. Agricultural activities such as planting and harvesting crops and grazing livestock shall be permitted in the buffer. The entrances, turn lanes/tapers and stormwater management facilities as shown generally on the Master Plan, the trails, sidewalks and bike lanes as shown generally on the Master Plan, utilities, lighting, entrance features and signs may be located in the buffer with the approval of the Development Review Committee. Dead, diseased and dying trees or shrubbery, and invasive or poisonous plants may be removed from the buffer area. If a stormwater BMP pond is located within the buffer area, it shall be designed and constructed in accordance with a plan submitted to and approved by the Director of Planning to resemble a farm pond, using techniques such as less steep slopes, landscaping typical to a farm pond and berms. The buffer will be planted in accordance with the approved buffer landscape plan or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units in Hickory Neck Village.

(b) All billboards now located within the buffer shall be removed before the County is obligated to issue certificates of occupancy for dwelling units on the Property.

7. **Route 60 Median Landscaping.** Owner, subject to the approval of VDOT, shall install landscaping in the Route 60 median along the Route 60 frontage to Hickory Neck Village. This landscaping shall be designed to compliment the Hickory Neck Village Community Character Corridor buffer landscaping and shall include trees, shrubs and groundcovers in accordance with a plan submitted to and approved by the Director of Planning. The median will be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units in Hickory Neck Village.

8. **Rochambeau Road Buffers.** (a) Along the Rochambeau Road frontage of Rochambeau Village, the 75 foot buffer shall be planted as set forth herein to provide a visual screen between the road and the Village through a reforestation plan. This plan may include some earth moving and berming and shall include a seeding and planting plan as recommended by the State of Virginia's Department of Forestry and approved by the Director of Planning. The planting mix shall include at least two types of evergreen trees and a variety of deciduous trees including Oak, Maple and Gum as well as native understory trees including Redbud and Dogwood. The buffer will achieve an effective visual screen

(6'-8' height of plantings and berming) within six years from time of installation. The buffer will be left undisturbed to reforest with the exception of a more groomed landscape at the Village entrances. The buffer will be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units in Rochambeau Village.

(b) Along the Rochambeau Drive frontage to Hickory Neck Village, landscaping shall be provided within the 75' buffer to enhance the look of a forested edge to that Village in accordance with a landscaping plan approved by the Director of Planning. The buffer will be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located within 500 feet of Rochambeau Drive in Hickory Neck Village.

(c) Along the Rochambeau Drive frontage to Taskinas Village, landscaping shall be provided within the 75' buffer to enhance the look of a forested edge to that Village. Because townhome units will be visible through this buffer, for units adjacent to the buffer front facades shall be presented to Rochambeau Drive in accordance with a landscaping plan approved by the Director of Planning. The buffer will be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located in Taskinas Village.

9. **Pedestrian Connections to Adjacent Properties.** Owner shall provide pedestrian connections between the Property and the adjacent properties generally as shown on the Master Plan, with the plans, location and materials for such connections subject to review and approval by the Director of Planning and with such connections to be shown on the development plans for the Property. The connections shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any buildings in the Village containing such connections.

10. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i) installed within six months of the issuance of a certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of a certificate of occupancy for any residential units in adjacent structures.

11. **Recreation.** (a) Owner shall preserve the Waverly Farm farmhouse pursuant to a preservation plan approved by the

Director of Planning and may utilize it as a clubhouse/community facility. Owner reserves the right to relocate the farmhouse to a different location on the Property with the prior approval of the Development Review Committee.

(b) The following recreational facilities shall be provided: (i) approximately 12.48 acres of parkland, including 7.41 acres shown as recreation area on the Master Plan; (ii) two play areas (tot lots) with playground equipment for four to six activities; (iii) two to four tennis and/or multi-use courts; (iv) approximately 2.03 miles of trails/paths; (v) a 25 meter swimming pool with pool house. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee. All recreational facilities shall be open to owners in LaGrange Village.

(c) There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan or in lieu of such additional facilities Owner shall make cash contributions to the County in amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(e)) or some

combination thereof. All cash contributions proffered by this Proffer 18 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

12. **Archaeology.** A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I,

Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

13. Design Guidelines and Review. Owner shall prepare and submit design review guidelines to the County setting forth design and architectural standards for the development of the Property attempting to capture the architectural character of the Toano area and generally consistent with the architectural styles embodied in "Villages at Whitehall, Supplemental Community Information" prepared by AES Consulting Engineers submitted as a part of the rezoning application and incorporating appropriate and suitable sustainable building practices as recommended in the Sustainable Building Sourcebook of the City of Austin for the approval of the Development Review Committee prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the

Guidelines may not be amended without the approval of the Development Review Committee. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans.

14. **Hickory Neck Church.** Owner shall design the stormwater BMPs and system on the Property to serve the proposed expansion of Hickory Neck Church and shall grant the Church the necessary easements to drain into such system.

15. **Stonehouse Elementary School/Williamsburg Christian Academy/Christian Fellowship Church.** Owner shall design the stormwater BMPs and system on the Property to serve the Stonehouse Elementary School and any potential expansion thereof and Christian Fellowship Church and shall grant the School and the Church the necessary easements to drain into such system. Owner shall extend gravity sewer to the Property from Lift Station 9-5 with a size approved by JCSA to serve Stonehouse Elementary School, Williamsburg Christian Academy and Christian Fellowship Church and shall grant the School and the Church the necessary easements to utilize such sewer line. Owner shall extend the pedestrian access from the pedestrian system on the Property to the Christian Fellowship Church.

16. **Sidewalks.** There shall be sidewalks installed on both sides of each of the public streets on the Property and may be

installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of certificates of occupancy for adjacent dwelling units. Owner shall either (i) install sidewalks along the Route 60 and Rochambeau Road frontage of the Property or (ii) in lieu thereof, construct a hard surface multi-use trail along such road frontages with connections to the internal trail system on the Property or (iii) in lieu thereof, make a payment to the County for sidewalk improvements included in the County's capital improvements plan in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalks.

17. Commercial Uses. In the portion of the Property rezoned to B-1, with proffers, the following uses, otherwise permitted by right, shall not be permitted:

- automobile service stations;
- hotels, motels, tourist homes and convention centers;
- indoor sports facilities
- indoor theaters
- radio and television stations and accessory antenna or towers or tower mounted wireless communication facilities, which are 60 feet or less in height;
- fast food restaurants; and
- wholesale and warehousing.

18. Curb and Gutter. Streets (but not the private alleys) within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

19. **Master Stormwater Management Plan.** Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, and where appropriate and feasible, low impact design techniques for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

20. **Private Streets.** All private streets on the Property shall conform to VDOT construction standards. Private streets shall be maintained by the Association or a neighborhood association. The party responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County shall be provided

evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

21. **Reserved Right of Way.** Owner shall reserve the area 50 feet in width shown on the Master Plan as "Future Connections to Adjacent Property" for a possible future road connection to the adjacent parcels to the south and west of the Property. Owner shall have no responsibility to construct a connecting road in this area and shall not be obligated to permit the owners of the adjacent parcels to construct a road in such area unless and until Owner and the owner of the adjacent parcels have entered into an agreement providing for the equitable sharing of the cost of maintenance of such road and the main entrance road into the Property, agreed upon a restriction limiting the use by the adjacent parcel of such roads to cars and light duty trucks and obligating the owner of the adjacent parcel to pay for any required road or traffic signal improvements warranted by the additional traffic from the adjacent parcels.

WITNESS the following signatures.

Hazelwood-Waverly, L.L.C.

By: R. M. Hazelwood Jr. *Manager*
R. M. Hazelwood *Trustee*
R. M. Hazelwood, Jr, Trustee

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

The foregoing instrument was acknowledged this 1st
day of July, 2005, by R. M. Hazelwood, as Manager
Manager of Hazelwood-Waverly, L.L.C. on behalf of the company.

V. M. Sedberry
NOTARY PUBLIC

My commission expires: 12/31/09.

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

The foregoing instrument was acknowledged this 1st
day of July, 2005, by R. M. Hazelwood, Jr., as Trustee
of the Nettie A. Hazelwood Revocable Trust dated May 4, 2003.

V. M. Sedberry
NOTARY PUBLIC

My commission expires: 12/31/09.



David Johnson

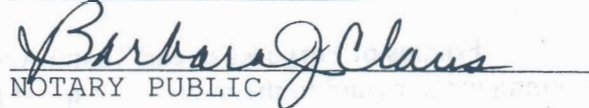


Cindy Johnson

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 1
day of July, 2005, by David Johnson.

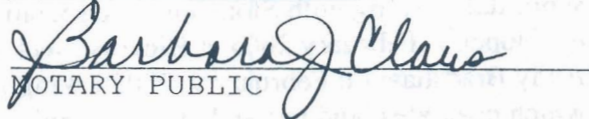

NOTARY PUBLIC

My commission expires: 1/31/07.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 1
day of July, 2005, by Cindy Johnson.


NOTARY PUBLIC

My commission expires: 1/31/07.

PO Box 493
Toano, VA 23168
July 1, 2005

Chairman
James City County Planning Commission
c/o Planning Division, James City County
Williamsburg, VA 23187

Dear Sir:

Friends of Forge Road and Toano Association (FORT) is providing you with comments in regard to the re-zoning request for the Villages at Whitehall. We are also providing a letter signed by the James City county Board of Agriculture also expressing their concern about preservation of rural lands in Stonehouse.

Friends of Forge Road is a group of concerned neighbors and users of the road, who are joined in the common goal of protecting, preserving, and enhancing the tranquil beauty and peaceful character of our rural byway, the village of Toano, and adjacent neighborhoods within this area.

We have spent significant time in reviewing the various components of the project submittal. Along with Stonehouse Association, we co-hosted a meeting with the developer in February 2005 at Hickory Neck Church. Additionally, we sent a letter to Andy Bradshaw on February 9, 2005 asking for support of an area study for Toano, which evaluates land use and other planning components to be used in guiding development.

