

# **Planning Commission Agenda**

**May 2, 2007, 7:00 p.m.**

**1. Roll Call**

**2. Public Comment**

**3. Minutes**

A. April 4, 2007 - Regular Meeting

**4. Committee and Commission Reports**

A. Development Review Committee (DRC) Report

B. Other Committee/Commission Reports

**5. Public Hearings**

A. SUP-12-07. Verizon Colocation at Brick Bat Road

B. SUP-1-07. A-Stat Restoration Services

C. SUP-13-07. Denley Brown Contractor's Warehouse (

D. Z-1-06/MP12-06/SUP-36-06. The Candle Factory

E. Z-2-07. Chestnut Grove

**6. Planning Director's Report**

**7. Adjournment**

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

1. ROLL CALL

Planning Commissioners

Present:

George Billups  
Mary Jones  
Tony Obadal  
Jack Fraley  
Shereen Hughes  
Jim Kennedy  
Rich Krapf

Staff Present:

Marvin Sowers, Planning Director  
Adam Kinsman, Assistant County Attorney  
Tammy Rosario, Senior Planner II  
Jose Ribeiro, Planner  
Melissa Brown, Acting Zoning Administrator  
Jason Purse, Planner  
Kathryn Sipes, Planner  
Luke Vinciguerra, Planner  
Toya Ricks, Administrative Services Coordinator  
Ellen Cook, Acting Principal Planner  
Darryl Cook, Environmental Director  
Christy Parrish, Administrative Services Coordinator

Absent:

None

2. PUBLIC COMMENT

Mr. Kennedy opened the public comment period.

Hearing no requests the public comment period was closed.

3. MINUTES

A. March 7, 2007 Regular Meeting

Mr. Fraley motioned to approve the minutes.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the March 7, 2007 regular meeting were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) Report

Ms. Jones presented the report stating that the DRC met on March 28, 2007. She stated that C-1-07 New Town Shared Parking was unanimously approved after property owner concerns and master plan inconsistencies were addressed. Ms. Jones also stated that SP-7-07 Williamsburg Community Chapel Nursery Wing was approved 3-0.

Mr. Fraley motioned to approve the report.

Mr. Obadal seconded the motion.

In a unanimous voice vote, the DRC report was approved.

B. Policy Committee Report

Mr. Fraley stated that the Policy Committee met on March 14 and March 21. He stated that on March 14 the Committee reconsidered the proposal to amend the Mixed Use Zoning Ordinance at the Commission's request. Mr. Fraley stated that Staff was directed to separate the housekeeping and technical aspects of the proposal and to make additional clarifications. He stated that on March 21 that Committee approved the revised proposal. Also, on March 21, the Committee approved the methodology and time table for the 2008 Comprehensive Plan update. Mr. Fraley stated that additional meetings were held to discuss an Ordinance amendment to allow direct sewage discharge. He stated that the item is still under consideration.

5. PLANNING COMMISSION CONSIDERATION

A. Initiating Resolution – Zoning Ordinance Amendment – Zoning and Subdivision Fees

Ms. Melisa Brown presented the staff report stating that the Initiating Resolution is necessary for consideration of an amendment to the Zoning Ordinance. She stated that adoption of the resolution does not approve nor deny the amendment. Approval of the resolution only allows consideration of the proposal. Staff recommended adoption of the resolution.

Mr. Fraley asked why the initiating resolution was being presented on the same night as the actual proposal.

Mr. Sowers stated that the normal process is to the present the initiating resolution at one meeting and the proposal at the meeting the following month. He explained that due to the item being connected to the County budget it was necessary to move both forward together.

Mr. Billups asked what impact the fee changes will have on the budget.

Mr. Sowers stated that Ms. Brown and Mr. Bill Porter, Assistant County Administrator, will present the proposal later in the meeting.

Mr. Billups motioned to approve the resolution.

Mr. Krapf seconded the motion.

In a unanimous voice vote, the Initiating Resolution was adopted (7-0).

B. Comprehensive Plan Methodology

Ms. Tammy Rosario presented the staff report stating that the proposed Comprehensive Plan methodology and time line use a similar framework to those used successfully in past utilizing Community Participation Team and a Steering Committee. Ms. Rosario stated that the proposal takes into consideration the Division's work programs for next six months with an official kick-off in October to begin the 20 month process. She also stated that the proposal incorporates recommendations of the Regional Issues Committee for simultaneous Comprehensive Plan Updates between James City County, York County, and the City of Williamsburg in 2010. Ms. Rosario said the Policy Committee recommended approval 4-0.

Mr. Krapf motioned to approve the proposal.

Mr. Billups seconded the motion.

In a unanimous voice vote, the proposal was approved (7-0).

6. PUBLIC HEARINGS

A. SUP-35-06 Kenneth Brook's Contractor's Warehouse

Mr. Sowers stated that the applicant has withdrawal their application.

Mr. Kennedy closed the public hearing.

B. Z-1-06/MP-12-06/SUP-36-06 The Candle Factory

C. A-Stat Restoration Services

Mr. Sowers stated that the applicants for The Candle Factory and A-State Restoration Services requested deferral.

Mr. Kennedy opened the public hearings.



Hearing no requests the public hearings were continued to the May 2, 2007 meeting.

D. ZO-1-07 Zoning Ordinance Amendment – Mixed Use Ordinance

Ms. Ellen Cook presented the staff report stating that the proposal seeks to amend and reordain JCC Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, Section 24-527, Setback requirements, to clarify the following: when a setback is required, the conditions of when a setback can be modified and the procedure to request a modification. Ms. Cook said the Policy committee recommended approval of the proposed change by a vote of 3-1.

Mr. Obadal asked if Ordinance paragraph A currently applies to both internal and external roads.

Ms. Cook stated that it currently does not specify and has been interpreted by staff as external given other language elsewhere in the section.

Mr. Obadal asked if paragraph C specifies internal roads.

Ms. Cook stated that it refers to the location of the mixed use district in relationship to the overlaying comprehensive designation.

Mr. Obadal asked if that has consistently been staff's interpretation.

Ms. Cook said that was correct.

Mr. Kennedy opened the public hearing.

Hearing no requests, the public hearing was closed.

Mr. Obadal stated his concern that higher densities be confined to mixed use areas to manage growth and suggested alternative wording.

Mr. Fraley said there are mixed use developments other than housing redevelopment focus areas. He stated that any mixed use rezoning has to have legislative approval. Mr. Fraley also stated that the proposal specifies additional criteria which must be met before a setback modification request can be made.

Mr. Billups stated his concern that the proposal conflicts with the Comprehensive Plan. He stated that there are other ways to address the issue.

Mr. Krapf stated that there are mixed use zoned districts that are internal to mixed use areas designated by the Comprehensive Plan and some mixed use zoned districts that are internal to areas with a different Comprehensive Plan designation. He stated the proposal's intent to clarify this distinction and add additional criteria for those outside of mixed use designated areas.

Mr. Fraley stated that the proposal does not change setbacks, only the criteria for requesting waivers to setbacks.

Mr. Obadal disagreed. He stated that internal setbacks are eliminated. Mr. Obadal stated that the setbacks were designed to create a roadblock in order to manage density.

Mr. Kennedy stated his inclination to hear a motion with Mr. Obadal's suggested language and a separate motion on the proposal as presented by Staff.

Mr. Obadal stated his appreciation for the time staff and Commissioners have given to considering this amendment. Mr. Obadal read his proposed change, which was to include Housing Revitalization Areas, along with Mixed Use Designated areas, as eligible for the setback waiver.

Ms. Cook showed on the overheard where she believed Mr. Obadal's suggested language would be inserted.

Mr. Sowers asked if it was Mr. Obadal's intent to delete the additional criteria for projects outside of mixed use designated areas.

Mr. Obadal said the additional criteria would not be necessary.

Mr. Fraley explained the Policy Committee's reasons for the additional criteria. He stated that Mr. Obadal's suggestion would not address a solution for most cases.

Mr. Kennedy stated that the Commission could vote on Mr. Obadal's proposal first and if it does not carry, they can vote on the proposal presented.

Mr. Fraley asked for clarification of Mr. Obadal's intent concerning the additional criteria.

Mr. Obadal said setback waivers should not be easily available to cases outside of mixed use designated areas and stated that the additional criteria are not necessary.

Mr. Kinsman suggested the Commission vote on Staff's proposal as presented first. He stated that if that doesn't pass the Commission could recess to allow him and staff to consider the affect of Mr. Obadal's suggestions on the Ordinance language.

Mr. Billups stated his concerns of adding additional terminology to the Ordinance.

Mr. Kennedy asked for a motion.

Ms. Jones made a motion to approve the proposal as presented by staff.

Mr. Fraley seconded the motion.

In a roll call vote the application was recommended for approval (4-3). AYE: Fraley, Hughes, Jones, Krapf (4); NAY: Obadal, Billups, Kennedy (3).

E. Z-9-06/MP-10-06 Ironbound Square Redevelopment

Mr. Jose Ribeiro presented the staff report stating that Mr. Rick Hanson of the James City County Office of Housing and Community Development has applied to rezone approximately 9.34 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use zoning district, with proffers. The development proposed with this rezoning will create up to 51 single-family affordable and mixed-income residential lots and three new streets. The properties are designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel Nos. (1-105), (1-104), (1-103), (1-102), (1-101), (1-99), (1-97), (1-96), (1-95), (1-94), (1-93), (1-92), (1-90), (1-89), (1-88), (1-87), (1-86), (1-85), (1-84), (1-83), (1-82), (1-81), (1-80), (1-79), (1-78), (1-77), (1-76), (1-75), (1-75A), (1-75B), (1-74), (1-73), (1-72), (1-71), (1-70), (1-69), (1-68), (1-67), (1-66), and (1-65), on JCC RE Tax Map No. (39-1). Low Density Residential areas are suitable for development with gross densities of one to four dwelling units per acre. This phase of the proposed development would have a gross density of approximately 5.4 dwelling units per acre. The gross density of the entire development will be 3.6 dwelling units per acre. Mr. Ribeiro outlined the changes since the March 7, 2007 Planning Commission meeting.

Ms. Hughes asked the location of the proposed landscape and setback waivers.

Mr. Ribeiro showed the locations on an overhead map.

Mr. Kennedy opened the public hearing

Mr. Doug Powell, Manager of Community Services highlighted the development of the project since 1995. He described the property acquisition process.

Mr. Aaron Small, AES Consulting Engineers represented the County and presented three alternatives for the proposed road and cul-de-sac that the Commission expressed concerns about at their last meeting.

Mr. Fraley asked the scale of the drawings.

Mr. Small stated that he was not sure of the scale.

Ms. Hughes asked about the road width in the alternative number one.

Mr. Small said it is the standard 50 feet.

Ms. Hughes asked the width of the paved surface.

Mr. Small said the distance is 26 feet curb to curb.

Mr. Fraley asked for an explanation of the differences from the previous proposal.

Mr. Small said it shifts the road 50 feet to the south. He also stated that a waiver from VDOT (Virginia Department of Transportation) will be necessary for alternative one. Mr. Small presented alternatives two and three. He also showed the areas that will be affected by the planned VDOT roadway expansion.

Mr. Fraley confirmed that with the alternatives, the County would only need to acquire 25 feet of the rear of the three parcels instead of the 50 feet originally proposed.

Mr. Small said that was correct.

Mr. Powell concluded his presentation by stating the proposal will provide thirty-nine affordable single family homes. He also stated that a minimum of twenty of the homes would be sold to low-to-moderate income households.

Ms. Hughes asked the applicant to consider using Better Site Design principles such as reduced road widths.

Ms. Jones asked if a County representative had attended the VDOT meetings concerning the Ironbound Road roadway expansion.

Mr. Rick Hanson, Housing and Community Development stated that he and others from his Department attended along with some Planning staff.

Ms. Jones asked if any of the County's representatives had made suggestions and if those suggestions had been incorporated in the final proposal.

Mr. Hanson said they did make suggestions and that some of them had been included.

Ms. Jones asked if the County-owned property next door to Mr. and Mrs. Tucker had been improved.

Mr. Powell said they met with some property owners who expressed that concern. He said they are committed to addressing that issue as soon as possible.

Mr. Fraley asked about the request for landscape modifications.

Mr. James Peters, AES Consulting Engineers, said they received direction concerning street tree planting and road construction from the Board of Supervisors where a reduced street width request had been taken before that body.

Mr. Fraley asked how that affected landscaping.

Mr. Small explained how the proposed street width reductions along Carriage Road and Watford Lane necessitate the need for the waiver request to install more trees than required.

Mr. Fraley confirmed that the applicant would be planting more trees than required.

Mr. Billups asked the price range for the twenty homes that will be offered to low-to-moderate income households.

Mr. Hanson said \$120,000 to \$140,000. He also stated that some houses built by non-profit organizations will be offered at prices lower than that.

Mr. Billups asked about the prices for workforce housing.

Mr. Hanson said up to \$200,000.

Mr. Fraley asked if any of the displaced property owners had applied for the new homes and been denied.

Mr. Hanson said no. He said they are encouraged to apply for those homes.

Mr. Billups asked if property owners are being relocated to comparable homes.

Mr. Hanson stated that if a homeowner could not purchase a comparable home for the amount they received from the County for the home the County purchased, then additional money is provided to the homeowner.

Mr. Kennedy confirmed that homeowners who owned their homes outright would not have a mortgage on their new homes.

Mr. Hanson said that is correct if they select a comparable home and were not upgrading.

Mr. Tim Cleary, 101 Lands End Drive, stated the importance of affordable housing. He stated that this project does not use innovative land use planning and would require redevelopment every ten to twenty years. He urged the Commission to deny the application.

Mr. Philip Chapman, 4335 Casey Blvd, stated his concerns with the condemnation. He also stated that several of the homeowners had not received a copy of their appraisal. Mr. Chapman said the Canadys have not been apprised of the status of the effort to clean up of the County owned property.

Ms. Marion Payne, Housing and Community Development, stated that Mr. Canady has not been contacted because his property will not be affected. She stated that owners of all the properties they intend to purchase received appraisals along with offers to purchase.

Mr. Billups asked if the original grant application included the potential for condemnation or was the term acquisition used.

Ms. Payne stated that the application to Virginia Housing and Community Development specified that houses would be acquired.

Mr. Hanson stated that it included acquisition and funds for relocation

assistance.

Mr. Billups asked if the term 'condemnation' or 'acquisition' was used.

Mr. Hanson said the application stated that a redevelopment plan, in accordance with state law, which authorizes condemnation for acquisition would be part of the project.

Mr. Billups asked for confirmation that the word 'condemnation' was used.

Mr. Hanson said the phrase 'redevelopment plan that authorizes acquisition, if necessary, by eminent domain' was used.

Mr. Obadal asked if the first application was made in 1999.

Mr. Hanson said yes and explained that the Virginia Housing and Community Development office disbursed the HUD (Housing and Urban Development) funds.

Mr. Obadal asked when the appraisals were performed.

Mr. Hanson said they were conducted over time starting after 2002 and occurred at the time of the offer.

Ms. Payne explained that the four properties they are currently acquiring were appraised in December of last year and January of this year with offers being made in those same months.

Mr. Obadal asked about the differences in assessed and appraised valuation.

Ms. Payne stated that the possible difference between the two is the reason an independent, certified appraiser was hired to establish fair market value which was offered.

Mr. Hanson said it is typical for assessments to be lower than appraised value.

Mr. Billups asked if homeowners were made aware of the market value.

Ms. Payne said that the independent appraiser establishes that value and explained how comparable sales are used.

Mr. Obadal asked if the appraiser had taken into account the development of New Town across the street from the community.

Ms. Payne said yes.

Mr. Hanson explained that the values would change over time and were higher in general for the later acquisitions because property values in James City County had increased.

Mr. Kennedy asked the percentage of increase.

Ms Payne answered approximately 40%.

Mr. Kennedy asked the difference in assessed values since the first acquisition since 2003. He stated that the value of his property went up 200% and asked how this area could not feel that same growth.

Ms. Payne explained that for homes that had to be reappraised because negotiations for the purchase of those homes took a year or two to complete the values went up by 40%. She stated that she did not have any historical data on the increase in assessments for that area as a whole.

Mr. Krapf asked if Better Site Design Principles such as clustering or higher density were considered.

Mr. Hanson stated that the plan represents feedback from members of the Ironbound Square community. He said they expressed a desire for single family homes.

Ms. Jones asked for clarification that appraised value was used instead of fair market value.

Mr. Hanson said generally it was appraised value. He stated that if homeowners provided data to support a higher value or if they counter offered those were taken into consideration and in some cases received compensation greater than appraised value.

Mr. Obadal asked if the applicant negotiated directly with the homeowner or if the homeowners had representation.

Ms. Payne said primarily with the homeowners but some did have legal representation.

Mr. Obadal asked if Mr. Hanson considered the area to be blighted.

Mr. Hanson said it was a blighted area prior to the initiation of the redevelopment. He said improvements are still needed.

Mr. Obadal asked how many homes were torn down.

Mr. Hanson said twenty-four homes were torn down. He stated that thirteen of them had been occupied and the rest vacant.

Mr. Kennedy asked if the purchase prices had taken into consideration the density being proposed or the current density.

Mr. Hanson said the appraisal considered the potential development under the zoning in place at that time.

Mr. Kennedy asked how many times each acre is proposed to be divided.

Mr. Hanson said approximately eight.

Mr. Kennedy asked the prices in James City County for a lot.

Mr. Hanson said it would vary

Mr. Kennedy stated that he understands it to be \$150,000 - \$250,000.

Ms. Jones asked how many of the parcels owned by the County are currently blighted.

Mr. Hanson stated that the properties need to be tended to and are not acceptable. He stated their plans to improve the properties.

Mr. John Bailey, 4344 Ironbound, stated that the offer he received was for less than the taxes he pays for the property. He also stated that he was told he would not be compensated for any future improvements he made to the property.

Ms. Laura Chapman, 4335 Casey Blvd, stated that one of the property owners received a written offer by mail. She stated that the property owner was not contacted in efforts to negotiate.

Hearing no other requests the public hearing was closed.

Mr. Fraley asked what version of the proposal the Commission was being asked to consider.

Mr. Powell asked that alternative three of the road layout be voted on.

Ms. Jones stated her concerns that in 2002 the project changed from revitalization to redevelopment which resulted in 40 parcels falling under condemnation, that taking property from citizens to build homes for other citizens does not make sense, and that citizens are also being impacted by the Ironbound Road expansion. She stated that she will not support the application.

Mr. Billups stated his disagreement with the Ordinance Amendment approved earlier that was predicated on the necessities of this proposal. He also stated that the community members involved in drafting this plan are being excluded from the benefits of the project. Mr. Billups expressed his concerns that property is being taken away from African-Americans who are being offered low prices and the use of the words "substandard" and "dilapidation" to apply to their living conditions. He said he would not support the application.

Mr. Obadal stated that the proposal should be denied so that an equitable solution can be arranged and to consider better site design. He also suggested a recommendation for an inquiry as to whether or not pressure was used to force citizens to make decisions they were not ready to make.

Mr. Fraley stated his concerns with how and where eminent domain has been applied. He stated that citizens who cannot afford an attorney are being displaced who will find it difficult to replicate their living conditions somewhere else at the same price. He stated that the design is boring and he cannot support a proposal that takes property from one group to provide homes for another group at a higher density for more money.



Mr. Krapf stated that although the proposal meets some of the goals and strategies of the Comprehensive Plan he cannot support it due to the concerns raised by citizens and the lack of Better Site Design Principles.

Ms. Hughes said she agreed with other Commissioners regarding taking land from private homeowners. She also pointed to the lack of Better Site Design initiatives.

Mr. Kennedy stated his concerns that the Board of Supervisors will approve the proposal and with the use of condemnation. He stated his opinion that this project represents the poor subsidizing the poor and apologized for how citizens are being impacted. Mr. Kennedy urged citizens to contact the Board of Supervisors and said he will not support the proposal.

Ms. Jones made a motion to deny the application.

Mr. Obadal seconded the motion.

In a unanimous roll call vote the application was recommended for denial (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

Mr. Obadal asked that his recommendation for an inquiry be forwarded to the Board of Supervisors.

The Commission took a five minute break and reconvened at 9:10 p.m.

F. ZO-2-07 Zoning Ordinance Amendment – Zoning and Subdivision Fee Changes

Ms. Melissa Brown presented the staff report stating that the County Administrator's Budget recommends increases in selective fees within the Zoning and Subdivision Ordinances. These increases and additions will help offset costs associated with operating expenses without increasing property taxes in accordance with the pathways established by the County's Strategic Management Plan.

The proposed zoning ordinance amendments will adjust the fees for appeals to the Board of Zoning Appeals and administrative variances and adjust the acreage fees associated with rezoning requests. In addition to these adjustments, staff is requesting the approval of new fees for deferral of public hearing cases at the applicant's request, zoning verification letters, conceptual plans and review of site and subdivision plans after the second resubmission. These fee changes represent an effort to satisfy Pathways included in the County's Strategic Management Plan by evaluating service and delivery costs and promoting revenue alternatives to the increase of property taxes. The changes are estimated to generate the \$60,000 in additional revenue included in the FY08 budget proposed to the Board of Supervisors to support Planning Division operations.

In preparing this proposal staff surveyed several local governments including: Albemarle, Chesterfield, Fauquier, Hampton, Hanover, Henrico, Newport News, Prince

George, Loudon, Williamsburg and York. The recommended increases are based on a general comparison with these jurisdictions, current and anticipated staff work load. Even with these proposed increases, the Division will only recoup a portion of the County's actual operating costs which include advertising, transportation, copying and postage costs which have increased over the last several years. In addition, proposed increases in the complexity of the zoning and subdivision ordinances will also place new demands on staff time associated with review of all case types.

Ms. Brown also stated York County's rezoning fees according to their fee schedule because it was brought to her attention that information for that particular fee was left out of the report.

Ms. Jones asked if it was standard procedure that fee increases were included in the proposed budget before they are approved.

Ms. Brown and Mr. Sowers stated that it was common practice.

Mr. Kennedy opened the public hearing

Hearing no requests to speak the public hearing was closed.

Mr. Fraley discussed his concerns about the BZA fees. He stated that 95% of these hearings coming from ordinary citizens. An example of this type of request would be a deck that encroached two feet into the setback for various reasons. The proposed BZA fees increased 100% and the Administrative Variance fee increased 150% over current fee charges. These rates of increase are out of line.

Mr. Fraley also discussed that the fee increases are not competitive with our surrounding jurisdictions such as York County and the City of Williamsburg.

Ms. Hughes stated that there is a cost of doing business that increases yearly.

Mr. Fraley stated that he was not against raising fees but is against increasing a fee 100% in one year for a hard working citizen. However, he suggested phasing in the fees over two years, splitting the difference or adding advertising costs to the fee.

Mr. Krapf asked why staff selected these particular fees to increase.

Ms. Brown stated that staff looked at the fees currently in place, workload indicators, amount of time required for staff review and expenditures such as copying and advertising. Staff used other jurisdictions fee schedules as a benchmarking tool.

Mr. Obadal asked which cases staff spends the most time on.

Ms. Brown stated public hearing cases, site plan review and subdivision review.

Mr. Obadal asked whether these fee increases reflect the value of staff's time.

Mr. Sowers stated that these fees do not reflect staff hours. For example, a rezoning goes through multiple reviews and expends many staff hours over and above what is captured by fees.

Mr. Obadal stated that generally fees should be incorporated within the assessed taxes and not as a separate charge for the common homeowner. However, larger rezonings should be charged a larger fee.

Mr. Billups stated he would like to see fees in line with York County and the City of Williamsburg.

Ms. Brown stated that the Strategic Management Plan encourages County departments to seek revenue sources other than tax increases.

Mr. Obadal motioned to approve all the proposed fee increases except the Administrative Variance fee and Board of Zoning Appeal fee to be phased in over two years and to recommend the Administrative Variance fee be raised to \$175.00 and the Board of Zoning Appeals fee to be raised to \$375.00.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the ordinance was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

#### G. Croaker AFD – Ballard Addition

Mr. Jason Purse presented the staff report stating that Mr. Thomas Ballard has applied to add 21.13 acres to the existing Croaker Agricultural and Forestal District (AFD-2-86). The properties are located at 5325 and 5375 Riverview Road and are identified as Parcels No. (1-32) and (1-35A) on JCC Tax Map (15-3). The parcels are zoned A-1, General Agricultural and are located in the Stonehouse District.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was closed.

Ms. Jones motioned to approve the application.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

H. SUP-2-07 Accessory Apartment in Page Landing

Ms. Kathryn Sipes presented the staff report stating that Mr. Marv Evans has applied for a special use permit to allow an accessory apartment of approximately 800 square feet. The property is located at 4721 Captain John Smith Road and can be further identified as JCC RE Tax Map No. 5510300014. The property is zoned R-1, Limited Residential and is designated Low Density Residential on the Comprehensive Plan Land Use Map.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was closed.

Mr. Obadal motioned to approve the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0).  
AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

I. Z-1-07 Sheldon Rezoning

Mr. Luke Vinciguerra presented the staff report stating that Mr. Howard Sheldon has applied to rezone a 1.29 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3425 Old Stage Road, Parcel (12-2) on JCC Tax Map (1-11B). The property is designated Low Density Residential on the Comprehensive Plan.

Mr. Obadal asked if Staff had received a response from its notification of other property owners of the apparent inconsistent zoning.

Mr. Vinciguerra stated that both adjacent property owners have submitted conceptual rezoning applications.

Mr. Kennedy opened the public hearing.

Ms. Gillian Sheldon, 149-A N. Mt. Vernon Avenue, stated that the applicant will build a home on the property. She requested that the other properties be rezoned to residential as well so that they do not end up living next to commercial establishments.

Hearing no other requests the public hearing was closed.

Mr. Fraley motioned to approve the application.

Mr. Krapf seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0).  
AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

J. Z-8-06/SUP-36-06/MP-9-06 Williamsburg Pottery Factory

Mr. Jason Purse presented the staff report stating that Mr. Vernon Geddy has applied to rezone a 18.86 acre parcel located at 6692 Richmond Road, JCC RE Tax Map No. 2430100024, from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers, and with a commercial Special Use Permit. The rezoning proposes redevelopment of the existing property to include 161,000 square feet for a new retail shopping center. The site is shown as Mixed-Use, Lightfoot Area on the 2003 Comp. Plan Land Use Map. Recommended uses for Mixed-Use, Lightfoot Area include transit oriented mixed-use development with a mixture of limited industry, commercial and moderate density housing. Mr. Purse stated that since the last Planning Commission meeting the applicant has submitted an updated master plan, proffers and design guidelines.

Ms. Hughes asked for clarification of the setback modification request.

Mr. Purse explained that an average reduction of 20 feet therefore allows an average buffer width of 30 feet.

Ms. Hughes asked if the number of parking spaces was based on gross retail space.

Mr. Purse said that is his understanding

Ms. Hughes asked if the traffic study indicated the level of service at the traffic signal.

Mr. Purse said it is addressed in the traffic study and deferred to the applicant.

Mr. Kennedy opened the public hearing.

Mr. Vernon M. Geddy, III representing the applicant outlined the changes in the proposal since the last presentation.

Mr. Krapf commended the applicant on the improvements. He asked if the applicant considered LEED certification.

Mr. Geddy stated that the applicant was not comfortable including the certification in a proffer due to the varied technical aspects.

Mr. Krapf confirmed that although the applicant did not intend to seek LEED certification they would apply as many of the techniques as possible.

Mr. Geddy agreed.

Mr. Fraley stated that Prime Outlets recently agreed to proffer LEED certification.

Mr. Geddy stated that the two are very different projects. He stated that Prime is a large national retailer with a greater ability to dictate to their tenants than the applicant whose desire is to attract local businesses.

Mr. Obadal asked about the parking calculations.

Mr. Geddy stated that the parking requirements are based on gross and net retail operations.

Mr. Obadal stated his concern about the maintenance of the trees and other landscaping.

Mr. Geddy stated that the owner is required to maintain the landscaping.

Mr. Obadal asked if the applicant would be willing to proffer that.

Mr. Geddy agreed.

Mr. Obadal commended the applicant on the improvements.

Mr. Fraley asked who maintains the landscaping in the median.

Mr. Geddy said the applicant will maintain the area and has an agreement with VDOT to do so.

Mr. Rich Costello, AES Consulting Engineers, stated that when the Pottery opens there will be a level of service A at both traffic signals and in 2017 a level of service B at both signals.

Mr. Kennedy asked about the funding for the signals.

Mr. Geddy stated that the County has asked that they have some discussions with Colonial Heritage to share in the costs. He stated that those conversations are on-going.

Mr. Kennedy asked for an assurance that the signal will be installed.

Mr. Geddy stated that both this applicant and Colonial Heritage have proffered that the signal be installed.

Mr. Kennedy asked that a condition requiring a compromise be reached before the cases in heard by the Board of Supervisors.

Mr. Geddy explained what each entity has already agreed to do and stated that the County is assured that the light will be installed.

Mr. Obadal stated his concern with placing the beginning of this project in the hands of another private party who does not have the same pressures.

Mr. Kennedy stated his desire for assurance that there are not problems later.

Mr. Adam Kinsman stated that the light will be installed regardless of the agreement between the parties. He explained that Colonial Heritage has proffered to install the signal when warranted.

Mr. Kennedy asked if the parties were close to an agreement.

Mr. Geddy said he did not know the state of the negotiations. He stated that between the Colonial Heritage and the Pottery proffers the light will be installed and the costs will be shared.

Mr. Sowers said there is an SUP condition attached to this application which requires the signal be installed prior to complete build out.

Mr. Doug Gebhardt, 3609 Corey Abbey Circle, stated that the Williamsburg Pottery Factory has been a long-standing contributor to local economy. He stated that circumstances have lead to the Pottery having to reinvent itself. He also stated that unlike Prime Outlets, a major national retail developer with access to capital, the Pottery is locally owned and operated. Mr. Gebhardt said the Economic Development Authority supports this application.

Mr. Tom Wishart, 4759 Winterberry Court, stated that the residents of Colonial Heritage support the application.

Ms. Diana Luzinski, 110 Alwoodley, said she is pleased with the changes to the proposal. She stated that it is in the County's best interest to ensure the beautification of Richmond Road and environmental mitigation.

Hearing no other requests the public hearing was closed.

Mr. Fraley complimented the traffic study and the applicant.

Ms. Hughes stated that she was pleased with the changes. She recommended the applicant consider reducing the amount of parking and increase the Community Character Corridor buffer area in section 3.

Ms. Jones motioned to approve the application.

Mr. Billups stated that it is a commendable project and he did not have any objections. He stated his support.

Mr. Purse reminded the Commission of the landscape modification request.

Mr. Sowers asked if the motion included the rezoning, master plan, and special use permit and landscape modification request.

Ms. Jones said yes.

Mr. Fraley stated his desire to forward Ms. Hughes' comments concerning the parking and buffer area as a recommendation to the Board of Supervisors.

Mr. Obadal said he did not want to see the parking fall below 5 spaces per gross foot of retail space. He stated his concern that a landscape maintenance agreement be mandatory.

Mr. Fraley stated that a landscape maintenance agreement should be included in the recommendations.

Mr. Obadal said he did not think it necessary to include a recommendation.

Mr. Kinsman confirmed that the motion included amending the conditions to allow the County Attorney's office and the applicant to draft a condition mandating the agreement.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

7. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report stating that a seminar, Legal Parameters Surrounding Planning, will be held on May 7<sup>th</sup> in Charlottesville. He asked Commissioners to contact him if they are interested in attending.

Mr. Billups said it is an excellent seminar and recommended everyone attend at some point.

8. ADJOURNMENT

There being no further business the Planning Commission was adjourned at 10:25 p.m.