We have also attended a meeting with John Horne and his staff on May 17, 2005 about our continued concerns about the amount of new projects being considered and approved in the Stonehouse District and their impacts on county finances, water, education and traffic. Our enclosed package provides recommendations about changes in the concept for Villages at Whitehall. FORT is not against growth but we are concerned that the cumulative impacts of all of these projects in Stonehouse are not well understood.

We appreciate your review of our submittal and would be pleased to discuss this further with you and other members of the Planning Commission.

Yours truly,



Linda Rice
President, FORT

Attachments (2)

February 21, 2005

To the James City County Board of Supervisors:

The James City Board of Agriculture supports identifying alternatives to large scale residential development in upper James City County. These alternatives may include the creating of a rural economic development plan to promote such rural businesses as a wholesale nursery for shrubs and trees, specialty fruit and vegetable production, crop demonstration sites, Christmas tree farms, horse farms, and vineyards. Such a plan may also consider benefits to rural lands such as rural tourism, and businesses supporting agricultural production.

Agricultural use will result in less need for expansion of State and County services for such things as schools, road improvements and emergency response and thereby, minimizing increases in user fees and possibly taxes. Additionally, we advocate for greater funding for the Purchase of Development Rights Program, which would help preserve rural land by conservation easement while allowing families to have the land still cultivated.

Agriculture is still big business for Virginia - accounting for more than a quarter of a million jobs for Virginians. With this in mind, James City needs to act now to preserve its dwindling rural lands.

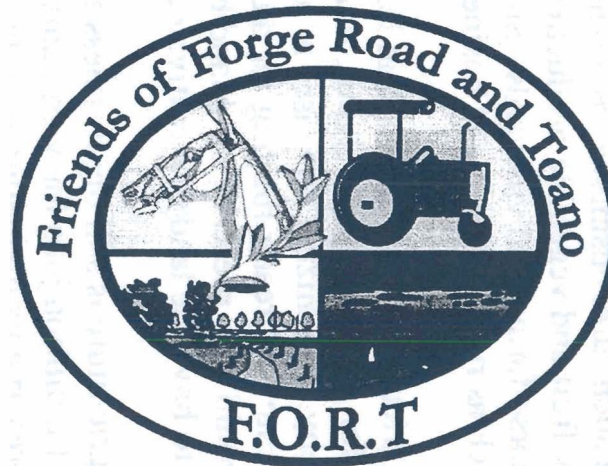
Respectfully,



Dr. H. Jackson Darst
Secretary
James City Board of Agriculture

Presentation to Planning Commission

Villages at Whitehall



Overview

- Background
- Concerns
 - Cumulative Impacts
 - Financial, Education, Traffic, Water, Rural Character, Sense of Community, Emergency Services
- Recommendations for Villages
- Other Recommendations

Growth and James City County

The citizens have not stopped growth:

- JCC ranks among the 10 fastest growing communities in VA
- JCC 2002 Development Potential Analysis – **13,060-13,790** dwelling units can be built w/in PSA with existing zoning approvals
- Adding unzoned residential property to the above increases this to **19,290-20,475**
 - **Compare this to 20,772 dwelling units in all of JCC according to the most recent census-this is a 100 per cent increase with no additional approvals.**

We Need To Think About The Cumulative Impacts

- Recently approved projects in the Stonehouse District:
 - Michelle Point (90 Single family homes + 20 townhouses)
 - Colonial Heritage(2000 units)
 - Norge Neighborhood(80 Condos + 15,000sf commercial/office space)
 - Stonehouse Station (104 apartments)

What Do Citizens Want?

- Results of 2001 JCC Citizen's Survey*
 - 80% of respondents agreed there should be restrictions in the amount of land sold for residential and commercial development.
 - 78% agreed that land development in the County is happening too quickly
 - 74% agreed that it is more important to preserve farmland than to have more development
 - A majority of citizens surveyed also thought that developers should always be required to pay a fee to offset public costs

* Conducted as part of the 2003 Comprehensive Plan Update

What Do Citizens Want?

- 2003 November Community Conversations*
 - Citizens suggested that growth should be managed in a smarter, more creative way that takes into account the existing character and resources of the community

* Conducted as part of the 2003 Comprehensive Plan Update

Why All of Us Should Be Concerned

Cumulative Impacts of 534* units (1209 residents) at build out will affect:

- Finances, traffic, schools, water quality and quantity, loss of rural character, and a sense of community identity
- Additionally, consider convergence of New Kent County and JCC development, especially in Barhamsville and Lanexa areas

We must take a regional view of the impacts of neighboring County comprehensive plans

* FORT used numbers provided in 25 Apr 2005 concept plan

Financial Concerns

- Villages provide \$2.5M in net new revenues
- JCC will absorb \$3.0M in costs at build out(costs include education, police, fire)
- **Once developed, the Villages will cost JCC \$525K per year in services**
- **Developer will offset costs w/proffers totaling \$2.6M. BUT, this will only offset County cost for 4.8 yrs beyond buildout.**

Traffic

- Traffic studies focus on major intersections-our concern is the cumulative impact on secondary roads and neighborhoods.
- Whitehall will contribute to traffic congestion as 520 or more cars travel onto Rt 60 and eventually I-64.
 - Without additional State revenue sources during the next decade, most interstate corridors will have segments operating at speeds of 25mph or below during peak (Source: Hampton Roads Planning District Commission 2004)
- American highway Users Alliance projected I-64 in Tidewater region to be the second most congested roadway in the nation for travelers this past July 4th

Education

- For 2005-6 school year, the W-JCC schools request an operating budget of \$92.3M, requiring \$60M from JCC
 - CAPITAL PLAN IS ALMOST \$98M OVER 5 YEARS
- New High School in 2007 will be near optional enrollment when it opens
- Using trailers as additional classroom space:
 - Disrupts the learning experience for students
 - Prevents teachers from having dedicated classroom space

Water

- JCC relies on ground water from 4 aquifers to supply PSA and wells.
 - Consumption pressures on Chickahominy-Piney Point results in JCC having to extract water from another aquifer and to build treatment facilities
 - Five Forks facility cost \$20M (\$15M from bonds; \$5M from JCSA)
- 534 units of Villages at Whitehall will use approximately 33,088,162 gal per year
- At least 6,000 private wells (irrigation and drinking water) in JCC
 - Problem: Development will continue to increase the amount of draw down in aquifers in JCC, thereby affecting quantity and quality

Note: JCSA estimates 75 gal per person per day. Single family households average 2.4 persons and multi family households average 2.1. $2.4 \times 75 \times 365 \times 291 = 19,118,700$ & $2.1 \times 75 \times 365 \times 243 = 13,969,462$ projected gal used per year by this development.

Loss of Rural Character

- Designation of Route 60 as a Community Character Corridor and a main gateway to the important places in the County and nation's history
 - Current plan does not provide for open space which could be useable for agricultural operations
 - “Community Character Corridors – deserve a high level of protection”, Source: 2003 JCC Comprehensive Plan

Sense of Community

- Need a better pedestrian connection to the “Village of Toano” and Stonehouse Elementary
 - Lack of sidewalk connection will isolate the new development
 - Encourage a regional/neighborhood perspective
- Recognition of the historic significance of this area : Hickory Neck Church (National Register), Olive Branch Christian Church, Mount Vernon Methodist Church, Waverly, Toano Woman’s Club, Old Toano Business District, 18th and 19th Century Farmhouses of Forge Road

Emergency Services

- Villages of Whitehall by itself may not have an impact but the cumulative effects of all of the development in Stonehouse will likely require a new Fire Station in the next 5 years
 - Trigger for new station: If response time exceeds 6 minutes from any JCC station or mutual aid and 350 calls per year will occur

Recommendations for Villages

Do **not** approve the re-zoning until the following issues are addressed:

1. **Financial:** Identify how the County will fund over \$525K per year once build out occurs.
 - **Developer will offset costs w/proffers totaling \$2.6M. BUT, this will only offset County cost for 4.8 yrs beyond build out.**

Recommendations for Villages

2. Education: Extend the build out in order to allow school facilities to be constructed which will accommodate new students not only from Villages but other developments.

- This development by itself adds 194 students but the cumulative impacts with other developments must be considered.

- The 2004 – 2005 school year showed an actual growth rate of 4.93% - the highest one year increase in the history of the school division.

Recommendations for Villages

3. **Open space:** Provide more open space.
 - The Three Villages provides 46% open space (75 acres) for the overall property. **However, this number is deceiving.**
 - Approximately, 20 acres of this total includes non-developable land. This results in only about 55 acres of “open” land which is **less than at least two thirds open space recommended in Comprehensive Plan.**
 - Clusters have large open vistas. This plan does not.

Recommendations for Villages

- 4. Connectivity:** Establish a pedestrian crossing(bridge) between Rochambeau, Taskinas, and Hickory Neck and La Grange. Pedestrian paths are also needed between Villages and the adjacent schools. Such items would enhance child safety.
- Community pool and recreation center are not accessible to children from LaGrange or Rochambeau and parking spaces are limited.

Recommendations for Villages

5. **Buffers:** Increase buffer width along Rt 60 to allow for sidewalks and/or bikeways along the proposed buffer on Rt 60. Eventually this could connect to a sidewalk/bikeway system to Toano.
 - Latest plan revision shows a minimum buffer of 203 feet. This is small when compared to the acres of open land we currently see.

Recommendations for Villages

- 6. Conservation Easements:** Require the developer to place all open space in a conservation easement or the equivalent to ensure the land will remain undeveloped (JCC Comp Plan, p.136).
- 7. Proffers for Wells:** Require developer to provide proffers to offset cost to citizens for the deepening of private wells which will likely be affected by draw down in aquifers from development.

Recommendations for Villages

- 8. Other - Green Building Principles:** Require developer to specify **which** green building principles they will use in Three Villages and LaGrange. For example, energy efficient appliances, water efficient landscaping, shading of parking lots to reduce heat islands, etc.

NOTE: Arlington County has adopted the guidelines for office and multi-family residential projects and offer builder incentives for use of these guidelines.