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James Kennedy, Chairman

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O. Marvin Sowers, Jr., Secretary



**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**  
**FROM: 4/1/2007 THROUGH: 4/30/2007**

**I. SITE PLANS**

**A. PENDING PRELIMINARY APPROVAL**

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amend.
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-071-05	Merrimac Center Parking Expansion
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-106-05	New Town Block 5 Dumpster Relocation
SP-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-147-05	Warhill - TNCC Site Improvements
SP-001-06	5525 Olde Towne Rd
SP-012-06	New Dawn Assisted Living
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-054-06	Prime Retail Phase 8 Expansion
SP-069-06	Settlement at Powhatan Creek, Phase 2
SP-070-06	Williamsburg Airport, Marclay Access Rd
SP-071-06	T-Hanger Site Prep, Williamsburg Airport
SP-073-06	Settlers Market Off Site Rd Improvements
SP-085-06	Settler's Market at New Town Sec. 9, Phase 2
SP-087-06	Romack Expansion
SP-094-06	Avid Medical & ESGI Expansion
SP-097-06	T-Mobile SBA Monopine Tower
SP-103-06	Starling Gutters Site Plan
SP-104-06	Walnut Grove
SP-105-06	White Hall North Off-Site Utilities
SP-106-06	Old Capitol Lodge 629
SP-107-06	NF494 Riverside Brick
SP-108-06	White Hall Roadway Improvements
SP-109-06	Strawberry Plains Road Bus Shelter
SP-110-06	Lafayette HS Bus Shelter
SP-111-06	Longhill Rd - Lafayette Manor Apt Bus Shelter
SP-112-06	Richmond Road - Ramada Inn Bus Shelter
SP-117-06	Lake Powhatan Road Closure

SP-121-06	Hankins Industrial Park Auto Shop/Warehouse Ph II
SP-126-06	New Town Sec 2 & 4, Blk 3, Parcel C
SP-127-06	Tewing Road Commerical Park Lots 11 & 12
SP-128-06	Warhill Sports Complex
SP-133-06	Liberty Crossing SP Amendment
SP-137-06	Governors Land Nextel Tower
SP-138-06	<b>Bus Shelter Mooretown Rd - Anvil Campground</b>
SP-143-06	White Hall Sec 1
SP-144-06	White Hall Sec 2
SP-145-06	Busch Gardens: France Restrooms & Legrande Gourmet
SP-149-06	Lawrenceville Brick Lot 7 James River Commerce Ctr
SP-150-06	Hankins Industrial Park Parcel 2
SP-151-06	Busch Gardens Main Gate Restrooms
SP-152-06	New Town Sec 2 & 4 Blk13 Parcel A THAY Building
SP-154-06	TRCC Temporary Kitchen
SP-001-07	<b>New Zion Baptist Church Amend</b>
SP-002-07	Pocahontas Square - SP Amend
SP-005-07	Colonial Heritage Ph. 4
SP-006-07	Fords Colony Amended Sewer Sec. 34

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-103-05	Colonial Heritage Ph. 4	1 /22/2009
SP-133-05	Prime Outlets Ph. 6	5 /11/2007
SP-005-06	Governor's Grove at Five Forks	5 /1 /2007
SP-074-06	Settlers Market at New Town Sec 9	12/4 /2007
SP-077-06	Williamsburg Landing Woodhaven Expansion	8 /7 /2007
SP-118-06	Thomas Nelson CC Parking Lot	12/6 /2007
SP-119-06	Michele Point renewal	11/6 /2007
SP-124-06	Weatherly at White Hall	12/3 /2007
SP-129-06	Massie Corp Parking Lot Expansion Building #4	12/4 /2007
SP-146-06	Carolina Furniture Warehouse	1 /31/2008

**C. FINAL APPROVAL**

**DATE**

SP-142-06	New Town Sec. 2&4 Block 2 (Bonefish Grill)	4 /2 /2007
SP-148-06	Wedmore Place at the Williamsburg Winery	4 /17/2007
SP-007-07	Williamsburg Community Chapel Nursery Wing	4 /16/2007

**D. EXPIRED**

**EXPIRE DATE**

## 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	<b>George White &amp; City of Newport News</b> 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-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-121-04	Wellington Public Use Site
S-039-05	<b>Hofmeyer Limited Partnership</b> lots 1-4
S-042-05	Toano Business Center, Lots 5-9
S-044-05	Colonial Heritage Road & Sewer Infrastructure
S-059-05	Peleg's Point, Sec. 6
S-097-05	<b>ROW Conveyance-</b> 6436 Centerville Road
S-105-05	Stonehouse Land Bay 31
S-106-05	<b>Colonial Heritage</b> Ph. 5 Sec. 1
S-108-05	3020 Ironbound Rd. BLE
S-015-06	Indigo Park- Block A, Lot 1
S-026-06	Colonial Heritage, Ph. 5, Sec. 2
S-027-06	Realtec Properties BLA & BLE
S-028-06	133 & 135 Powhatan Springs BLE
S-038-06	3215 & 3221 N Riverside Drive BLE
S-039-06	Settlement at Powhatan Creek, Phase 2
S-055-06	Burlington Woods
S-060-06	Villas at Five Forks
S-062-06	<b>Villas at Five Forks</b> (abandonment)
S-065-06	Coleman Family Subdivision
S-070-06	<b>Elise C. &amp; Douglas C. West</b>
S-071-06	Avid Medical & ESGI Expansion
S-073-06	Boundary Line Adjustment
S-075-06	<b>BLA Wmsbg - Jamestown</b> Airport
S-078-06	Walnut Grove
S-079-06	BLA Ware Road
S-081-06	Liberty Crossing/Noland
S-088-06	Heath Properties lots 1-4
S-089-06	Heath Property Lots 5-8
S-090-06	Fenwick Hills Section 4
S-092-06	Gregg Klich BLA
S-093-06	Matoaka Elementary School

S-094-06	Pierce Subdivision
S-097-06	Willow Pond Estates Lots 1-3
S-098-06	White Hall Section 2
S-099-06	Turners Neck Estates
S-100-06	Riverview Plantation Sec 6 Parcel B
S-101-06	Additional New Town Ave. ROW
S-103-06	Liberty Crossing Phase 2
S-001-07	Hylemon Minor Subdivision
S-002-07	Lantoa Villa Lot 3
S-003-07	
S-004-07	10140/10142 Sycamore Landing BLE
S-005-07	Leighton-Herrmann Subdivision
S-007-07	Altman Subdivision
S-008-07	Crawford Subdivision
S-009-07	Chickahominy Haven BLE
S-010-07	BLA Lot 20 Merry Oaks & 255.19 AC
S-012-07	Richburg
S-014-07	Hofmeyer Limited Partnership Lots 5-7
S-015-07	6262 Centerville Rd

#### **B. PENDING FINAL APPROVAL**

S-101-03	Ford's Colony - Sec. 35	2 /2 /2008
S-037-04	Michelle Point	11/6 /2007
S-091-04	Marywood Subdivision	12/5 /2007
S-112-04	Wellington Sec. 6 & 7	12/5 /2007
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2008
S-053-05	Kingsmill-Spencer's Grant	6 /15/2007
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2007
S-091-05	Windmill Meadows	10/3 /2007
S-040-06	Colonial Heritage 18 Hole Golf Course	7 /7 /2007
S-053-06	Blackthorn Subdivision	2 /23/2008
S-058-06	McDonald	8 /10/2007
S-064-06	Colonial Heritage Ph. 3 Sec. 2	12/1 /2007
S-076-06	New Town Sec 2/4 Block 10 Lot 1-69	10/27/2007
S-087-06	120 Carriage Rd BLA	11/3 /2007

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

S-006-07	Thompson Family Subdivision	4 /6 /2007
S-011-07	102/104 Richneck Rd BLE	4 /6 /2007
S-016-07	M&Mhz LLC Bledsoe BLA	4 /5 /2007

#### **D. EXPIRED**

**EXPIRE DATE**

S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance	3 /20/2007
S-015-05	Colonial Heritage Ph. 3, Sec. 2	5 /2 /2006
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
S-063-05	John Barry Davidson BLE	7 /6 /2006
S-079-05	Colonial Heritage Ph. 4	11/7 /2006
S-095-05	Landfall Village	3 /10/2007
S-117-05	Liberty Ridge	4 /3 /2007

**SPECIAL USE PERMIT CASE NO. SUP-12-07 Verizon Tower Co-location at Brick Bat Road**

**Staff Report for the May 2, 2007 Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

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

May 2, 2007

7:00 PM

Board of Supervisors:

June 12, 2007 (tentative)

7:00 PM

**SUMMARY FACTS**

**Applicant:**

Ms. Jessica Wright, Verizon Wireless

**Land Owner:**

Ms. Donna M. Morgan

**Proposal:**

To construct a 30 foot extension on an existing 185 foot tower-mounted wireless communication facility.

**Location:**

3470 Brick Bat Road

**Tax Map/Parcel:**

(44-2)(1-18)

**Parcel Size:**

8.083 acres

**Existing Zoning:**

A-1, General Agricultural

**Comprehensive Plan:**

Rural Lands

**Primary Service Area:**

Outside

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case to the June 6, 2007 Planning Commission meeting. Staff concurs with the request.

Staff Contact: Leanne Reidenbach

Phone: 253-6685

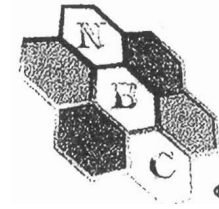
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Leanne Reidenbach

**ATTACHMENTS:**

1. Deferral request letter

**NETWORK  
BUILDING &  
CONSULTING, LLC**



April 20, 2007

James City County  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187  
ATTN: Leanne Reidenbach

RE: SUP-12-07, Verizon Wireless Collocation at Brick Bat Rd/Amend JCC SUP-11-96

Dear Ms. Reidenbach,

Verizon Wireless respectfully requests that its case, JCC Case Number SUP-12-07, please be deferred to the June 6, 2007 planning commission meeting.

If you should have any questions please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Wright', with a stylized flourish at the end.

Jessica Wright  
Consultant to Verizon Wireless  
Network Building & Consulting, LLC  
1831 Rady Court  
Richmond, VA 23222  
804-201-3264

## **SPECIAL USE PERMIT CASE NO. SUP-1-07 Stat Restoration Services**

### **Staff Report for the May 2, 2007 Planning Commission Public Hearing**

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

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

Planning Commission:	April 4, 2007 (applicant deferred)	7:00 PM
	May 2, 2007	7:00 PM
Board of Supervisors:	June 12, 2007	7:00 PM (tentative)

#### **SUMMARY FACTS**

**Applicant:** Mr. Mark Kaisand, Powhatan Springs, LLC

**Land Owner:** Powhatan Springs, LLC.

**Proposal:** To construct two buildings totaling 12,000 sq. ft. for business, governmental, and professional offices on a site zoned R-8.

**Location:** 133 Powhatan Springs Road

**Tax Map/Parcel:** 4620100009 and 4620100009a

**Parcel Size:** 2.13 +/- acres

**Existing Zoning:** R-8, Rural Residential

**Comprehensive Plan:** Low-Density Residential

**Primary Service Area:** Inside

#### **STAFF RECOMMENDATION**

Staff finds the proposal generally inconsistent with the surrounding zoning and development and generally inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent uses of this site and a positive improvement to the surrounding residential area which provides some public benefits, including stormwater management, removal of underground storage tanks, better protection of surrounding properties, and improved community appearance. Staff recommends the Planning Commission recommend approval of this SUP application with the attached conditions to the Board of Supervisors.

Staff Contact: Jason Purse, Planner Phone: 253-6685



## **PROJECT DESCRIPTION**

Mr. Mark Kaisand has applied on behalf of Powhatan Springs, LLC, for a Special Use Permit (SUP) to allow the construction of approximately 12,000 sq. ft. of office buildings at 133 Powhatan Springs Road. The rear building (6,500 sq. ft.) will house the Stat Services business, along with their associated warehouse needs. The front building will house 5,500 sq. ft. in other offices not necessarily associated with the Stat Services development. In addition to the proposed office buildings, the Master Plan for the development identifies parking areas and an area approximately 6,800 sq. ft. in size for outdoor storage of containers and equipment. The applicant intends to remove all structures currently located on the site and any remaining construction equipment left by the previous owner. As part of the proposed improvements to the site, the owner will bring existing overhead utilities underground and remove an existing gas pump and underground fuel tank.

## **HISTORY**

The Board of Supervisors approved an SUP for professional and business offices for this property on February 12, 2002 and April 13, 2004. The first applicant for that case chose not to develop the site and sold the property to Powhatan Springs, LLC, in June 2003. Due to the late date of the purchase of the property and the demands associated with building a new business, the owner determined that he would be unable to satisfy the engineering requirements for developing the site prior to the expiration date for the first SUP, which was February 12, 2004. The second SUP was approved on April 13, 2004. A site plan for that second SUP received preliminary approval from the DRC on June 6, 2005. During that time frame it became evident that this site needed an adequate receiving channel for stormwater. The neighboring project, the Villas at Five Forks, had a condition put on it during the rezoning process that provided drainage easements that allowed this site to drain towards a regional stormwater management facility. The development plans and dedication of drainage easements on the Villas project were not completed by the time the second SUP expired. All of those issues have now been resolved. The current proposal is consistent with the project that the DRC granted preliminary approval of in 2005.

The property has been utilized for over thirty years in a variety of uses including equipment sales and rentals and most recently as a base of operation for a construction company. Zoning records indicate that a construction company relocated in February 2001 and the site was purchased by General Corporate Services, Inc., the parent company of A-Stat Restoration and Emergency Rental Services. Prior to purchasing the property in April 2001, General Corporate Services, Inc., requested that staff conduct a verification of nonconforming use on the site. Following a review of business licenses, real estate assessment records, James City Service Authority (JSCA) records, and personal interview with adjacent property owners, staff concluded that the property could retain the existing use as a contractor's office and storage facility as a permitted nonconforming use. As a permitted nonconforming use, all structures on the property must comply with the current Zoning Ordinance. Business, government, and professional offices are a specially permitted use in the current R-8, Rural Residential, Zoning District; therefore, the proposed professional or business office building required a SUP. The nonconforming status of the outdoor storage use on the site would remain in effect if this application is approved. The office would then become a specially permitted use subject to the conditions of the SUP.

## **Surrounding Zoning and Development**

Staff finds that the proposed professional office and associated equipment storage area is generally inconsistent with the residential character of the surrounding area; however, with the attached conditions, staff finds the proposal to be an improvement over the most recent uses of this site and a positive improvement to the surrounding residential area. Staff has not received any objection from adjacent property owners on Powhatan Springs Road and, in fact, attached you will find a petition signed by members of the community supporting the project.

## PUBLIC IMPACTS

### Environmental

**Watershed:** Powhatan Creek

**Staff Comments:** The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed. The conceptual stormwater management plan has been approved by the Environmental Division, and similar to other applications, final site design, including stormwater management and BMP design, will be determined at the site plan stage.

### Public Utilities

This project is located inside the primary services area and will be served by public water and sewer.

### Conditions:

- Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought-tolerant plants if and where appropriate and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.

**Staff Comments:** JCSA Staff does not have any comments at this time, but as with other development plans, the project will need detailed water conservation measures to be reviewed and approved by JCSA prior to final approval being granted.

### Transportation

In terms of traffic generation, staff does not believe that the proposed use represents a significant change over previous uses of the site and will not generate traffic volumes greater than what has come to be expected by the residents living on Powhatan Springs Road. The peak hour trips for this development has been estimated at 14 trips during the PM peak hour.

**2005 Traffic Counts (Ironbound Road):** From John Tyler Highway to News Road there were 12,438 trips.

**2026 Volume Projected:** From Route 5 to Route 199 there is anticipation of 13,000 trips, and it is listed in the Watch category.

**VDOT Comments:** VDOT concurs with the Master Plan and Conditions as proposed.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	Low Density Residential (Page 10): Suggested land uses include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.
	Staff Comment: Staff does not believe this project meets the Comprehensive Plan description of low-density residential, as it cannot be classified as very limited commercial. The plan also says that very limited commercial establishments “should generally be located on collector or arterial roads at intersections where adequate buffering and screening can be provided to protect nearby

	<p>residential uses and the character of the surrounding area.” While staff recognizes this project’s inability to meet these goals, the project does provide a much higher quality development for the character of the neighborhood than what is currently present. Currently, there are old open storage areas, containers, automobiles, and a generally unkempt site. This project would provide an improvement in terms of visual quality by providing for new buildings, enhanced landscaping, and fencing to help screen the site from adjacent parcels. If this project was not approved the current site would continue as an open storage area, without the benefit of conditions that this SUP would place on the site.</p>
Development Standards	<p><i>General Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>General Standard #4-Page 134:</i> Protect environmentally sensitive resources including high-ranking Natural Areas, the Powhatan Creek and other watersheds...and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.</p> <p><i>General Standard #7-Page 135:</i> Require underground utilities in new developments, including new line extensions and major improvements to existing lines, and provide screening and buffering of existing above-ground utilities and encourage their placement below ground.</p> <p><i>Commercial &amp; Industrial Standard #1-Page 136:</i> Locate proposed commercial and industrial developments adjacent to compatible uses. Where a commercial or industrial development desires a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses.</p> <p><i>Commercial &amp; Industrial Standard #3:</i> Mitigate objectionable aspects of commercial or industrial uses through an approach including performance standards, buffering, and special setback regulations.</p> <p><i>Commercial &amp; Industrial Standard #4:</i> Provide landscaped areas and trees along public roads and property lines, and develop sites in a manner that retains or enhances the natural, wooded character of the County.</p> <p><b>Staff Comment:</b> Although the Comprehensive Plan suggests that new development be placed in compatible places in the county, staff would note that this situation is different from other areas of the county. The existing nonconforming use on this site allows for the continued use of an incompatible use in this area. Staff feels that bringing the site into conformance also allows the ability to make the project more in compatible with the character of the surrounding neighborhood. The fencing and the landscaping help to provide a buffer from the adjoining residential areas as well. In particular, Condition #5 states: <i>A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the Property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape size requirements.</i></p> <p>Staff notes that this project does help protect the environmental quality of the area. A condition has been placed on the site that will provide for the removal of underground fuel tanks onsite, and with a condition from the Villas at Five Forks project the stormwater from this site will be treated at an off-site regional stormwater management facility. Staff believes that this project meets the goals of General Standard #4.</p> <p>As mentioned earlier, this project does provide for the Commercial Standards listed above. There are conditions for underground utilities and enhanced landscaping and buffering.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><b>Staff Comment:</b> This project is not generally incompatible with surrounding development, but staff feels the conditions placed on this application make it more compatible than the existing uses and conditions.</p>

## Environment

General	<i>Powhatan Creek Watershed Management Plan:</i> The watershed management plan was adopted by the Board of Supervisors in 2002 with eight goals and 21 priorities. The goals and priorities help to limit the impact on the biodiversity and natural areas and prevent further degradation of water quality in this important watershed.
	<b>Staff Comment:</b> Environmental staff has worked with this applicant, as well as neighboring applicants, in order to establish a regional stormwater management facility. The challenges to attaining the proper off-site drainage easements have been overcome, as development plans for both projects are ready to move forward. Staff is confident that this solution will prevent further degradation to the Powhatan Creek Watershed.
Goals, strategies and actions	<i>Goal #4-Page 65:</i> Promote development and land use decisions that protect and improve the water quality of the Chesapeake Bay and the bodies of water that discharge into the Bay. <i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.
	<b>Staff Comment:</b> Again, staff feels that this development, with the removal of the existing underground fuel tanks and with the regional stormwater management facility, will help minimize adverse impacts on the environment.

### Transportation

General	<i>Sidewalks and Bikeways-Page 69-70:</i> Strongly recommends development of sidewalks and related pedestrian facilities to connect residential to nonresidential areas, as well as construction of bike facilities and ensuring all new facilities and future plans meet the public's desires and needs.
	<b>Staff Comment:</b> This project will meet all Ordinance requirements for sidewalks.
Goals, strategies and actions	<i>Strategy #2-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County's image and reduce the visual impact of auto-related infrastructure.
	<b>Staff Comment:</b> There will be enhanced landscaping along the frontage of the property and a majority of the parking is interior to the site. The current site conditions have cars, trailers, and storage facilities scattered throughout the site.

### Community Character

General	<i>Neighborhood/Community Appearance-Page 88:</i> The preservation of trees and shrubs during development reduces the feeling of newness and helps new development blend in with older, existing areas of the community. In the Zoning Ordinance, detailed planting requirements for commercial and industrial site plans ensure that front, side, and rear yards are planted and that parking lot and building planting is provided. In addition, parking lots are required to be screened by landscaping or berming from public right-of-ways and minimum plant sizes and quantities are established.
	<b>Staff Comment:</b> There will be enhanced landscaping, including 133% of Ordinance requirements for the frontage of the parcel, the sides of the parcel that are adjacent to residential structures, as well as for all of the parking areas. While this is not an ideal location for a professional or business office, staff feels that the buffering provided by this project is acceptable and above and beyond minimum requirements.
Goals, strategies and actions	<i>Strategy #2-Page 95:</i> Ensure that development is compatible in scale, size, and location to surrounding existing and planned development. <i>Strategy #5-Page 95:</i> Encourage beautification of existing development to improve overall visual quality of the County.
	<b>Staff Comment:</b> This project will certainly improve the existing development onsite, as well as improve the overall visual quality of Powhatan Springs Road.

### Comprehensive Plan Staff Comments

Staff does not believe that the proposed development is consistent with the Low-Density Residential designation as it is not a limited commercial establishment, is not located at the intersection of a collector road, and the scale of the proposed structure does not compliment the character of the nearby residential area. Staff does acknowledge that the proposed development would represent a significant improvement to the site over several of the previous uses of the property and with the proposed conditions and will better compliment the

residential character of the surrounding area. The addition to the enhanced landscaping and dark-color perimeter fencing in select areas, building features which attempt to compliment the character of the surrounding area will provide a net positive improvement to the site and the surrounding area. Staff would note that a petition from the neighbors of this development supporting the project has been attached to this report. Staff does not believe that approval of the application will set a negative precedent as there are few, if any, sites in the County that have a more nonconforming status in comparison to the surrounding area in which they are located.

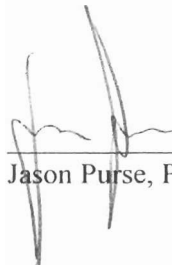
## RECOMMENDATION

Staff finds the proposal generally inconsistent with the surrounding zoning and development and generally inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent uses of this site and a positive improvement to the surrounding residential area which provides some public benefits, including stormwater management, removal of underground storage tanks, better protection of surrounding properties, and improved community appearance. Staff recommends the Planning Commission recommend approval of this SUP application with the attached conditions to the Board of Supervisors:

1. Master Plan. This SUP shall be valid for the operation of business, governmental, professional offices and accessory uses thereto (the "Project") as shown on the master plan titled "Special Use Permit Exhibit for Stat Services, Inc.," prepared by LandTech Resources and dated March 1, 2007 (the "Master Plan") on the two parcels identified as Tax Map Nos. (46-2)(1-9) and (46-2)(1-9A) (collectively, the "Property"). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the Project
2. Construction. If construction has not begun on the Project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance and building construction.
3. Tank Removal. Prior to obtaining a Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the Property.
4. Lot Line Extinguishment. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating parcels A and B on the property identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).
5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the Property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape size requirements.
6. Signs. Signage on the Property shall be limited to a single ground-mounted, monument-style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right-of-way. The sign shall be externally illuminated and shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence which is removed as part of the Project shall be replaced with a black or dark green-colored chain-link fence or solid-wood fence and identified on the development plans and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the Property shall be screened by landscaping and fencing in a location

approved by the Planning Director or his designee prior to final site plan approval.

9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought-tolerant plants if and where appropriate and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
10. Lighting. All exterior light fixture, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee which indicates no glare outside the boundaries of the Property. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



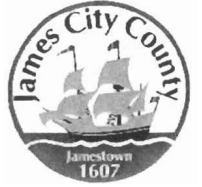
Jason Purse, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Neighboring property owner petition

# SUP-1-07

## Stat Services



Feb. 9, 2007

To: Powhattan Springs Road Residents.

STAT Services Inc. is utilizing the lot 133 Powhattan Springs LLC as a storage yard and are in the process of getting the buildings built that have been planned for several years. The plans are to utilize the front building for our purposes and the back building for tenant usage in units of 1500 square feet. We have been asked that we update the neighboring property owners approval of the plan as was done originally in 2001. Please indicate your approval below or let me know your objections.

Sincerely, Mark Kattelle

(1) Jeanne M. M...

141 Powhattan Springs Rd.

*[Signature]*

Approved

(2) WARD KATLEFF

149 Powhattan Sp. Rd.

*[Signature]*

(3) Brenda O. Rigney

161 Powhattan Springs Rd.

Jamie A. Rigney

156 Powhattan Sp. Rd.

(5) Jamie C. Flower

152 Powhattan Springs Rd.

(6) ROBERT S. BRYAN

157 Powhattan Springs Rd.

Robert S. Bryan

(7) 102-104-106, 108 Powhattan Springs Rd.

Gene Hooker



**SPECIAL USE PERMIT-13-07. Denley Brown Contractors Warehouse/Office  
Staff Report for the May 2, 2007, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

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

May 2, 2007

7:00 p.m.

June 12, 2007

7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant:

Mr. Tim Trant, Kaufman and Canoles

Land Owner:

Denley and Amy Brown

Proposal:

To allow for a contractor warehouse/office. Contractors' warehouses, sheds and offices are specially permitted uses in the A-1, General Agricultural zoning district.

Location:

272 Peach Street

Tax Map/Parcel Nos.:

2410100015a

Parcel Size:

8.074 acres

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

**STAFF RECOMMENDATION**

Staff believes that this proposal is not consistent with the Comprehensive Plan Land Use Map designation. However, Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached SUP conditions.

Staff Contact: Jason Purse

Phone: 253-6685

## **PROJECT DESCRIPTION**

The property located at 272 Peach Street is currently being used to store equipment and material associated with A+ Concrete, Inc. This business is currently operating without the required special use permit as contractors' warehouses, sheds and offices are specially permitted uses in the A-1, General Agricultural zoning district. The applicant moved to the county with his business last year, and desired to have his occupation run from his home. When he moved from Newport News he brought his equipment to the site as well. When he came to the county he applied for all of the permits he thought he was going to need. Mr. Brown built a garage with the hopes of using it as a warehouse for his business. Mr. Brown also applied for a home occupation with the Zoning Department. Zoning officials informed Mr. Brown that since there were employees associated with the business that it would not qualify as a home occupation and because the warehouse and storage component would require a special use permit. Mr. Brown has been diligently working with staff over the past few months to ensure that all the proper applications and documentation have been filed correctly.

The property is generally wooded and contains one single-family residence. The garage and access drive have already been constructed. This SUP and Master Plan would allow them to use the garage as a storage facility and allow the operation of his business on-site.

According to the applicant, the overwhelming majority of the work of the business, other than home office functions, occurs offsite on commercial construction sites. The applicant has stated that no manufacturing or construction takes place on-site as a part of this business. Most of the equipment of the business is carried home by employees at night or stored on the jobsite. The warehouse (garage) will house items such as concrete compactors, concrete forms, concrete blankets, and a trailer, all things associated with his business. Undisturbed buffer areas have been shown on the Master Plan to ensure that no future expansion will have adverse effects on adjacent properties. The business currently has fifteen employees and six pickup trucks. The applicant has stated that employees visit the subject property on an infrequent basis to pick up and drop off equipment. He has gone on to state that it would be rare for more than two employee vehicles to be at the warehouse at any one time. The Master Plan shows a "parking area" at the end of the gravel drive next to the garage where vehicles would be able to park.

The property is located at the end of Peach Street, which is a private gravel drive that serves other single-family residential parcels. Prior to the submission of this application, the applicant conducted a community meeting with many of his Peach Street neighbors.

## **Environmental**

**Watershed:** Skimino Creek Watershed

**Staff Comments:** Environmental staff has reviewed the application and concurs with the Master Plan and proposed conditions at this time.

## **Public Utilities**

This site is served by private well and septic systems.

**Staff Comments:** The Health Department has reviewed the proposal and has no further comments at this time.

## **Transportation**

**Road Improvements:** This project is located at the end of an access easement that is shared by the other residents of Peach Street. The applicant has stated to staff that there are no provisions in the agreement limiting uses or trips allowed through the access. All of the residents share the maintenance costs for the road. The applicant has stated that he does not anticipate any more than 10 additional vehicles trips per day as a part of his business. Again, these numbers are not independently verifiable by staff; they are based on estimates that the applicant anticipates.

**VDOT Comments:** VDOT staff has reviewed the application and since it is a private drive, not affecting their right-of-way, has no comments on the project at this time.

**Staff Comments:** Staff believes the proposal will have minimal traffic impacts, since very limited work takes place onsite, and few employees visit the site on a daily basis. The recommended conditions limit the impact of the development.

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	<p><i>Rural Lands (Page 119 and 120):</i> Primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. A few of the smaller direct agricultural or forestal-supported uses, home-based occupations and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and in accordance with the Development Standards of the Comprehensive Plan.</p> <p><b>Staff Comment:</b> This project does not constitute a primary agricultural use as referenced in the Comprehensive Plan, so is therefore not consistent with the land use description. However, with the proper conditions applied to the property, Staff believes the use will not be disruptive to the areas rural character, and will be more compatible with the surrounding residential dwellings. The limited nature of the on-site work will also help to mitigate impacts.</p>
Rural Land Use Standards	<p><i>Standard # 1 (page 135):</i> Preserve the natural, wooded, and rural character of the County. Particular attention should be given to ...encouraging enhanced landscaping to screen developments, minimizing the number of street and driveway intersections along the main road and utilizing lighting only where necessary and in a manner that eliminates glare and brightness.</p> <p><b>Staff Comment:</b> All of the structures that will be necessary for the operation of this business are currently existing on-site. Staff has recommended conditions that will prevent the further development and expansion of the project beyond what is shown on the Master Plan. Staff believes that with the limited nature of the existing development and the limitations on expansion, this project will not have a negative affect on the natural wooded and rural character of the County.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control and other methods.</p> <p><b>Staff Comment:</b> Through special use conditions # 1, 2, 3, 4, 5 and 6 Staff believes the use will be compatible with the size and scale of surrounding development and any impacts created by the proposal will be mitigated by; the limitations imposed by the Master Plan; enclosure of all stored materials; lighting restrictions; limitations on future development; limitation on hours of operation; and limitation on signage.</p>

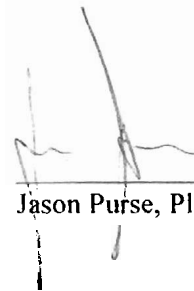
## **RECOMMENDATION**

Staff believes that this proposal is not consistent with the Comprehensive Plan Land Use Map designation. However, Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached SUP conditions.

1. This SUP shall be valid for the operation of one contractors warehouse, shed, and office and accessory uses thereto (the "Project") as shown on the Master Plan titled "Special Use Permit Exhibit for Denley Brown" dated March 13, 2007 (the "Master Plan") on the parcel located at

272 Peach Street and identified as JCC Real Estate Tax Map No. 2410100015a (the "Property"). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee (the "DRC") of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the Project.

2. All storage of equipment associated with the Project shall be located inside the "Contractor's Warehouse" or under the adjacent "Covered Lean To" or "Future Covered Storage Area", as shown on the Master Plan. The storage area, for both the indoor and outdoor storage shall be limited to 2,600 square feet. Parking associated with the project shall be limited to the "proposed gravel parking area" as noted on the Master Plan.
3. Should new exterior site or building lighting be installed for the operation of the business, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare defined as 0.1 footcandle or higher, shall extend outside the boundaries of the Property.
4. With the exception of the drive aisle and warehouse, the area depicted as "Natural undisturbed area" on the Master Plan shall remain in a natural undisturbed state unless otherwise approved by the Planning Director.
5. Hours of operation including, the operation of power tools and machinery and truck deliveries and pickups, shall be limited to 6 a.m. to 6 p.m., Monday through Saturday.
6. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



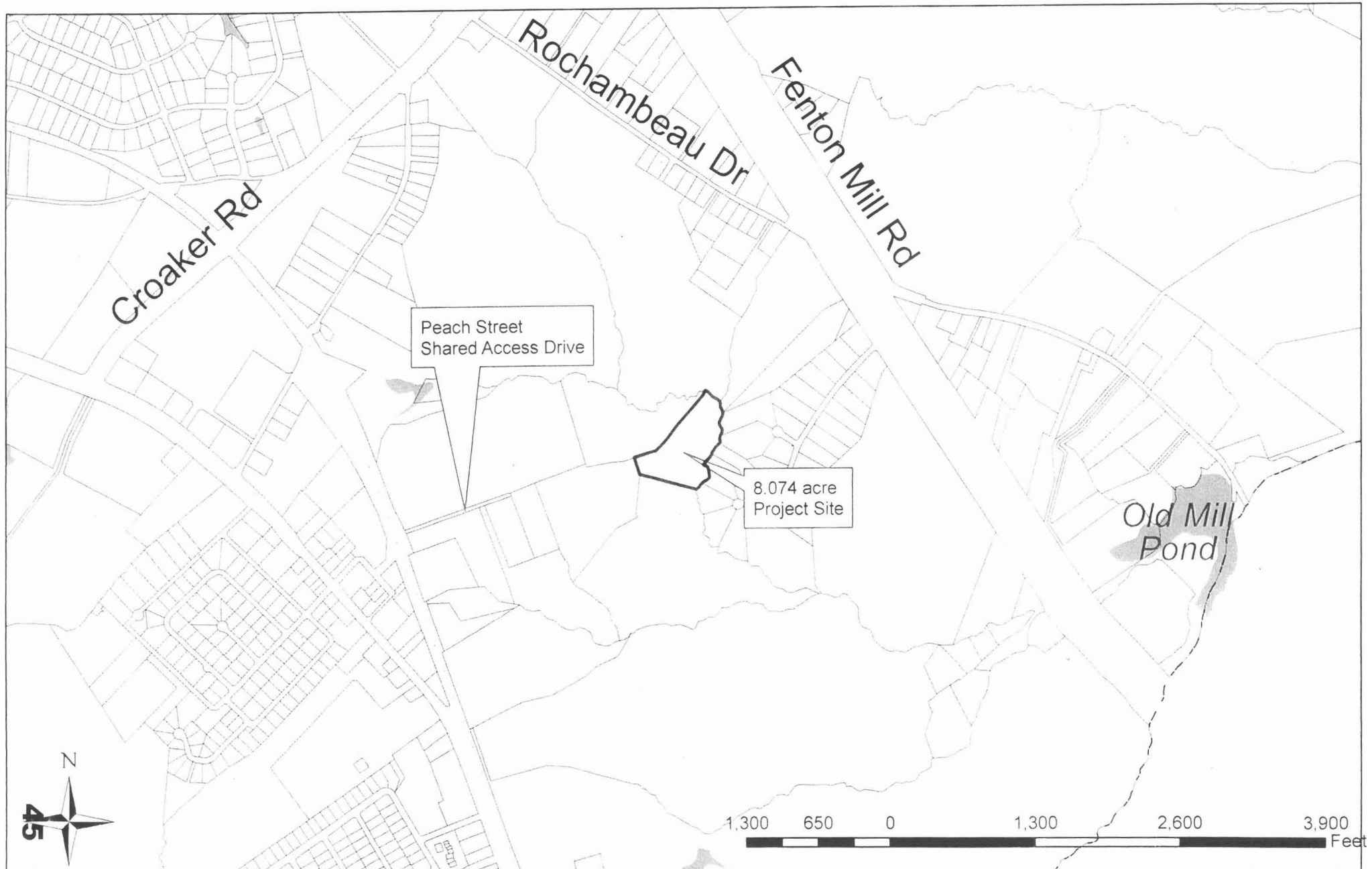
Jason Purse, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan

# SUP-13-07

## Denley Brown Contractors Warehouse



**REZONING CASE NO. Z-10-06 / MASTER PLAN CASE NO. MP-12-06 The Candle Factory  
SPECIAL USE PERMIT CASE NO. SUP-37-06 The Candle Factory  
Staff Report for the May 02, 2007 Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

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

Planning Commission:	March 07, 2007	7:00 p.m. (deferred by the applicant)
Planning Commission:	April 04, 2007	7:00 p.m. (deferred by the applicant)
Planning Commission:	May 02, 2007	7:00 p.m.
Board of Supervisors:	June 12, 2007	7:00 p.m. (tentative)

**SUMMARY FACTS - Z-10-06/MP-12-06 (Rezoning and Master Plan)**

**Applicant:** Mr. Vernon Geddy, III, of Geddy, Harris, Franck & Hickman, L.L.P on behalf of Candle Development, LLC

**Land Owner:** Candle Development, LLC

**Proposed Use:** To rezone approximately 64.45 acres of land from A-1, General Agricultural District, M-1, Limited Business/Industrial District, and MU, Mixed Use zoning district to MU, Mixed Use Zoning district, with proffers. The development proposed with this rezoning application will allow the construction of up to 219 residential units and up to 37,800 square feet of new commercial uses.

**Location:** 7551 and 7567 Richmond Road

**Tax Map and Parcel No.:** 2321100001D and 2321100001E

**Parcel Size:** Approximately 64.45 acres

**Existing Zoning:** A-1, General Agricultural District, M-1, Limited Business/Industrial Districts, and MU, Mixed Use District

**Comprehensive Plan:** Low Density Residential, Mixed Use, and Limited Industry

**Primary Service Area:** Inside

**SUMMARY FACTS –SUP-37-06 (Special Use Permit)**

**Applicant:** Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, L.L.P on behalf of KTP Development, LLC

**Land Owner:** KTP Development, LLC

**Proposed Use:** To allow the construction of two mixed use, commercial buildings totaling 44,690 square feet. The site contains 183,330 square feet of existing non-residential uses, the Soap and Candle Factory Commercial Complex. The addition of the proposed two mixed-use buildings to the site will increase the total site's non-residential square footage to 228,020. Further, KTP Development, LLC also proposes to renovate the façade of the existing commercial buildings in the site.

**Location:** 7521 Richmond Road

**Tax Map and Parcel No.:** 2321100001C

**Parcel Size:** Approximately 14.34 acres

**Existing Zoning:** M-1, Limited Business/Industrial District

**Comprehensive Plan:** Mixed Use

**Primary Service Area:** Inside

**STAFF RECOMMENDATION:**

Staff finds this mixed use development, as currently proposed, to be inconsistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Planning Commission deny this application.

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy. Staff notes that the applicant has proffered cash contributions for single family detached and multi-family units toward school uses. However, it appears that there is a discrepancy between the terminology used in the proffers which identify residential structures as single-family and multi-family units and the same terminology as it is applied by the James City County Cash Proffer Policy for Schools. This mixed-use development proposes up to 219 residential units: sixty single-family detached units; thirty-two duplexes, fifty-four townhouses, and seventy-three condominiums. The applicant appears to indicate duplexes and townhouses as “single-family attached units” while condominiums are referred to as multi-family structures. According to the Cash Proffer Policy for Schools, townhouses, duplexes, and condominiums, which are for sale, are considered to be “single-family attached units” and therefore warrant no cash contribution for schools. According to the applicant, all residential units to be developed in the property will be for sale. The applicant has proffered cash contributions for multi-family units but there are no “multi-family” units proposed for the property, as defined by the adopted Cash Proffer Policy for Schools.

Further, staff notes that Cash Proffer Policy for Schools does not make a distinction between financial contributions made for “restricted” and/or “non-restricted” residential uses. The applicant has provided the adequate cash contribution for “non-restricted” units (single-family units); however, the amount of cash contributions made for “restricted” units appears to be inconsistent with the policy. The applicant has proffered a total of \$1,275.00 per each single and multi-family “restricted” unit. Staff believes that the cash amount proffered for the “restricted” units should be the same contribution amount as that which is offered for non-restricted units. However, staff notes that, in a previous rezoning case approved by the Board of Supervisors (Z-19-05/SUP-32-05/MP-16-05-Jennings Way) the same contribution of \$ 1,275.00 per “restricted” unit was included as a proffer toward school use as part of the cash contributions for community impacts proffers for the above referenced project.