Other Recommendations

1. **Require proffers for PDR program when rural lands (A-1) are developed.**
 - Exchange of acres developed for monies to be used for acquisition of rural lands
2. **Support the preparation of a set of primary principles to guide the development of Toano/Anderson Corner's Area (similar to Five Forks Study, dated September 13, 2004).**
3. **Impose a moratorium on rural land development in non-PSA areas until the completion of the Rural Lands Study (this would not apply to by-right development).**

MEMORANDUM

Date: July 11, 2005

To: The Planning Commission

From: Ellen Cook, Planner

Subject: Case No. ZO-4-05. Wireless Communications Facilities Amendment.

Staff is proposing to add a new ordinance section and amend an existing ordinance section, both related to Wireless Communications Facilities (WCF). The changes would be as follows:

1. Create a new Section 24-294 within the R-4, Residential Planned Community District, with the heading "Uses Permitted by Special Use Permit Only" and add "Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities."
2. As a "house-keeping" amendment accompanying number one above, amend Section 24-122 of the Wireless Communications Facilities ordinance to update Table 1, which is a summary table listing the by-right and specially permitted WCF uses in each zoning district.

Currently, wireless communications facilities that utilize alternative mounting structures, are building mounted, or are camouflaged are a by-right use in R-4. Camouflaged WCFs can be erected to a total height of 120 feet, and WCFs that utilize alternative mounting structures or are building mounted may be erected to a height of 120 feet upon the granting of a height limitation waiver by the Board of Supervisors.¹ Thus, the maximum height of any WCF in R-4 is currently limited to 120 feet. The proposed ordinance change would allow applicants to apply for a special use permit (SUP) for a tower mounted WCF over 120 feet in height.

With the proposed ordinance amendment, any SUP application for a tower mounted WCF in R-4 will need to comply with the WCF section of the ordinance, and the Board of Supervisors (BOS) adopted Performance Standards for Wireless Communications Facilities. Among other standards, the BOS policy states in the Location and Design section that towers within a residential zone or residential designation in the Comprehensive Plan should use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridors. A tower will meet minimal intrusion criteria if it is not visible off site above the tree line and is only visible off-site when viewed through surrounding trees that have shed their leaves. Staff also notes that the BOS policy makes special provision for exceptions to the Location and Design criteria where the impact of the proposed tower is only on a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided that the tower is located on the golf course property.

¹ Certain protections associated with by-right towers are included in the ordinance. For example, camouflaged towers must meet one of the following: (1) have the appearance, scale and height of other structures that are generally permitted in the district; (2) have the appearance of vegetation nature to eastern Virginia; or (3) be completely surrounded by a minimum of a 100-foot undisturbed buffer.

Staff believes that a tower greater than 120' in height is something that could potentially be accommodated in the R-4 district in accordance with the BOS Wireless Policy. Residential areas zoned R-4 are large Master Planned communities that include extensive open space and recreation areas (including, in many instances, golf courses and maintenance areas) which provide opportunities for appropriate separation distances between towers and residential uses, characteristics which are not necessarily shared by many R-1, R-2, and R-5 neighborhoods. Areas of the County which are currently zoned R-4 include Kingsmill, Greensprings Plantation, Governors Land, Fords Colony, and Powhatan Secondary. In this respect, R-4 is more similar to the Mixed Use (MU) and Planned Unit Development (PUD) districts, both of which currently allow tower mounted wireless communications facilities as specially permitted uses. All three of these districts (R-4, PUD and MU) also permit non-residential uses and allow buildings up to sixty feet in height while other residential districts only permit buildings thirty-five feet in height.

Staff would note that historically, during the drafting of the WCF ordinance early draft versions of the ordinance did not allow towers in the PUD district. In a later draft, staff recommended that towers be a specially permitted use in PUD. In their recommendation, staff stated: "(Towers) have been added as a specially permitted use. This change allows more options to provide service coverage in large planned communities like Stonehouse, and makes the PUD regulations consistent with those for Mixed Use districts." Staff believes that amendment of the R-4 ordinance would be an additional step in the same direction, for similar reasons, and for similar circumstances. While the WCF ordinance and Performance Standards policy consistently support the goal of minimizing impacts through the use of shorter camouflaged towers, both ordinance and policy also recognize that where impacts are minimized and are acceptable (in accordance with the BOS Performance Standards Policy and as ensured by the Special Use Permit process), it is good policy to encourage taller towers in order to minimize the number of towers and tower sites.

RECOMMENDATION:

Staff believes that a tower greater than 120' in height is something that could potentially be accommodated in the R-4 District and that the amendment is consistent with the County's adopted Performance Standards for Wireless Communications Facilities. Staff recommends the Planning Commission approve the attached ordinance amendment.



Ellen Cook

Attachments:

1. Revised Ordinance
2. Letter from Mr. Martin, Jr. of Verizon Wireless

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, SECTION 24-122, WHERE PERMITTED, TYPES; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY, R-4, BY ADDING NEW SECTION 24-294, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-122, where permitted, types; and adding new Section 24-294, uses permitted by special use permit only.

Chapter 24. Zoning

Article II. Special Regulations

Division 6. Wireless Communications Facilities

Section 24-122. Where permitted, types.

- (a) *Tower-mounted wireless communications facilities (WCFs).* Tower mounted WCFs shall be allowed as shown on Table 1.

Table 1: Tower Mounted Wireless Communications facilities:

General Agricultural, A-1	$\leq 35'$	> 35 feet
Rural Residential, R-8	$\leq 35'$	> 35 feet
R-1, R-2, R-4 , R-5, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	$\leq 60'$	> 60 feet
Industrial (M-1, M-2, M-3)	$\leq 60'$	> 60 feet
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use	Not Permitted	All Towers
<i>R-4</i>	<i>Not Permitted</i>	<i>All Towers</i>

Article V. Districts

Division 5. Residential Planned Community District, R-4

Section 24-294. Uses permitted by special use permit only.

Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

sect24-122WCF.ord

LAW OFFICES
CRENSHAW, WARE & MARTIN, P.L.C.
1200 BANK OF AMERICA CENTER
ONE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510

TELEPHONE (757) 623-3000
FACSIMILE (757) 623-6735

HOWARD W. MARTIN, JR.
EMAIL: hmartin@cwm-law.com

June 3, 2005

Mr. O. Marvin Sowers, Jr.
Planning Director
P. O. Box 8784
Williamsburg, Virginia 23187

Re: Proposed Kingsmill Site
Multi-User Communications Tower
James City County, Virginia

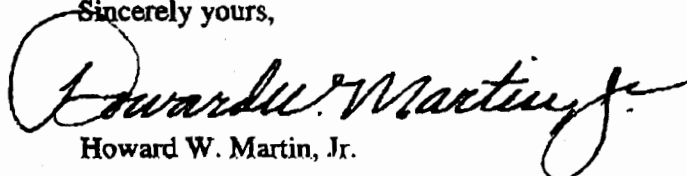
Dear Mr. Sowers:

I am the attorney for Verizon Wireless, which serves customers in Kingsmill and Busch Gardens. My client and several other cellular-service providers desire to be able to improve their virtually non-existent service in these areas by installation of a communications tower.

We are requesting that the County Zoning Ordinance be revised so as to allow communications towers in R-4 Residential master-planned communities, such as Kingsmill, subject to approval of a Special Use Permit. These facilities are already allowed by Special Use Permit in your Planned Use Development (PUD) and Mixed Use master-plan zones. It would appear that R-4 Residential Master Plan communities would be ideally suited to the Special Use Permit process for communications towers. Since the locations of the residences and open spaces are known in advance in the Master Plan communities, siting of towers by Special Use Permit would appear to be logical and advantageous.

I am therefore requesting that the Zoning Ordinance be amended as suggested above. Please let me know if you need anything further from us in order to initiate the necessary zoning action, and do not hesitate to contact me or have your staff contact me if you have any questions.

Sincerely yours,


Howard W. Martin, Jr.

HWMjr/lem
File No. 699.040381
cc: Mr. Greg Gow, Verizon Wireless



***JAMES CITY COUNTY
PLANNING COMMISSION
ANNUAL REPORT***

FY 2004-2005



July, 2005

In memory of Joseph McCleary

Joseph McCleary was a dedicated member of the James City County Planning Commission from 2001 until 2005 and his service on the Commission is missed.

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MESSAGE FROM PLANNING COMMISSION CHAIRMAN

Fellow citizens, enclosed is a report detailing the actions of the Planning Commission during the past year. The seven member Commission, with the support of the Planning Division, acted on the various issues which came before us and our recommendations were sent to the Board of Supervisors to be acted upon. We continue to request and look forward to active citizen participation in the planning process for James City County, now and in the future.

Donald Hunt, Chairman

June, 2005

Introduction

The James City County Board of Supervisors appoints members to the Planning Commission to review cases and make recommendations regarding land use, transportation, public facilities and utilities. The Commission's main responsibilities include updating and overseeing implementation of the County's Comprehensive Plan, assessing the annual Capital Improvements Program, and reviewing development cases. The Commission also reviews all Subdivision and Zoning Ordinance changes, rezonings, special use permits, master plans, and Agricultural and Forestal Districts.

The Planning Division provides staff support to the Planning Commission and its subcommittees: the Development Review Committee, which reviews major development cases; and the Policy Review Committee, which reviews specific planning related topics and makes recommendations to the Commission. Staff also regularly provides support for a number of other ongoing committees such as the New Town Design Review Board, Historical Commission, Historic Triangle Bicycle Advisory Committee, Corridor Enhancement Steering Committee, Development Roundtable, and other special project committees. Additionally, staff makes planning-related policy recommendations to the Planning Commission, administers and enforces the Zoning Ordinance, implements landscaping and bikeway projects, and acts as a liaison to a variety of other Board-appointed committees, community organizations and government entities. These include the Hampton Roads Planning District Commission, Pedestrian and Bicycle Advisory Committee, 2007 Community Activities Task Force, Public Private Transportation Act Committee.