Table 1.0 below identifies all cash proffers offered by the applicant as a means to mitigate the physical impact of the proposed development. For clarification purposes, staff has paired each cash proffer (e.g. 4.a, 4b, 4, etc)

with each specific residential type and its pricing type. For instance, the first row in the table below indicates sixty single-family detached units. There are four different pricing types for the proposed residential units (affordable, restricted, below market, and market priced units. Please refer to Proffer No.3 for further guidance on pricing type). Single-family detached units which are restricted units will contribute \$1,275.00 per unit for school uses (proffer 4.a), single-family detached units sold at below market prices will contribute \$4,011.00 per unit for school uses (proffer 4.c), and single-family detached units sold at the market price will contribute \$ 4,011.00 per unit for school uses (proffer 4.c).

**Table 1.0**

Housing Category: <sup>1</sup>	Housing Type:	Total Quantity:	Pricing Type:	CIP: Schools:	CIP: Other:	Water:	Sewer:	Stream Restoration:	Totals:
SFD	Single Family Detached	60	Affordable	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00 (13b)	\$500.00
			Restricted	\$1275.00 (4a)	\$425.00 (4b)	\$0.00	\$0.00	\$500.00 (13b)	\$2200.00
			Below-Market	\$4011.00 (4c)	\$1000.00 (4d)	\$1125.80 (4e)	\$473.00 (4f)	\$500.00 (13b)	\$7109.80
			Market	\$4011.00 (4c)	\$1000.00 (4d)	\$1125.80 (4e)	\$473.00 (4f)	\$500.00 (13b)	7109.80
SFA	Duplex	32	Affordable	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00 (13b)	\$500.00
			Restricted	\$0.00	\$425.00 (4b)	\$0.00	\$0.00	\$500.00 (13b)	\$925.00
			Below-Market	\$0.00	\$1000.00 (4d)	\$1125.80 (4e)	\$394.00 (4f)	\$500.00 (13b)	\$3019.80
			Market	\$0.00	\$1000.00 (4d)	\$1125.80 (4e)	\$394.00 (4f)	\$500.00 (13b)	\$3019.80
SFA	Townhouse	54	Affordable	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00 (13b)	\$500.00
			Restricted	\$0.00	\$425.00 (4b)	\$0.00	\$0.00	\$500.00 (13b)	\$925.00
			Below-Market	\$0.00	\$1000.00 (4d)	\$1125.80 (4e)	\$394.00 (4f)	\$500.00 (13b)	\$3019.80
			Market	\$0.00	\$1000.00 (4d)	\$1125.80 (4e)	\$394.00 (4f)	\$500.00 (13b)	\$3019.80
SFA	Condo	73	Affordable	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00 (13b)	\$500.00
			Restricted	\$0.00	\$425.00 (4b)	\$0.00	\$0.00	\$500.00 (13b)	\$925.00
			Below-Market	\$0.00	\$1000.00 (4d)	\$1125.80 (4e)	\$394.00 (4f)	\$500.00 (13b)	\$3019.80
			Market	\$0.00	\$1000.00 (4d)	\$1125.80 (4e)	\$394.00 (4f)	\$500.00 (13b)	\$3019.80
MF	Apartment	0	Affordable	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00 (13b)	\$500.00
			Restricted	\$1275.00 (4a)	\$425.00 (4b)	\$0.00	\$0.00	\$500.00 (13b)	\$2200.00
			Below-Market	\$4275.00 (4c)	\$1000.00 (4d)	\$1125.80 (4e)	\$0.00	\$500.00 (13b)	\$6900.80
			Market	\$4275.00 (4c)	\$1000.00 (4d)	\$1125.80 (4e)	\$0.00	\$500.00 (13b)	\$6900.80

<sup>1</sup>SFD = Single Family Detached; SFA = Single Family Attached; MF = Multi-Family



Please note that in the Housing category labeled “multi-family”, contributions were made toward school use. However, staff notes that there are no “multi-family” units proposed for the property, as defined by the adopted Cash Proffer Policy for Schools; therefore these contributions are not warranted.

### **Project Description**

Mr. Vernon Geddy has submitted an application on behalf of Candle Development, LLC to rezone approximately 64.45 acres from A-1, General Agricultural District (60.82 acres), M-1, Limited Business/Industrial District (3.0 acres) and MU, Mixed Use District (0.63 acres) to MU, Mixed Use District with proffers. The properties subject to the rezoning application are located at 7551 and 7567 Richmond Road and are designated by the Comprehensive Plan as Mixed Use, Low Density Residential, and Limited Industrial. Further, Mr. Vernon Geddy has also submitted a special use permit (SUP) application on behalf of KTP Development LLC, to permit the construction of two mixed-use, commercial buildings totaling 44,690 square feet of building footprint on approximately 14.34 acres. The property subject to this SUP application is located at 7521 Richmond Road and is zoned M-1, Limited Business/Industrial District. The 2003 Comprehensive Plan designates this area as Mixed Use. The rezoning and SUP applications have been presented in two separate applications but the applicant views them as part of one development and subject to the intent of one master plan. As a result, staff will review the two applications in a combined staff report.

The areas subject to the rezoning application are bounded on the south, east and west by private residential developments zoned General Agricultural and General Residential. Properties to the north are zoned Mixed Use (Cross Walk Community Church parcel, formally known as the Williamsburg Music Theater) and Limited Industrial (The Candle Factory Commercial Complex parcel.)

The area subject to the SUP application is bounded on the west by a small office park zoned Limited Business/Industrial District, to the north by Richmond Road and directly across Richmond Road by areas zoned General Business District. Property to the east is zoned Mixed Use (The Cross Walk Community Church parcel) and areas to the south are currently zoned A-1, General Agricultural.

The entire area encompassed by the master plans is located within the Norge Community Character Area and fronts on Richmond Road, which is designated by the 2003 Comprehensive Plan as a Community Character Corridor.

If approved, the applicant would develop the areas subject to the rezoning and SUP applications as one mixed-use master planned community of approximately 80 acres. The master plan community would encompass a mix of residential, non-residential, and recreational uses. Below is a table with a detailed overview of the proposed uses for the Candle Factory Master Planned Community as proposed by the rezoning and SUP applications:

**Table 2.0**

<b>Rezoning</b>	<b>Mixed Use Designated Area</b>	<b>Low Density Residential Designated Area</b>	<b>Limited Industry Designated Area</b>
<b>Acreage</b>	±23 acres	±26 acres	±15 acres
<b>Number of residential units</b>	97 units	51 units (mostly single-family detached)	41-60 units (range)
<b>Non-residential square footage</b>	Up to 18,900 square feet (Three mixed-use buildings)	N/A	Up to 18,900 square feet (two mixed-use buildings)
<b>Residential density du/ac</b>	4.2 dwelling units/acre	1.94 dwelling units/acre	3-4 dwelling units/acre (range)

<b>Residential densities as suggested by the Comprehensive Plan</b>	Up to 18 dwelling units per acre depending on public benefits provided to the community	1 to a maximum of 4 dwelling units per acre depending on public benefits provided to the community	The Comprehensive Plan does not recommend residential uses for areas designated Limited Industrial
<b>Total number of non-residential units (square feet)</b>		<b>up to 37,800 square feet</b>	
<b>Total number of residential units</b>		<b>up to 219 units</b>	
<b>Total residential density units/acre</b>		<b>3.4 dwelling</b>	
<b>Total Acreage</b>		<b>±64.45 acres</b>	
<b>SUP</b>	<b>Mixed Use Designated Area</b>		
<b>Acreage</b>	±14.34 acres		
<b>Proposed non-residential uses (square feet)</b>	44,690 square feet ( two mixed-use building)		
<b>Existing non-residential uses</b>	183,300 square feet		
<b>Residential uses</b>	N/A		
<b>Total non-residential uses (square feet)</b>	<b>228,020 acres</b>		
<b>Total Acreage</b>	<b>±14.34 acres</b>		

When both applications are combined, this mixed-use development will encompass approximately 80 acres of land, up to 219 residential units with an overall density of 3.4 dwelling units per acre, and 228,020 acres of non-residential uses (183,300 square feet of existing non-residential uses and up to 82,490 of new non-residential uses). For comparison purposes, staff notes that this development will utilize approximately fifty-eight acres of land for residential uses (Land Use Areas 2A and 2B as shown on the Master Plan) and approximately ten acres of land for new non-residential uses (Land Use Areas 1B and 2C as shown on the Master Plan).

## **PUBLIC IMPACTS**

### **Archaeology**

#### **Proffers:**

- The County archaeological policy is proffered (Proffer No. 9).

**Staff Comments:** An initial Phase 1A Cultural Resource Assessment of the entire property has been completed and forwarded to the Virginia Department of Historic Resources.

## **Environmental**

### **Watershed:** Yarmouth Creek

#### **Proffers:**

- Master Stormwater Management Plan. Development of a Master Stormwater Management Plan is proffered with the use of Low Impact Development (LID) techniques where applicable (Proffer No.13).
- Stream Restoration. A contribution of \$500.00 per residential unit shall be made to the County toward stream restoration or other environmental improvements in the Yarmouth Creek watershed [Proffer No.13 (b)].
- Nutrient Management Plan. The applicant has proffered a Nutrient Management Plan program to be implemented in the proposed development. (Proffer No. 14).

**Environmental Staff Comments:** This proposal will meet the County's 10-point Stormwater Management requirements through a combination of structural BMP facilities and Natural Open Space credit. Further, in order to comply with the Special Stormwater Criteria (SSC) for the Yarmouth Creek watershed, two forebays will be provided at the major stormwater outfalls into the largest of the BMP's (Marston's Pond) in order to address water quality. Low Impact Development (LID) facilities, such as bioretention basins, dry swales, and pervious pavement have also been included in the Master Stormwater Conceptual Plan and proffered throughout the site.

## **Public Facilities and Services:**

#### **Proffers:**

- Cash contributions of \$1,000 per dwelling unit other than an affordable unit or restricted units 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 [Proffer No. 4(d)]; and
- Cash contributions of \$ 425 for each Restricted 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 [Proffer No.4 (b)].

The applicant has provided a fiscal impact statement. For the rezoning application, the 219 residential units and the commercial square footage (proposed mixed use building) results in a negative impact of \$ 148,520 at build out.

For the Special Use Permit application, the addition of 44,690 new commercial square footage will result in a positive impact of \$157,940 at build out. As part of this application, the existing commercial structures will be renovated and this improvement will result in a positive fiscal impact of \$ 173,220 at build out. The combination of proposed new commercial square footage and the renovation of existing commercial structures will result in a positive impact of \$331,160 at build out

When all residential and non-residential components, which include the façade renovation for the existing commercial structures at the Candle Commercial complex, are combined, it is expected that the entire proposal would result in a positive impact of \$182, 640 at build out.

**Staff Comments:** According to the Department of Financial Management Services the residential impact is negative at build out and the retail is positive at build out. Whether the project nets out negative or positive depends on the timing of the development and the incremental increases of a renovated

commercial area over what has previously been generated from that property. The non-retail commercial space is break-even. There is insufficient information to comment on the impact of new employment opportunities-but traditional retail jobs are not seen as fiscal benefits in this community. The five-year present value does not represent the impact of the projected development at build-out.

### **Public Utilities**

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

#### **Proffers:**

- Cash Contribution (water): For each residential unit, other than affordable and restricted units, a cash contribution of \$1,125.80 is proffered [Proffer No. 4 (e)]; and
- Cash Contribution (sewer): For each single family detached unit, other than affordable or restricted units, a cash contribution of \$ 473.00 is proffered [Proffer No. 4 (f)]; and
- Cash Contribution (sewer): For each single family attached unit, other than affordable or restricted unit, a cash contribution of \$394.00 is proffered [Proffer No. 4(f)]; and
- Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to final subdivision plat or site plan approval (Proffer No. 2); and
- Water and Sanitary Sewer Master Plan is proffered. (Proffer No.17).

**Staff Comments:** The JCSA has reviewed the rezoning and SUP applications and finds that proffers and conditions offered will mitigate impacts to the County's public water and sewer system. However, JCSA has indicated the following as necessary changes to the current proffer conditions:

- Proffer (e): The contribution amount required for single family attached dwelling units needs to be specified. Amount should be \$844.00 (year 2007 dollars); and
- Proffer 4 (f): The sewer contributions shall be revised as follows ( dollar amounts are year 2007)
  - (i) Single-family attached: \$ 532.00/unit for single family attached.
  - (ii) Single-family detached: \$443.50/unit for single family detached.
  - (iii) Non-residential Building: \$1.77 per gallon per day.

### **Public Facilities:**

#### **Proffers:**

- A cash contribution of \$ 4,011.00 per each single-family detached dwelling unit, other than affordable or restricted units will be made to the County to mitigate the impacts from physical development and operation of the property [Proffer No. 4(c)]; and
- A cash contribution of \$1,275.00 per each single family detached dwelling unit and each multi-family restricted dwelling unit will be made to the County to mitigate the impacts from physical development and operation of the property [Proffer No.4(b); and
- A cash contribution of \$4,275 per each multifamily dwelling unit other than affordable or restricted units will be made to the County to mitigate the impacts from physical development and operation of the property [Proffer No. 4 (c)].

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, school uses.

**Staff Comments:** According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policy for schools, recreation and water supply facilities.

This project is located within the Norge Elementary, Toano Middle, and Lafayette High School (2006) [Warhill High School (2007)] districts. Under the proposed Master Plan, 219 residential units are proposed. With respect to the student generation and the current school capacities and enrollments for 2006 the following information is provided:

*Student Projections:*

- Single-Family Detached: 0.046 (generator) x 60 (residential type) generates **24 new students**
- Duplexes: 0.282 (generator) x 32 (residential type) generates **9 new students**
- Town homes: 0.195 (generator) x 54 (residential type) generates **11 new students**
- Condominiums: 0.078 (generator) x 73 (residential type) generates **6 new students**

A total of fifty new students are projected to be generated by this proposal. These numbers are generated by the Department of Financial and Management Services in consultation with WJCC Public Schools based on historical attendance data gathered from other households in James City County.

*School Capacity:*

School	Design Capacity	Effective Capacity	Current 2006 Enrollment	Projected Students Generated	Enrollment + Projected Students
Norge Elementary School	760	701	636	<b>22</b>	658
Toano Middle School	775	822	858	<b>12</b>	870
Lafayette High School	1250	1230	1663	<b>16</b>	1679
Total	2785	2753	3157	<b>50</b>	3207

The adequate public schools facility policy is based on design capacity. Both design and effective capacities are met at Norge Elementary School. Although the design capacity of Lafayette High School is clearly exceeded, the adequate public schools facilities policy states that if physical improvements have been programmed through the County Capital Improvement Project (CIP) then the applicant will meet the policy

guidelines. 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 meets the policy guidelines for the high school level. This proposal also exceeds design capacity at the middle school level. However, as a new middle school has been scheduled to open in 2009, staff believes that this proposal meets the policy guidelines for the middle school level.

### **Parks and Recreation**

The Candle Factory Mixed-Use development will provide the following as part of its recreational amenities:

- 3.0 acres of park land; and
- 1 centrally located, shared playground with five activities; and
- 1 picnic shelter of at least 625 square feet; and
- A minimum 8' wide, concrete or asphalt shared path along one side of the entrance Road; and
- 0.87 miles of soft surface walking trail; and
- One paved multi use purpose court 50'x90' in size; and
- One multi purpose field 200'x200' in size.

**Staff Comments:** All of the above recreational features have been proffered (Proffer No.8). Staff finds the proffered recreational amenities in accordance with County Parks and Recreational Master Plan (CPRM).

### **Transportation**

A Traffic Impact Analysis (TIA) prepared for the proposed Candle Factory development was submitted as part of this application and reviewed by VDOT and the County's consultant (Kimley-Horn). The scope of this study encompassed (i) a corridor analysis inclusive of Route 60 traffic signals at Croaker Road, Norge Lane, and Norge Elementary School; and (ii) a traffic analysis which extends fifteen years in the future to the year 2021.

#### **Trip Generation:**

According to the TIA, the residential part of the development is expected to generate 1,280 vehicular trips per day and the commercial areas, which include all commercial buildings for both the rezoning and SUP proposals, are expected to generate 4,465 vehicular trips per day. The entire mixed-use development is expected to generate 5,745 vehicular trips per day.

#### **Intersection Level of Services:**

The overall Level of Service (LOS) for the Croaker Road intersection with Route 60 is currently at level B. At the same intersection, the level of service is projected to reach C for the year 2021.

**2005 Traffic Counts:** From Croaker Road (Route 607) to Lightfoot Road (Route 646)-18,770 average daily trips

**2026 Volume Projected:** From Croaker Road (Route 607) to Centerville Road – 33,500 average daily trips is project. This segment of Richmond Road is listed on the watch category in the Comprehensive Plan

As currently proposed, this development will increase the volume of traffic on roadways and at intersections throughout the study area. In order to mitigate the projected increase of vehicular traffic, the following road improvements have been proffered by the applicant:

- A right turn lane with shoulder bike lane from eastbound Richmond Road into the property at the intersection of Richmond Road and Croaker Road [Proffer No. 5 (a)]; and
- At the northbound Croaker Road approach to the Croaker Road/Richmond Road intersection improvements will include a minimum 14-foot receiving lane, a 10 foot grass median and two 11-foot outbound lanes (one shared through/left turn and one dedicated right turn lane [Proffer No. 5 (b)]; and
- A contribution to the County its pro rata share of the costs of construction of a southbound left turn lane on Croaker Road at the Croaker Road/Richmond Road intersection [Proffer No. 5(d)].
- Traffic signal coordination for the intersection of Richmond/Croaker Road and Richmond Road/Norge Lane [Proffer No. 5 (e)]; and
- Crosswalks across Richmond Road, a median refuge island, signage and pedestrian signals heads [Proffer No.5(f)]; and

**VDOT Comments:** VDOT concurs with the trip generation as presented by the Traffic Analysis. VDOT has also reviewed the proffered road improvements and recommends the following additional improvements: (a) the Richmond Road eastbound left-turn lane at Croaker Road should be lengthened to provide 250 feet of storage. Although the development is not adding volume to this movement, there is an increase in the eastbound left queue length between no-build and build scenarios due to signal retiming; (b) one of the two existing entrances to the commercial property along Route 60, east of Croaker Road, should be removed in order to eliminated conflict points due to merge movement at the east end of the site from entering and exiting traffic.

**Staff Comments:** Staff concurs with VDOT findings and have requested that the applicant provide the above mentioned road improvements. According to information recently provided by the applicant, one of the two existing entrances to the commercial property along Route 60 will be closed, this improvement will be offered not as a proffered item but as a special use permit condition. However, the applicant has not proffered the extension of the eastbound left-turn lane at Croaker Road. Further, based on recommendations from the County's transportation consultant, staff believes that the applicant should also provide an exclusive southbound left turn on Croaker Road at the Croaker Road/Route 60 intersection. This turn lane is projected to be needed prior to build out of the project. While the applicant has proffered a pro rata share of this cost, there is no known likely source of public funding for the turn lane. The Secondary Road Plan for James City County cannot fund higher priority road projects, much less turn lane projects such as this. Please note that the County's consultant also projects that a second southbound left turn in Croaker Road will also be needed in 2021. However, this project does not specifically contribute to the need for this turn lane.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	<p><b>Low Density Residential (Page 120):</b> Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. 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.</p> <p><b>Staff Comment:</b> Approximately twenty-six acres of land located at the southwestern portion of the property is designated by the Comprehensive Plan as Low Density Residential. In comparison, the proposed Master Plan shows approximately fifty-eight acres of land for residential uses (single-family attached and detached units). This development proposes a total of fifty-one residential units for this area, mostly single-family detached, creating a density of 1.94 units per acre. Residential developments with gross densities greater than one unit per acre and up to four units per acre may be considered if they offer particular public benefits to the community. While residential densities proposed for this area are consistent with the land use recommendation set forth by the Comprehensive Plan, the Master Plan contains significantly more acreage for residential development.</p> <p><b>Mixed Use (Page 124):</b> Mixed Use areas are centers within the PSA 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 other Mixed Use areas are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area. Moderate to high density residential uses with a maximum gross density of 18 dwelling units per acre could be encouraged in mixed-use areas where such development would complement and be harmonious with existing and potential development and offer particular public benefits to the community.</p>
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	<p><b>Staff Comment:</b></p> <p>A total of thirty-seven acres are shown on the Comprehensive Plan as mixed-use area. The proposed Master Plan contains the following in this area broken down by the Rezoning and SUP applications:</p> <ul style="list-style-type: none"> <li>• Rezoning application: twenty-three acres of land with up to ninety-seven residential units and up to 18,900 square feet of new non-residential uses; and</li> <li>• SUP application: Fourteen acres of land with up to 45,000 square feet of new non-residential uses.</li> <li>• Both applications combined: thirty-seven acres of land designated Mixed Use with up to ninety-seven residential units and up to 63,900 square feet of non-residential uses</li> </ul> <p>The Comprehensive Plan does not make a recommendation for this specific Mixed Use area. The general mixed-use designation states that; “Mixed Uses areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic developments potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.” The entire property is located at the intersection of two major thoroughfares, Richmond and Croaker Road. Staff believes that the most appropriate land uses for this mixed-use area are non-residential, but some residential uses are acceptable.</p>
	<p><b>Limited Industry (Page 123):</b></p> <p>Limited Industry sites within the PSA are intended for warehousing, office, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area...Secondary uses in Limited Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.</p>
	<p><b>Staff Comment:</b> A total of 23 acres of land is depicted Limited Industrial by the Comprehensive Plan. Of these, approximately 15 acres of industrially designated land immediately behind the parcel occupied by the Cross Walk Community Church, formerly known as the Music Theater, is part of the rezoning application. This project proposes a residential range of forty-five to sixty residential units, mostly single-family detached, creating a gross density for this area that may range from three to four units per acre. Proposed non-residential uses range from 12,000 to 18,000 square feet (two mixed-use buildings). The Comprehensive Plan does not recommend residential uses for areas designated as Limited Industry. Staff finds that this proposal for this area of the development to be inconsistent with the Comprehensive Plan.</p>

## Economic Development

Goals, strategies, and actions	Action #1-Page 20: Continue to maintain an active and effective Economic Development strategy which includes existing business retention and expansion, the formation and assistance to new business, and new business recruitment.
	<b>Staff Comment:</b> Staff finds that the addition of five mixed-use buildings in the property subject to the rezoning application, the proposed two commercial mixed-use buildings and the renovation of the façade of existing buildings located at property subject to the SUP application will be fiscally positive for the County. The majority of the non residential uses are expected to be retail. Retail employment tends to be lower paid, lacking full benefits, and sometimes part time. Those characteristics do not support the economic goals of the Comprehensive Plan. Further, staff notes that the fourteen acre area located within the property subject to the rezoning application and designated by the Comprehensive Plan as Limited Industrial should be utilized primarily as an area for non-residential uses, such as offices and research and development, and not for residential use as shown on the Master Plan.

## Parks and Recreation

Goals, Strategies and actions	<b>Strategy # 9-Page 39:</b> Encourage new developments to proffer neighborhood and community park facilities and trails as outlined in the Parks and Recreation Master Plan
	<b>Action # 4-Page 39:</b> Encourage new developments to dedicate right-of-way and construct sidewalks, bikeways, and greenway trails for transportation and recreation purposes, and construct such facilities concurrent with road improvements and other public projects in accordance with the Sidewalk Plan, the Regional Bicycle Facilities Plan, and the Greenway Master Plan
	<b>Staff Comment:</b> All recreational facilities proposed for this development are in accordance with the Parks and Recreation Master Plan to include a shared use path along one side of the entrance road approximately 0.3 miles in length and 0.87 miles of soft surface walking trail. Sidewalks are proffered for one side of each of the public streets on the property.

## Environmental

General	<b>Yarmouth Creek Watershed Management Plan-Page 47:</b> Yarmouth Creek is a predominantly forested watershed of about 12 square miles located in the lower James River Basin in James City County. The Creek drains into the Chickahominy River, which in turn discharges into the James River.
	<b>Staff Comment:</b> In addition to the required 100 foot Resource Protection Area (RPA) buffer located at the perimeter of the development area, nine acres of continuous non-RPA buffer is also proposed at the perimeter of the development. In order to further reduce impervious coverage, common walkways incorporate both paved and soft surface walking trails, sidewalks are limited to one side of the streets, and porous pavement is proposed for townhome driveways. A Master Stormwater Management Plan, which includes facilities and measures necessary to meet the special stormwater criteria applicable in the Yarmouth Creek watershed, has been proffered. Additionally, a sum of \$500 per residential unit has been proffered toward stream restoration or other environmental improvements in the Yarmouth Creek Watershed.

Goals, Strategies. and actions	<p>Strategy #2-Page 65: Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p>Action #5-Page 66: Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p>Action#22-Page 67: Promote the use of LEED (Leadership in Energy and Environmental Design) “green building” techniques as a means of developing energy and water efficient buildings and landscapes.</p> <p>Action #23-Page 67: Encourage residential and commercial water conservation, including the use of grey water where appropriate.</p> <p><b>Staff Comment:</b> The required 100 foot RPA buffer and the additional nine acres of open space located at the perimeter of the property will separate and protect environmentally sensitive areas such as the perennial streams feeding Yarmouth Creek. Low Impact Development (LID) features such as porous pavements, dry swales and bioretention basins have been proffered. Further, sustainable building practices as recommended in the NAHB Model Green Building Guidelines have been proffered as part of Design Guidelines and Review. Water conservation standards, which limit the installation and use of irrigation systems and irrigation wells on the property, have also been proffered.</p>
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### **Housing**

Goals, strategies, and actions	<p>Goal # 1-Page 106: Achieve a range of choice in housing types, density, and price range.</p> <p>Goal# 3- Page 106: Increase the availability of affordable housing.</p> <p><b>Staff Comment:</b> This development will offer variety in housing types and pricing. Up to 219 units are proposed; sixty single-family detached units, thirty-two duplex units, fifty-four townhomes, and seventy-three condominiums. The owner has proffered affordable and mixed cost housing as part of this proposal: a minimum of five percent of the residential units will be offered for sale at a net sales price at or below \$160,000; a minimum of five percent of the residential units will be offered for sale at a price at or below \$200,000, and a minimum of an additional five percent of the residential units shall be offered for sale at a price at or below \$250,000. Staff finds that the provision of affordable housing is an important aspect of this development; however staff has suggested that the applicant reduce the net sales price limits for the “Affordable Units” to \$ 140,000 and the “Restricted Units” to \$ 160,000. This recommendation is based on the following factors:</p> <ul style="list-style-type: none"> <li>• These proposed price ranges would enable more first time homebuyers who have applied for homeownership assistance through the County’s Affordable Housing Assistance Program to qualify for low interest loans and down payment anticipated to be available within the next few years.</li> <li>• Other developers are currently providing proffered affordable units at prices at or below these suggested limits.</li> <li>• The developer is requesting exemption from certain cash contributions for affordable units and restricted units.</li> </ul>
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## Transportation

General	<p>Richmond Road- Page 77: Future commercial and residential development proposals along Richmond Road should concentrate in planned areas, and will require careful analysis to determine the impacts such development would have on the surrounding road network.</p> <p>Croaker Road-Page79: The section of Croaker Road extending from Route 60 West to Rose Lane has been placed in the “watch” category since traffic volumes are projected to increase from 8,356 vehicle trips per day to 13,000 vehicle trips per day. Development pressure in this area could push the need for future improvements.... It is recommended therefore that road widening be avoided by careful land use and traffic coordination, and intersection and turn lane improvements be implemented if the traffic volumes warrant them.</p> <p><b>Staff Comment:</b> The proposed development is planned as a master planned community with internal roads and shared access for the residential and commercial uses. Because of some road improvements that are not addressed, staff finds that the road improvements proffered by the applicant will not adequately mitigate the increase in traffic volume in the area.</p>
Goals, Strategies, and actions	<p>Strategy #5-Page 80: Support the provision of sidewalks and bikeways in appropriate areas, increased use of public transportation services, and investigation of other modes of transportation.</p> <p>Strategy #7(a)-Page 81: Encourage efficient use of existing and future roads, improve public safety, and minimize the impact of development proposals on the roadway system and encourage their preservation by limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p>Strategy #7(f)-Page 81: Develop and implement mixed-use land strategies that encourage shorter automobile trips and promote walking, bicycling, and transit use.</p> <p>Strategy #9-Page 82: Include bikeways and/or pedestrian facilities within major developments and elsewhere in the County, especially connecting residential and non-residential areas.</p> <p><b>Staff Comment:</b> As part of the pedestrian circulation plan proposed for this development a sidewalk will be installed along the property frontage on Richmond Road. A shoulder bike lane is also proposed along the segment of the property fronting Richmond Road. Croaker Road extended into the property will serve as the main entrance for the entire project, serving both the residential and commercial areas. An eight-foot biking/jogging trail of approximately 0.3 miles is proposed along the Croaker Road extended. A sidewalk connecting the rear parcel to the commercial complex located at the front of the property is also proposed.</p>

## Community Character Areas & Corridors

General	<p>Norge-Page # 86: Norge has been significantly impacted by recent commercial development along Richmond Road. While Norge continues to have a unique, identifiable residential component located off Richmond Road and some pedestrian-oriented storefronts, the early 20<sup>th</sup> century “village” character of its business and residential areas along Richmond Road has been significantly visually impacted by infill automobile-oriented development.</p> <p><b>Staff Comment:</b> As part of the SUP application, the owner/developer will provide a renovation treatment for the façade of the existing commercial buildings. The existing parking area fronting on Richmond Road will remain; however, additional parking areas will be located behind commercial buildings. Staff finds that the façade renovation of the existing smaller scale commercial buildings and the location of most of the parking behind these buildings will preserve Norge’s identity as smaller “village” style community.</p>
Goals, strategies, and actions	<p>Action #6-Page 96: Limit new commercial/retail centers and additions to existing commercial/retail centers to locations within the PSA and to a size, scale, and character consistent with their applicable Comprehensive Plan Land Use Map designation.</p> <p>Action #24(b)-Page 97: Maintain the small town, rural, and natural character of the County by encouraging new developments to employ site and building design techniques that reduces their visual presence and scale. Design techniques include berms, buffers, landscaping, building designs that appear as collections of smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.</p> <p><b>Staff Comment:</b> The entire development is located inside the Primary Service Area. A landscape plan addressing the existing parking lot area and the existing buildings will be provided. Richmond Road is designated by the 2003 Comprehensive Plan as a Community Character Corridor and as such the preferred buffer width for commercial and industrial developments is 50 foot. The existing commercial complex fronting Richmond Road does not comply with the suggested buffer; however, the proposed commercial expansion (SUP) in the property will not occur in an area directly fronting on Richmond Road. Existing buildings and parking areas along Route 60 are to remain. To the extent possible, the proposed landscape plan will address the property frontage on Richmond Road. Additionally, the owner has proffered to install streetscape improvements in accordance with the County’s Streetscape Guidelines along Croaker Road extend. Given these features and that this is primarily an adaptive reuse of an existing building; staff finds the lack of an expanded front buffer acceptable.</p>

### Staff Comments:

Staff finds that this application is not consistent with the Comprehensive Plan Land Use Map designation in two major areas: First, the Comprehensive Plan designates mixed-use areas located at or near the interchange of thoroughfares to be prime locations for more intense land uses applications such as commercial, office, and industrial. Staff finds that, for the thirty-seven acre area of this development which is designated as Mixed Use, there appears to be a predominance of residential over new non-residential uses (97 residential units and 63,590 square feet of new non-residential uses). Second, for the fourteen acre area currently designated as Limited Industrial by the Comprehensive Plan, a range of 45 to 60 residential units is proposed. However, the Comprehensive Plan does not recommend residential uses for Limited Industrial areas. Staff acknowledges the applicant’s efforts to introduce non-residential uses to this area by proposing two mixed use buildings totaling 18,900 square feet. However, staff believes that this area should be developed in accordance with the Comprehensive Plan Land Use recommendation, and remains mostly dedicated to non-residential uses. Staff does not propose that this area be developed separately from this proposal as an exclusively “ non-residential parcel”; it is important to consider the

merits of this application separately, by each of its Comprehensive Plan Land use designation area, but also comprehensively, as one single project. As such, staff finds that the area which is designated as Limited Industrial could be developed as part of this development, albeit with fewer number of residential uses and a higher number of non-residential uses such as office and limited commercial; uses that are in conformance with the Comprehensive Plan, and which staff believes would be an asset for this mixed-use proposal. As currently presented, staff finds that both applications, represented as one master-planned community, are inconsistent with the Low Density Residential, Mixed Use and Limited Industrial Land Use designations as set forth by the 2003 Comprehensive Plan.

#### **SETBACK REDUCTION REQUEST:**

The applicant is proposing a request for modifications to the setback requirements in sections 24-527 (a) and (b), as amended. These requests are pursuant to Section 24-527, paragraphs (c)(1) and (d), as amended, and according to the applicant are necessary to integrate the proposed development with the surrounding neighborhood. The request for modification to the setback requirements will be considered by the Planning Commission (Development Review Committee) when development plans are submitted. The amendment to this zoning ordinance which would allow these modifications to be granted has been reviewed and recommended for approval by the Planning Commission by a vote of 4-3 during its regular meeting on April 4, 2007. The amendment is scheduled for Board of Supervisors consideration at its meeting on May 8<sup>th</sup>, 2007.

#### **RECOMMENDATION:**

Staffs finds the rezoning and SUP proposals; master planned as one single project, to be inconsistent with surrounding lands uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Planning Commission deny these combined applications. In the event that the Planning Commission choose to approve these applications, staff offers the following special use permit conditions and voluntary proffers for the Commissioners consideration:

**1. Master Plan:** This Special Use Permit (SUP) shall be valid for the construction of two-mixed use, commercial buildings ("Buildings") in excess of 10,000 square feet, located on JCC Tax Parcel Number 2321100001C, more commonly known as 7521 Richmond Road ( the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan for rezoning of Candle Factory Property for Candle Development, LLC and KTP Development, LLC" prepared by AES Consulting Engineers dated November 29, 2006 (the "Master Plan") and revised on March 19, 2007 and April 20, 2007 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

**2. Building Square Footage:** The collective area of the Buildings shall not exceed 45,000 square feet.

**3. Stormwater Master Plan:** Prior to final site plan approval a stormwater master plan ("Plan") for the Property shall be submitted to the James City County Environmental Director ("Environmental Director") for his review and approval. The Plan shall include facilities and measures necessary to meet the County's ten point storwmater management system requirements and the special stormwater criteria applicable in the Yarmouth Creek watershed and shall be implemented once approved by the Environmental Director. Once the Plan is approved, changes to the Plan shall only be made with the prior approval of the Environmental Director.

**4. LID:** Low impact Development (LID) components shall be incorporated on the Property to treat stormwater runoff resulting from thirty percent (30%) of the impervious areas on the property at build-

out. These LID components shall not be counted towards Special Stormwater Criteria or stormwater quality points.

**5. Access Driveway:** Prior to issuance of any certificate of occupancies for either of the Buildings, one of the two existing entrances to the commercial property east of the intersection of Route 60 and Route 607, as shown on the Master Plan, shall be removed. The remaining entrance shall be a right-in/right-out entrance only and shall include channelization. A right-turn taper of 150 foot for this entrance shall be approved by VDOT and the Planning Director and shall be installed prior to issuance of any Certificate of Occupancy.

**6. Traffic Impact Analysis:** Should associated case # Z-10-06/MP-12-06 Candle Factory Rezoning not be approved, applicant shall submit an updated traffic analysis prior to final site plan approval for any building on the SUP Property. Such analysis shall determine the traffic impact associated with the SUP Property and shall identify any traffic improvements the need for which is generated by the SUP application. Such analysis shall be approved by the Planning Director and by VDOT. Should the analysis identify needed improvements, such improvements shall be shown on any site plans and shall be completed or bonded prior to issuance of certificates of occupancy for any new buildings on the SUP Property.