Some of the ongoing planning initiatives undertaken in FY05 represent new programs and services to better serve customers and implement the Comprehensive Plan. These include providing the staff services to the Development Roundtable, Corridor Enhancement Steering Committee, Jamestown Road Demonstration Grant Program, the PPTA for development of the Warhill site and Builders for the Bay. While not a new on-going FY05 program, the New Town Design Review Board substantially expanded its activities in FY05, resulting in increased staff and commission involvement.

The Virginia State Code requires the Planning Commission to prepare an annual report to the Board of Supervisors concerning its activities and the status of planning activities in the community. During Fiscal Year 2004-2005, Planning Commission and staff activities primarily consisted of major projects, development review, and participation in a variety of community events and committee studies. Items contained in this report include a message from the Chairman of the Planning Commission, brief descriptions of each of the Planning Commission members, and information regarding the Planning Division staff. The report also contains summaries of the work of the Planning Commission and Division, including a list of major projects and major cases dealt with and/or approved.

PLANNING COMMISSION MEMBERS AND PLANNING DIVISION STAFF

Donald Hunt, Chairman (Stonehouse District Representative) Don is a James City County native and has served on the Planning Commission since 1991. He received his Bachelor's degree in Horticulture from Virginia Tech and is the owner and operator of Hill Pleasant Farm, Inc., a fourth generation family business. In addition to the Planning Commission, he also serves on the Policy Committee and Development Review Committee, and was a member of the 2003 Comprehensive Plan Community Participation Team. Don's fourth term on the Planning Commission expires on 1/31/07.

Jack Fraley, Vice-Chairman (Roberts District Representative) Jack graduated from the University Of California (UCLA) with a Bachelors' Degree in Economics. He held several managerial positions with Shell Oil Company before starting up a new high technology venture for Shell in 1984, Rampart Packaging, located in the Busch Corporate Center. He retired from the business in 1998 to spend more time with his family and contribute to the community. Jack was appointed to the Planning Commission in January 2004 and was elected Vice-Chairman of the Commission in 2005. He also was appointed Chairman of the Commission's Development Review Committee in 2005. Jack serves as the four-time elected Chairman of the James City County Board of Zoning Appeals and is a member of the Design Review Board for the James River Commerce Center. Jack's first term on the Planning Commission expires on 1/31/08.

W. Wilford Kale, Jr. (Powhatan District Representative) Wilford, a native of Charlotte, North Carolina, has lived in James City County since 1962 and has served on the Planning Commission since 1998. He received his Bachelor's degree in History from Park College and is currently a Masters Degree candidate in history at the University of Leicester in Leicester, England. He currently serves as the Senior Staff Advisor for the Virginia Marine Resources Commission where he has worked since 1994. In addition to the Planning Commission, Wilford also serves on the Development Review Committee and was a member of the 2003 Comprehensive Plan Community Participation Team. Wilford's second term on the Planning Commission expires on 1/31/06.

George Billups (At-Large) George was appointed to the James City County Planning Commission in February 2002. He graduated from Virginia State College with a Bachelor of Science in the areas of Industrial Vocational Education and Science. He earned his Master's degree and Certificate of Advanced Studies from the State University of New York in the fields of Education and School Administration and Supervision. A retired high school principal and community activist, George has served on numerous local, state and federal boards which worked to create positive public policy and civil rights legislation. In addition to his service on the Planning Commission, George also currently sits on the Policy Committee and Regional Issues Committee, and was a member of the 2003 Comprehensive Plan Steering Committee. George's first Planning Commission term expires on 1/31/06.

Ingrid Blanton (Jamestown District Representative) Ingrid has lived in James City County since 1989 and was appointed to the Planning Commission in December 2004. She earned her undergraduate degree from Brown University in Providence, Rhode Island and her law degree from The College of William and Mary Marshall-Wythe School of Law. Since being admitted to the Virginia State Bar she has worked at the National Center for State Courts, been in private practice as partner in the law firm Twiford and Blanton, LLC, and served as director of the Williamsburg Land Conservancy. She has worked as the director of Planned Giving at the Colonial Williamsburg Foundation for the past six years. Currently she serves on the Development Review Committee, the Cash Proffer Policy Committee and as a board member of the Indigo Park and Recreation Association. Ingrid's first term on the Planning Commission expires on 1/31/08.

Mary Jones (Berkeley District Representative) Mary has been a James City County resident for seven years and was appointed to the Planning Commission in January 2005 to complete the unexpired term of previous commissioner Joseph McCleary. She attended Towson State University majoring in Mass Communication Studies. Currently, Mary is a committee member for Boy Scout Troop 155 as well as the Berkeley Band Boosters and is a Real Estate Referral Agent for Liz Moore and Associates. She is a member of the Policy Committee and was a member of the 2003 Comprehensive Plan Community Participation Team. Mary's first term on the Planning Commission expires on 1/21/09.

James Kennedy (At-Large) Jim has been a resident of James City County for 21 years. After serving in the United States Navy he attended optician's school at Yorktown Naval Weapons Station where he earned his degree in opticianry. Currently he is the co-owner of Victor's Deli and Pizzeria in Williamsburg. Jim has served on many boards and commissions over the past several years. Most notably he served as Chairman of the Board of Supervisors in 2002 and was also the co-founder of the Stonehouse District Citizens Association. In addition to the Planning Commission, Jim also currently serves on the Policy Review Committee. Jim's first term on the Planning Commission expires on 1/31/09.



The James City County Planning Commission (Back from left: George Billups, Don Hunt, Jim Kennedy, Wilford Kale; Front from left: Mary Jones, Jack Fraley, Ingrid Blanton)

Planning Division Staff



Pictured from left: Allen Murphy,
Don Davis and Marvin Sowers

Management Staff: Marvin Sowers has been Planning Director of James City County since 1987. Don Davis has been Principal Planner for Comprehensive Planning since 1989. Allen Murphy, Zoning Administrator/Principal Planner for Current Planning joined the James City County staff in 1979. Combined, these three have more than 71 years of professional planning experience with 60 of those years as planners with James City County.

Professional Planning Staff: Tammy Rosario, Senior Planner II, joined the staff in 1995 and effective July, 2005 she will be transferring positions within the Division and taking on several new responsibilities. Chris Johnson, Senior Planner, joined the staff in 1997 as an intern and has been a Senior Planner since 2001. Karen Drake, Senior Planner, joined the staff in 2000 and became a Senior Planner in 2002. Matt Arcieri, Senior Planner, joined the staff in 2000 as an intern and was promoted to Planner in 2002 and Senior Planner in 2004. Trey Davis, Planner, joined the staff in 2002 as Development Management Assistant and was promoted to Planner in 2004. Ellen Cook, Planner, joined the staff in 2003. Scott Whyte joined the staff in 2004 as the staff's Landscape Architect. Matt Smolnik, Planner, joined the staff in January 2005. Jason Purse, Planner, joined the staff in June, 2005. Jose L. Ribeiro, Planner, joined the staff in July, 2005.



Comprehensive Planners (*left*) from left: Trey Davis, Scott Whyte, Karen Drake and Tammy Rosario. Current Planners (*right*) from left: Matt Arcieri, Ellen Cook, Matt Smolnik and Chris Johnson.





Pictured from left: Melissa Brown, Clifton Copley, John Rogerson

Zoning Officers: John Rogerson began working for the County in 2000 and was promoted to the position of Zoning Officer in 2001. Melissa Brown joined the staff as a Zoning Officer in January, 2003. Clifton Copley joined the staff as a Zoning Officer in June, 2005.

Front Desk: Toya Ricks began working for the County in 2002 and became the Administrative Services Coordinator for the Planning Division later that year. Toya now works half time in that position. Geoff Cripe joined the staff as Development Management Assistant in September, 2004. Leanne Reinbach, Development Management Assistant, joined the staff as an intern in January, 2005 and was promoted to Development Management Assistant effective June, 2005. Christy Parrish began working for the County in 1993 and now works half time for the Planning Division as Administrative Services Coordinator.



Back from left: Geoff Cripe, Christy Parrish, Front from left: Toya Ricks, Leanne Reidenbach



Pictured from left: Jesse Contario, Josh Collins, Will Federspiel, Rob Williams

Interns: Jesse Contario continued working with the Planning Division as a paid intern through the first six months of 2005. Most notably Jesse assisted staff with the Capital Improvement Project and also in the development of the Planning Commission Annual Report. The staff brought on several additional volunteer interns throughout 2005. Stephanie Cappa and Leanne Reidenbach both served as volunteer interns performing excellent research on several key areas of interest to the Division. Leanne, a recent William and Mary graduate, was promoted to Development Management Assistant effective June, 2005. Josh Collins and Will Federspiel, two Masters Degree candidates from William and Mary's Thomas Jefferson Program in Public Policy, have joined the staff and will work with the Division throughout the summer of 2005. Staff expects to continue utilizing the many talents of the interns to assist on major projects and other administrative duties.



Staff planted grass and flowers along the east side of the building which had no landscaping before the Planning Division moved into Building A



Along the building on all sides staff planted several small shrubs and flowers

Staff Development and Changes

Staff development continues to remain a high priority for both the Planning staff and the Planning Commission. Staff and Commission members take various planning and policy courses throughout each year. The Planning Division cross-trains its staff so that current and comprehensive planners are assigned current planning cases such as rezonings, special use permits, site plans and subdivisions. Current planners also assist in comprehensive planning activities such as the development and implementation of the Comprehensive Plan.

Over the course of fiscal year 2004-2005, the Planning Division had members participate in a variety of continuing education programs. Some of the training courses/seminars and conferences that the staff participated in this past year were: American Planning Association National Planning Conference, Chamber of Commerce seminars, American Institute of Certified Planners Exam Preparation Workshop, Rural Lands Conference, Virginia Chapter of the American Planning Association Conference, Virginia Association of Zoning Officers Conference, management courses, financial seminars, ESRI Geographic Information Systems Training and the Census Training Workshop.

In addition to development, staff underwent several changes this year. Both David Anderson, Senior Planner, and Sarah Weisiger, Planner, left in November 2004 to pursue employment opportunities elsewhere. Matt Smolnik, a graduate of the University of Pittsburgh who obtained his Masters Degree in Geography from West Virginia University was hired in January 2005 to fill one vacancy. Patrick Foltz, Development Management Assistant, left the Division in February 2005 also for employment elsewhere. Leanne Reidenbach, a recent graduate of William and Mary who joined the Division as an intern in January 2005 was promoted to replace Patrick effective June 2005. Toya Ricks, Administrative Services Coordinator, will now be working for the Division part time effective May 2005 as will former Zoning Officer Christy Parrish who will now be providing administrative support at the front desk. Recently, Clifton Copley was hired as a new Zoning Officer to replace the void created by Christy's change in position. Staff is also currently interviewing candidates for four Planner positions which have recently become vacant. Tammy Rosario, Senior Planner II, moved from part time back to full time effective January 2005 and transferred positions within the Division effective July 2005. Tammy now works half time as a Comprehensive Planner and half time as a Development Management Project Manager working specifically on open space acquisition. Senior Planner Chris Johnson recently accepted another job opportunity and left the Division in June 2005. Trey Davis, Planner, will also be leaving the Division shortly as he has been accepted to the School of Business at Georgetown University. Finally, staff is also interviewing to fill one additional Planner position which had been created earlier in the year as a result of the increasing workload the Division has experienced over the past several years. Although several positions must soon be filled staff has remained fastidious throughout the interviewing process to ensure that only quality candidates are offered positions within the Division. Although these several changes may prove to be trying at times staff remains optimistic and tireless in their efforts to ensure that the transition will be as painless and efficient as possible.

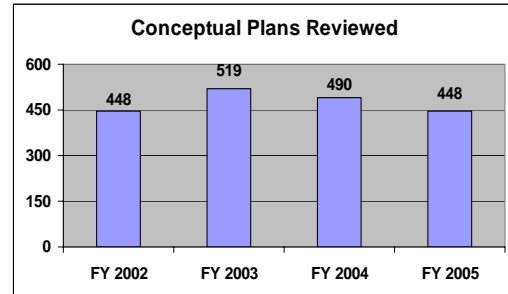
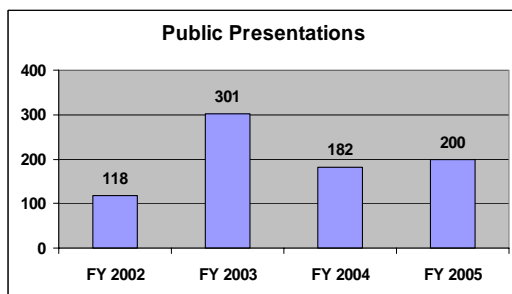
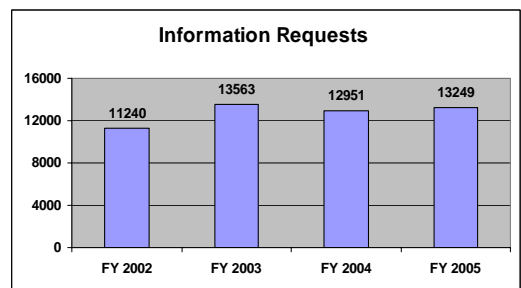
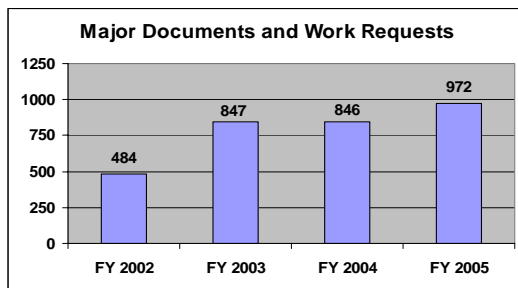
In addition to the changes outlined above the Division also recently experienced a change in location. On February 11, 2005 the Division relocated to Building A in the Governmental Complex. 21 employees of the Department of Development Management and the Planning Division now comfortably share roughly 5,000 square feet of newly renovated office space. Senior Planner Chris Johnson donated many pieces of original artwork to decorate the refurbished area. Recently, nearly the entire staff worked together to landscape the area surrounding the building. The landscaping materials were funded through a grant and the staff volunteered their own time and energy to plant them. Although the move created some additional hardships for staff over the past few months, the Division has now settled into their new office and everyone is enjoying the larger space.

Citizen Inquiries

The Planning Division responds to over 12,000 citizen inquiries each year. The long-range and current planning sections of the Division handle a variety of questions on a daily basis. The long-range planning section is responsible for citizen's inquiries regarding the Comprehensive Plan, development issues, population, census and housing estimates, land use, transportation, and traffic issues. The number of inquiries directed to the long range planning section this year remained steady at last year's elevated level due to several major developments and population growth. The current planning section responds to citizen's inquiries regarding land development cases, zoning and subdivision ordinances, site plans, landscaping, development submittal requirements and general development in James City County. The administrative staff handles questions regarding the Planning Commission and Board of Supervisors meetings, application processes, public hearing notices, development case status and other logistical and informational questions. These inquiries come from attorneys, architects, contractors, engineers, developers, landowners, and citizens at large. A substantial amount of staff time is dedicated to providing this service to keep the public informed and to provide an additional outlet for citizen response and comment.

Development Review

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions, and conceptual plans. A list of major cases and a fiscal year summary appear later in this report. In May of 2004, Planning staff created the Development Roundtable, a bi-monthly conceptual review meeting for applicants that need to resolve engineering issues before submitting a site plan. In addition to regular development review, the Planning Division handles a variety of other activities. Some of the activities that Planning staff handles are shown graphically below while others are shown in later sections. Moreover, staff has the responsibility of constant review and, as necessary, updating documents such as the Zoning Ordinance to assist the Planning Commission, the Board of Supervisors, and citizens in development activities. The number of tasks taken on by the Planning staff remained comparable to the workload of FY 2004.



MAJOR PROJECTS

Capital Improvements Program

Each year the Planning Commission reviews projects proposed by County agencies for inclusion in the Capital Improvements Budget. In light of current fiscal restraints on the County, many projects have temporarily been given medium or low priority. Projects selected by the Planning Commission for the FY 2006 CIP that have a high priority are listed below.

- ❑ Purchase Development Rights (PDR)
- ❑ Warhill Sports Complex Improvements
- ❑ Toano Convenience Center Relocation
- ❑ Ambulance Replacement
- ❑ Eighth Elementary School

In addition to the projects above, the Board of Supervisors funded the following selected projects as part of the FY 2006 Budget.

- ❑ New High School
- ❑ Parks and Recreation Referendum
- ❑ Radio System Improvements
- ❑ Water Quality Improvements

Primary Roads Priorities

The FY05 Primary Roads Priorities, outlining the County's funding priorities for a safe, efficient and adequate transportation network, was drafted by staff and presented to the James City County Board of Supervisors on September 14, 2004. The priorities include widening Route 199 at points where it consists of only two lanes, improving the intersection of Route 199 and Route 31 with adequate pedestrian facilities, relocating portions of Pocahontas Trail (Route 60), continuing work on the Greensprings and Virginia Capital Trails, advancing the Peninsula Light Rail Project, and landscaping and additional aesthetic enhancements. Improvements to the Monticello Avenue and Ironbound Road intersection continue to be designed prior to the widening of Ironbound Road. All projects are proposed to be included in the Virginia Department of Transportation's (VDOT) six-year improvement program.

Secondary Roads Priorities

The FY05 Secondary Roads Priorities, outlining the County's funding priorities for secondary roads and transportation construction projects in 2005, was drafted by staff and presented to the James City County Board of Supervisors on March 23, 2004. In accordance with a request from VDOT the Board of Supervisors postponed approval of the six-year Secondary Roads Priorities Plan from 2004 to 2005. On February 22, 2005 the Board of Supervisors approved the Six-Year Secondary Roads Priorities Plan. Atop the list for improvements under the plan were the widening of Ironbound Road to a four lane road with a median and a multi-use pedestrian path from Tewning Rd. to Strawberry Plains Rd., and improvements to the shoulders and ditches alongside Croaker Road. Improvements to curves in Mount Laurel Road and Barnes Road were also given priority as was repairing the inadequately sized

drainage pipes installed at Scott's Pond subdivision which are now causing flooding of roads and yards.

Virginia Capital Trail

The County has been an active partner in the design and location of both the Virginia Capital and Greensprings Trails. The Virginia Capital Trail will be a combination bikeway and pedestrian facility linking historic, cultural, and scenic sites along the Route 5 corridor with Jamestown Island and Williamsburg. At its completion, the trail will link Colonial Williamsburg with the City of Richmond. A feasibility study has been completed and engineering design work is currently in progress. This design stage is being funded through a federal, state, and county partnership. The section of the trail planned for James City County will run adjacent to Route 5, connecting the Chickahominy Riverfront Park with the Greensprings Trail, which is a leg of Virginia Capital Trail. This alignment was chosen subsequent to a feasibility study completed in 1999 with the input of citizens. Construction is scheduled to begin in the fall of 2005.

Greensprings Trail

Greensprings Trail will provide a multi-use path for non-motorized transportation between Route 5 and the Jamestown Settlement. The path's trailhead is adjacent to Jamestown High School. From this point, the path will extend Southeast in the vicinity of Greensprings Road, running through Mainland Farm to Jamestown Road. The trail will then cross Jamestown Road and join an existing multi-use path to the Colonial Parkway. Trail users can access Colonial Williamsburg via the Colonial Parkway from the Jamestown Settlement. Design is complete with funding coming from a federal, state, and county partnership. The County has played a large role in design and right of way acquisition throughout FY05. Project engineers plan to begin construction in summer of 2005 and complete the trail in time for the celebration of the 400th anniversary of Virginia in 2007.