**7. Landscape:** A landscape plan shall be submitted to the Planning Director for his review and approval prior to final site plan approval ("The Landscape Plan"). The Landscape Plan shall, at a minimum, address the following:

(i) The entire length of the driveway entrance onto the Route 60 and Route 607 intersection and shall comply with the Streetscape Guidelines Policy as set forth in James City County Code; and

(ii) Landscaping for the existing parking lot and the existing buildings shall be brought into compliance with current landscape requirements set forth in the James City County Zoning Ordinance; and

(iii) Landscaping along the property adjacent to Route 60 shall be brought into compliance with the current landscape requirements set forth in the James City County Zoning Ordinance.

At his sole discretion, the Planning Director may permit a reduction in the required landscaping upon a showing of good cause by the applicant.

**8. Architecture:** All structures on the site, whether new or renovated, shall contain architectural features, colors, and materials that reflect the surrounding character of the Norge Community as described in the James City County Comprehensive Plan. The architectural design, color, and materials used for the proposed facade renovation and the two mixed-use buildings shall be approved by the Planning Director prior to final site plan approval.

**9. Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.

**10. Dumpsters:** All dumpsters and heating and cooling units shall be screened with landscaping or fencing approved by the Planning Director or his designee prior to final site plan approval.

**11. Water Conservation:** The applicant shall be responsible for developing water conservation standards

to be submitted to and approved by the James City Service Authority (the “JCSA”) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitation on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

**12. Irrigation:** If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirements 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.

**13. Commencement of Construction:** If construction has not begun on the project within 36 months of the issuance of the special sue permit, it shall become void.

**14. Severance Clause:** This special use permit shall be valid for a period of thirty-six months from the date of issuance of this special use permit.

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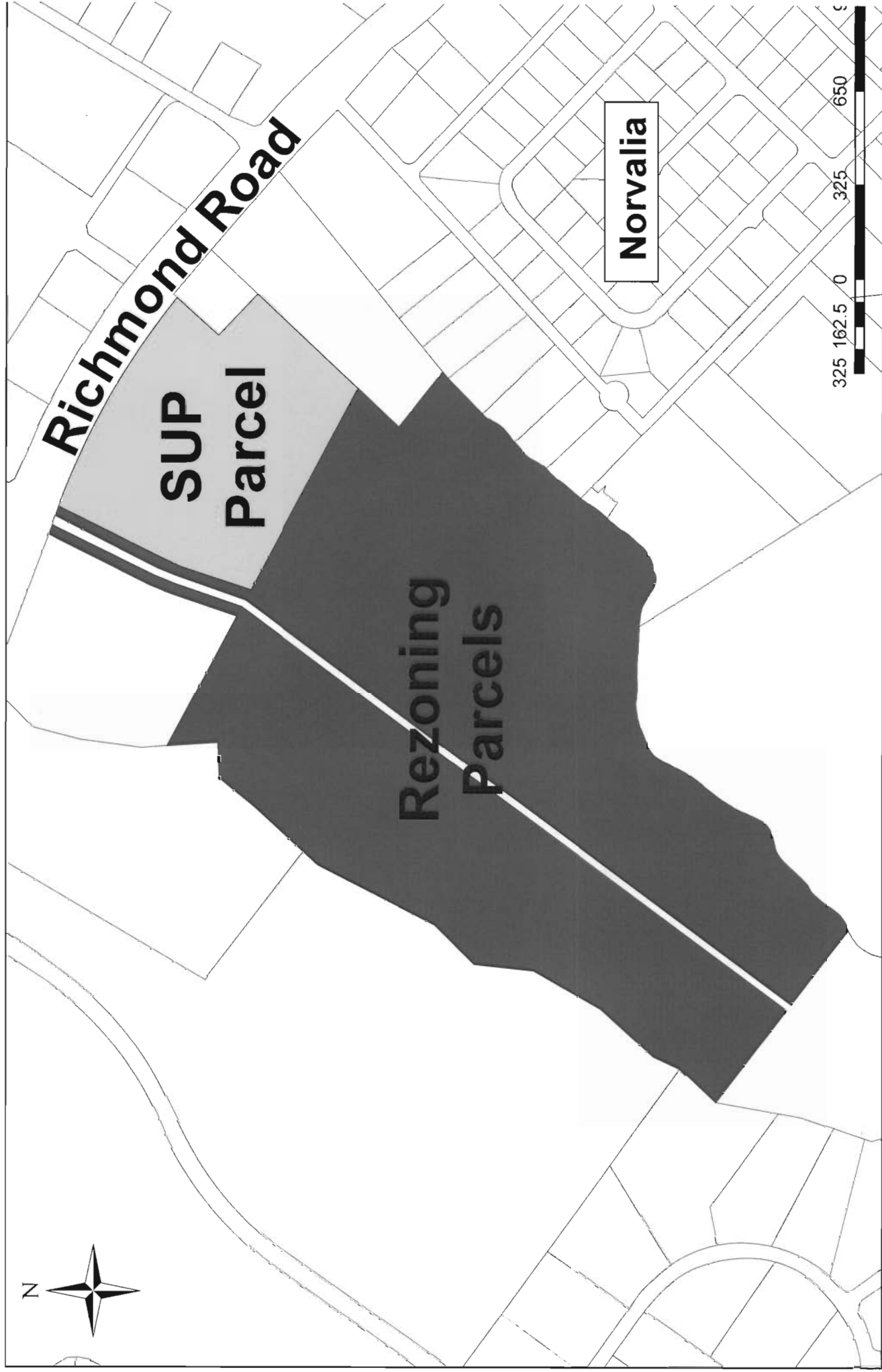
Jose Ricardo Linhares Ribeiro  
Planner

**Attachments:**

1. Location Map
2. Location Map with Land Use Designations
3. Location Map with Zoning Designations
4. Master Plan (under separate cover)
5. Community Impact Statement (CIS)
6. Traffic Analysis (TA)
7. Proffers

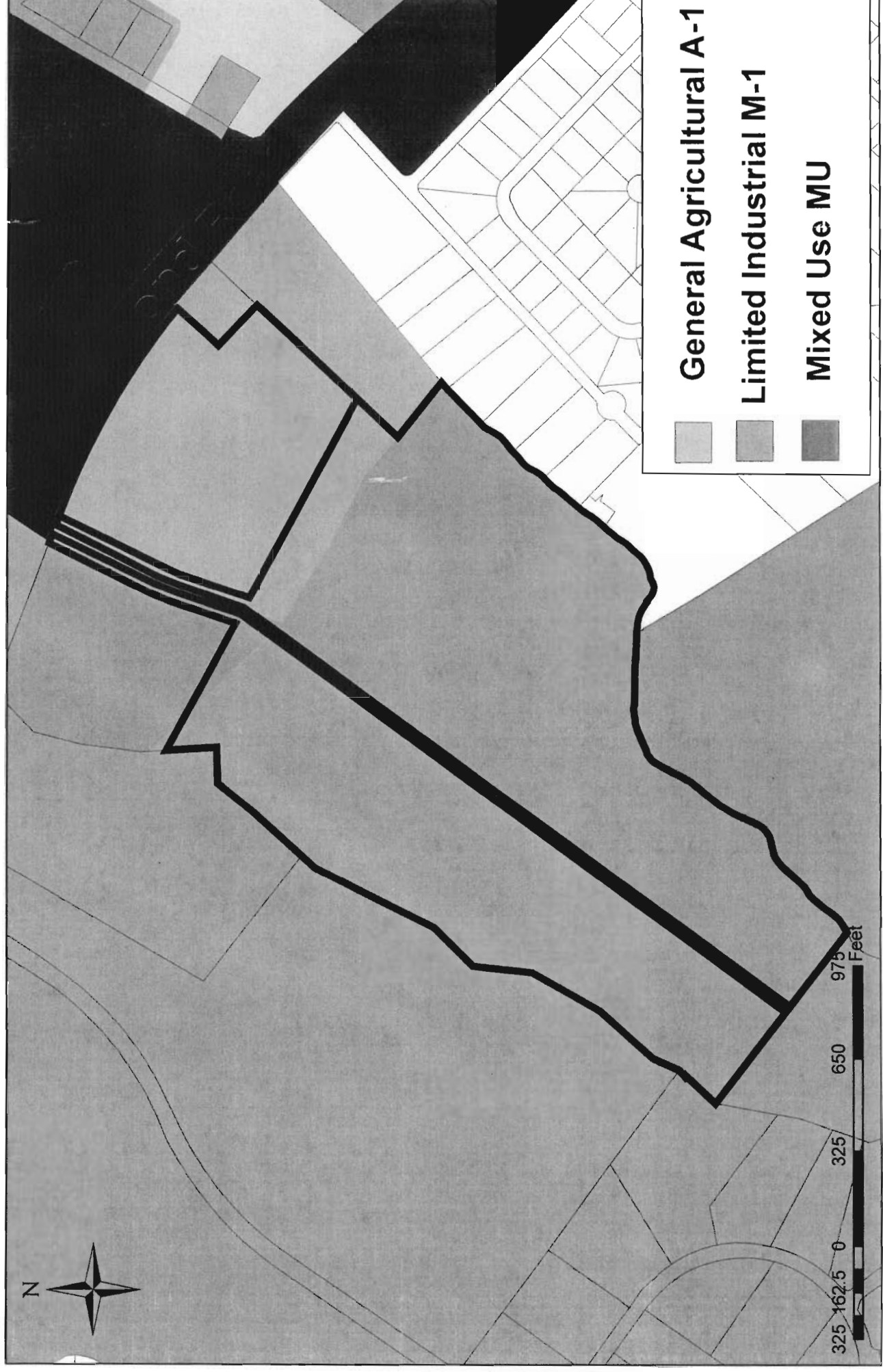


# JCC-Z-10-06/MP-12-06/SUP-37-06 Candle Factory Property

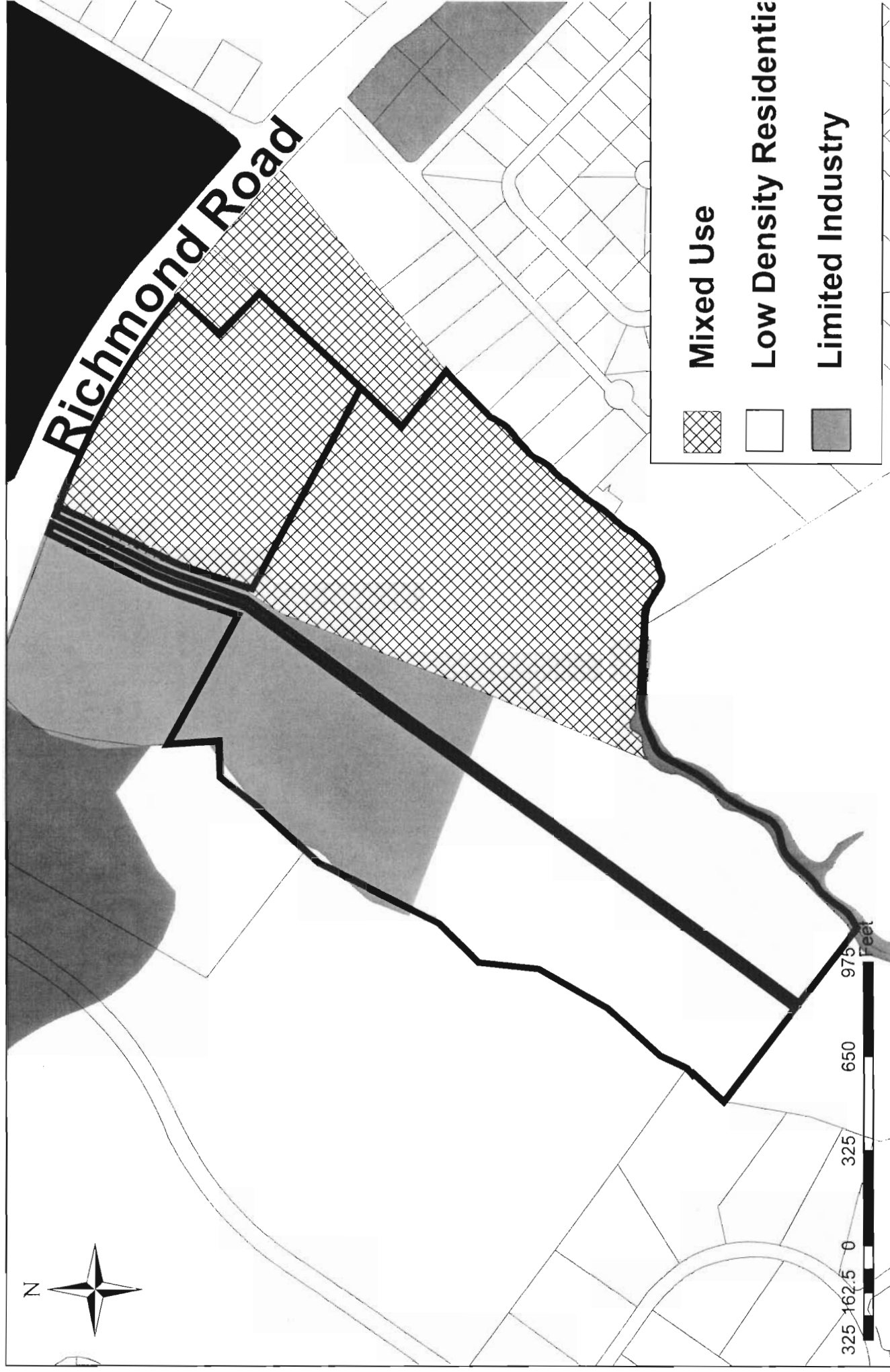


# JCC-Z-10-06/MP-12-06/SUP-37-06

## Candle Factory Property - Zoning



# JCC-Z-10-06/MP-12-06/SUP-37-06 Candle Factory Property - Land Use



# Community Impact Statement

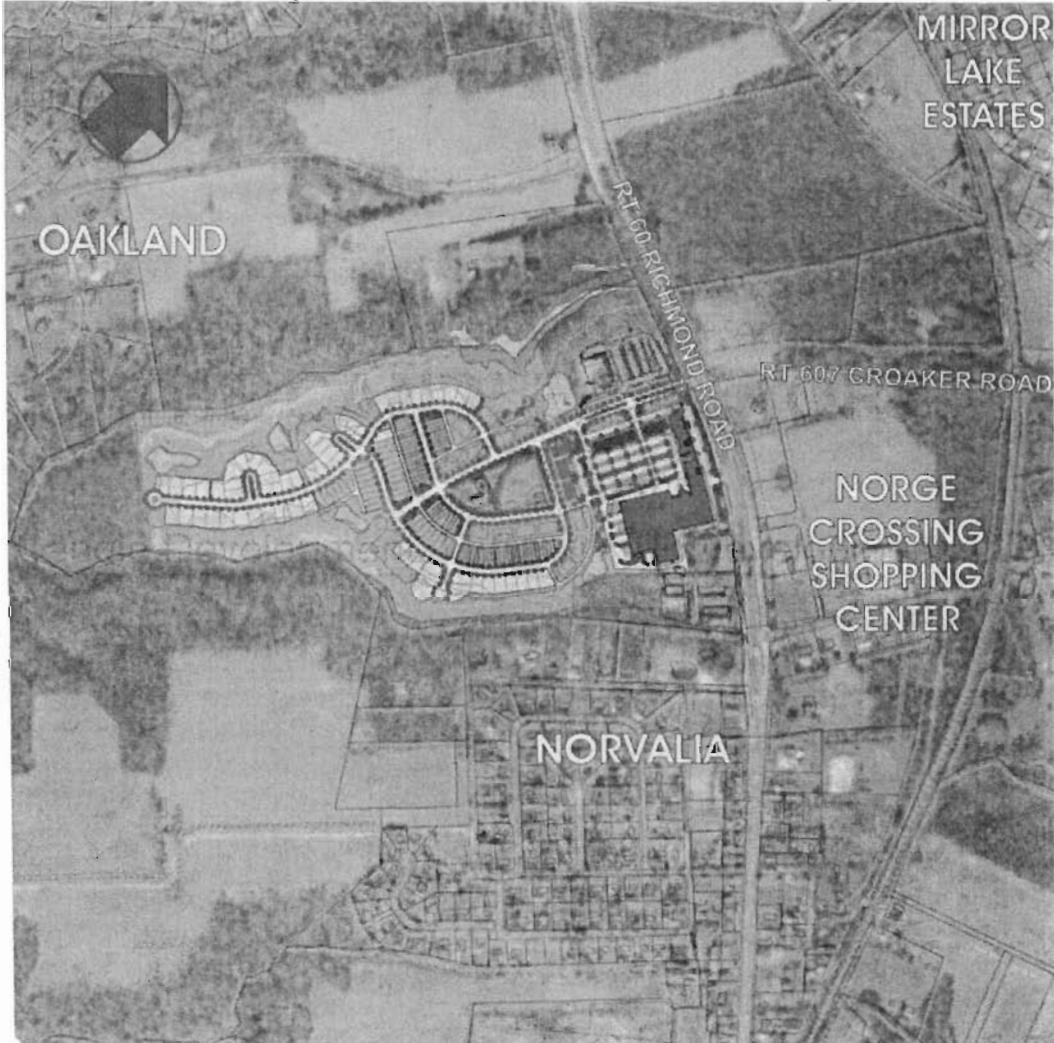
Rezoning & Special Use Permit for

## THE CANDLE FACTORY

PROPERTY

Prepared For

Candle Development, LLC and KTP Development, LLC



December 22, 2006  
AES Project Number: 6883-11-12  
(Revised March 19 2007)

Prepared by:



5248 Olde Towne Road, Suite 1  
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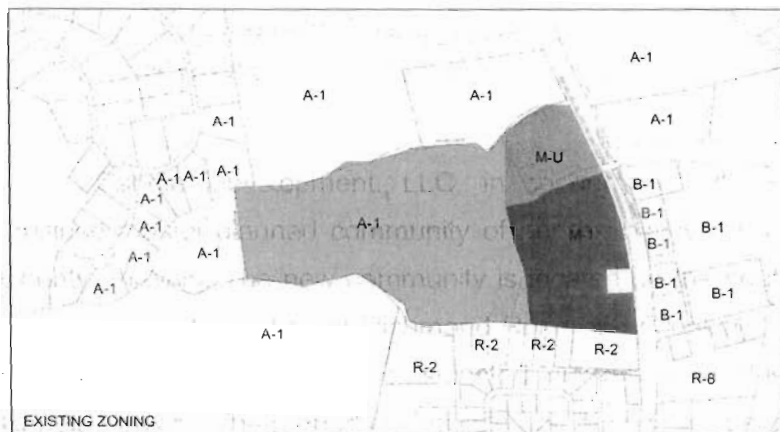


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## I. INTRODUCTION AND PROJECT DESCRIPTION

Candle Development, LLC, in cooperation with KTP Development, LLC, proposes a multiuse master-planned community of approximately 80 acres in the Norge area of James City County, Virginia. The new community is located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607). An official name for the community has not yet been selected, but to facilitate this discussion it will be referred to as the Candle Factory. The property is bounded on the south, east and west by private residences located in the General Agricultural (A-1) and General Residential (R-2) zoning districts. Along the Richmond Road frontage on the west the property is adjacent to the Cross Walk Community Church



(CWCC), formerly the Williamsburg Music Theater, which is zoned Mixed Use (MU). On the east side is a small office park zoned Limited Business/ Industrial District (M-1). The area facing the development across Richmond Road is zoned General Business District (B-1). Primary access to the development will be from the existing shared and

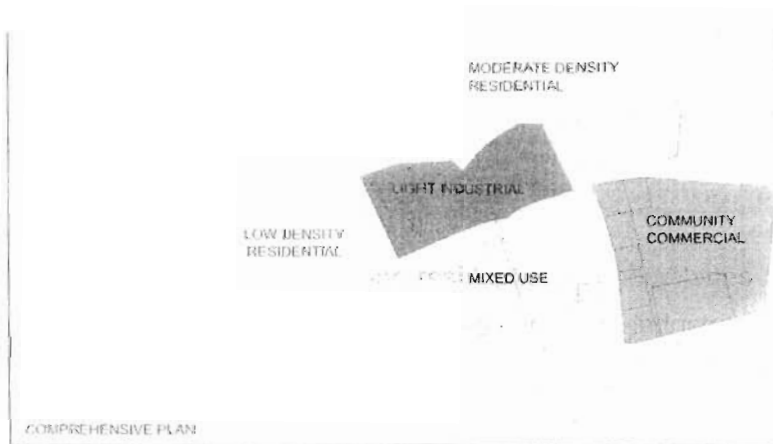
signalized entrance at the Richmond/Croaker Road intersection. The present right-in/right-out entrances to the Williamsburg Soap and Candle Factory (WSCF) complex will remain.

Candle Development, LLC proposes to rezone approximately 64.45 acres immediately behind Cross Walk Community Church and the Williamsburg Soap and Candle Factory complex from the A-1 (60.82 acres) and M-1 (3.0 acres) zoning districts to the MU zoning district. (Note: 0.63 acres of existing MU adjacent to CWCC will be part of the new 64.45 acre MU parcel). Also, KTP Development, LLC requests a special use permit (SUP) to allow construction of two mixed use commercial buildings totaling 44,690 square feet within the existing Soap and Candle Factory complex, with shared common access from Richmond Road and vehicular and pedestrian connectivity to the mixed use development.

The Candle Factory master plan includes Mixed Use and Limited Business/Industrial District components with commercial, office, warehouse, restaurant and residential elements. The residential portion of the community, to be zoned MU, will contain up to 219 dwelling units, with a projected mix of single-family detached, single-family attached (duplexes), town homes and



condominium units. The non-residential area combines the existing 14.2 acre Soap and Candle Factory complex mix of M-1 business and light industrial uses, as allowed by section 24-411 of the current James City County zoning ordinance, with an adjacent area in the new Mixed Use development containing Mixed Use units with non-residential uses as permitted by section 24-521. The Williamsburg Soap and Candle Factory complex will retain its M-1 Zoning but will be subject to the intent of the Master Plan and any conditions imposed through the SUP process.



The master planned area encompasses three different land use designations in the current James City County Comprehensive Plan. The rear portion of the property (approximately 26.29 acres) is designated low density residential; a portion of the eastern half of the property (approximately 37.21

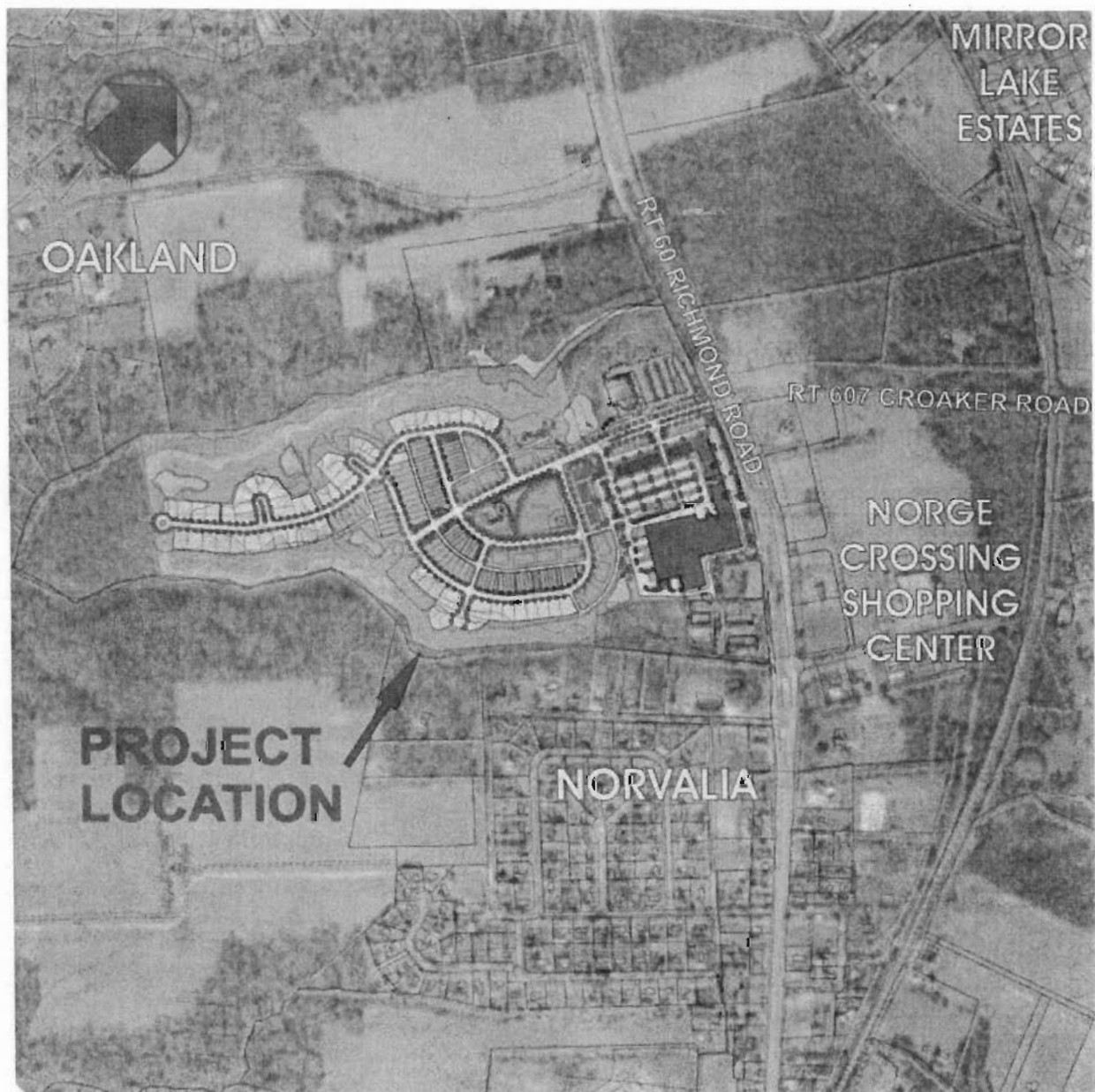
acres), including the WSCF parcel, is designated as Mixed Use; and the remainder, (approximately 15.08 acres), located directly behind the CWCC is designated as Light Industrial. The properties across Richmond Road from the site are designated Community Commercial. The master planned area also lies within the Comprehensive Plan's Norge and Toano Community Character Area.

Candle Factory falls within Subwatershed 103 of the Yarmouth Creek Watershed, which drains to the Chickahominy River, which, in turn drains to the lower portion of the James River. The Yarmouth Creek Watershed Study classified Subwatershed 103 as "sensitive" because of its high stream and habitat quality. Surface water features include two perennial unnamed tributaries to Yarmouth Creek and their associated wetlands that drain from northeast to southwest along the northwestern and southeastern property lines. No lands designated as Conservation areas on the Comprehensive Plan are on the subject property.

From a Cultural Resources perspective, the site contains an existing circa 1959 single family residence, located in the southwest portion of the tract and three farmstead auxiliary buildings clustered in the north-central portion of the property. The Phase II Cultural Resources Assessment, included as part of this document indicates that none of the existing structures appear to meet eligibility criteria for listing in the National Register of Historic Places.

**Exhibit 1 – Location Map**

(Not to Scale)





## II. THE PROJECT TEAM

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

- Developers - Candle Development, LLC & KTP Development, LLC
- Land Planning - AES Consulting Engineers
- Civil Engineering - AES Consulting Engineers
- Legal - Geddy, Harris, Franck & Hickman, LLP
- Architectural - Jeff Barra, Toano Design
- Environmental - Williamsburg Environmental Group, Inc.
- Traffic - DRW Consultants, Inc.
- Fiscal - The Wessex Group, Ltd.
- Archaeology - James River Institute for Archaeology, Inc.

Key components of this Community Impact Study are:

- Planning Considerations and Density Analysis
- Analysis of Impacts to Public Facilities and Services
- Traffic Impact Assessment
- Fiscal Impact Study
- Environmental Inventory
- Cultural Resources Assessment

### III. DENSITY DISCUSSION AND PLANNING CONSIDERATIONS

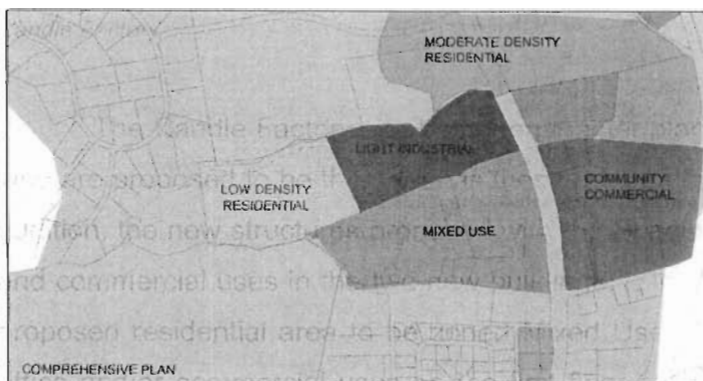
#### A. COMPREHENSIVE PLAN, ZONING AND DENSITY DISCUSSION

The existing commercial area is designated Mixed Use on the Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. The Comprehensive Plan is silent with regard to this Mixed Use quadrant in the Norge area, at the intersection of Route 60 and Croaker Road. The only specific reference to the Soap and Candle Factory is a reference in the Land Use Technical Report which states "for that area currently zoned M-1 (as of May 1991) located adjacent to Richmond road, the principal suggested uses are a mixture of limited industrial and commercial". This same reference to the property currently zoned M-1 is the only reference to the Mixed Use designation in the 1997 Comprehensive Plan. Up until the time the Soap and Candle factory closed its' doors, these were the principal uses on the site.

This site is also part of the Norge Community Character area noted in the Comprehensive Plan. The current plans for the property meet many of the design standards recommended for the area as recognized by County staff in their responses to the second conceptual plan submitted in October. These standards also include one important reference to Mixed Use. "Mixed use development which provides residential, commercial, and office uses in close proximity is encouraged." This proposal adheres to the recommendations of both the 1997 and 2003 Comprehensive Plans by leaving the area currently zoned M-1 as primarily light industrial and commercial and providing a mix of residential uses as well as the potential for structures containing a mix of uses on the remaining Mixed Use area. These two areas are connected by both pedestrian and vehicular circulation and are in close and functional proximity to each other per the Norge Community Character area standards.

A recommendation for Mixed Use development as a design standard, providing residential, commercial, and office uses in close proximity is referenced in a description of the Norge Community character area. In the general description of Mixed Use in the Comprehensive Plan there are important references encouraging Master Plans, pedestrian-oriented urban design configurations, and moderate to high density residential uses where such development would complement existing and potential development and offer particular public benefits to the community.

The Candle Factory site has been master planned. The principal uses on the M-1 zoned land are proposed to be the same as those recommended in the Land Use Technical Report. In addition, the new structures proposed with the Special Use Permit on the M-1 land will mix office and commercial uses in the two new buildings. Finally, to extend some commercial use into the proposed residential area to be zoned Mixed Use, the master plan calls for up to 18,900 sf of office and/or commercial uses on the first floor of three mixed use structures fronting on the 3 acre central park. In addition, the Master Plan has been revised to allow for up to 18,900 square feet of non residential uses in the area currently designated Light Industrial in the Comprehensive Plan.



The 64.45 acre area behind the existing Candle factory commercial area contains lands with three different Comprehensive Plan designations. A 26 acre portion of the site is designated Low Density Residential. Low Density Residential Areas are suitable for residential developments of up to one

unit per acre within the PSA depending on the character and density of surrounding properties, the physical attributes and density of the property being planned, and the degree of the project's consistency with the Comprehensive Plan. In order to encourage higher quality design, residential developments with densities greater than 1 unit per acre and up to 4 units per acre may be considered if they offer particular public benefits to the community. "Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design." This area as currently master planned contains 51 units and on 26 acres this represents 1.94 units per acre. A summary of specific benefits to the community and density discussion is provided later in this report.

A 15 acre portion of the proposed Mixed Use site is designated Light Industrial on the Comprehensive Plan. The former Music Theater property (not a part of this application) is also designated Light Industrial, although that site is zoned Mixed Use and was rezoned prior to the 2003 Comprehensive Plan. During discussion sessions in the Comprehensive Plan Update process this "inconsistency" was discussed but the Comprehensive Plan was not changed. Now that the Music Theater site has been sold to the Cross Walk Community Church, the inconsistency of a Light Industrial land use sandwiched between a Church and Low Density

Residential lands is even more apparent. Candle Factory's master plan has been formulated for compatibility with surrounding land uses. This application asserts that the most appropriate Land Use designation for this portion of site, in consideration of surrounding and planned land uses, is Mixed Use. The proposed density on this 15 acre portion of the site per the current Master Plan may range from 3 to 4 units per acre depending on the eventual extent of non-residential uses

A 23 acre portion of the site is designated Mixed Use on the Comprehensive Plan. The Candle Factory master plan designates this area for mixed use structures containing commercial/office and residential uses, four and five-plex condominiums, townhomes, duplexes, and single family lots. The gross density in the area designated Mixed Use is 4.2 units per acre or 97 units on 23 acres. Mixed Use lands may contain moderate residential densities which range from a low of 4 units to an acre and up to 12 units per acre. Moderate densities ranging from 4 units per acre and up to 12 units per acre may be encouraged in mixed use areas where such development compliments existing and potential development and offers particular public benefits to the community. Examples of such benefits include mixed cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space design. All of the above benefits are being provided in the proposed mixed use portion of the Candle Factory master plan.

The Candle Factory commercial area is presently zoned M-1. As discussed above, the M-1 portion contains the existing and proposed soap and candle commercial uses. The primary purpose of the M-1 district is to establish areas where the principal land uses are limited business and industrial operations and certain commercial and office uses compatible with limited business and industrial uses. Since the historical use of this property has been much less intensive than the uses anticipated for M-1 zoning, one could infer that designating this area and the 23 acre site behind it as Mixed Use on the Comprehensive Plan was, at least in part, in recognition of this sites' ability to be compatible with a wider array of uses including carefully designed and sited residential uses. The remaining 64 acres of the Candle Factory property is zoned M-1, MU, and A-1. As discussed above, this area contains three different Comprehensive Plan Land Use designations, the largest area being Mixed Use. This area lies within the Primary Service Area. The Primary Service area is a principal tool for managing growth. It is designed to direct growth into areas where public utilities exist or are planned and away from rural lands.

B. PLANNING CONSIDERATIONS: In a memorandum earlier this year, Planning Commission offered suggested standards for new residential development in five basic areas. These are paraphrased below in italics, along with our assessment of how the Candle Factory master plan complies.

1. *Compatibility with adjacent neighborhoods: Compatibility with adjacent neighborhoods in terms of lot area, width and overall density.*

Except for the WSCF parcel fronting Richmond Road, Candle Factory is surrounded primarily by low density uses. The nearby neighborhood of Norvalia has a slightly higher density, with many lots of less than half an acre in size, but still falls on the low end of the density spectrum. In keeping with Comprehensive Plan design guidelines for the Norge Community Character Area, the Candle Factory master plan proposes a Mixed Use development, which allows earned moderate residential densities as high as 12 units per acre. By providing such public benefits as mixed-cost and affordable housing options and unusual environmental protection, and by incorporating key features of open space design, Candle Factory earns density well above the 4 unit per acre moderate density minimums associated with MU development. However, in recognition of the low density of adjacent residential development and to ensure compatibility with the surrounding area, Candle Factory proposes a very modest overall density of 3.4 units per acre—well within the range established by the Comprehensive Plan for low density residential development.

2. *Buffers and Community Character: Buffers adjacent to existing neighborhoods should exceed ordinance requirements and 150' width Community Character Corridor (CCC) buffers should be honored. Densities at the higher end are expected to exceed minimum standards.*

In addition to the required RPA buffers, Candle Factory provides almost 9 acres of additional open space at the perimeter of the development which serves not only to further buffer development from adjacent properties, but also to enhance environmental protection for the Yarmouth Creek watershed and satisfy a key provision of open space design principles by moving open space to the perimeter. The master plan is structured so that only single family detached homes lie at the perimeter of the development— adjacent to enhanced open space buffers. Multi-family residences are either internal to the development or form part of the mixed use transition to the adjacent M-1 area on the Richmond Road frontage. Candle Factory fronts on State Route 60 West, Richmond Road, which was added to the list of roads designated in the Comprehensive Plan as a Community Character Corridor (CCC) to assist in regional beautification efforts. As a result, any new residential or commercial development along these corridors requires some form of frontage buffer. In the case of Candle Factory, all new

development occurs in the area to the rear of the existing Williamsburg Soap and Candle Factory buildings, which occupy almost the entire frontage to the full depth of the CCC and precludes traditional buffer landscaping. However, the applicants recognize the importance of screening the views to and from new development and the need for additional landscaping to compliment the corridor as well as enhance the character of the area, and have offered a frontage landscape plan as a condition of the Special Use Permit.

Candle Factory also lies within an area defined by the Comprehensive Plan as the Norge and Toano Community Character Area (CCA), which was conceived in part to maintain the historic "village" character of the Norge area and establishes specific design standards to guide future development and redevelopment. The CCA design standards encourage, among other things, architectural treatments which compliment local historic character, an emphasis upon pedestrian and bicycle access and circulation, shared access and parking, parking at the rear of buildings where possible, the use of native plants, and mixed use development. Many of these elements have been incorporated into the design of the Candle Factory and can be seen on the non-binding illustrative plan. The Williamsburg Soap and Candle Factory has been a local landmark for over forty years and is itself a part of the historical heritage of the area and integral to the "village" character of business and residential areas along Richmond Road that help define the Norge community and prompted development of the CCA. To preserve and enhance Candle Factory's presence on Richmond Road, KTP Development, LLC has planned a modest face lift to existing WSCF buildings that will reflect sensitivity to architectural scale, materials and color in keeping with design guidelines.

3. Environmental Protection: *Environmental protection-- better site design, low impact development techniques, turf management, HERS certification, LEED green building techniques, at least 25' construction setbacks from the RPA and water quality measures exceeding minimums.*

- a. The principles of Better Site Design (BSD) are derived from Model Development (MD) principles created to satisfy three general performance criteria established by Virginia administrative code to help protect the Chesapeake Bay by minimizing land disturbance, preserving indigenous vegetation, and minimizing impervious surface. We address BSD/MD principles as they apply to Candle Factory as follows:

BSD/MD Principle #1 - *"Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation."*

James City County incorporates requirements for conservation and protection of trees and preservation of open space as a normal part of its development and site planning process and requires the permanent protection and maintenance of open space through conservation easements and/or the establishment of homeowner organizations to manage community open space. Candle Factory honors those requirements.

*BSD/MD Principle #2 – “Clearing and grading of forests and native vegetation at a site should be limited to the minimum amount needed to build lots, allow access, and provide fire protection. A fixed portion of any community open space should be managed as protected green space in a consolidated manner.”*

With extensive RPA buffers, green space approaching forty per-cent of the site, and roughly 10 acres of the property presently sparsely wooded or open upland meadows on former agricultural land, there is ample opportunity to retain existing vegetation and contribute additional canopy cover to the Candle Factory site. Nearly 1.5 miles of subdivision roads and their associated street trees will contribute the equivalent of 2.5 acres of canopy to the project, in addition to other landscaping requirements. The master plan design not only retains existing forested areas within RPA buffers, but also provides permanent lot line setbacks from buffers which meet and in most cases exceed the suggested construction buffer—effectively adding an additional 25' of up-slope forested canopy protection for the perennial streams feeding Yarmouth Creek to be managed and protected either by a homeowners' association or natural open space easement.

*BSD/MD Principles #3-6 – “#3- Promote open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreation space, and promote watershed protection. #4- Reduce side yard setbacks and allow narrower frontages to reduce total road length and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness. #5- Promote more flexible sidewalk design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas. #6- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together.”*

The Candle Factory master plan effectively demonstrates many of these principles. Lot sizes and side setbacks are reduced in order to provide additional open space; and, alley service to many units provides the opportunity for reduced front setbacks that minimize driveway and entry walk length. Approximately 43% of the developable

area of the site (22.51 acres) will be dedicated and protected as contiguous natural open space. Common walkways incorporate both paved and soft surface walking trails and, where practical, sidewalks are limited to only one side of the street, and porous pavement is proposed for townhome driveways. Proposed community recreation features exceed requirements (See paragraph 4).

*BSD/MD Principles #7-16 – “#7- Design residential streets for the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access. These widths should be based on traffic volume.” #’s 8-11 are paraphrased as follows: Reduce the length and right-of-way widths of residential streets where possible. Use the smallest possible radius for cul-de-sacs or consider alternative turnarounds. Where possible use vegetated open channels within the right-of-way to convey and treat stormwater. #’s 12-16 address minimizing the impact of large parking lots.*

To reduce pavement footprints we have utilized the smallest acceptable radius for cul-de-sacs. To help minimize the impact of expanded parking, almost all of the commercial area and some of the residential area stormwater runoff will be treated through bioretention filters rather than being piped directly to BMPs.

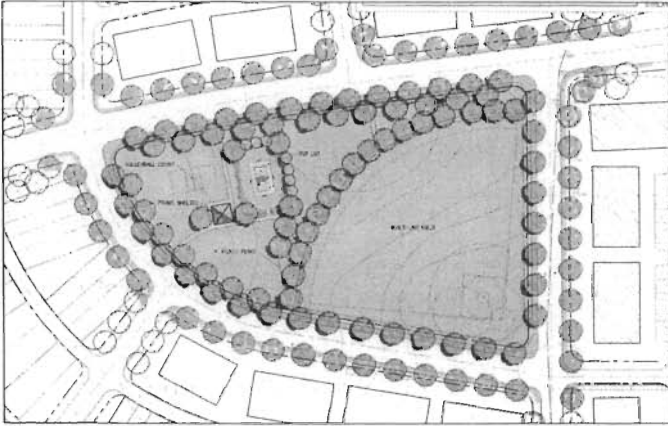
b. Green building, home energy conservation and nutrient management practices will be considered in the development of Candle Factory proffers. With regard to the suggested 25’ construction zone setback from the RPA, the master plan shows that Candle factory lots have been pulled back from the RPA a minimum of 25’ and as much as 150’ to create the additional buffering discussed in BSD principle 2 above.

c. Other important planning considerations involve environmental concerns associated with the site’s location within subwatershed 103 of the Yarmouth Creek Watershed. This subwatershed contains nearly five miles of headwater streams that drain to the main portion of Yarmouth Creek and are critical to the overall health of the watershed. Subwatershed 103’s classification as “sensitive” means it is among the healthiest in the county in terms of stream and habitat quality. The applicants recognize that their efforts to preserve the present “sensitive” status of the unnamed headwater streams which bound the property provide a significant public benefit. The Candle Factory master plan incorporates unusual environmental protection through a variety of measures. It meets the County’s expectations for stormwater management, Special Stormwater Criteria (SSC) and ground water recharge and provides nearly nine acres of additional protection to Resource Protection Areas and associated buffers. A nutrient management plan to



regulate the application of chemical fertilizers will be proffered.

4. Recreation: To be provided in accordance with County Parks and Recreation Master Plan (CPRM) with active and passive on-site recreation facilities exceeding minimums.



Because this is a mixed use development containing a variety of residential dwelling types, Candle Factory provides centralized shared recreational facilities based upon total unit counts and worst case computation factors, without regard to unit type (single family, townhouse, multifamily). As shown in the following analysis, the proposed on-site Candle Factory community recreation features

meet and exceed requirements contained in the CPRM.

**Analysis per the Comprehensive Parks and Recreation Master Plan for James City County.**

- Calculation basis for 219 units: Single Family Detached (SFD): 2.9 persons per unit and Townhouse and Multi-family (TMF): 1.7 persons per unit.
- Proffer amounts and facilities reflect either the combination of SFD and TMF requirements based upon combined total unit counts, or the higher or more restrictive number of the two requirements.

**Park Land:**

**Required:** 1.47 acres

SFD - 60 units @ 0.0087 acres/unit = 0.522 acres (No Monetary Proffer Alternative)

TMF - 159 units @ 0.006 acres/unit = 0.954 acres (No Monetary Proffer Alternative)

**Provided:** 3 acres +/-

**Playgrounds:**

**Required:** 1 playground (No Monetary Proffer Alternative)

SFD - 60 units = 1 playground (No Monetary Proffer Alternative)

TMF - 159 units = 1 playground (No Monetary Proffer Alternative)

**Provided:** 1 centrally located, shared playground (2500 sf minimum, 5 activities) satisfies the service level for both unit types. (The threshold for a second playground is more than 344 SFD units or more than 294 TMF units.)

**Biking/Jogging Trails:**

**Required:** 0.4134 miles of 8' wide, concrete or asphalt shared use path along one side of collector roads. (No Monetary Proffer Alternative)

SFD - 60 units @ 0.0043 miles/unit = 0.258 miles

TMF - 159 units @ 0.0026 miles/unit = 0.4134 miles

**Provided:** A minimum 8' wide, concrete or asphalt shared use path along one side of the entrance (collector) road (0.3 miles) is provided. An additional 0.87 miles of soft surface walking trail as shown on the illustrative plan is also proposed.

**Courts:**

**Required:** 0.3569 courts or proffer \$10,161

SFD - 60 units @ 0.0022 courts/unit = 0.132 courts (Proffer \$66/unit = \$3,960)

TMF - 159 units @ 0.0013 courts/unit = 0.2067 courts (Proffer \$39/unit = \$6,201)

**Provided:** Paved multi-purpose court

**Softball fields:**

**Required:** 0.08 fields or proffer \$4,443

SFD - 60 units @ 0.00058 fields/unit = 0.035 fields (Proffer \$29/unit = \$1,740)

TMF - 159 units @ 0.00034 fields/unit = 0.0541 fields (Proffer \$17/unit = \$2,703)

**Provided:** Multi-purpose field large enough for Softball

5. Traffic impacts: Mitigated where warranted, with large developments required to address longer term impacts on the roadway network.

A Traffic Analysis performed by DRW Consultants, Inc. is included as a separate document.

### C. SUMMARY OF PUBLIC BENEFITS – CANDLE FACTORY

The following paragraphs describe the public benefits that the Candle Factory development provides. The decision to rezone this site from A-1 to Mixed Use is based on the facts that Mixed Use was the primary Land Use designation recommended in both the 1997 and 2003 Comprehensive Plans and that land designated Light Industrial was rezoned to Mixed Use to make way for the Music Theatre. While Mixed Use areas are generally areas where moderate levels of density are encouraged when they “would be harmonious with existing and potential development”, our site analysis did not lead us to a conclusion that higher levels of density were warranted. While a small site to the west of the property is designated Moderate Density residential, it is not currently developing in that pattern; and, while the residential site is located just south of lands zoned M-1 and higher densities adjacent to M-1 lands might be appropriate, the site is in fact bounded on three sides by lands designated Low Density Residential on the Comprehensive Plan. We believe that our proposed density of 3.4 units per acre is an appropriate level of density for this site and this conclusion has found support from members of the community who live and work nearby.

The Candle Factory master plan provides several important public benefits to the community. The planned redevelopment of the M-1 portion of the site represents a significant effort toward the revitalization of local business opportunities in this part of the County. Any effort toward redevelopment of this type should be recognized as a public benefit. In the Economic Development section of the Comprehensive Plan, strategy number 4 was designed to “encourage a mixture of commercial, industrial and residential land uses in a pattern and at a pace of growth supportive of the County’s overall quality-of-life, fiscal health, and environmental quality. This includes ensuring the adequate availability of a selection of marketable “ready to go” industrial and office properties, encouraging the growth and development of new and existing

small businesses and actively promoting redevelopment where needed.” One message received from the two citizen participation meetings held to discuss this project was that any efforts to redevelop this site that provided encouragement for new and local businesses would find wide support in the community.

Two additional benefits to the community planned for this project are the provision of mixed-cost housing and affordable housing. Plans for the residential component include a variety of housing types at a variety of prices ranging from \$160,000 to \$400,000. Affordable housing will be committed to at the Candle Factory. Ten percent of the total number of dwelling units provided will be dedicated to affordable housing. The county places so much importance on affordable housing that the Ordinance offers a discount of 10% of required developable open space in cluster developments with the provision of affordable housing totaling ten percent of the gross number of units.

This plan provides unusual environmental protection. The current plan shows the limits of residential development outside and removed from the protective 100' buffer adjacent to two perennial streams bounding the site. Open space provided between the 100' buffer and residential development totals approximately 8.89 acres or 13.8% of the total residential area. This area is comprised of developable lands and does not include the estimated areas required for stormwater management ponds. The minimum distance from the back of a lot to the 100' buffer is 25' but this distance varies and some areas are as deep as 150' to 200'. If holding 25' back from an RPA buffer represented a new standard for new development, this new required acreage would total 2.93 acres at the Candle Factory. This proposed plan provides an additional 6 acres of protection.

This plan provides an important public benefit through its adherence to the principles of open space design. The principles of the Residential Cluster Overlay District require that 40% of the net developable acres of a residential cluster be preserved as open space. The Candle Factory residential area contains 64.5 total acres. 12.33 acres of this total are non developable and include wetlands, streams, steep slopes, and areas subject to flooding. The remaining 52.17 acres are developable lands. The 40% requirement for these acres would be 20.87 acres. The Candle factory provides 22.51 acres or 43.2% of the net developable acres. As described above, much of the net developable open space provided is “meaningful” open space with nearly 9 acres of additional protection to RPA wetlands and 3 acres in a large central park which forms the focus of the planned community. Also, as noted above, if this site were a traditional cluster

providing 10% affordable housing, the required net developable open space would be 15.65 acres or 30% of the net developable acres.

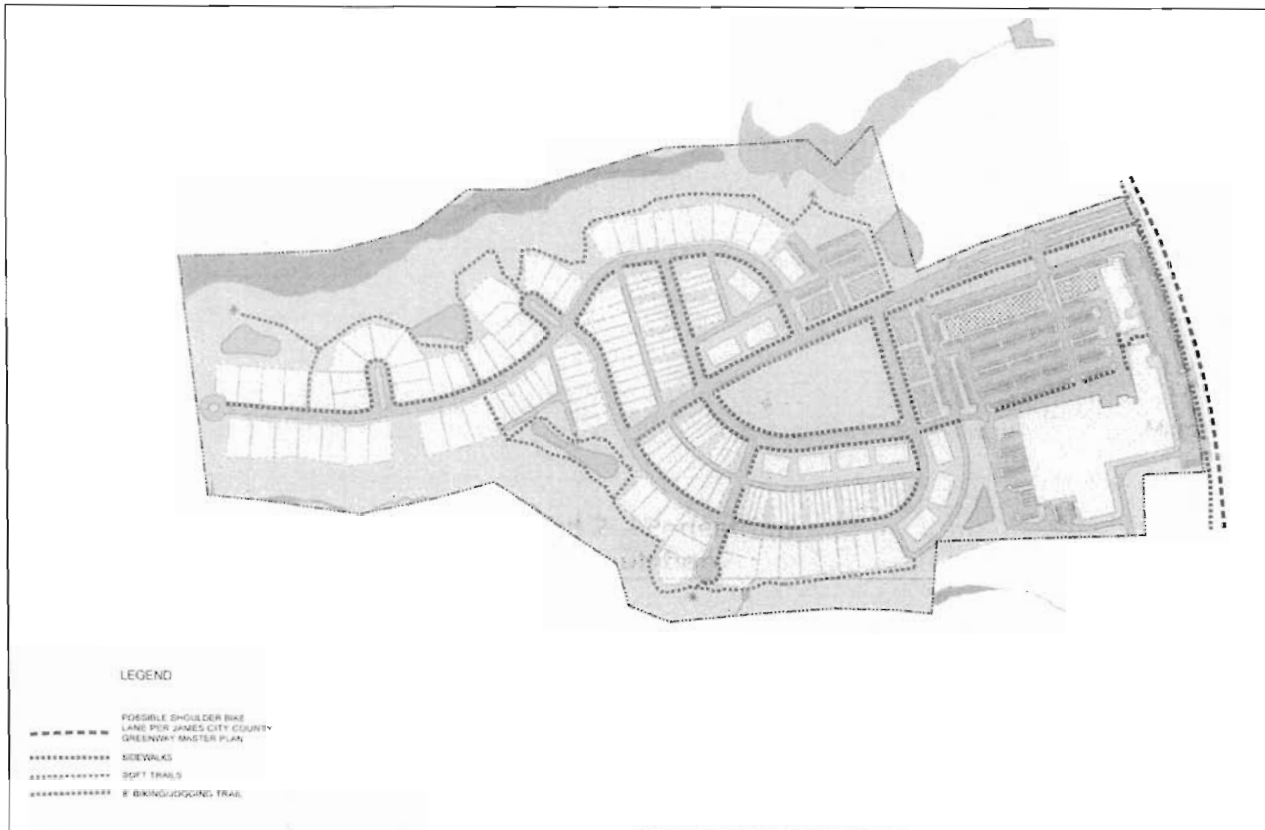
The above description of benefits to the community would form the basis for residential densities in mixed use areas above 4 units per acre. In low density residential areas these same benefits would form the basis for densities in excess of one unit per acre. Because this rezoning is seeking a Mixed Use designation for the 64.5 acre area behind the M-1 area and, because the density we are proposing is less than 4 units per acre, we offer the following analysis (for comparative purposes only) from Section 24-549 of the Cluster Overlay District of the Zoning Ordinance which per Comprehensive Plan recommendation specifies "the benefits which may be the basis for a permit to go beyond one unit per acre".

In paragraph (a)(2) a density of more than one unit per acre but no more than two units per acre can be achieved with master plan assurances for:

- Implementation of Streetscape Guidelines
- Implementation of the County's Archeological Policy
- Provision of sidewalks on at least one side of all internal streets and entrance roads
- Provision of recreation facilities per the county's Comprehensive Parks and Recreation Master Plan
- Implementation of County's Natural Resources Policy

All of the above shall be implemented on this 64.45 acre portion of the Candle factory property and is confirmed either on the Master Plan or through proffers or both. Right of Ways will be lined with trees placed at 1 tree per 40 linear feet of frontage. Implementation of James City County's Archeological Policy has begun with the provision of a Phase IA analysis provided with this application. Sidewalks will be provided on at least one side of all streets. A pedestrian circulation diagram is shown below. As illustrated on the master plan, the requirements for recreation based on the County's Master recreation Plan will be met and exceeded on this property. Plans for the Candle Factory have already provided for the Implementation of the County's Natural Resources Policy by providing a detailed environmental inventory. Areas identified as perennial streams will be protected by 100' buffers. In addition to required buffers, these areas are further protected by an additional 8.9 acres of open space immediately adjacent to the buffers and their associated wetlands and stream valleys.

## Exhibit 2 – Pedestrian Circulation



In paragraph (a) (3) a density of more than two units per acre but no more than three units per acre may be allowed with assurances for the following:

- a. Provision of pedestrian and/or bicycle trails, where topographically feasible, which connect cul-de-sacs throughout the development to each other and to the recreation area; or provision of sidewalks on both sides of all internal streets in the development, including the entrance road; or a combination of trails and sidewalks as stated above, as well as entrance roads.
- b. Construction of curb and gutter design on all streets within the development.

The above items shall be provided at the Candle Factory. Sidewalks will be provided on at least one side of all streets and selected streets will have sidewalks on both sides. In addition, trails from the neighborhood streets will connect to the trails system ringing the community. These connecting trails are not included with the trails satisfying the recreation requirement. All streets within the neighborhoods (excluding alleys) will be designed with curb and gutter.

Paragraph (a)(4) outlines the following, additional density bonuses available provided that no total density exceeds four units per acre:

- (a) An additional .5 units per acre may be awarded for every 10% of the total number of dwelling units dedicated to affordable housing.

The Candle Factory residential area will include dwelling units dedicated to affordable housing to a minimum of 10% of the gross number of units.

- (b) An additional .5 units per acre may be awarded for superior design which incorporates environmentally sensitive natural features, and vistas as suggested by the Natural Areas Inventory, protection of wildlife corridors, the creation of buffers around RMA wetlands and sustainable building practices as referenced in the Sustainable Building Sourcebook of the City of Austin or the Sustainable Building Technical Manual by the U.S. Department of Energy.

The Candle Factory neighborhood has been planned utilizing open space design techniques as prescribed in the Cluster Overlay District. Much of this open space is adjacent to the perennial and non-perennial streams identified in the Williamsburg Environmental Group's studies. Both perennial streams ringing the site are protected by 100' RPA buffers and additional open space as described above totaling 8.9 acres. These buffered stream valleys provide natural corridors for wildlife.

Finally, the neighborhoods at Candle Factory will be subject to Design Guidelines which shall incorporate appropriate, sustainable building practices and green building practices.

- (c) An additional .5 units per acre may be awarded for superior design incorporating interconnecting streets, multiple entrance/exit points to the development, a mixture of unit types and prices, and group or shared parking.

The Candle Factory neighborhoods include interconnecting streets and alleys (see Master and Illustrative Plans). While only one primary access point from Route 60 is provided, the master plan illustrates two additional right in and right out access points from the shopping area to Richmond Road. In addition, a vehicular connection is provided through the adjacent Poplar Creek Office Park which also has access to Route 60. A wide range of unit types and prices are proposed within the Candle Factory site. Single family lots of varying width, duplex lots, townhomes and condominiums are provided with prices ranging from \$160,000 to \$400,000.

By the specific criteria and benefits outlined above and through the greater benefits to the community of open space design, affordable and mixed cost housing and unusual environmental protection, the plans for the Mixed Use area of the Candle Factory site qualify for a density of up to and in excess of the 3.4 units per acre requested.

#### IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property of this rezoning application is located within the Primary Service Area of James City County. Identified on the zoning maps, the Primary Service Area is an area where urban development is encouraged to occur. Public water and public sanitary sewer services (and other public services such as police, fire and life rescue, and transportation) are presently provided to parcels within the Primary Service Area.

##### A. Public Water Facilities

The Candle Factory Property, located within the Primary Service Area of James City County, is currently provided public drinking water via an existing water main along the Richmond Road frontage of the property; although, generally, distribution lines are not located within the subject property. The James City Service Authority (JCSA) current maintains this 16-inch water main, being part of the central system, along the south side of Richmond Road.

The closest water production facility to the site is the JCSA W-33 well facility, located approximately 5,000 feet southeast (as measured along the water main) from the project site. Substantial upgrades to this well facility were completed in 2001.

The project's internal water distribution system will consist of 4-inch, 8-inch, and 12-inch water mains, sized accordingly to provide the project adequate water volumes and pressures for domestic use, as well as fire protection. Verification of the adequacy of the JCSA existing water system and design of the on-site water main extensions will be further analyzed with modeling techniques once field-testing has been arranged and completed.

Water consumption for the proposed project is estimated at 108,394 gallon per day (average), with a Maximum Day Water Demand of 184,230 gallons per day. Peak Water Demand for this project is estimated at 276 gallons per minute. (Note: These water consumption estimates do not include irrigation.)

No central water system upgrades are expected for the increase in demand that this proposal would create on the public water system.

## B. Public Sewer Facilities

Wastewater produced by this proposed project would be conveyed to treatment facilities through the public sewer system of JCSA. Although there are two facilities within the project area with sanitary sewer service, the majority of the property does not have any centralized sanitary sewer collection system. However, public sanitary sewer for the core of this property is available via a future connection to existing Lift Station 6-6 (located within the "Norvalia" subdivision, southeast of the project area).

This project effectively increases the "sewershed" of the existing nearby lift station, LS 6-6. However, recent sanitary sewer system improvements have lessened the wastewater flows to this station. These improvements include the re-direction of sewage discharges from Lift Stations 6-8 and 7-9 towards the Toano Force Main, with ultimate discharge into the Hampton Road Sanitation District Force Main at Anderson Corner (intersection of U.S. Route 60 and State Route 30). These redirected discharges amounted to approximate 106,065 gallon per day (gpd), Average Daily Flow. (Note: The contributions of 94,900 gpd and 11,165 gpd were received by Lift Station 6-6 from Lift Station 6-8 and 7-9, respectively.)

In comparison, sewage discharges from the mixed use development of the Candle Factory property will result in approximately 108,394 gpd. A breakdown of the anticipated sewage flows are as follows:



Table 1 – Wastewater Flows for the Candle Factory Property

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
Commercial / Retail Uses	253,220 square feet	0.20 gpd/gross square feet	50,644	12	70.3	175.8
Single-Family Residential	60	300	18,000	24	12.5	31.3
Multi-family Residential	159	250	39,750	24	27.6	69.0
Warehouse and office uses <sup>1</sup>	-	-	-	-	-	-
<b>TOTALS</b>	-	-	<b>108,394</b>	-	<b>110.40</b>	<b>276.1</b>

<sup>1</sup> Although warehouse and office uses are envisioned as future land uses for the project, anticipated sanitary sewer flows were not provided. Instead, to estimate total sanitary sewer flows for the project, the project square footages for warehouse, office, commercial and retail space has been totaled (with the result displayed in the estimated square footage for commercial/retail uses), and corresponding sanitary sewage calculated from the total. The net result is a conservative estimate of sewage flow from these combined uses.

AES performed a sewershed analysis as part of the original design of the Colonial Heritage Pumping Station lift station and as part of that analysis anticipated the development of the project site. Therefore, the Colonial Heritage Pump Station has sufficient capacity to support this project.

Noting the above changes in sanitary sewer distribution, and recent construction of new facilities, the additional sewage generated through the development of the Candle Factory Property does not require sanitary sewer infrastructure improvements.

## C. Public Schools

Candle Factory is located within the Norge Elementary, Toano Middle, and Lafayette High School (2006) (Warhill High School (2007)) districts. The Candle Factory Master Plan proposes a total of 219 residential units. Table 2 below shows the projected students generated from the project. Table 3 shows the current school capacities and enrollments for 2006.

Table 2 - Student Projections

Housing Type	Residences	Generator	Total Students
Single-family detached	60	0.406	24
Duplex	32	0.282	9
Townhouse	54	0.195	11
Condominiums	73	0.078	6
<b>Total</b>	<b>219</b>		<b>50</b>

Table 3 shows how schools may be affected by the requested development. At present, the elementary school is 65 students under capacity and the proposed addition of 22 students would still leave room for 6.1% future growth. The middle school is presently 4.4% over design capacity and the 12 projected additional students would raise that number slightly to 5.8%. The addition of 16 more students to the high school brings total overcapacity to 36.5%, which will be relieved with the opening of Warhill High School—slated for 2007. The new High School will solve the current overcrowding of Lafayette High School and create adequate design and program capacity for Candle Factory—since no school children are anticipated prior to 2007.

Table 3 - School Capacity

student generation	50					
Existing Public School Facility	Effective Capacity	Current 2006 Enrollment	Capacity (No. & % Over(-)/Under(+))		% of Student Breakdown	Additional Students
Norge Elementary	701	636	65	9.3%	44%	22
Toano Middle School	822	858	-36	-4.4%	24%	12
Lafayette High School	1230	1663	-433	-35.2%	32%	16
<b>Total</b>	<b>2753</b>	<b>3157</b>	<b>-404</b>		<b>100%</b>	<b>50</b>

## D. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Service (EMS) to James City County. Each station is placed within the County in such a way as to help achieve the response goal of six minutes or less. Every station is staffed by three shifts

of career and volunteer Firefighters. Station crews are responsible for the pre-planning of target hazards in their area as well as safety inspections of private businesses within the response district. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance.

The location of the Candle Factory project receives primary coverage from nearby JCC Fire Station 1, located in Toano, with Station 4, located on Olde Towne Road, available as a backup, with York County Station 5 in reserve.

#### E. Solid Waste

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors will handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to a 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

An environmental inventory, wetland delineation, and perennial stream analysis has been prepared by the Williamsburg Environmental Group. A copy of the inventory is included in this report.

### VI. ANALYSIS OF STORMWATER MANAGEMENT (SWM) / BEST MANAGEMENT PRACTICES (BMP)

As a part of this Community Impact Statement and the planning for the Candle Factory project, a conceptual stormwater management program, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed. The goal of the stormwater management program is to meet and exceed local and state

stormwater requirements.

In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the site characteristics are considered. Research, site observations and mapping identify the following unique site characteristics to be considered in stormwater management planning:

- The property drains to unnamed tributaries of Yarmouth Creek, and lies within the upland Subwatershed 103 of the Yarmouth Creek Watershed.
- The project area resides on upland areas between two un-named tributaries of Yarmouth Creek
- The property currently contains a small, previously cultivated farm field; some forested areas; and commercial/retail establishments along Richmond Road.
- The project site largely consists of moderately well drained and poorly drained soils. Moderately well drained soils are largely positioned at the center of the property.

Stormwater management, conceptually, consists of two primary components:

- 1) Wet pond Best Management Practices (BMP's) (one existing, and four additional proposed generally along the perimeter of the site) with the ability of providing stormwater management for approximately 68% of the development site; and
- 2) Natural open spaces, enhanced with increased widths to the 100-foot Resource Protection Area Buffer (RPA Buffer) on some portions of the site. Approximately 19% of the site is natural open spaces directly associated with Resource Protection Area (RPA) components and 100-foot wide RPA buffers. Additional buffer widths, located immediately adjacent to the 100-foot wide RPA buffer account for approximately 7% of the property. (Note: Stormwater management natural open space calculations use different baseline acreages and measurement criteria than those utilized to calculate open space detailed in the planning discussion and the two should not be compared)

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, a measure of stream channel protection for receiving stream and waterways, and water quality improvements mitigating the impacts of proposed development on the property.

As the Candle Factory property resides in the Yarmouth Creek Watershed, additional measures of watershed management are beneficial to protect the natural resource of the

watershed, and prevent further degradation of the watershed's water quality. These measures, in the form of Special Stormwater Criteria (SSC), further enhance the quality of stormwater runoff from the development site and assist in the preservation of pre-development hydrology. Current investigations of the site and the proposed development of the site suggests the incorporation of bioretention designs, pervious pavers/pavement use, enhanced outfall designs, a retrofit of the existing stormwater management facility located at the site, and enhanced cut-fill slope protection/stabilization practices, and the possible inclusion of other water quality measures insure the goals of the Yarmouth Creek Watershed Plan are exceeded.

Preliminary analysis of the Stormwater management and BMP goals using the James City County BMP point system is included on the Master Stormwater Management Plan. The BMP Point System worksheet indicates a total point value of 10.0 is achieved by the structural BMP's and the dedication of natural open space in wetlands and buffers.

In addition to the main structural BMP, five (5) SSC measures are required to meet minimum Special Stormwater Criteria (SSC) of the Yarmouth Creek Watershed Management Plan. This plan indicates three critical areas of concern of the overall improvement of water quality within the Yarmouth Creek Watershed. These areas are as follows:

- Installation of sediment forebays at the headwaters of the existing wet pond (Marston's Pond)
- Improvement or restoration of degraded drainage channel behind existing candle factory
- Improvement or retrofit of existing upland BMP (across Route 60 at Norge Shopping Center)

In order to satisfy the minimum five (5) SSC credits for this project, it is envisioned that two of the three recommended watershed improvements will be accomplished. The existing BMP (Marston's Pond) will have sediment forebays installed, designed for the pretreatment of 0.1 in/impervious acre of runoff from the drainage area captured by the BMP. Also, the existing drainage channel located behind the existing candle factory will be removed and replaced by a forebay facility capable of treating all of the drainage currently flowing through the existing channel.

Furthermore, additional measures will be installed to improve the water quality of the Yarmouth Creek Watershed “over and above” the recommendations of the Yarmouth Creek Watershed Plan. Water quality measures to be implemented include: bioretention facilities; pervious pavement measures on the townhome driveways; dry swales at the rear of half of the single family detached lots not draining to a BMP; enhanced outlet protection at all pipe, channel, and BMP outfalls; enhanced cut/fill slope stabilization measure applied site-wide; stormwater management/storm sewer record drawing preparations. Please refer to the conceptual storm water management plan for the water quality calculation work sheet as well as the list of measures to be implemented.

In summary, with the preliminary analysis of The Candle Factory project, the stormwater management plan proposed will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the tendency of development to cause downstream erosion of receiving channels.

## **VII. ANALYSIS OF IMPACTS TO TRAFFIC**

A Traffic Impact Analysis has been prepared by DRW Consultants, Inc. A copy of the analysis is included with this report as a separate document.

## **VIII. ANALYSIS OF FISCAL IMPACTS**

A Fiscal Impact Study has been prepared by The Wessex Group, Ltd. For the proposed new construction, the study shows a minor net negative fiscal impact of approximately \$3,990 at build out that is temporary in nature, and is projected to turn positive over time as property values increase. More importantly, the study’s Executive Summary concludes that the ...”net fiscal impact of new housing and commercial development combined with existing renovation of commercial property is estimated at a net positive impact of \$184,540 at buildout in 2010 and in future years. A copy of the findings is included in this report.

## **IX. ANALYSIS OF CULTURAL RESOURCES IMPACTS**

A Phase I Cultural Resources Assessment report has been prepared by the James River Institute for Archaeology and is included in this report.

## X. CONCLUSION

In summary, Candle Factory's Master Plan combines an existing and enhanced commercial element with a new mixed use component containing innovative design features that satisfy Comprehensive Plan public benefit criteria for a moderate increase in residential density--while remaining under the low density residential development umbrella. Planning and redeveloping the site incorporates open space design principles, respects the environmental sensitivity of the Yarmouth Creek watershed, meets the intent of the Comprehensive Plan for mixed use and low density residential development, compliments the Norge Community Character Area, and satisfies Planning Commission expectations for higher standards in new residential development design. Additional positive aspects of the proposed development include:

- Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.
- The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area.
- The proposed density is 3.4 dwelling units per acre. This density is consistent with the Comprehensive Plan, and appropriate to, the Norge Community Character Area.
- Implementation of recommended intersection improvements will insure there is adequate capacity in the system of roads serving this project.
- The Mixed Use component provides a total of 22.47 acres in net developable open space, or 43.2% of MU net developable acres. If we add the non-developable areas to the equation, the open space becomes an even more impressive 34.8 acres or 53.9% of gross MU area.
- In recognition of Planning Commission and environmental concerns over buffer areas, Candle Factory provides an additional 8.89 acres—almost 14% of the developable residential area--of open space between the developed area of the site and adjacent perennial streams and their associated 100' RPA buffers.
- Plans for Candle Factory will provide a face lift for the existing WSCF buildings and enhance the Toano Community Character Area and the Richmond Road Community Character Corridor.
- The proposed stormwater management system will improve downstream water quality and protect downstream channels from erosion and the additional Special Stormwater Criteria will increase water infiltration and reduce uncontrolled runoff while meeting the goals of the Yarmouth Creek Watershed Study

This Community Impact Statement concludes that Candle Factory, as planned, proffered and conditioned will compliment the area and will positively impact neighboring residential communities and other adjoining properties as yet undeveloped and that James City County and

the Norge Community will realize significant tangible public benefits with the approval of the Candle Factory master plan.



**ENVIRONMENTAL RESOURCE INVENTORY  
SOAP AND CANDLE FACTORY PROPERTY**

James City County, Virginia

Prepared for

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## **1.0 INTRODUCTION**

Williamsburg Environmental Group, Inc. (WEG) has prepared the following Environmental Resource Inventory for Henderson, Inc. on the Soap and Candle Factory Property in James City County, Virginia. The project site totals approximately 95-acres and is located within the Yarmouth Creek drainage basin in (Figure 1-1). The site is situated south of Richmond Road (Route 60), north of Yarmouth Creek, east of Route 631, west of Farmville Lane, and can be accessed via Route 60 (Figure 1-2).

The Soap and Candle Factory Property supports several environmental resources associated with the natural setting and somewhat limited historical land use. WEG inventoried these resources by analyzing the best available offsite reference material, including James City County Geographic Information Systems (GIS) base mapping, U.S. Geological Survey (USGS) 7.5 minute topographic mapping, Natural Resources Conservation Service (NRCS) soil surveys, and Federal Emergency Management Agency (FEMA) floodplain mapping. This information was corroborated with site inspections performed by WEG in August 2006.