Route 199 Improvements

In October of 2002 VDOT signed a comprehensive agreement utilizing the Public Private Transportation Act of 1995 to complete vital improvements to the Jamestown Corridor, with emphasis on the widening of Route 199. Planning staff collaborated with VDOT on design elements of the project including landscaping and decorative fencing. Two sections of Route 199 were targeted for widening. The first section is in the vicinity of Mounts Bay Road and the second section is centered at College Creek. The widened section of Route 199 between Pocahontas Trail and South Henry Street opened in November 2004. The project was completed five months ahead of schedule and within budget. The Route 199/Jamestown Road intersection also underwent improvements. The purpose of this project is to decrease congestion at the intersection. Hardscape enhancements including decorative fencing, multi-use path, and Williamsburg green poles and signage have recently been installed as a result of collaboration among the County, City of Williamsburg, VDOT and the Corridor Enhancement Committee. The enhancements were jointly funded by James City County and the City of Williamsburg. All construction is set to be completed in time for Jamestown's 400th anniversary in 2007.

Light Rail Project

Improved passenger rail service for the Peninsula has been under consideration for several years. The project would provide much needed congestion relief on Interstate 64 which would in turn provide

relief for the primary roads within James City County, especially Route 199 and Richmond Road. The County and City of Williamsburg Planning Divisions continue to work with Hampton Roads Transit on this project.

Five Forks Sub area Study

During FY 03-04, a traffic consultant with Kimley-Horn produced a “Traffic Impact Alternatives Analysis” to aid analysis of proposed development projects within the Five Forks vicinity that were likely to have major traffic and environmental impacts. As a follow-up and in accordance with Economic Development Action 12 G of the Comprehensive Plan, the Board of Supervisors formed a committee of County staff, residents, and business owners to evaluate redevelopment and land-use issues in Five Forks. The committee held four meetings for the purpose of receiving feedback from citizens and to produce a draft of principles for Five Forks. These were approved by the Planning Commission on September 13, 2004. The Board of Supervisors also approved the Five Forks Primary Principles on September 28, 2004. These Principles have already served as guidelines for new Special Use Permit and Rezoning cases within the Five Forks vicinity. In April 2005 planning staff presented a summary of the Five Forks planning process at the Virginia Planning Association Conference in Warrenton, VA.

New Town

The New Town Development Review Board (DRB), assisted by staff, continued to review proposed developments in New Town. Throughout FY 04-05 several individual site plans were approved including banks and mixed use structures, and the first non-residential buildings opened. The New Town Old Point National Bank received site plan approval in June, 2004 and has recently opened as has the First Advantage Credit Union which received site plan approval in August, 2004. Several other buildings are currently under construction. The New Town Prudential-McCardle Office Building, the New Town Mixed Use Buildings, the New Town Court Square, the New Town Towne Bank and the New Town Lambert Building are all currently under construction. The New Town Movie Theatre is in the later stages of construction and is expected to be completed by August, 2005. The New Town Retail on Main St. has also begun construction on the first phase of what will be a three phase project. The first residents of New Town are scheduled to move into the New Town Townhouses in June, 2005. Currently plans are underway for the public open spaces to be located at Court Square, Village Square, Pecan Square, and Civic Green. Also under consideration currently are roadway improvements to Monticello Avenue and Ironbound Road. The DRB is reviewing a multitude of conceptual plans, rezonings, site plans, and subdivisions with construction expected for the upcoming FY 2006.

Historical Commission

The Planning Division has administrative responsibility for the Historical Commission. Responsibilities include taking minutes, preparing the budget, and assisting with projects such as “Oral Histories.” Currently, the Commission is working on the transcription of the oral histories from their minutes. Staff also continues to assist with the relocation of the Norge Depot to the James City County Library site. Recently Steve Hicks was named project manager for that venture. As a former VDOT employee Mr. Hicks will ensure that the project meets all of the standards and requirements VDOT has specified for that project.

Architectural Assessment Project

Using a \$25,000 matching grant from the Virginia Department of Historic Resources (VDHR) to survey the County's architectural resources, a consultant completed a field study for the project and provided documentation, analysis, and recommendations to the Planning Division. Staff has forwarded all information to the County Historical Commission for consideration. The County or the Historical Commission may use the results of the survey to guide the development of a policy for the protection of historic structures. Staff developed a GIS layer that identifies the location of over 200 architecturally significant structures in the county.

Neighborhood Connections

The Planning Division participated in the Neighborhood Connections program during FY 2005 by providing two staff liaisons to work with 21 County neighborhoods in communicating and resolving pertinent issues. Issues dealt with this year include growth and expansion, increased construction in the neighborhoods, traffic safety, and ensuring the smooth and fair transition of neighborhood common grounds from developer control to control by the homeowners' association. Staff serves as a primary reference in assessing proposed street name changes and informing the home-owner associations of details involved with rezonings. Staff worked for several months on plans for a celebration commemorating the tenth anniversary of the Neighborhood Connections program. The celebration occurred in November 2004.

Landscaping

Recently the Planning Division has completed a number of landscaping projects around the County. The Chickahominy Riverfront Park buffer was completed adding a beautiful planting bed (alongside Route 5) that provides a buffer between Route 5 and the Campground. A screen around the pool was also implemented at the Chickahominy Riverfront Park. The entrance to Jamestown High School was enhanced adding a number of plants to create a more aesthetically pleasing environment. The Courthouse bio-retention feature was also completed adding several wet plants to the BMP in order to create a more environmentally friendly area. Finally, screening in several areas served to create more aesthetically pleasing environments along main roads. Most notably, the area across from Settler's Mill on Jamestown Road, the Jamestown Campsites area, and the median along Route 60 near Airport Road were all enhanced with screening or landscaping.

Builders for the Bay

Builders for the Bay is an agreement among the Center for Watershed Protection, the Alliance for the Chesapeake Bay, and the National Association of Home Builders to lead community efforts to change existing subdivision codes and ordinances to allow for more environmentally sensitive site designs. This effort was ongoing throughout FY 04-05, with a number of meetings held. Throughout these discussions a set of principles were developed which should help land developers and the County better steward the environment in the development process. A final meeting was held to discuss the principles and their implementation as well as the publishing of a booklet designed to outline the recommended development principles. Staff is now looking toward identifying the next steps in the implementation process. Once these objectives have been set, staff hopes to develop a timeline specifying when they hope to see these recommendations implemented.

Site Plan Review Process

Staff worked extensively with various stakeholders in the developmental community to identify way to improve the site plan review process. This led to the creation of the bi-monthly Development Roundtable for customers to present plans and specific questions to various departments in the County. Currently customers can obtain feedback from the Planning Division, Environmental Division, the James City County Service Authority and the Virginia Department of Transportation when they attend the meetings. These Development Roundtable meetings have provided opportunities for developers to discuss project design and development with County staff in an informal manner and receive feedback in advance of preparing development plans for submission to the County. Furthermore the Development Roundtable meetings have served to create an expedited and more efficient review process. On another recommended improvement, Planning staff continues to work with staff in the Information Technology Division to modify the existing Case Tracking database for inclusion on the County web site. When the modifications have been completed, applicants and citizens will be able to access submittal dates and agency comments for every development plan under review.

Rural Lands Study

The Board of Supervisors expressed a desire to investigate alternatives for residential development in rural land areas outside the Primary Service Area (PSA) which will support the goals of the Comprehensive Plan. This project came about due to Board concerns about the impact on rural lands of adopting a cash proffer policy. The options to be examined from a fiscal, environmental, and land-use planning standpoint include rural cluster developments outside of the PSA and standards (including minimum lot sizes) for conventional subdivisions in areas zoned A-1 (general agriculture) outside the PSA. The result of this project will be a draft rural residential cluster ordinance and draft ordinance amendments for any recommendations pertaining to conventional subdivisions to be voted on by the Board of Supervisors in February, 2006. The Planning Division has recently hired the Renaissance Planning Group (RPG) to spearhead the rural lands study. Kenneth Schwartz, Chris Sinclair, Katharine Ange, Eric Wright, Milton Herd and Vladimir Gavrilovic will be the key RPG personnel heading the effort.

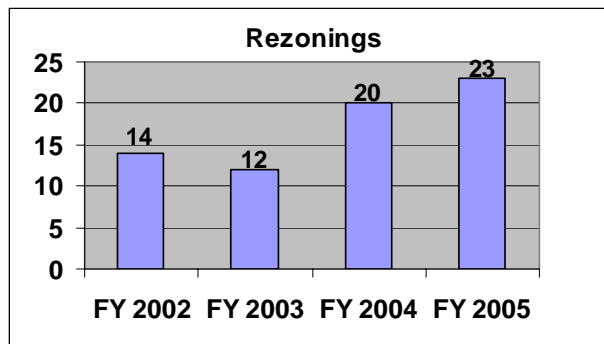
Comprehensive Plan

The Board of Supervisors adopted the 2003 Comprehensive Plan, "Vision for Our Future", on August 12, 2003. In September 2003, the Virginia Municipal League awarded its highest honor, the "President's Award" for the Comprehensive Plan update due to public outreach and the technical review process. Presented below is a list of the most notable accomplishments of FY 2005 in the implementation of the principles and tenets enumerated in the 2003 Comprehensive Plan:

- Administrative actions have been centered on ensuring quality and timely review of all cases. The addition of another planner position in the past year has made it possible for staff to counter the increased workload facing the Division. Currently, 97% of review comments are sent out prior to the thirty day comment deadline. A total of five cases qualified for and received expedited review.
- New Town Sections 2, 3, 4 & 6 and Norge Neighborhood are being developed to embody the concepts of preserving community character, encouraging fewer and shorter auto trips, and facilitating walking, bicycling, and transit use. The Planning Division plays a lead role in project review to ensure projects are consistent with the Comprehensive Plan and the New Town Master Plan and Design Guidelines.