During the offsite and onsite reviews, WEG evaluated the Soap and Candle Factory Property for the following resources: topography, vegetation, soils, surface water, wetlands, floodplains, and Chesapeake Bay Preservation Areas. The results of this review are detailed in Section 2.0 and summarized in Section 3.0 of this report.

**FIGURE 1-1 PROJECT VICINITY MAP**

**FIGURE 1-2 PROJECT LOCATION MAP**

## 2.0 DESCRIPTION OF EXISTING ENVIRONMENT

The Soap and Candle Factory Property harbors environmental resources related to physiography, drainage, vegetation cover, and limited historical land use. In addition, the presence of an two onsite unnamed tributaries to Yarmouth Creek relates many of these natural resources to water features. The environmental attributes of the property are described below and illustrated on the Environmental Resource Inventory Map (Figure 2-1).

### 2.1 TOPOGRAPHY

The Soap and Candle Factory Property is located in the Coastal Plain Physiographic Province of Virginia. The land in the Coastal Plain Province is generally level and does not contain extensive severe slopes (Frye 1986). The Soap and Candle Factory Property can be described as moderately sloping with potential steep slopes (i.e., 25% or greater grade) present adjacent to the drainage features along the northwestern and southeastern property lines. Elevations on the property range from approximately 40-feet above mean sea level (msl) to 108-feet above msl. The attached Environmental Resource Inventory Map (Figure 2-1) illustrates the location of slopes 25% or greater.

### 2.2 SOILS

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA 1985) maps several soil types within the property boundaries of the Soap and Candle Factory Property. The hydrologic classifications of the mapped soil types range from group A (well drained) to group D (poorly drained). The Soap and Candle Factory Property is predominantly situated on well-drained soils (e.g., Craven-Uchee, Emporia, Kempsville, Kenansville, Slagle, Suffolk, and Uchee). Johnston complex, which is classified as a hydric soil, is the only poorly drained soil series mapped onsite. Johnston soils are limited to areas within the two major drainage features that extend along the northwestern and southeastern property boundaries. Shrink-swell potential is low to moderate within all soil types mapped on the Soap and Candle Factory Property. Craven-Uchee complex, Kempsville-Emporia fine sandy loam, and Slagle fine sandy loam are considered to have moderate erosion potential, while Emporia soils are considered to have a severe erosion potential.

### 2.3 SURFACE WATER

Surface water features identified on the Soap and Candle Factory Property include two unnamed tributaries to Yarmouth Creek that drain from northeast to southwest along the northwestern and southeastern property lines. Floodplain wetlands within both drainage features are present in association with these non-vegetated stream channels. In addition, an open water feature (pond) is present in the northwest portion of the property.

### 2.3.1 Wetlands

Wetlands are areas such as swamps, marshes, and bottomlands that support a predominance of vegetation typically adapted to saturated conditions (hydrophytic vegetation), soils that formed under saturated conditions (hydric soils), and sufficient water at or near the soil surface to produce chemically reducing conditions (wetland hydrology). All three of the above parameters must be present for an area to be determined a jurisdictional wetland as regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. Technical criteria and field indicators for each parameter are presented in the *Corps of Engineers Wetland Delineation Manual* (1987 Corps Manual) (Environmental Laboratory 1987).

A delineation of jurisdictional wetlands and other waters of the United States was conducted by WEG on the Soap and Candle Factory Property during August of 2006. The technical procedures outlined in the 1987 Corps Manual were applied during the onsite study. Based on the onsite analysis, forested wetlands are located in bottomland areas along the northwestern and southeastern property lines in association with the non-vegetated stream channels mentioned above. The majority of wetlands identified by WEG within the project limits may be classified as forested. Wetland vegetation within the Soap and Candle Factory Property is discussed in Section 2.4. The approximate limits of wetlands are depicted on the Environmental Resource Inventory Map (Figure 2-1).

### 2.3.2 Floodplains

Information and technical data published by the Federal Emergency Management Agency (FEMA) were reviewed to determine the extent of the 100-year floodplain within the site. Based on the Flood Insurance Rate Map for James City County, Virginia (5102010020B) dated February 6, 1991, no 100-year floodplains exist on the Soap and Candle Factory Property.

### 2.3.3 Perennial Stream Determination

A perennial stream determination was conducted by WEG on the Soap and Candle Factory Property in January 2006. WEG applied the North Carolina Division of Water Quality (NCDWQ) Stream Classification Method (NC Method) to determine the presence of perennial flow within the existing onsite stream channels utilizing a combination of scientifically valid in-field indicators. At the time of this writing a report has not been submitted to James City County for approval.

The results derived from the application of the NC Method indicate that the entire stream channel along the northwestern property line, including the channel that flows into the onsite pond, appears to be under a perennial flow regime. The perennial origin within the stream along the southeastern property boundary appears to be at the outfall of an existing stormwater structure approximately one-thousand feet southwest of Route 60. This point of perennial origin was determined based on the lack of flow in all upstream wetland and stream features within the drainage. In-stream characteristics which support the perennial determination include strong groundwater discharge, recent alluvial deposition, an absence of rooted plants in the streambed, and the presence of iron-oxidizing bacteria and benthic macroinvertebrates.

#### 2.3.4 Chesapeake Bay Preservation Areas

Chesapeake Bay Preservation Areas (CBPA), including Resource Protection Areas (RPA) and Resource Management Areas (RMA), are present on the Soap and Candle Factory Property. The CBPA Ordinance for James City County mandates that CBPAs be mapped in association with site development.

The definition of RPA limits as outlined in the James City County Ordinance includes “tidal waters, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or bodies of water with perennial flow, and a 100-foot wide [vegetated] buffer” located adjacent to and landward of other RPA components. According to James City County the RPA buffer is an area of “natural or established vegetation managed to protect other components of resource protection areas and county and state waters from significant degradation due to land disturbances or uses”. Based on current James City County RPA mapping (January 2005) and corroborative onsite studies, RPA features are present along the northwestern and southeastern property limits of the Soap and Candle Factory Property.

James City County has been designated as a Resource Management Area (RMA) in its entirety. In addition, the James City County Ordinance lists “lands of particular sensitivity” for RMA



designations. Areas subject to classification as RMAs in James City County include highly erodible soils, highly permeable soils, non-tidal wetlands not in RPAs, floodplains, and hydric soils, some of which are present onsite.

## 2.4 VEGETATION

Information concerning the vegetative community present at the site was extracted from several resources, including observations made during site visits conducted by WEG. 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. The USGS 7.5 minute quadrangle map for Norge, Virginia (1994) indicates that the site contains a mix of forested and cleared land. Cleared areas are present within the vicinity of the existing buildings adjacent to Richmond Road (Route 60) and in the central portions of the property.

The predominant upland community type onsite can be characterized as immature to semi-mature mixed hardwood forest with a small pine component. This community type is generally situated on gently to moderately steep slopes adjacent to the two drainage features along the northwestern and southeastern property lines and along the ridges in the southwestern portion of the site. The remaining upland areas consist of regenerative growth communities in the central regions of the site. Portions of these regenerative growth communities have a higher density of pine than the remainder of the site. Typical species found within the uplands on the Soap and Candle Factory Property include beech (*Fagus grandifolia*), oak (*Quercus* spp.), tulip tree (*Liriodendron tulipifera*), red maple (*Acer rubrum*), loblolly pine (*Pinus taeda*), American holly (*Ilex opaca*), partridge berry (*Mitchella repens*), strawberry bush (*Euonymus americana*), tick trefoil (*Desmodium* spp.), and Christmas fern (*Polystichum acrostichoides*).

The bottomland areas associated with the unnamed tributaries to Yarmouth Creek contain both vegetated wetlands and non-vegetated stream channels. Nearly the entire floodplain along the northwestern property line is within wetlands, the majority of which can be classified as forested. Forested wetlands are also present adjacent to the stream channel along the southeastern property line and within an existing stormwater management structure in the northeast portion of the site.

Forested wetland complexes are typically vegetated with green ash (*Fraxinus pennsylvanica*), red maple, black gum (*Nyssa sylvatica*), sycamore (*Platanus occidentalis*), and sweetgum

(*Liquidambar styraciflua*) in the overstory. Understory species include spice bush (*Lindera benzoin*), possum haw (*Viburnum nudum*), paw paw (*Asimina triloba*), and ironwood (*Carpinus caroliniana*). Hydrophytic ferns and herbaceous species are also common, including netted chain fern (*Woodwardia aerolata*), cinnamon fern (*Osmunda cinnamomea*), royal fern (*Osmunda regalis*), golden ragwort (*Senecio aureus*), lizards tail (*Saururus cernuus*), microstegium (*Microstegium vimineum*), and species of sedge (*Carex* spp.).

**FIGURE 2-1 ENVIRONMENTAL RESOURCE INVENTORY MAP**

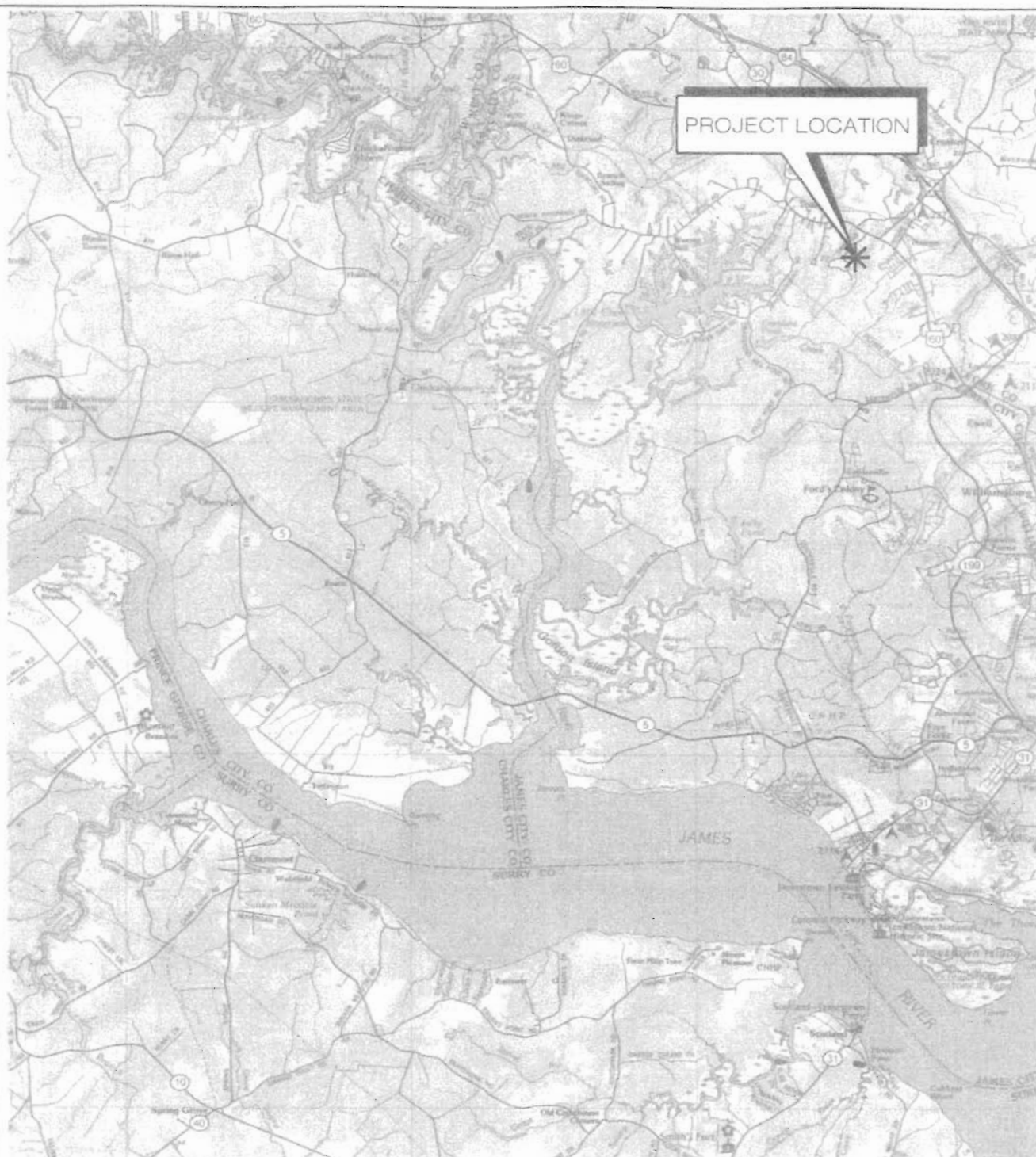
### **3.0 SUMMARY AND RECOMMENDATIONS**

We conclude that the Soap and Candle Factory Property described in this report does contain environmental resources related to features listed in Section 23.10 of the James City County Code. These resources are related to topography/drainage features, surface water, and non-tidal wetlands. Steep slopes, which are present adjacent to the primary and secondary drainage features, perennial streams and resultant RPA buffer, and non-tidal wetlands, are all found on the subject site. No tidal wetlands, tidal shores, or 100-year floodplains are present on the Soap and Candle Factory Property.

It is recommended that development activities incorporate management practices that reduce the potential for erosion along the steep slopes and highly erodible soils (e.g., Emporia complex) within the property. RPA and non-RPA upland buffers, along with adequate stormwater management planning including the use of Best Management Practices (BMP), will reduce the potential for erosion and sedimentation within the surface waters and wetland resources onsite.

#### 4.0 REFERENCES

- Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report No. 87-Y-1.
- FEMA. 1991. Floodplain Insurance Rate Map, Panel #5102010020B, James City County, Virginia.
- Gleason, H. A. and A. Cronquist. 1964. *The Natural Geography of Plants*. Columbia University Press. New York.
- Frye, K. 1986. *Roadside Geology of Virginia*. Mountain Press, Missoula, Montana. 278 pp.
- USDA (United States Department of Agriculture). 1985. *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia*. Soil Conservation Service.
- USGS (United States Geological Survey). 1994. 7.5 minute series topographic quadrangle map. Norge, Virginia.



SCALE: 1 INCH = 2.4 MILES



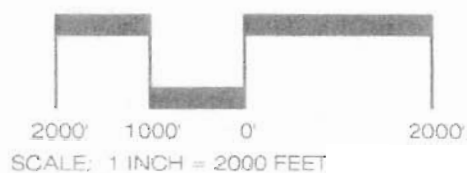
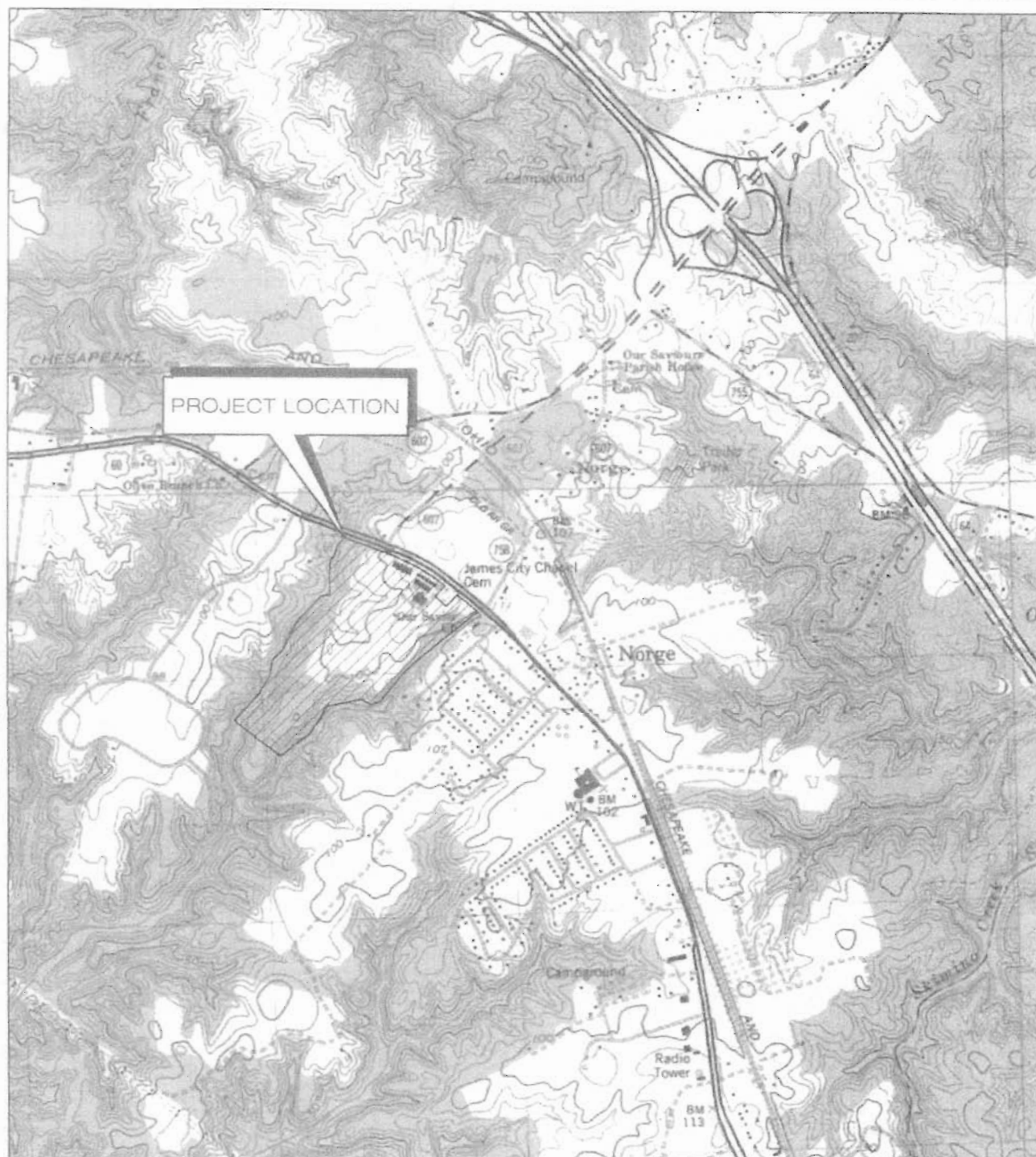
WILLIAMSBURG  
ENVIRONMENTAL  
GROUP, INC.

FIGURE 1-1  
PROJECT VICINITY MAP  
SOAP & CANDLE FACTORY PROPERTY

SOURCE: VIRGINIA ATLAS AND GAZETTEER,  
DeLORME MAPPING CO., 1995.

NORGE, VIRGINIA

SEPTEMBER 2006



WILLIAMSBURG  
ENVIRONMENTAL  
GROUP, INC.

FIGURE 1-2  
PROJECT LOCATION MAP  
SOAP & CANDLE FACTORY PROPERTY

LATITUDE: 37°22'8.06"  
LONGITUDE: 76°46'50.80"

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,  
NORGE, VA QUADRANGLE, 1984.

NORGE, VIRGINIA

SEPTEMBER 2006

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# Memo

TO: William Strack, Vice President, Henderson, Inc.  
FROM: Don Messmer  
DATE: March 19, 2007  
SUBJECT: **Revision to Fiscal Impact Study of Candle Factory Development**

The purpose of this memo is to revise the Fiscal Impact Study prepared for the Candle Factory Development in December 2006. In response to the County's request, we have modified our previous fiscal impact study to delineate the fiscal impact of the following separate elements of the project.

### **Candle Factory Development - Net Fiscal Impact Analysis Revised Mar '07**

	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Build Out</b>
<b>1. Residential Units</b>	\$784,250	\$809,230	\$393,410	-\$174,130
<b>2. Commercial Office</b>	0	0	19,500	25,610
<b>Combined Residential and Associated Mixed Use</b>	<b>\$ 784,250</b>	<b>\$ 809,230</b>	<b>\$ 412,910</b>	<b>\$ -148,520</b>
<b>3. Renovated Existing Commercial</b>	45,270	45,270	109,450	173,220
<b>4. Proposed New Commercial Retail</b>	13,840	13,840	48,430	157,940
<b>Combined Proposed and Existing Commercial</b>	<b>\$ 59,110</b>	<b>\$ 59,110</b>	<b>\$ 206,690</b>	<b>\$ 354,090</b>
<b>Combined Net Fiscal Impact</b>	<b>\$843,360</b>	<b>\$868,340</b>	<b>\$570,790</b>	<b>\$182,640</b>
<b>NPV (5%, 20 years)</b>				<b>\$4,254,900</b>

The revised net fiscal impact reflects the addition of 13,200 SF of Commercial Office Space. Please note that the impact at buildout revised from \$192,160 to \$182,640 includes the following:

- increase of \$13,410 due to the increase of office space
- decrease of \$22,930 due to an error in our original calculation of employment

Since we are responsible for the error in the original submission, we will revise the report to reflect these changes at no additional charge.

The revised impact reflects no change in the number of units, pricing, or development schedule of residential units. Similarly, size, pricing, and development schedule of the renovated existing commercial (retail and warehouse), are consistent with the original submission. The development components are described more fully on the next page:



1. 219 Residential Units (Master Plan Area 2)
2. 25,200 SF – Commercial Office (Master Plan Area 2D)
3. 145,571 SF - Renovated Existing Commercial Warehouse and 47,100 SF Renovated Existing Retail, Restaurant & Office (Master Plan Area 1A)
4. 44,690 SF - Proposed New Commercial Retail (Master Plan Area 1B)

**The Candle Factory**

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

**Revised March 2007**

**Prepared for:**

**AES Consulting Engineers**

**Prepared by:**

***The Wessex Group, Ltd.***

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**The Candle Factory**  
**Fiscal Impact in James City County, Virginia**

**EXECUTIVE SUMMARY**

This report, prepared by *The Wessex Group, Ltd (TWG)*, presents an assessment of the fiscal impact of the proposed Candle Factory mixed use development on James City County. The development plan proposed for The Candle Factory calls for the construction of 219 residential units and commercial space totaling 69,890 square feet. Development is expected to begin in 2007 and continue through 2010. The expected cumulative market value of residential units is \$62,707,000.

The cumulative residential population of The Candle Factory development, at buildout, is expected to be 507 people. This estimate is based on the county average of 2.3 persons per household for single family homes, townhouses, duplexes, and most condominiums. Based on the James City County student generators provided by the Office of Financial and Management Services, the development is expected to generate 50 school age children at buildout. The current JCC distribution of students applied to the development indicates an estimated 22 students attending elementary school, 12 attending middle school, and 16 attending high school. The construction phase of the development is expected to create an average of 139 full-time equivalent (FTE) jobs per year for the three (3) year construction phase.

Improvements to the site of the proposed Candle Factory development include both net new residential and commercial components combined with the renovation and re-use of existing retail shops and a restaurant together with renovation of the original soap and candle factory which is to be put to new use as a warehouse facility. The development plan includes renovation and revitalization of the existing properties as the residential portion is constructed and new residents occupy homes at The Candle Factory. At Buildout, The Candle Factory Development is expected to generate annually \$1,283,180 in revenues for James City County and create annual expenditures in the amount of \$1,100,540. The net fiscal impact of new housing and commercial development combined with renovation of existing commercial property is estimated at a net positive impact of \$182,640 at buildout in 2010 and in future years (shown in Table A).

**Table A**  
**Net Fiscal Impact of Residential and New Commercial Development**

<b>Cash Inflow and Outflow</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Buildout</b>
Total Revenues	\$878,880	\$1,282,260	\$1,410,040	\$1,283,180
Total Expenditures	35,520	413,920	839,250	1,100,540
<b>Net Fiscal Impact</b>	<b>\$843,360</b>	<b>\$868,340</b>	<b>\$570,790</b>	<b>\$182,640</b>
<b>NPV (5%, 20 years)</b>				<b>\$4,254,900</b>

**The Candle Factory**  
**Fiscal Impact in James City County, Virginia**

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## **The Candle Factory**

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

As part of a rezoning application submitted to James City County by **AES Consulting Engineers**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of a mixed use development consisting of residential units and community amenities, retail stores, offices and warehouse space on a site of approximately 81 acres in James City County, Virginia. The proposed development would be located on Route 60 at the intersection of Route 607 on the site of the original soap and candle factory. For the purpose of this report, the development will be referred to as “The Candle Factory.”

#### **Introduction to the Study**

The purpose of this report is to describe estimates of the **fiscal** revenues and expenditures that this development will generate for the local government of James City County. Fiscal impacts are those that directly affect a municipality’s budget. Any new development that attracts new county residents generates the need for public services, such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county. The major portion of the county’s revenues from residential development is derived from real estate taxes and local household spending. The commercial developments involved in this development will generate revenues in several ways such as retail, meals, real property and personal property taxes. All dollar figures contained in this report are expressed in 2006 dollars, and all fiscal impact estimates are based on James City County’s FY 2007 Adopted Budget. No attribution for economic inflation has been made.

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

#### **Development Plans and Construction Investment**

The development plans for The Candle Factory consist of residential and commercial components. Residential components total 219 units and consist of single family homes, townhouses, duplex units, and condominiums. According to the developer, 10% of total units (11 condominiums and 11 townhouses) will be sold as affordable housing.

Net new commercial components include 44,690 square feet of retail space and 25,200 square feet of proposed office space. Proposed off-site improvements include a turn lane and community amenities include a recreational park with picnic shelter, ball field, and walking trails. The proposed development plan for The Candle Factory is detailed in Table 1 on the following page.

**Table 1**  
**The Candle Factory Development Plans**

Residential Components to be sold at Market Value	Number of Units	Average Square Feet per Unit	Construction Cost per Unit*	Average Market Value per Unit
Single Family	60	2,500	\$229,500	\$380,000
Condominium	62	1,300	160,000	240,500
Duplex	32	2,200	215,000	308,000
Townhouse	43	2,000	197,000	260,000

Affordable Residential Components	Number of Units	Average Square Feet per Unit	Construction Cost per Unit*	Average Selling Price per Unit
Condominium	11	1,300	\$160,000	\$160,000
Townhouse	11	2,000	197,000	200,000

Commercial Components - New	Square Feet	Construction Cost per SF	Total Cost of Construction	Rental Rates per SF
Retail at Entrance	44,690	\$80	\$3,575,200	\$15
Mixed Use - Office	25,200	80	2,016,000	15

Existing Commercial Components	Square Feet	Construction Cost per SF	Total Cost of Construction	Rental Rates per SF
Retail	28,478	NA	NA	\$12
Restaurant	4,535	NA	NA	\$12
Office	14,087	NA	NA	\$12
Warehouse	145,571	NA	NA	\$6.5

\* Construction Cost for residential units includes cost of infrastructure.

Table 2 presents the development schedule for The Candle Factory. Construction is planned to begin in 2007 and conclude in 2009. Occupancy is expected to occur throughout the construction phase based on the assumption that units constructed in one year will be sold and occupied in the following year. Full occupancy for residential units and new commercial spaces is expected at buildout in 2010.

**Table 2**  
**The Candle Factory Construction and Occupancy Schedule**

Construction Schedule	2007	2008	2009	Buildout
Cumulative Residential Units	83	171	219	0
Cumulative Commercial Square Feet	0	0	69,890	0

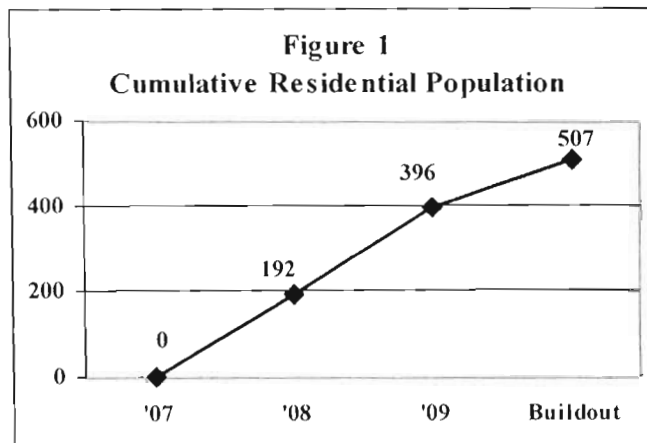
Occupancy Schedule				
Cumulative Residential Units	0	83	171	219
Cumulative Commercial Square Feet	0	0	0	69,890
Cumulative Residential Population	0	192	396	507
Cumulative Number of Children	0	19	40	50

Table 3 shows the estimated construction investment. Estimates for off site improvements and community amenities total \$600,000. The estimate for residential construction totals nearly \$43 million; commercial construction totals \$5.6 million. Total construction investment for this development is estimated at approximately \$49.2 million.

**Table 3**  
**The Candle Factory Construction Investment (\$Thousands)**

Investment	2007	2008	2009	Buildout
Off Site Improvements and Community Amenities	\$600	\$0	\$0	\$0
Residential Investment	16,310	17,570	9,090	0
Commercial Investment	0	0	5,590	0
Total Annual Construction Investment	16,910	17,570	14,680	0
<b>Cumulative Construction Investment</b>	<b>\$16,910</b>	<b>\$34,480</b>	<b>\$49,160</b>	<b>\$49,160</b>

**Residential Population:** As previously shown in Table 2, the estimate for the residential population of this development is 507 persons at buildout. This estimate is based on the county average of 2.3 persons per household (US Census) for all residential units in the development. Figure 1 shows the estimated cumulative residential population generated by The Candle Factory.



The residential population includes school age children assumed to be generated by each household in the development. The total estimate of 50 public school students is based on the following James City County student generators (source: James City County Department of Financial and Management Services).

- Single Family Detached Homes      0.406
- Apartments                                0.282
- Town homes                                0.195
- Condominiums                            0.078

The following estimate of students per grade level is based on the distribution in county schools reported in the James City County Official Student Enrollment report for 2006.

- Elementary School      22 students
- Middle School            12 students
- High School               16 students

## Employment and Payroll

The number of incremental FTE employees is included in this fiscal impact analysis because it is one basis of local government expenditure estimates. New construction activity should generate an average of 139 employees per year. Construction employment is determined by assuming that payroll is 40% of total construction costs and those construction workers earn an average of \$47,250 annually including benefits (Virginia Employment Commission). Annual payroll is expected to average \$6.6 million during construction.

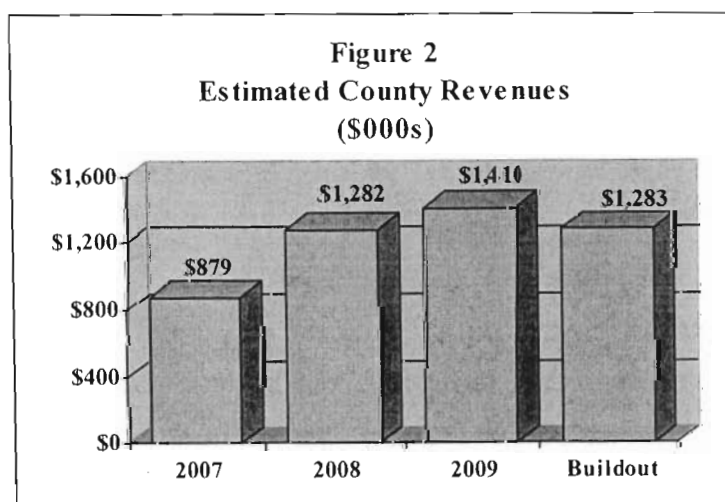
Permanent jobs also will be generated directly by commercial activities in this development. The analysis assumes that 100% of these workers will be net new to the county and that they will begin work when the commercial spaces are ready for occupancy in 2010. On a Full Time Equivalent (FTE) basis, the estimate for permanent employment is 288 positions at buildout when payroll is expected to total nearly \$11.1 million. Table 4 shows annual employment and payroll for The Candle Factory.

**Table 4**  
**The Candle Factory Employment and Payroll Schedule**

	2007	2008	2009	Buildout
Annual FTE Construction Employment	143	149	124	0
Annual FTE Permanent Employment	20	20	84	288
Annual Total FTE Employment	163	169	208	288
Annual Payroll (\$ Thousands)	\$6,764	\$7,370	\$8,669	\$11,102

## Local Government Revenues – Residential and Net New Commercial

Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Also, commercial development generates revenues such as business personal property tax, meals tax, and business and professional license tax. Figure 2 illustrates the annual revenue streams that the county can expect from this development, including the ongoing annual revenue at buildout. The annual line-item estimates are shown in Table 5 and assumptions associated with the various components of the revenue stream follow.





**Table 5**  
**The Candle Factory Local Government Revenues**

Revenue Component	2007	2008	2009	Buildout
Real Estate Tax	\$153,490	\$362,710	\$524,010	\$534,260
Personal Property	1,810	56,590	151,930	247,580
Retail Sales Tax	26,330	43,440	87,680	205,320
Meals Tax	44,210	49,660	56,780	62,980
Building Permits	214,540	220,000	120,000	0
Business and Professional Licenses	32,520	36,990	50,880	87,620
Recordation Taxes	29,150	77,980	86,390	46,040
Other Local Revenues	6,770	40,140	76,920	99,380
Proffers	370,050	394,750	255,450	0
<b>Total Revenues</b>	<b>\$878,880</b>	<b>\$1,282,260</b>	<b>\$1,410,040</b>	<b>\$1,283,180</b>

- Real Property Taxes:** James City County's Fiscal Year 2007 Adopted Budget indicates that the current real estate tax rate is \$0.785 per hundred dollars of assessed value, and no change in this rate is assumed for this analysis. Real estate taxes for residential properties are based on market values shown in Table 1 of this report. Also, TWG applied an annual real appreciation rate of 2% to the value of these homes beginning in 2008. The value of commercial property is assumed to be the total construction cost plus the value of the land with no appreciation. Real estate tax estimates exclude the real estate tax the county currently receives for the site. At buildout and beyond, real property taxes are estimated to be \$534,260.
- Personal Property Tax:** Personal property taxes are generated from residences and from commercial operations in The Candle Factory. James City County collects about \$21.6 million in personal property taxes. The county tax rate is \$4.00 per \$100 of assessed value and no increase is anticipated in this study. Assuming that 80% of this revenue category is generated by residential households for individual personal property, the household estimate is \$660. Personal property values for retail spaces are estimated conservatively at \$10 per square foot. For office spaces, personal property values are estimated at \$35 per square foot. The tax rate is applied to 25% of the estimated value. In total, including residential and commercial components, the county can expect to collect about \$247,580 annually in personal property taxes.
- Meals Tax:** James City County levies a four percent tax on restaurant sales of food and beverages. The county anticipates that approximately 30% of its meals tax revenues will be generated by local residents rather than by tourists. Therefore, of the \$5.5 million in meals taxes budgeted in the current fiscal year, nearly \$1.7 million is expected to come from local residents dining out in restaurants located in the county, a per household average of about \$63. Based on these assumptions, the estimate for the amount generated from residences is \$13,780 at buildout and beyond.

In addition, meals purchased by construction and permanent employees will generate meals tax revenue for the county. Based on the following assumptions, employment at The Candle Factory will generate an estimated \$ 11,520 in meals tax revenues annually.

- 50% of the Full-Time Equivalent construction and permanent employees
- 200 working days
- \$10 per meal

Meals tax also is paid by The Candle Factory Restaurant at a rate of \$4.00 per \$100 on sales. Based on estimated sales of \$208 per square foot for restaurants that do not sell alcohol (Dollars and Sense of Shopping Centers), revenues from meals tax is estimated to be nearly \$37,700. In total, meals tax paid by the development should contribute approximately \$62,980 to the City of Franklin annually

- **Retail Sales Tax:** Retail taxes are generated by construction activities, purchases by residents, and sales in retail stores operating in the proposed development. The county will realize 1% of retail sales, which is returned by the State of Virginia. The analysis assumes that approximately 50% of construction investment will be construction materials and that 20% of these materials will be purchased in James City County. Retail sales of nearly \$5.0 million a year for county businesses are expected to generate about \$49,160 in sales tax during the construction phase.

It is assumed that approximately one third of household income is spent on items subject to local retail sales tax. The household income of the residents living in The Candle Factory is assumed to be the median household income in the county (reported to be \$66,082 by the U.S. Census Bureau). At buildout, residents of the development are expected to generate approximately \$43,416 annually in retail sales tax revenue.

Retail stores operating in the development also will generate retail sales tax. The estimate for taxable retail sales from new stores is based on \$260.50 per square foot for neighborhood shopping centers (Dollars & Cents of Shopping Centers: 2004, Urban Land Institute). Of all sales generated by the development, 80% are expected to be net new to the county. Applying these assumptions to 73,168 square feet of new and existing retail space will generate an estimate of \$152,480 in sales tax from retail operations at buildout.

- **Business License Tax:** The estimated business license tax is based on the value of construction on the site, incremental retail sales that this development will generate, and revenues generated by commercial operations that are assumed to be net new to the county. Based on the contractor rate of \$0.16 per \$100 of total construction investment, the estimate for license fees paid to the county during the construction phase totals nearly \$78,650.

The county's tax rate of \$0.20 per \$100 for retailers, \$0.36 per \$100 for business services and \$0.58 for professional services has been applied to the estimated annual revenues from retail sales, office operations and lease of commercial property. Once construction is complete, the county can expect an estimated \$87,615 annually in revenues from business license fees.

- **Building Permits:** The estimate for rezoning and application fees of \$7,044 is included as a revenue source in year one of development. Building permit fees are paid throughout construction and are estimated at \$2500 per residential unit. During the construction phase, the county can expect a total of approximately \$554,550 in building permit fees.
- **Recordation Tax:** James City County collects recording taxes on real estate transfers. These include a deed recording tax of \$0.33 per \$100 of the selling price and a deed of trust recording tax of \$0.33 per \$100 of selling price or of the face value of the mortgage, which ever is greater. The land for this development was purchased for more than \$8.8 million. To account for the recordation taxes collected on this land transfer, TWG has included revenues from this transaction in the first year. Recordation taxes from the sale of residential homes are included in the year in which homes are expected to be sold. In total, the county can expect an estimated \$239,570 in recordation taxes collected from the sale of real property.
- **Miscellaneous Taxes and Revenues:** Other taxes and revenues collected by James City County include public service taxes, a variety of licenses, permits and fees, fines and forfeitures, revenues from the use of money and property, revenues from the Commonwealth and the Federal government (excluding dedicated public education revenues), and charges for services. As shown in Table 6, the county budget shows that miscellaneous revenue sources are expected to total about \$11.6 million. For this analysis, 90% of these revenues are attributed to county residents at a per capita figure of \$172.45 and applied to the estimated 507 residents residing in this development. The remaining 10% has been attributed to employees in the

county. The Virginia Employment Commission's most recent data indicates that there are 28,016 people working within the county. On a per employee basis, 10% of the listed revenues total \$41.51. This figure has been applied to the incremental employees generated by the construction and the permanent employment generated by retail and office operations. At buildout and beyond, the county should realize an estimated \$99,380 in miscellaneous taxes and revenues.

**Table 6**  
**James City County Miscellaneous Taxes and Revenues**

County Budget Line Items	Budget Amount
Public Service	\$1,325,000
Bank Franchise Tax	260,000
Telecommunications Tax	640,000
Motor Vehicle Licenses	135,000
License Tax – Utilities	330,000
Dog Licenses	15,000
Cable TV Franchise Fee	400,000
Fine and Forfeitures	320,000
Interest on Short-Term Investments	850,000
HB 599 Payments	1,562,820
ABC Profits	28,199
Wine Tax	29,558
Rolling Stock Tax	43,204
Shared Expenses (excluding Sales Tax for Education)	1,858,713
Categorical Aid	122,746
Revenue from Federal Government	5,868
Charges for Current Services	3,602,215
Miscellaneous Revenues	102,100
<b>Total</b>	<b>\$11,630,423</b>

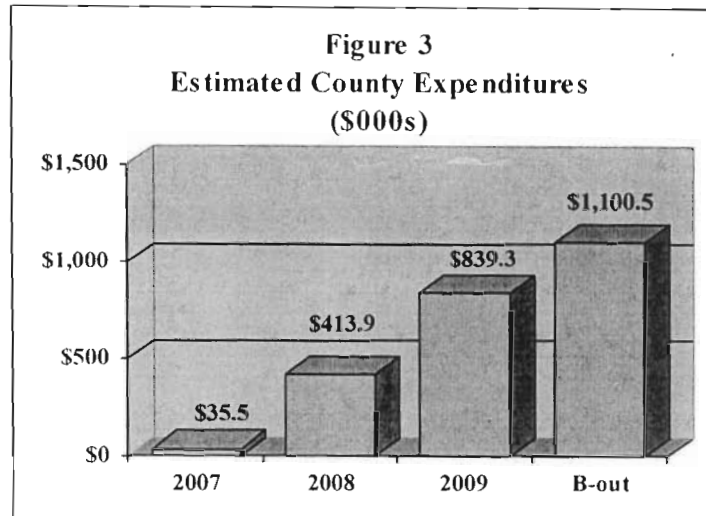
- **Proffers:** Proffers are provided for each of the residential units to be sold at market value. Proffers are not offered for 22 units (11 condominiums and 11 town homes) to be sold as affordable housing. Based on the amounts for each residential component shown in Table 7, the total estimate for proffers is \$1,020,250.

**Table 7**  
**Proffer Amount per Residential Component**

Proffers per unit	Single Family	Townhouse Duplex	Condominium
Schools	\$4,050	\$0	\$4,275
Other CIP items	1,000	1,000	1,000
Water	1,100	1,100	1,100
Environmental	500	500	500
<b>Total amount per unit</b>	<b>\$6,650</b>	<b>\$2,600</b>	<b>\$6,875</b>

## Local Government Expenditures – Residential and Net New Commercial

The county's estimated costs for providing public services to The Candle Factory are shown in Figure 3. The data reflected in the figure can be seen in Table 8 below. Cumulative expenditures in the development phase (2007 – 2010) are estimated to be nearly \$2.4 million. By buildout in 2010, the development will generate estimated county expenditures of \$1.1 million each year.



**Table 8**  
**Local Government Expenditures**

Expenditures	2007	2008	2009	Buildout
General Government	\$820	\$26,400	\$54,180	\$70,930
Public Safety	14,420	83,950	158,040	196,520
Public Works	1,900	43,780	89,750	118,710
Health and Welfare	0	7,940	16,370	20,960
Recreation and Culture	4,020	36,930	80,130	125,280
Statutory and Unclassified	5,120	24,680	48,040	66,870
Debt Service (Non Education)	9,240	45,420	87,870	120,170
School Operating	0	113,510	238,960	298,700
School Debt Service	0	31,310	65,920	82,400
<b>Total Expenditures</b>	<b>\$35,520</b>	<b>\$413,920</b>	<b>\$839,250</b>	<b>\$1,100,540</b>

To estimate the incremental expenditures that this development will generate for James City County's government (excluding capital improvements for schools and education operating costs), the current per capita operating costs, as reported in the county's budget, have been applied to the estimated population for the households. The per capita costs of government are based on the county's projected population of 60,698. Table 9 shows the estimated per capita cost of government.

**Table 9**  
**Per Capita Expenditures**

Expenditure Category	Per Capita
General & Administrative	\$133.03
Public Safety	359.14
Health & Welfare	217.64
Recreation & Culture	41.34
Public Works	171.04
Statutory & Unclassified	100.93
Non-Education: Debt Service	186.81

To calculate education costs for this development, per student amounts for operations, debt services and capital improvements provided by the James City County Department of Financial and Management Services and shown in Table 9, are applied to the total number of students generated by the development each year. Because the analysis includes only the expenditures that will affect the net fiscal impact of this development on the county expenditures, per student amounts reflect expenditures from local sources only. Spending from funds provided by state or federal sources is not included.

**Table 10**  
**James City County Education Expenditure per Student**

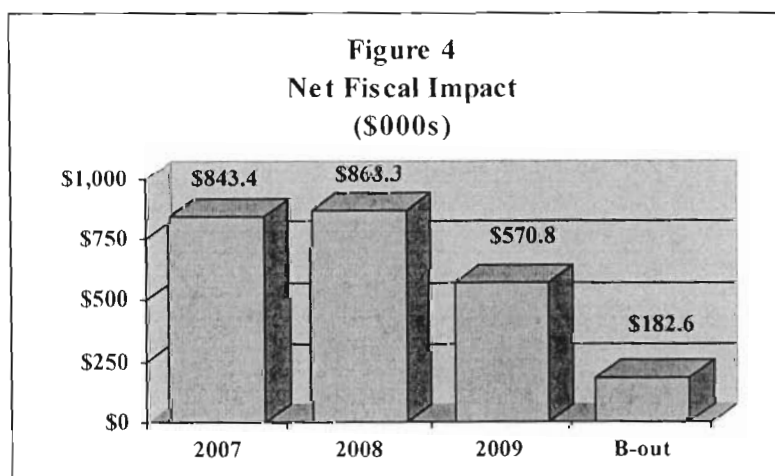
Local Expenditure	Per Student Amount
Operating Expenditures Per Student - County Only	\$ 5,974
Debt Service Expenditures Per Student	1,166
Capital (Non-Debt) Expenditures Per Student	482
<b>Total Education Costs per Student</b>	<b>\$ 7,622</b>

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

As indicated in Table 8 on the previous page, the operating costs associated with public education will generate the largest single expenditure, estimated to be almost \$298,700 at buildout and beyond. The next largest category of expenditures is expected to be for police and fire protection, estimated at almost \$196,520 annually at buildout.

## Net Fiscal Impact

The *net* fiscal impact of a development on the local government is calculated by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout are illustrated in Figure 4. At buildout in 2010, analysis results indicate a net fiscal impact to the county of an estimated \$182,640. The county should realize a cumulative net fiscal impact of about \$2.5 million from 2007 through 2010. Details are shown in Table 11.



**Table 11**  
**Net Fiscal Impact of Residential and New Commercial Development**

Cash Inflow and Outflow	2007	2008	2009	Buildout
Total Revenues	\$878,880	\$1,282,260	\$1,410,040	\$1,283,180
Total Expenditures	35,520	413,920	839,250	1,100,540
<b>Net Fiscal Impact</b>	<b>\$843,360</b>	<b>\$868,340</b>	<b>\$570,790</b>	<b>\$182,640</b>
<b>NPV (5%, 20 years)</b>				<b>\$4,254,900</b>

### Projected Cumulative Fiscal Impact

To illustrate the net fiscal benefit or cost of this development to the county, TWG calculated the Net Present Value of a 20 year series of annual net positive and/or negative income estimated to accrue to the project. Discounting is a widely accepted financial technique for estimating the value of a series of future payments in today's dollars. In effect, if one were to buy the future financial inflows (positive or negative), it is the price at which a buyer and seller would value the contract or annuity. The estimate includes annual growth in real property values of 2% per year and a discount rate of 5% (for example, a promise to deliver \$1.00 a year later would be worth only \$0.95 today). The estimate for the net present value of The Candle Factory from year one of construction, extended over a 20-year period and discounted at 5%, is \$4,254,900.

### Net Fiscal Impact by Development Component

Table 12 separates the net fiscal impact of each development component. The addition of 219 residential housing units results in a negative impact of \$174,130. When combined with 25,200 square feet of mixed use office space, the impact improves by \$25,610 to negative \$148,520. Commercial operations including construction of new and renovation of existing stores result in an impact of over \$354,000. When all components are combined, the estimate of the net fiscal impact of The Candle Factory Development is \$182,640 (as shown above).

**Table 12**  
**Net Fiscal Impact Analysis by Residential and Commercial Components**

	2007	2008	2009	Build Out
1. Residential Units	\$784,250	\$809,230	\$393,410	-\$174,130
2. Commercial Office	0	0	19,500	25,610
<b>Combined Residential and Associated Mixed Use</b>	<b>\$ 784,250</b>	<b>\$ 809,230</b>	<b>\$ 412,910</b>	<b>\$ -148,520</b>
3. Renovated Existing Commercial	45,270	45,270	109,450	173,220
4. Proposed New Commercial Retail	13,840	13,840	48,430	157,940
<b>Combined Proposed and Existing Commercial</b>	<b>\$ 59,110</b>	<b>\$ 59,110</b>	<b>\$ 206,690</b>	<b>\$ 354,090</b>
<b>Combined Net Fiscal Impact</b>	<b>\$843,360</b>	<b>\$868,340</b>	<b>\$570,790</b>	<b>\$182,640</b>
<b>NPV (5%, 20 years)</b>				<b>\$4,254,900</b>

**PHASE IA  
CULTURAL RESOURCES ASSESSMENT OF  
THE 95-ACRE  
SOAP AND CANDLE FACTORY CO. TRACT  
JAMES CITY COUNTY, VIRGINIA**

**Prepared for:**

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August 2006

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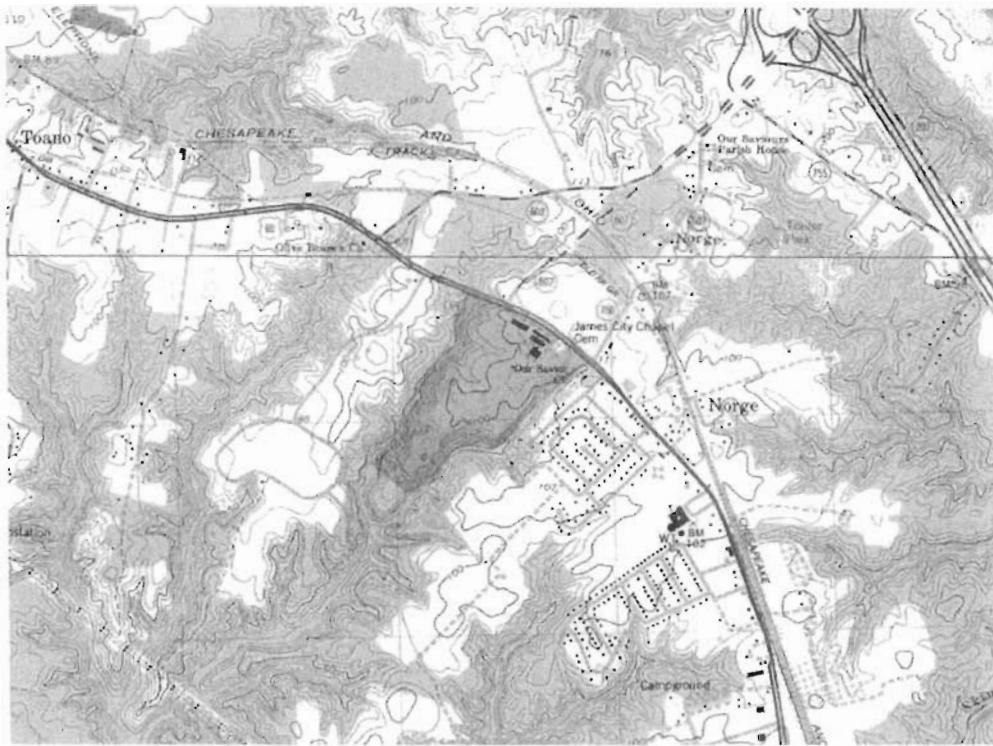


## I. INTRODUCTION

In July 2006, the James River Institute for Archaeology, Inc. (JRIA) conducted a Phase IA cultural resources assessment of the approximately 95-acre Soap and Candle Factory Company tract in James City County, Virginia (Figures 1-2). The property is located between Norge and Toano, and is bounded to the north by U.S. Route 60, and to the east, west, and south by unnamed tributaries of Yarmouth Creek.

This cultural resources assessment includes a description of the physical and environmental characteristics of the study area; a discussion of the prehistoric and historic development of the property; a summary of documented historic resources in the vicinity; and finally, recommendations for concerning potential historic resources that may be located on the property.

Dr. Matthew R. Laird, who researched and authored this assessment, consulted numerous documentary, cartographic, and archival sources at a variety of repositories, including the Virginia Department of Historic Resources, the Library of Virginia, the Virginia Historical Society, the Circuit Court of James City County, the Rockefeller Library of the Colonial Williamsburg Foundation, and the Central Rappahannock Regional Library in Fredericksburg.



**Figure 1.** Location of the study area, U.S.G.S. 7.5' Norge (1984) and Toano (1986) quadrangles.



**Figure 2.** Aerial photograph of the study area.

## II. ENVIRONMENTAL CONTEXT

### **Physical Description and Environmental Setting**

The approximately 95-acre Soap and Candle Factory Co. property is located between Norge and Toano, and is bounded to the north by U.S. Route 60, and to the east, west, and south by unnamed tributaries of Yarmouth Creek. The northern portion of the property is completely developed with retail/office buildings and associated paved parking lots. The majority of the remainder of the property is currently wooded, although the central upland portion of the tract consists of open meadow. Access to the undeveloped section of the property is via a single gravel road off Poplar Creek Lane.

### **Geology and Topography**

The project area is situated in southeastern Virginia on the Atlantic Coastal Plain physiographic province, an area of low topographic relief extending from the Atlantic Ocean west to the Fall Line. More specifically, the property is located on the Lower Peninsula, a large but relatively narrow landform bound on the north and south respectively by the York and James rivers. Elevations within the study area range from approximately 110 feet above mean sea level in the upland portion of the property to approximately 50 feet along the adjoining drainageways.

### **Hydrology**

The study area is bounded to the east, west, and south by two unnamed tributaries of Yarmouth Creek, which drains into Chickahominy River and ultimately the James River.

### **Soil Morphology**

The study area is encompassed by the Kempsville-Emporia-Suffolk soil association, characterized by deep, well-drained soils that are dominantly loamy, gently sloping to very steep, and typical of upland ridges and side slopes. The upland portion of the property includes at least seven major soil types: Craven-Uchee complex (2-6 percent slope); Emporia fine sandy loam (2-6 percent slope); Kempsville-Emporia fine sandy loam (2-6 percent slope); Kenansville loamy fine sand (2-6 percent slope); Slagle fine sandy loam (0-2 percent slope); Suffolk fine sandy loam (2-6 percent slope); and Uchee loamy fine sand (2-6 percent slope). With the exception of Craven-Uchee complex, these soils are particularly well-suited to agricultural crops (Hodges et al. 1985).

### III. CULTURAL CONTEXT

#### PREHISTORIC CONTEXT

Virginia's prehistoric cultural chronology, like that of the rest of the Middle Atlantic region, is divided into three major time periods—Paleoindian, Archaic, and Woodland—with the differences based largely on changes in subsistence, settlement patterns and types of material remains found. The three main periods reflect major changes, while Early, Middle, and Late subperiods reflect less dramatic, though not insignificant changes. Different “phases” mentioned in the text refer mainly to changes in localized styles of artifacts or, at times, correlated changes in artifacts (or assemblages of temporally related artifacts) and settlement patterns.

##### **Paleoindian (Prior to 8000 B.C.)**

Paleoindian occupation in Virginia, the first human occupation of the region, began some time before 10,000 B.C. The earliest recognized diagnostic artifacts Clovis projectile points, typically fashioned of high quality cryptocrystalline materials such as chert, chalcedony, and jasper. Later Paleoindian points include smaller Clovis-like and Cumberland variants, small “Mid-Paleo” points, and, at the end of the period, Dalton, Hardaway-Dalton and Hardaway Side-notched points. Also diagnostic, though to a lesser extent, are certain types of well-made endscrapers, sidescrapers, and other formalized tools. Most current views now hold that eastern Paleoindians were generalized foragers with an emphasis on hunting. Social organization apparently consisted of relatively small bands that exploited a wide, but defined, territory (Gardner 1989: 5-52; Turner 1989: 71-94).

The majority of Paleoindian remains in Virginia are represented by isolated projectile point finds and what appear to be small temporary camps. Although some larger and very notable base camps are present in the state, they are relatively rare and usually associated with sources of high quality lithic materials. The most important Paleoindian sites in Virginia, and in the eastern U. S. as a whole, are the Thunderbird Site in the Shenandoah Valley (Gardner 1974, 1977), the Williamson Site in south-central Virginia (McCary 1951, 1975, 1983), and the Cactus Hill Site in Sussex County. Both the Thunderbird and Williamson sites are large base camps associated with local sources of high-grade cryptocrystalline lithic materials. At the Thunderbird site and environs, a site typology has been formulated which includes lithic quarries, quarry-related base camps, quarry reduction stations, base camp maintenance stations, outlying hunting sites, and isolated point sites (Gardner 1981, 1989). Cactus Hill (44SX202), located on the Nottoway River near Stony Creek, is characterized by stratified deposits associated with the Paleoindian through Woodland periods. The site has yielded numerous Clovis projectile points, and generated a radiocarbon date of 15,070 from a pre-Clovis occupation layer, which is characterized by artifacts in a pre-Clovis core blade tradition (McAvoy and McAvoy 1997).

To date, only a handful of Paleoindian points have been found in James City/York County/Williamsburg vicinity, all located in surface or plowzone deposits, with few or no

associated artifacts. The only two known Paleoindian sites (or components) in the area are located near the confluence of the James and Chickahominy rivers (WMCAR 1997: 23). As such, the potential for any significant Paleoindian remains in the project area is minimal, due to lack of preferred lithic materials and the absence of any unique habitat in the area.

### **Archaic (8000-1200 B.C.)**

The beginning of the Archaic Period generally coincided with the end of the Pleistocene epoch, which was marked by a climatic shift from moist, cool conditions to a warmer, dryer climate. Vegetation also changed at this time from a largely boreal forest setting to a mixed coniferous-deciduous forest. Scholars have proposed that the resulting changes in the seasonal availability of resources coincided with increasing emphasis on strategies of seasonal mobility among native peoples (Dent 1995:147).

Archaic populations appear to have been characterized by a band-level social organization involving seasonal movements corresponding to the seasonal availability of resources and, in some instances, shorter-interval movements. Settlement during this era involved the occupation of relatively large regions by single band-sized groups living in base camps during part of the year, and dispersing as necessary on seasonal basis, creating smaller microband camps that may have consisted of groups as small as single families. The Archaic period was characterized by the development of more specialized resource procurement activities and associated technologies. These differences in material culture are believed to reflect larger, more localized populations, as well as changes in food procurement and processing methods. The Archaic Period also marked the beginning of ground stone technology. New tool categories that developed during the Archaic included chipped and ground stone celts, ground stone net sinkers, pestles, pecked stones, mullers, axes, and, during the more recent end of the Late Archaic, vessels carved from soapstone quarried in the Piedmont (Custer 1990: 35-40; Geier 1990: 84-86, 93-94).

#### *Early Archaic*

Corner and side-notching became a common characteristic of projectile points at the beginning of the Archaic Period, indicating changes in hafting technology and possibly the invention of the spear-thrower (atlatl). Notched point forms include Palmer and Kirk Corner-notched and, in localized areas, various side-notched types. The latter part of the Early Archaic Period and the beginning of the Middle Archaic Period are marked by a series of bifurcate base projectile point forms.

#### *Middle Archaic*

As a whole, the Middle Archaic ca. 6500 - ca. 3000 BC, witnessed the rise of various stemmed projectile point forms, and there is a notable increase in the number of early Middle Archaic components over the immediately preceding Early Archaic. The most common Middle Archaic artifact forms are, from oldest to youngest, Lecroy, Stanly, Morrow Mountain, and Guilford projectile point types, followed by the side-notched Halifax type at the end of the period as it transitions into the Late Archaic between ca. 3500 and 3000 B.C. However, since finds of typical Middle Archaic artifacts are so few

in the James City County area, it has been suggested that particular regional styles of tools/weapons have gone unrecognized; alternatively, many sites of this period may be located within drowned estuarine settings (WMCAR 1997: 43).

#### *Late Archaic*

The Late Archaic period (ca. 3,000-1,200 B.C.) was dominated by stemmed and notched knife and spear point forms, including various large, broad-bladed stemmed knives and projectile points that generally diminish in size by the succeeding Early Woodland period (e.g., Savannah River points and variants). Also found, though less common, are stemmed and notched-stem forms identical to those associated more prominently with areas of Pennsylvania and adjoining parts of the northeast (Susquehanna and Perkiomen points).

Marked increases in population density and, in some areas, decreased mobility, characterized the Late Archaic Period in the Middle Atlantic states and eastern North America as a whole. Locally, there is an increase in the numbers of late Middle Archaic (Halifax) and Late Archaic (Savannah River) sites over those of earlier periods, suggesting a population increase and/or intensity of use of this area of eastern Virginia between about 3500 B.C. and ca. 1200 B.C.

Agriculture in the Middle Atlantic region probably had its origins during this period. Yarnell (1976: 268), for example, contended that sunflower, sumpweed, and possibly goosefoot may have been cultivated as early as 2000 BC. In the lower Little Tennessee River Valley, remains of squash have been found in Late Archaic Savannah River contexts (ca. 2400 BC), with both squash and gourd in slightly later Iddins period contexts (Chapman and Shea 1981: 70).

Based on the relatively few Early to Middle Archaic components known for this area, it is most likely that any Archaic period resources within the study area would likely date to the Late Archaic period. Given the topographic situation of the study property, and its situation at the confluence of two tributaries of Yarmouth Creek, the potential for temporary Archaic campsites is high.

#### **Woodland (1200 B.C. - AD 1600)**

The Woodland period was characterized by the introduction of ceramic technology, a gradually developing dependence on horticulture, and increased sedentism. Three subperiods (Early, Middle, and Late Woodland) have been designated, based primarily on stylistic and technological changes in ceramic and projectile point types, as well as settlement patterns.

#### *Early Woodland*

The Early Woodland period, ca. 1200-500 B.C., is generally defined by the appearance of ceramics in the archaeological record. The earliest Woodland ceramic wares, Marcey Creek Plain and variants, are rectangular or oval and resemble the preceding Late Archaic soapstone vessels. These ceramics are followed by cord-marked, soapstone-tempered Selden Island ceramics, then by sand-and-grit-tempered Elk Island (Accokeek) ceramics

with both plain and cord-marked surfaces. The latter traditionally were referred to as the Stony Creek series, although this type is now known to subsume several Early, Middle, and Late Woodland ceramic wares (Egloff 1991: 243-48).

In eastern Virginia, Early Woodland sites are notably less common than those of the preceding Late Archaic period and the succeeding Middle Woodland period, and most sites appear to represent short-term camps. Early Woodland sites, by virtue of their scarcity, would be less likely than either Late Archaic or later Woodland sites and, by analogy with what is known of Early Woodland sites in Tidewater Virginia, few remains would be present at these sites.

#### *Middle Woodland*

The Middle Woodland period in this area, ca. 500 B.C. and A.D. 900, was marked by the appearance of net-marked, sand-tempered, and pebble-tempered pottery that generally spans the period ca. 500 B.C. to about A.D. 300 (Pope's Creek and Prince George wares). These ware types were supplanted by shell-tempered net- and cord-marked Mockley pottery until about A.D. 900 in areas lying east of the Fall Line. Local wares, such as Varina net-marked, were quite common in the Inner Coastal Plain, and have been dated to ca. A.D. 200/250 (Egloff 1991: 243-48).

Previous archaeological studies in the region have demonstrated the intensive use of small tributary streams as well as major river floodplains throughout the Middle Woodland period (ca. 500 B.C. and A.D. 900). Archaeologists have suggested that the Middle Woodland was characterized by "restricted wandering," in which groups used various campsites for several weeks at a time, obtaining needed materials in the site vicinity. Given the proximity of tributary streams in the immediate vicinity of the study property, there is a moderate to high probability that Middle Woodland period campsites are situated within the study area (Stewart 1992: 12-16).

#### *Late Woodland*

By the Late Woodland Period (A.D. 900-1600), agriculture had assumed a role of major importance in the prehistoric subsistence system. The adoption of agriculture represented a major change in the subsistence economy and patterns of settlement. The availability of large areas of arable land became a dominant factor in settlement location, and sites increasingly were located on fertile floodplain soils or on higher terraces or ridges adjacent to them. Permanent habitation sites gradually replaced base camp habitation sites more characteristic of those of previous foragers and hunter-gatherers. Villages varied widely in spatial layout and appearance: some were highly nucleated while others were dispersed over a relatively wide area. A number of villages were completely fortified by circular or oval palisades, indicating a rise in intergroup conflict, while others contained both a fortified core area and outlying houses. The more dispersed settlements were scattered over a wide area and characterized by fluid settlements within large, sprawling, and loosely defined town or village territories (Turner 1992: 108-114).

Drawings and accounts of early European explorers indicate that houses were constructed of oval, rectanguloid, or circular frameworks of flexible, green sapling poles set in the

ground, lashed together, and covered with thatch or bark mats. Burial sites of the period were situated in individual pits or in ossuaries. Such historical accounts are consistent with data obtained from archaeological excavations of Coastal Plain Late Woodland village sites (Hodges and Hodges 1994).

Archaeological research in the Virginia Coastal Plain over the past 30 years has demonstrated a marked decrease in the number of small, temporary, interior sites occupied during the Late Woodland period. This trend is not unexpected, given the increasing role of agriculture and accompanying development of more permanent village settlements. Even so, hunting continued to provide a large proportion of the protein in the diet of Late Woodland peoples. As early as the Late Archaic period, overhunting had caused a significant drop in local deer and other mammal populations; so much so, in fact, that relatively few deer could be found in the vicinity of villages. In response, large-scale hunts, which typically included entire family groups, were mounted annually in the late fall and winter after the crops had been harvested. Various supporting camps and activity areas also were established in the day-to-day procurement of food and other resources (i.e., short-term hunting and foraging camps, quarries, butchering locations, and re-tooling locations). These small seasonal camps and non-seasonally based satellite camps supporting nearby sedentary villages and hamlets tended to be located along smaller streams in the interior. Archaeologically, these campsites are generally manifested by limited concentrations of lithics and ceramics (Barfield and Barber 1992: 225-26; Rountree 1989: 38-45; Turner 1992: 108-114).

Diagnostic artifacts of the Late Woodland period include several triangular projectile point styles that originated during the latter part of the Middle Woodland period and consistently decreased in size through time. The most common Late Woodland ceramics from about A.D. 900 to the time of European contact in Tidewater included shell-tempered Townsend and Roanoke ceramics; untyped, sand-tempered, fabric-impressed ceramics that are otherwise similar to Townsend; and lithic- and sand-tempered simple-stamped ceramics similar to Gaston and Cashie types of North Carolina (Turner 1992: 102-05).

When John Smith and his fellow English explorers arrived in Tidewater Virginia, they unwittingly stumbled into the territory of the Powhatan Confederacy, one of the most well-organized and populous chiefdoms in the mid-Atlantic region. Smith's map of Virginia depicts a cluster of villages near the confluence of the James and Chickahominy rivers, and north along the Chickahominy, but no significant settlement in the interior of the Peninsula (Figure 3). No significant Late Woodland era village sites would be expected within this upland setting. However, there is a strong potential for the presence of temporary campsites associated with seasonal resource procurement activities.





Figure 3. *Virginia Discovered and Discribed* [sic.] (Smith 1624).

## HISTORIC CONTEXT

### Settlement to Society (1607-1750)

In May 1607, a small group of Englishmen under the authority of the Virginia Company of London arrived at Jamestown Island, where they established the first permanent English settlement in the New World. The first several years of settlement proved disastrous, with inconsistent leadership, food shortages, and depredations by the local Native American population consistently threatening to end the "Virginia experiment." By 1619, conditions within the new colony were stable enough that four corporations, including James City, were established. The infamous Powhatan uprising of 1622 was a serious blow to the colony, however, which by this time had expanded to the east and west of Jamestown along both shores of the James River. Responding to this crisis, the

English crown assumed control over the colony in 1624, ending the era of Virginia Company authority (McCartney 1997: 29-59; WMCAR 1997: 50-51).

During the 1620s and 1630s, tobacco came to dominate Virginia's economy. The landscape was dominated by tobacco plantations worked by indentured servants, while settlement was still clustered primarily along the James River Valley. In the wake of a second native uprising in 1644, however, the English effectively pushed the Powhatan Indian population out of the area, allowing for the expansion of settlement further into the interior of what is now James City County. Although it is unclear exactly who first owned the land encompassed by the project area, land patents indicate that tracts in this general vicinity were first taken up by settlers during the 1650s and early 1660s (Nugent 1992).

Throughout the seventeenth century, and well into the eighteenth, tobacco remained Virginia's staple crop, completely dominating the colonial economy. Since tobacco plants required almost constant attention throughout the growing season, this form of monoculture was extremely labor-intensive. In fact, the amount of tobacco a planter could produce was directly related to the number of laborers he could get into the fields. Unfortunately, labor in the Chesapeake was perpetually in short supply, and therefore costly. In order to produce enough tobacco to yield even modest profits in the face of unpredictable markets, all planters, large or small, were forced to invest the bulk of their financial resources in labor. The corresponding shortage of skilled carpenters and masons also made building a traditional "English" house astronomically expensive. Certainly, Virginia's wealthiest elite could always afford a stately brick house. But the vast majority of Virginians could not, and so accommodated themselves to earthfast dwellings, which required relatively little capital investment, expensive materials, or skilled labor. And if their house required significant repairs after ten years, so be it (Carson et al. 1981).

### **Colony to Nation (1750-1789)**

During the colonial period, a well-traveled stage road led north from the colonial capital of Williamsburg to ferry crossings on the Pamunkey River and beyond. A number of ordinaries, or taverns, were established along this route to accommodate travelers. One of these hostelrys was located northwest of the intersection of the old Williamsburg Stage Road (now Route 60) and Forge Road. While this tavern appears to have been in operation for a relatively short period, its ruins remained a local landmark for many years after it was destroyed by fire, and for at least a century this crossroads community was known as "Burnt Ordinary."

Despite decades of economic and political prominence, James City County's "Golden Age" would not survive beyond the American Revolution. By the second half of the eighteenth century all planters, great or small, were beginning to feel the pinch of a sputtering, century-old tobacco economy. After a few decades of prosperity, tobacco prices once again were on the decline by the 1760s and 1770s. Severe economic problems in England precipitated by the costly Seven Years' War reverberated throughout the colonies. Faced with economic ruin, English merchants began calling in

their debts, undermining the very foundation of the Tidewater economic system. For some time Virginians of all ranks had relied on British credit to maintain, and gradually increase, their consumption of imported goods, thereby raising their standard of living. This constriction of credit threatened to topple even the most prominent planters (Kaplan 1993: 55, 67).

After the close of the Revolution, the Peninsula recovered slowly from the effects of war. The relocation of Virginia's capital from Williamsburg to Richmond accelerated the area's decline as the locus of political and economic power shifted inland. The slow decline of the Tidewater tobacco economy also led to a prolonged phase of depopulation as residents moved westward in search of more productive land (CWF 1986: Section XII).

#### **Early National Period (1789-1830)**

During the late eighteenth and early nineteenth centuries, the Peninsula's population was in steady decline. During the first half of the nineteenth century James City County was almost exclusively rural in character. When architect Benjamin Henry Latrobe toured the county in 1796, he noted that "poverty and decay seem indeed to have laid their withering hands upon every building public and private between Hampton and Shockoe Creek at Richmond" (WMCAR 1997: 55). Between 1790 and 1820, James City County's population dropped a staggering 42 percent. Land and personal property tax records demonstrate that during this period the ranks of the middle class declined while the number of small farmers increased. Only the largest landowners became more secure economically (James City County Land Tax Records 1782-1861; CWF 1986: Section XII).

Whatever their social standing, James City County farmers found themselves confronted in the early years of the nineteenth century by land that was simply worn out by decades of tobacco farming. Meanwhile, the prevailing agricultural practice of crop rotation every three years insured that even wheat and corn depleted the soils at an alarming rate. But it was not long before a small group of Virginians dedicated to "scientific agriculture" helped to usher in a new era of productive farming. In his series of essays entitled *Arator*, Caroline County's John Taylor demonstrated the benefits of four-field crop rotation, in which soils could be improved significantly by rotating corn, wheat, fertilizer, and clover. Similarly, in the early 1820s, Edmund Ruffin publicized the effectiveness of marl in reducing soil acidity, a technique that could triple the productivity of Tidewater soils. Other agricultural improvements included contour plowing to reduce erosion, cast iron plows, threshing machines, and corn shellers. (Kaplan 1993: 87-88).