- Division staff successfully encouraged developers to consider mixed use and mixed income residential development. Over the past year, developers have proposed developments that utilize the flexibility in County regulations to promote affordable housing. Examples include Michelle Point, Pocahontas Square, The Station at Norge, and New Town Sections 3 & 6, for a total of more than 500 units.
- Case examples of true mixed use development inside the Primary Service Area (PSA) include: Norge Neighborhood and New Town Sections 2, 3, 4, 5 and 6. Additional support is offered in the recently adopted Five Forks Primary Principles.
- The Board of Supervisors (BOS) adopted a resolution in support of the Peninsula Light Rail Project on September 14, 2004.
- The Five Forks Primary Principles, which attempt to retain the uniqueness of the Five Forks area, were adopted by the BOS in September 2004. Division staff played a major role in the process.
- Planning staff sponsored the creation of an Architectural Survey Geographic Information System (GIS) layer for use during the planning process.
- Public facilities receiving funding in the FY 06 Capital Improvement Plan (CIP) include: Greenways and trails, Freedom Park, Warhill Sports Facility, Grounds Equipment Storage Facility, the Eighth Elementary School, and the Third High School.
- The Greensprings Trail was approved and fully funded, a major step forward in the implementation of the Bikeway Plan and Greenways Master Plan. Planning Division staff played a major role in the design, right of way acquisition and funding negotiations. Construction is scheduled for summer 2005.
- Several landscaping projects were completed by the Division along the Chickahominy Riverfront Park road frontage, Jamestown Road, the Route 199 and Monticello Avenue interchange, Route 5 and Route 60.
- Planning Division staff was actively engaged in beautification efforts for 2007, through the Corridor Enhancement Steering Committee. A beautification program for Jamestown Rd. has been implemented as well as several right of way beautification projects.

Major Cases – Rezoning



Z-05-04

Location:
Zoning:
District:

New Town – Sections 3 & 6

4201 Ironbound Road
R-8 to MU
Berkeley

PC: Approved- 9/13/04
BOS: Approved- 10/26/04

Z-06-04

Location:
Zoning:
District:

Lightfoot Mixed Use (Cap Care/Noland)

6601 Richmond Road
B-1 to MU
Stonehouse

PC: Approved- 12/6/04
BOS: Approved- 1/11/05

Z-13-04

Location:
Rezoning:
District:

Monticello at Powhatan North

Powhatan Parkway
R-8 to R-2
Powhatan

PC: Indefinitely Deferred
BOS:

Z-14-04

Location:
Rezoning:
District:

Pocahontas Square Proffer Amendment

Pocahontas Trail
R-5 to R-5 with amended Proffers
Roberts

PC: Approved- 3/7/05
BOS: Approved- 4/26/05

Z-15-04

Location;
Rezoning:
District:

The Villas at Five Forks

Ingram Road
R-8 to R-2
Berkeley

PC: Approved- 5/2/05
BOS: Hearing- 6/28/05

Z-16-04

Location:
Rezoning:
District:

Burlington Woods

Longhill Road
R-8 to R-2
Powhatan

PC: Approved- 4/4/05
BOS: Approved- 5/25/05

Z-02-05

Location:
Rezoning:
District:

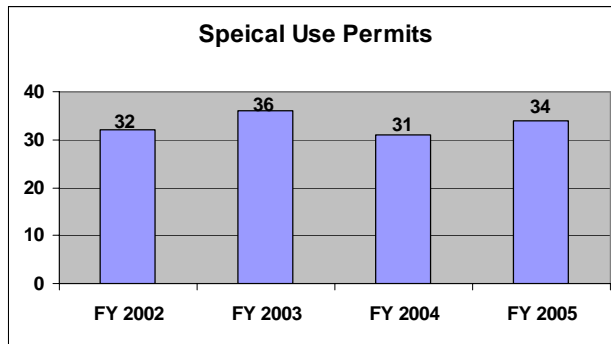
Ironbound Square Redevelopment

Ironbound Road
R-2 to MU
Berkeley

PC: Approved- 4/4/05
BOS: Approved- 5/10/05

Z-03-05	Centerville Road Subdivision	
Location:	Centerville Road	PC: Approved- 4/4/05
Rezoning:	A-1 to R-2	BOS: Approved- 5/10/05
District:	Powhatan	
Z-06-05	Warhill Tract – Third High School/TNCC	
Location:	Centerville Road	PC: Hearing- 7/11/05
Zoning:	R-8 to PUD-R	BOS:
District:	Powhatan	
Z-07-05	Jamestown Retreat	
Location:	Jamestown Road	PC: Hearing- 7/11/05
Rezoning:	LB & R-2 to R-5	BOS:
District:	Jamestown	
Z-09-05	Governor’s Grove	
Location:	John Tyler Highway	PC: Hearing- 7/11/05
Rezoning:	B-1, R-8 to MU	BOS:
District:	Berkeley	
Z-10-05	The Villages at Whitehall (LaGrange)	
Location:	Old Stage Rd. and Barhamsville	PC: Hearing- 7/11/05
Rezoning:	B-1 & A-1 to R-2	BOS:
District:	Stonehouse	
Z-11-05	The Villages at Whitehall (Task., H. Neck, Rochambeau)	
Location:	Rochambeau Drive	PC: Hearing- 7/11/05
Rezoning:	A-1/B-1 to R-2	BOS:
District:	Stonehouse	

Major Cases – Special Use Permits



SUP-24-04

Location:

Zoning:

District:

Basketville of Williamsburg

7761 Richmond Road

B-1

Stonehouse

PC: Approved- 10/4/04

BOS: Approved- 11/9/04

SUP-25-04

Location:

Zoning:

District:

Bay Lands Federal Credit Union at Norge

Richmond Road

B-1

Stonehouse

PC: Approved- 11/1/04

BOS: Approved- 12/14/04

SUP-30-04

Location:

Zoning:

District:

JCSA Riverview Plantation Water System Improvements

Riverview Road and Newman Road PC: Approved- 12/6/04

A-1 BOS: Approved- 1/11/05

Stonehouse

SUP-32-04

Location:

Zoning:

District:

Diamond Healthcare, Williamsburg Place

5477 & 5485 Mooretown Road

M-1

Berkeley

PC: Approved- 1/10/05

BOS: Approved- 2/08/05

SUP-3-05

Location:

Zoning:

District:

JCSA Water Storage Facility, Warhill

5700 Warhill Trail

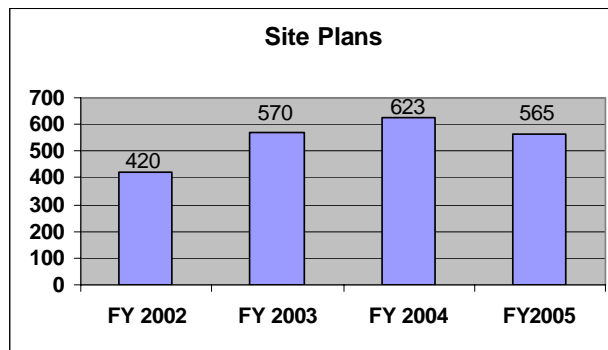
R8/M1

Stonehouse

PC: Approved- 3/7/05

BOS: Approved- 3/22/05

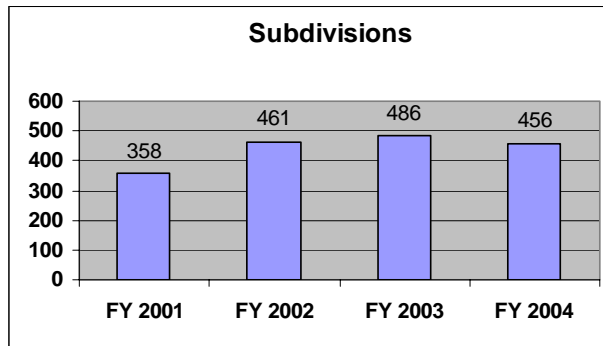
Major Cases – Site Plans



SP-090-04	Colonial Heritage Mass Grading		
Location:	Richmond Road		
Zoning:	MU	Final:	11/4/04
District:	Stonehouse		
SP-098-04	Warhill Green		
Location:	Centerville Road	Preliminary:	10/4/04
Zoning:	R-5	Final:	3/23/05
District:	Powhatan		
SP-102-04	New Town- Blocks 6 and 7		
Location:	Monticello Avenue	Preliminary:	9/8/04
Zoning:	MU	Final:	9/27/04
District:	Berkeley		
SP-103-04	New Town- Movie Theatre		
Location:	Monticello Avenue	Preliminary:	9/8/04
Zoning:	MU	Final:	9/27/04
District:	Berkeley		
SP-116-04	The Station at Norge		
Location:	Croaker Road	Preliminary:	3/27/05
Zoning:	R-5	Final:	5/27/05
District:	Stonehouse		
SP-121-04	Williamsburg Crossing- Parcel 23		
Location:	John Tyler Highway	Preliminary:	12/6/04
Zoning:	B-1	Final:	5/4/05
District:	Berkeley		
SP-125-04	GreenMount Industrial Park Road Ph. 2		
Location:	GreenMount Parkway	Preliminary:	12/2/04
Zoning:	M-2		
District:	Roberts		

SP-126-04	New Town, Block 3	
Location:	New Town Ave./Ironbound Road	Preliminary: 12/2/04
Zoning:	MU	Final: 5/3/05
District:	Berkeley	
SP-127-04	New Town, Retail Ph. 1	
Location:	Monticello Avenue	Preliminary: 12/1/04
Zoning:	MU	Final: 2/8/05
District:	Berkeley	
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	
Location:	Richmond Road	Preliminary: 2/7/05
Zoning:	MU	
District:	Stonehouse	
SP-141-04	Carolina Furniture Warehouse	
Location:	Richmond Road	Preliminary: 4/6/05
Zoning:	B-1	
District:	Berkeley	
SP-011-05	Citizens and Farmers Bank Parking Extension	
Location:	LaGrange Parkway	Preliminary: 3/1/05
Zoning:	PUD-C	
District:	Stonehouse	
SP-014-05	New Town- Lambert Building, Blocks 6 and 7	
Location:	Monticello Avenue	Preliminary: 3/23/05
Zoning:	MU	Final: 5/6/2005
District:	Berkeley	
SP-015-05	New Town- Hagee Building, Block 8	
Location:	Monticello Avenue	Preliminary: 3/22/05
Zoning:	MU	Final: 5/26/05
District:	Berkeley	
SP-028-05	Oaktree Office and Air Tight Self Storage Expansion	
Location:	Ironbound Road	Preliminary: 5/2/05
Zoning:	B-1	
District:	Berkeley	
SP-030-05	Wedmore Place at Williamsburg Winery	
Location:	Wessex Hundred	Preliminary: 5/2/05
Zoning:	R-8	
District:	Roberts	

Major Cases – Subdivisions



S-59-04

Location:
Zoning:
District:

Greensprings West, Ph. 6 (57 Lots)

Centerville Road
R-4
Jamestown

Preliminary: 9/13/04

S-64-04

Location:
Zoning:
District:

Jamestown Hundred, Lots 10-41 (32 Lots)

Reade's Way
R-2
Jamestown

Preliminary: 8/2/04

Final: 10/29/04

S-65-04

Location:
Zoning:
District:

133 Magruder Ave. – Sadie Lee Taylor Property (4 Lots)

Magruder Avenue
R-2
Roberts

Preliminary: 8/4/04

Final: 3/23/05

S-70-04

Location:
Zoning:
District:

Wexford Hills, Ph. 2A (5 Lots)

Wrenfield Drive
A-1
Stonehouse

Preliminary: 8/24/04

Final: 10/7/04

S-75-04

Location:
Zoning:
District:

Pocahontas Square (96 Lots)

Pocahontas Trail
R-5
Roberts

Preliminary: 9/16/04

S-80-04

Location:
Zoning:
District:

Williamsburg Winery Subdivision (4 Lots)

Wessex Hundred
R-8
Roberts

Preliminary: 12/6/04

S-90-04

Location:
Zoning:
District:

Minichiello Villa (4 Lots)

Ironbound Road
R-2
Berkeley

Preliminary: 10/21/04

S-91-04	Marywood Subdivision (115 Lots)		
Location:	John Tyler Highway		
Zoning:	R-1		
District:	Jamestown		
S-94-04	Armistead Point- Kingsmill (14 Lots)		
Location:	Kingsmill Road		
Zoning:	R-4	Final:	11/9/04
District:	Roberts		
S-102-04	New Town, Block 5, Parcel F, Lots 21-24 (4 Lots)		
Location:	New Town Avenue	Preliminary:	11/9/04
Zoning:	MU	Final:	2/2/05
District:	Berkeley		
S-109-04	Scott's Pond, Sec. 3B (21 Lots)		
Location:	Scott's Pond Drive	Preliminary:	4/27/05
Zoning:	R-2	Final:	5/25/05
District:	Powhatan		
S-110-04	New Town, Blocks 8B and 5F, Lots 1-20 and 25-34 (30 Lots)		
Location:	New Town Avenue	Preliminary:	1/12/05
Zoning:	MU	Final:	4/13/05
District:	Berkeley		
S-111-04	Colonial Heritage, Ph. 3, Sec. 1 (95 Lots)		
Location:	Richmond Road	Preliminary:	2/7/05
Zoning:	MU		
District:	Stonehouse		
S-119-04	The Retreat Ph. 2 (22 Lots)		
Location:	Barnes Road	Preliminary:	1/27/05
Zoning:	A-1		
District:	Stonehouse		
S-08-05	Colonial Heritage- Phase 1 Sec. 3A (27 Lots)		
Location:	Richmond Road	Preliminary:	3/17/05
Zoning:	MU	Final:	5/17/05
District:	Stonehouse		
S-15-05	Colonial Heritage- Phase 3 Sec. 2 (51 Lots)		
Location:	Richmond Road	Preliminary:	4/27/05
Zoning:	MU		
District:	Stonehouse		
S-17-05	Polk Estates (4 Lots)		
Location:	Richmond Road	Preliminary:	4/27/05
Zoning:	A-1		
District:	Stonehouse		

PLANNING DIRECTOR'S REPORT

July 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 June 6, 2005 meeting. Case number ZO-3-04, which was approved, added fast food restaurants to the permitted uses in the Mixed Use Zoning District. This amendment will be heard at the July 12, 2005 Board of Supervisors meeting. Case number ZO-3-05, which was denied by the Commission, requested an increase of the acreage fee for rezonings from \$50 to \$100 per acre, removal of the \$15,000 cap on rezoning fees and an increase of the fee for residential site review from \$60 to \$70 per unit. The intent of this change was to support Planning Division operations. The amendment was denied by a 2-2 vote at the June 12, 2005 Board of Supervisors meeting.
- Cash Proffer Policy. The Board of Supervisors' appointed Cash Proffer Committee completed a draft policy. A work session on the draft policy will be held by the Board on July 26.
- Rural Lands. Staff interviewed consultant teams to assess challenges to rural lands and specifically address rural residential clusters and minimum lot sizes outside the County's Primary Service Area (PSA).
- Virginia Capital Trail: Green Springs and Chickahominy River Phases. The ground breaking for the Green Springs phase will be July 12, with Governor Mark Warner the keynote speaker. Staff continued to work with VDOT to move the Chickahominy phase forward. County staff were actively involved in right of way and design issues including securing the necessary County approvals.
- 2007 Community Activities Task Force. The Task Force continued to meet in June to plan and coordinate community activities and beautification efforts.
- Historic Triangle Corridor Enhancement Committee. The Committee continued to meet in June on the Jamestown Road demonstration project to put together its fall landscape enhancement program. In addition, the Committee is now accepting enhancement grant applications from businesses and homeowners associations along Jamestown Road. The application deadline is August 1.
- Route 5 Chickahominy River Bridge Replacement. VDOT has scheduled a public hearing on this project on July 27 and construction is expected to begin in fall 2006.
- Route 60 Pocahontas Trail Relocation. At its public hearing, VDOT presented two alternatives for the project: "No-Build" and "Corridor A." Corridor A consists of a new road that extends through the Greenmount Industrial Park, crosses Skiffs Creek into Newport News, then traverses the Oakland Industrial Park and then connects to the Fort Eustis Boulevard/Route 60 interchange. The Board of Supervisors endorsed Alternative A on June 28.
- Staffing. The Division has busy interviewing and selecting individuals to join the Planning team. Currently, we have hired two planners.
Jason Purse began his duties as planner with the Division on June 20, 2005. He holds a BA in Political Science from Virginia Tech and is currently pursuing his Master's of Public Administration from Old Dominion University. Jason is also a longtime resident of the Williamsburg area.
Jose-Ricardo Ribeiro began his duties as planner with the Division on July 1, 2005. Jose, a native of Brazil, holds a Master's of Urban and Regional Planning from Virginia Commonwealth University. In addition to English, he is also proficient in both Portuguese and Spanish.
Additionally, we have also selected three interns to assist staff on various projects.
Josh Collins graduated from the College of William and Mary in 2004 with a B.A. in Government and Economics and is currently pursuing a Master of Public Policy degree from their Thomas Jefferson Program. Josh's primary policy interests are international trade and local politics.
Will Federspiel began work as an intern with the Planning Division on May 16, 2005. Will recently moved to James City County from Northern Virginia where he worked in policy research and he is currently pursuing a dual degree in Public Policy and Law from the College of William and Mary.

Robert Williams recently received his B.A. from Virginia Tech in Public and Urban Affairs and will be attending New York University next fall to get his Masters degree in Urban Planning. As a planner, his interests lie in Economic Development and GIS applications. After spending a few years as a planner in NYC, he would like to become a private planning consultant and/or take part in some small scale residential development. Away from work, he enjoys spending time with his new baby boy and taking his boat out on the York River.

- Upcoming Cases. New cases that are tentatively scheduled for the August 1, 2005 Planning Commission meeting include:

SUP-22-05 Shops at Norge Crossing

Mr. Gregory Davis of Kaufman and Canoles has applied for a special use permit to construct 8 retail shops totaling 13,000 square feet at 7500 Richmond Road. This parcel is located at the intersection of Norge Lane and Richmond Road and can be further identified as Parcel Number (1-71E) on James City County Tax Map (23-2). It is part of the Norge Crossing shopping center and is currently zoned B-1, General Business, with proffers. Staff contact: Trey Davis

SUP-023-05: TGI Friday's

Mr. Vernon Geddy III has applied for a Special Use Permit on the parcel located at 5521 Richmond Road, which is currently zoned B-1, General Business in order to construct and operate a TGI Friday's restaurant. The property is also known as parcel (1-5A) on the James City County Real Estate Tax Map (33-3). Mr. Geddy has filed the Special Use Permit application because the proposal will generate more than 100 peak hour trips to and from the site. The site is designated as Neighborhood Commercial by the James City County Comprehensive Plan. Limited business activity areas located within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development, are designated Neighborhood Commercial. Staff contact: Matthew Smolnik

SUP-24-05 Gabriel Archer Tavern

Mr. Vernon Geddy has applied to renew the special use permit for the Gabriel Archer Tavern. Staff Contact: Matt Arcieri

SUP-25-05/MP-10-05: Prime Outlet SUP Amendment

Kaufman and Canoles has applied on behalf of Prime Retail, LLC to amend the existing Prime Outlets Master Plan to permit the construction of an additional 5,600 square feet of commercial space. Staff Contact: Matt Arcieri

Z-12-04 Toano Business Center

Mr. Vernon Geddy has submitted an application to rezone 21.23 acres of land from A-1, General Agricultural District to MU, Mixed Use, with proffers. The applicant proposes 3,575 square feet of bank; 4,725 square feet of convenience store with fueling; 34,630 square feet of retail; 54,000 square feet of office/warehouse space; and a mini-storage facility. The property is located at 9686 and 9690 Olde Stage Road, and is further identified as Parcels (1-4), and (1-34) on James City County Tax Map (4-4). The property is designated Low Density Residential and Mixed Use on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of up to 4 units per acre in developments that offer particular public benefits. Recommended uses on property designated for Mixed Use in the Stonehouse mixed use area include light industrial and office/business park, with commercial uses clearly secondary in nature. Staff Contact: Ellen Cook