During the 1790s, a Methodist church known as the James City Chapel was established on the south side of the Williamsburg Stage Road within the limits of the study property. Little is known about this church or its congregation, although it was described by one observer as a "very good meeting house" (McCartney 1997: 547).

### **Antebellum Period (1830-1860)**

By the mid-nineteenth century, improved agricultural techniques and crop diversification led to a revitalization of the region's agricultural economy, which had shifted from tobacco cultivation to the production of grain crops. By the time of the Civil War, Tidewater's agriculture had evolved into a mixed crop system and beef production and other forms of animal husbandry were growing in importance. More sophisticated farming methods became prevalent, including the use of marl to restore soil that had been acidified by long-term tobacco production and erosion (CWF 1986: Section XII).

During this period, the vicinity of the project area was almost entirely rural. The nearest settlement was Burnt Ordinary, a small, but active, rural community in western James City County. In 1845, local schoolteacher Robert Morris noted that he did most of his shopping at the store at Burnt Ordinary, attended militia musters, and caught the stage for Richmond or Williamsburg there, as well. In 1854, local entrepreneur Felix Pierce described Burnt Ordinary as "a healthy, prosperous community," with a post office, churches, and stores (Preliminary Information Form [PIF] for Toano Historic District, VDHR File #047-5147).

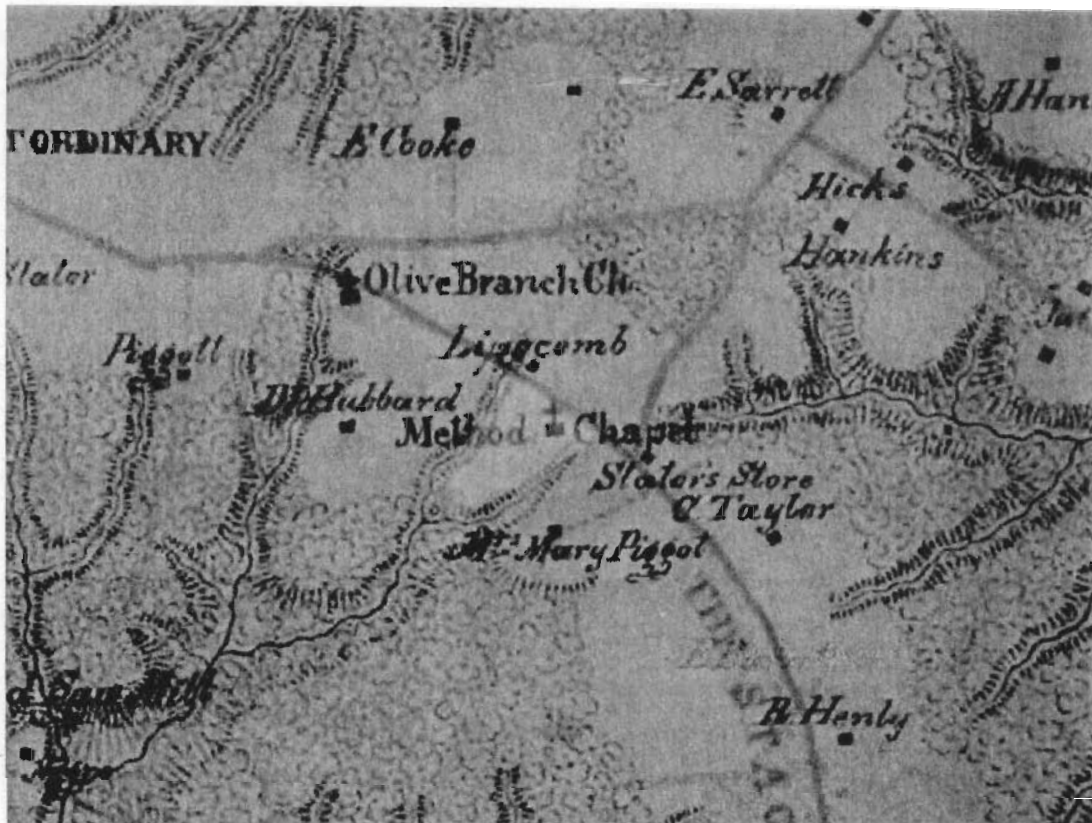
### **Civil War (1861-1865)**

By the time of the Civil War, the vicinity of the project area was characterized by scattered farmsteads located along the Williamsburg Stage Road and smaller side roads. One detailed map of the area prepared under the direction of Confederate Chief of Engineers Jeremy Francis Gilmer in 1863 indicates the location of the "Method. Chapel." The project area appears to have consisted of cleared farmland or pasture at this time, and no other built improvements were noted (Figure 4).

During the Confederate withdrawal after the Battle of Williamsburg in May 1862, Captain John Pelham of the Stuart Horse Artillery reported that he briefly left a howitzer at "the Methodist Church, about 1½ miles beyond Burnt Ordinary, under Lieutenant Breathed," while he proceed east to fire on the advancing Union army. Both Confederate and Federal troops camped in and around Burnt Ordinary during the Peninsula Campaign of 1862, and a small cavalry skirmish was fought nearby in January 1863. After the end of the 1862 Peninsula Campaign, this area remained nominally under Union control, although Confederate marauders frequently harassed Federal troops behind the lines (McCartney 1997: 310-11).

### **Reconstruction and Growth (1865-1917)**

The devastation wrought by the Civil War left the Peninsula depopulated and depressed. The emancipation of the African-American slave population resulted in a scarcity of laborers, and rural families shifted to less labor-intensive modes of agriculture. Many farms were operated by white landowners who struggled to survive, and by black sharecroppers who chose to stay in their old neighborhoods after the war. During this period, Tidewater's agricultural productivity dropped by more than half, and farm size decreased as larger parcels were subdivided and sold (McCartney 1997: 337-40; WMCAR 1997: 59-60)



**Figure 4.** Detail, *New Kent, Charles City, James City and York Counties* (Gilmer 1863).

James City County remained largely rural and agricultural throughout this period, though the arrival of the Chesapeake and Ohio Railroad in the early 1880s helped spur the county's economic development by providing ready access to the region's major urban markets. By now, the old "Burnt Ordinary" had completely vanished from the landscape, and the burgeoning community of Toano had sprung up around it. Toano was the focus of considerable commercial activity at the end of the nineteenth century, with a post office, law offices, train station and freight depot, a hotel, numerous stores, a bank, and a barrel factory. When potato production was at its peak, Toano generated the most revenue of any freight stop on the C & O Railroad route between Newport News and Richmond. With its advantageous location on the railroad line, Toano emerged as an important truck farming center, shipping large crops of fruits and vegetables to northern and western markets. Despite the agricultural profits made possible through improvements in the transportation system, however, the average size of the James City County farm dropped significantly during this period, and tenancy became more prevalent. Farm bankruptcies were common, and many immigrants arrived from the north to take advantage of depressed land prices. Timber companies also bought up large quantities of inexpensive real estate, and many properties throughout the county were cut

over to feed the growing local timber industry (PIF for Toano Historic District, VDHR File #047-5147; WMCAR 1997: 59-60).

The earliest surviving deed for the study property dates to 1871, and records the sale of the tract, known as "Ratliffe's", to R.L. Henley. The previous owner, Richard E. Taylor, had declared bankruptcy, and the property was subsequently sold at auction (Table 1). In October 1887, Henley sold the land to Virginia H. Jennings of James City County. According to the deed, the tract was bounded to the north by "Drinking Spring Swamp," which divided the property from the adjoining estate of Mary A. Hubbard called "Drinking Spring," and to the south by "Chapel Spring Swamp," evidently named for the nearby James City Chapel. The property to the south, owned by Mary Piggott, was named "Farmville." Jennings used the property as collateral for a loan in 1887, and when she failed to repay it, the property reverted to Henley. The land was sold at public auction, and was purchased by Lillian (Lilly) M. Jennings in January 1894. Jennings sold the tract, then consisting of 97.5 acres, to Hans H. Holen of Cashton, Wisconsin, in May 1900. Two years later, Holen sold Ratcliffe's to Melvin N. Dunham, and in February 1905, Dunham deeded it to Hans J. Kinde. Kinde held the property until July 1917, when he and his wife Minnie transferred it to Joe H. Hughes.

The U.S.G.S. 15' Toano quadrangle of 1917 indicates a single structure, most likely a farm dwelling, within the study property along an unimproved road that led south from the old Stage Road, now Route 60 (Figure 5).

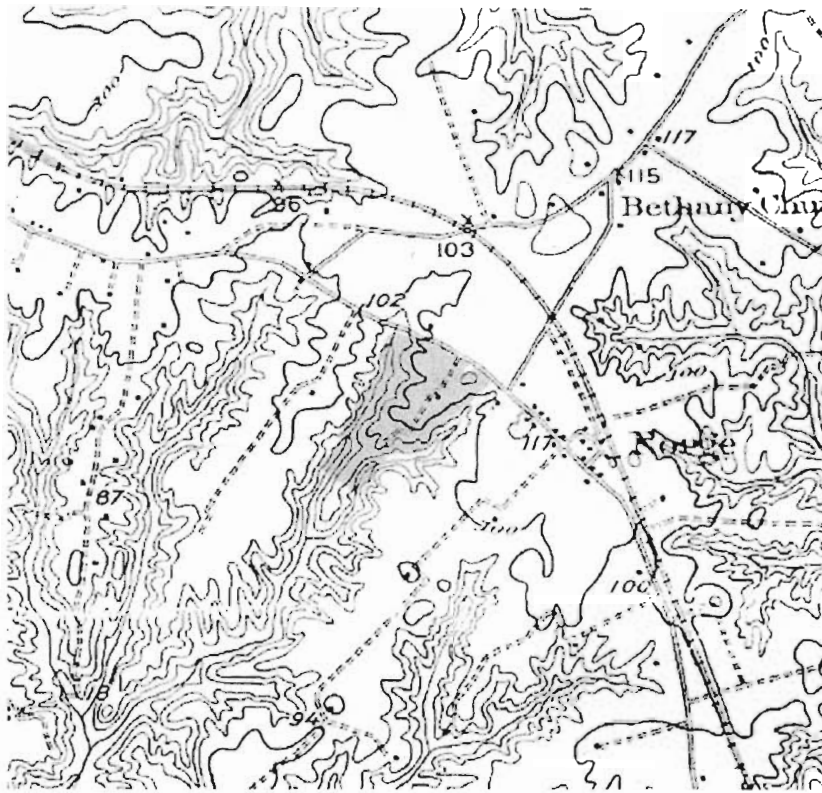
By the mid-1880s, the congregation of the James City Chapel had dwindled to the point that parish leaders decided to buy land in nearby Toano and relocate the church. The structure was partially dismantled and moved by rail to what later became Church Street, while oxen pulled it uphill to its final destination. By 1897, the building had been enlarged and renamed the Mount Vernon Methodist Church. However, the congregation continued to use the cemetery at the former church site; still in use, the cemetery occupies a small parcel on Route 60 adjoining the study property.

#### **World War I to World War II (1917-1945)**

Aside from a few significant changes—chiefly the emancipation of the slave population—life in James City County in the early twentieth century proceeded much as it had before the Civil War. Most county residents remained relatively isolated on self-sufficient farms; roads were poor, and communication slow. Daily life still revolved around the agricultural schedule, while local churches continued to be important social institutions. Despite the rapid progress witnessed in urban America during these years, few in James City County would have access to automobiles, electricity, or telephones for many years to come. Most county roads remained unimproved into the 1930s, when the former stage road (Route 60) was first paved (WMCAR 1997: 60).

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<sup>1</sup> From the 1870s through 1990, the property was consistently referred to as "Ratliffe's" (variously spelled "Ratliffe" and "Ratliff"). This name most likely refers to an earlier owner.



**Figure 5.** Location of the study property, U.S.G.S. 15' Toano quadrangle (1917).

#### **The New Dominion (1945 to Present)**

James City County was revitalized during the early part of the twentieth century as the result of population growth, industrial development, stimulation of the tourist industry, and the construction of military bases. Although agriculture remained an important component of the county's economy until the 1940s, the improvement of road networks in other parts of the state brought increased competition for area farmers. The mechanization of agriculture and growth of industrial development indirectly fostered increasing ethnic diversity, as skilled workers moved into the area. Greater Williamsburg's population also increased as a result of the wartime military build-up, and continued to grow in the post-war period. The development of the tourism industry also fueled this remarkable population increase. Meanwhile, the rapid expansion of Williamsburg and its residential suburbs has been accompanied by the proliferation of local service centers—including shopping centers, supermarkets, and office parks—to meet the community's expanding needs (CWF 1986: Section IV).

When Joe H. Hughes died in July 1955, he left the farm "on which I now reside" to his daughter Marguerite Hughes. By 1964, the estate had come into the hands of her brother, J. Guy Hughes, who sold it to John B. Barnett, Sr. In 1986, Barnett transferred the acreage to the Barnett Development Company, which he co-owned with his son, John B. Barnett, Jr. As the sole surviving partner in the company, John B. Barnett, Jr. deeded



three parcels totaling nearly 124 acres to himself in December 1990. During this period, the northern portion of the property was developed as a commercial site occupied by the Williamsburg Soap and Candle Co.

**Table 1.** Summary of project area ownership, ca. 1871-2006<sup>2</sup>  
(DB = Deed Book; WB = Will Book)

Grantor	Grantee	Date	Acres	Reference
Barnett Development Co.	John B. Barnett, Jr.	12-14-1990	123.9	DB 498: 77
John B. Barnett, Sr. & Mary J. Barnett	Barnett Development Co.	10-23-1986	105.99	DB 319: 502
J. Guy Hughes, trustee (Joe H. Hughes estate)	John B. Barnett, Sr.	3-16-1964	105.99	DB 95: 17
Joe H. Hughes estate	Marguerite Hughes	7-29-1955	105.99	WB 6: 67
Hans J. Kinde & Minnie Kinde	Joe H. Hughes	7-26-1917	97.5	DB 17: 90
Melvin N. Dunham & Lizzie S. Dunham	Hans J. Kinde	2-18-1905	97.5	DB 9: 559
Hans H. Holen	Melvin N. Dunham	1-3-1902	97.5	DB 8: 101
Lillian M. Jennings & A.W. Jennings	Hans H. Holen	5-10-1900	97.5	DB 7: 270
R.L. Henley, trustee	Lillian M. Jennings	1-9-1894	87	DB 5: 589
Virginia H. Jennings	R.L. Henley	8-6-1888	87	DB 5: 28
R.L. Henley & Ida D. Henley	Virginia H. Jennings	10-28-1887	98	DB 5: 167
James F. Hubbard, trustee (Richard E. Taylor bankruptcy)	R.L. Henley	4-19-1871	100	DB 2: 403

<sup>2</sup> James City County's circuit court records were destroyed in Richmond at the end of the Civil War, so there is only fragmentary deed and will information available for the period prior to 1865. However, county land books dating from 1782 have survived, allowing at least a partial reconstruction of land ownership. More extensive documentary research using this source may provide additional information concerning the earlier history of the tract.



## IV. PREVIOUS RESEARCH

### Archaeological Sites

According to the records in the archives of the VDHR, the study property has not previously been surveyed archaeologically, and no sites on the tract have been inventoried. Five archaeological sites have been recorded within a one-mile radius (Table 2, Figure 6). These include the archaeological components of two nineteenth-century churches, two historic domestic sites dating to the eighteenth- and nineteenth centuries, and one prehistoric Native American site of unknown date.

**Table 2.** Previously identified archaeological sites in the study area vicinity.

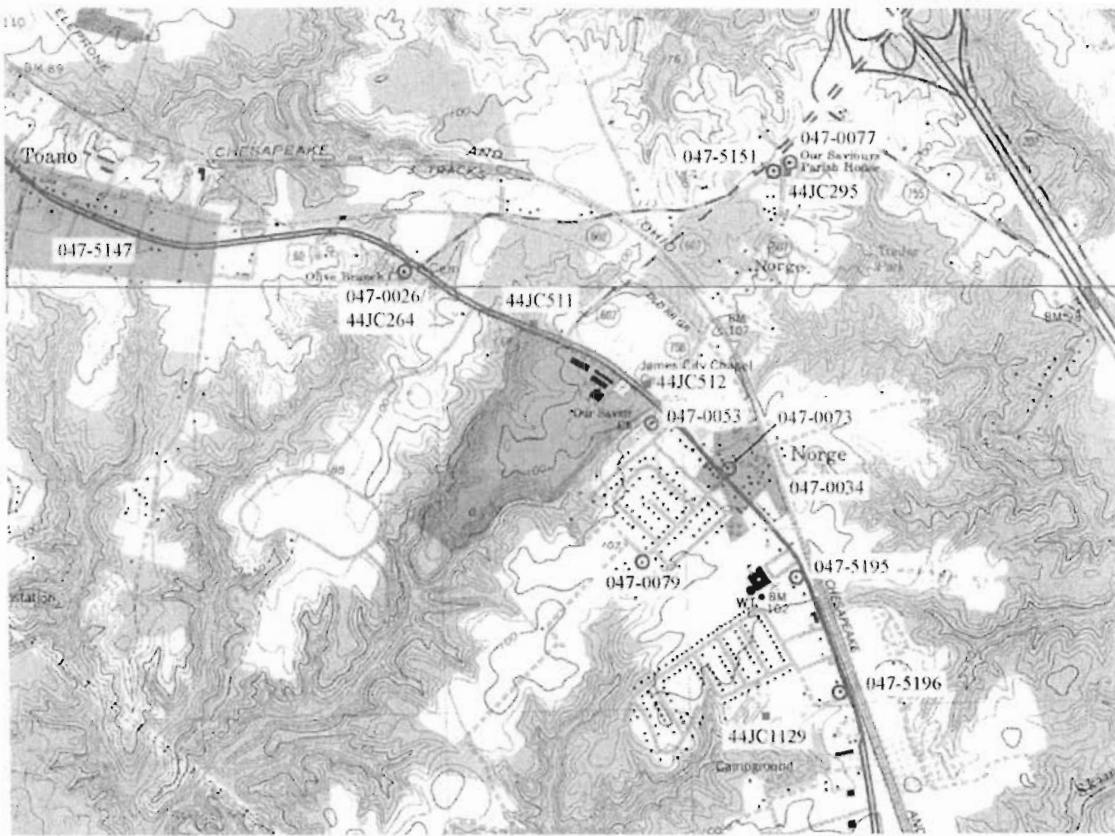
VDHR #	Type/Function	Date
44JC264	Historic church	19 <sup>th</sup> c.
44JC295	Historic church	19 <sup>th</sup> c.
44JC511	Historic domestic	19 <sup>th</sup> c.
44JC512	Prehistoric Native American, unknown	Undetermined
44JC1129	Historic domestic	18 <sup>th</sup> -19 <sup>th</sup> c.

### Architectural Resources

No previously inventoried architectural resources are located within the study property. Two historic districts (Norge and Toano), as well as nine individual architectural resources are located within a one-mile radius (Table 3, Figure 6). These include two nineteenth-century churches, and dwellings dating from the nineteenth- and early twentieth centuries.

**Table 3.** Previously identified architectural resources in the study area vicinity.

VDHR Number	Description	Date	National Register Eligibility
047-0026	Olive Branch Christian Church and cemetery	1835	Not evaluated
047-0034	Norge Historic District	1840	Determined eligible
047-0053	Our Saviour's Lutheran Church	1900	Not evaluated
047-0073	Vaiden (Foster) House	1800	Not evaluated
047-0077	Lutheran Parish House	1890	Not evaluated
047-0079	Bick House/Farmville	1800	Not evaluated
047-5147	Toano Historic District	1870	Not evaluated
047-5151	Bethany Parish Lutheran Residence	20 <sup>th</sup> c.	Not evaluated
047-5195	House, 7355 Richmond Road	1900	Not evaluated
047-5196	House, 7301 Richmond Road	1900	Not evaluated
047-5260	Hoar House, 7147 Richmond Road	1948	Determined not eligible

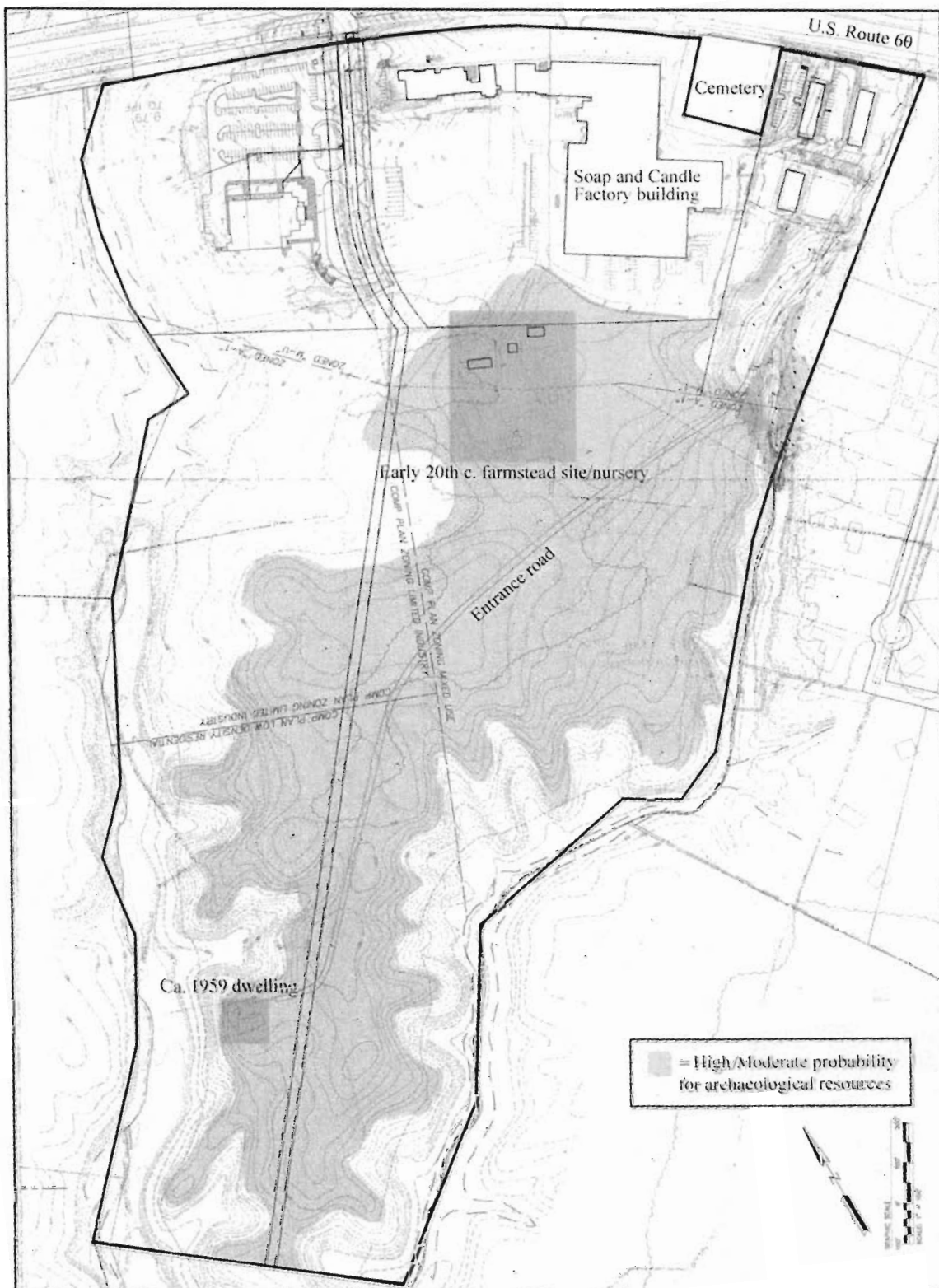


**Figure 6.** Location of previously identified historic resources in the study area vicinity.

## V. RESULTS OF PEDESTRIAN SURVEY

The pedestrian survey of the property indicated that a number of standing structures are located on the property. The only of these that is currently occupied is a two-story frame dwelling located in the southwest portion of the tract (Figure 7). James City County real estate records indicate that the dwelling was built in 1959. The other structures are clustered in the north-central portion of the property, in the vicinity of the structure that was indicated on the U.S.G.S. 15' Toano quadrangle sheet of 1917. A remnant road leading to the site, which was visible on the 1917 map, is still evident (Figure 9). A number of large, mature trees and other perennial plantings (e.g. crape myrtle) remain from when the property was occupied as a farmstead; however, the original dwelling is no longer extant. The oldest remaining structure appears to be a 1 ½-story frame barn or storage building; constructed with wooden nails and set on machine-made brick piers, this structure likely was built in the late nineteenth- or early twentieth century (Figure 10). Other structures include a large metal garage/storage building, an open carport/shelter, and several small storage buildings, all of which appear to be relatively modern (Figure 11). The property was used as a nursery in the recent past, evidence of which survives in the form a large trellis/arbor structure that is now completely overgrown.

No visible evidence of archaeological resources was observed in the course of the pedestrian survey. A large mound immediately to the southeast of the former farmstead site reportedly represents earth-moving activities associated with the construction of the Williamsburg Soap and Candle Company building to the north. This complex occupies the former site of the James City Chapel, which stood at this location from the 1790s until it was moved in the mid-1880s. The associated cemetery, which is still in use, is surrounded by, but not included within the study property.



**Figure 7.** Location of major project area features and archaeological probability areas.

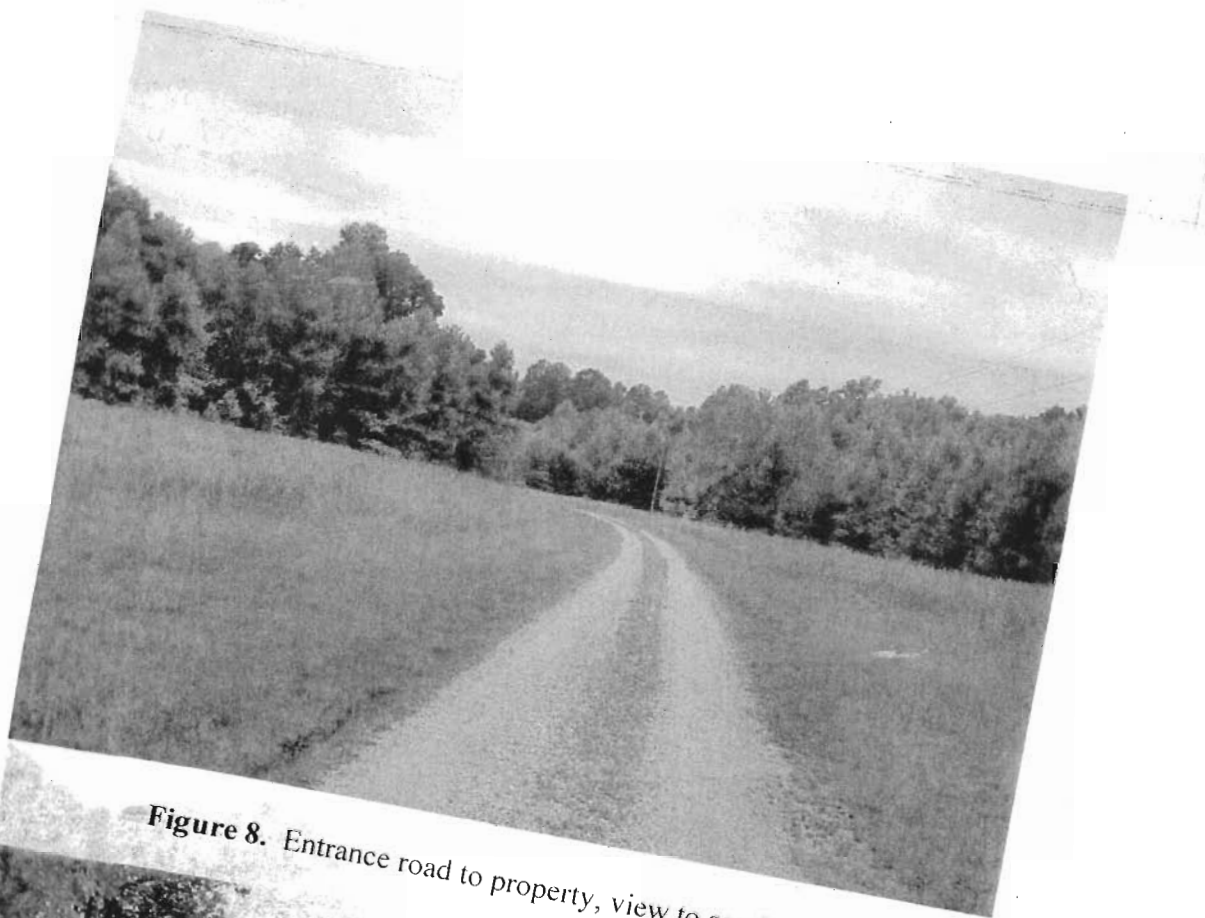


Figure 8. Entrance road to property, view to southwest.

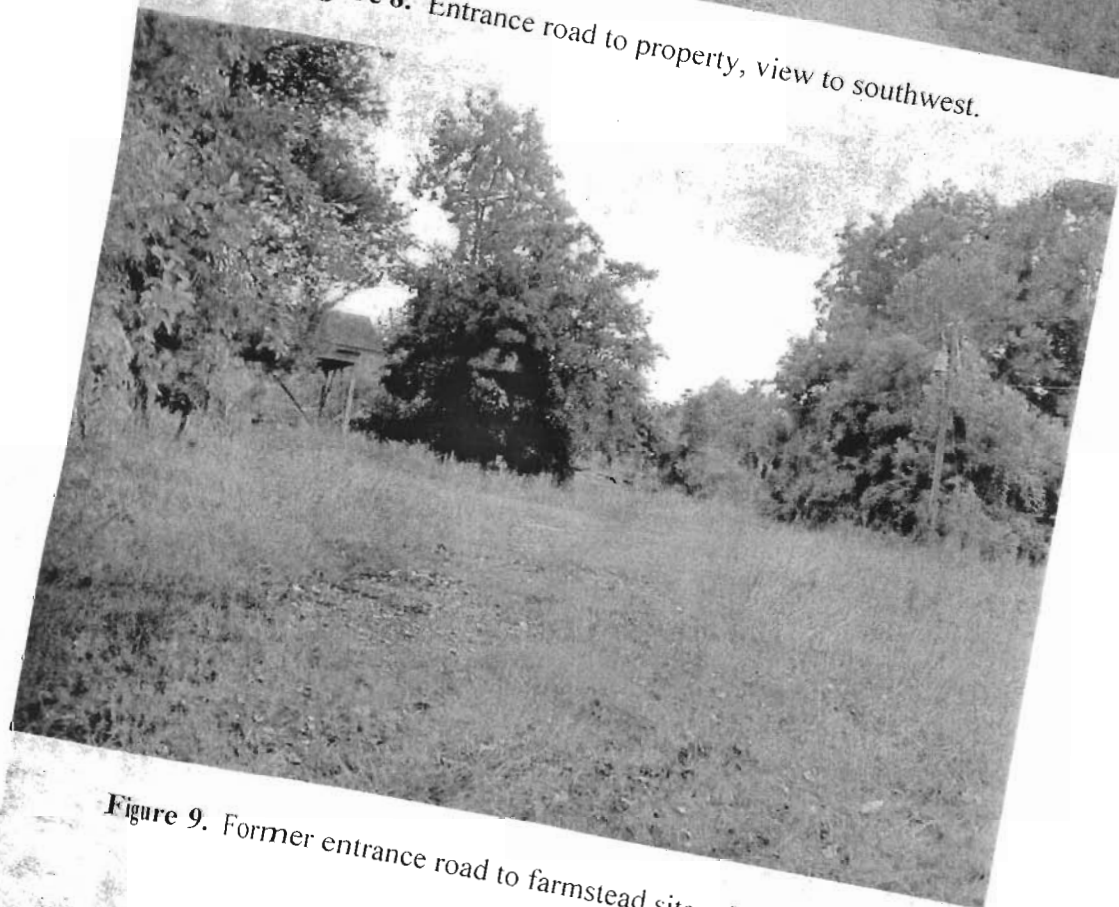


Figure 9. Former entrance road to farmstead site, view to south.



**Figure 10.** Barn, view to southeast.



**Figure 11.** Garage/storage building, view to north.

## VI. RECOMMENDATIONS

A preliminary review of the available documentary and cartographic evidence indicates that the study property was encompassed by a farm historically known as "Ratcliffe's." The most significant known historic feature on the tract was the James City Chapel, a Methodist church which stood adjacent to the old stage road (U.S. Route 60) from the 1790s until the mid-1880s, when the structure was moved to Toano. It appears that the former church site is now occupied by the Williamsburg Soap and Candle Company complex. The associated cemetery, which is still in use, is not included within the study property.

Aside from the James City Chapel, detailed military mapping from the Civil War era depicted no structures on the property. Additional documentary research remains to be done; however, the association with "Ratcliffe's" suggests that that one or more sites associated with an eighteenth- or early nineteenth-century occupation may be present. Project area soils are well-suited to local crops, particularly tobacco, and this tract would have been considered prime farmland during the colonial and antebellum periods. The situation of the property at the confluence of two tributary streams suggests that there is high potential for the presence of temporary Native American campsites dating from the Archaic and Woodland periods, as well.

A late nineteenth-/early twentieth-century farmstead was located on the property, although the main dwelling is no longer extant. The associated outbuildings do not appear to meet the eligibility criteria for listing in the National Register of Historic Places. It is likely that this site includes an archaeological component, although its significance is not likely to be great. Finally, the ca. 1959 dwelling on the property is less than 50 years old, and thus not eligible for inclusion in the National Register.



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**REZONING Z-0002-2007 / MASTER PLAN MP-0003-2007. Chestnut Grove  
Staff Report for the May 2, 2007 Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

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

May 2, 2007                      7:00 p.m.  
(T. B. D.)

**SUMMARY FACTS**

Applicant:                      Mr. Joel Almquist of Health-E-Communities Enterprises

Land Owner:                      Crumpler Properties Two, LLC

Proposal:                      To rezone a 9.018 acre parcel from a split-zoning of LB (Limited Business) and R-8 (Rural Residential) to R-5 (Multi-Family Residential), with Proffers, to accommodate a forty-unit townhouse development, at a proposed gross density of 4.43 dwelling units per acre.

Location:                      Southeast of the intersection of Wisteria Garden Drive and Pocahontas Trail (Route 60)

Tax Map/Parcel Nos.:                      5910100024

Parcel Size:                      9.018 acres

Existing Zoning:                      LB (Limited Business) and R-8 (Rural Residential)

Proposed Zoning:                      R-5 (Multi-Family Residential), with Proffers

Comprehensive Plan:                      Moderate Density Residential

Primary Service Area:                      Inside

**STAFF RECOMMENDATION**

Planning Staff finds this proposal to rezone the subject parcel from LB and R-8 to R-5 to be consistent with the James City County 2003 Comprehensive Plan, as outlined in this staff report. Due to the projected small traffic impact, the provision for affordable housing, the emphasis placed on open space and amenities, and the generally compatible nature of this proposal with respect to the surrounding community, Staff supports this proposal and recommends that the Planning Commission recommend approval of this application to rezone to the James City County Board of Supervisors. Planning Staff would also recommend to the Planning Commission that it consider recommending to the Board of Supervisors that the per unit cash contribution proffers for this proposal for Community Impacts should be increased to keep it in line with other similar projects, and with the rising costs of providing County services.

Staff Contact: David W. German

Phone: 253-6685

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

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<b>Cash Contribution Proffer Summary (2007 Dollars)</b> (See Staff Report narrative and attached proffers for further details)	
<b>Proffer Use:</b>	<b>Amount:</b>
School Contribution (Affordable Units):	\$0.00 per townhouse (x8 townhouses)
School Contribution (Restricted Units):	\$650.00 per townhouse (x8 townhouses)
School Contribution (Market-Priced Units):	\$1300.00 per townhouse (x24 townhouses)
CIP Projects Contribution (Affordable Units):	\$0.00 per townhouse (x8 townhouses)
CIP Projects Contribution (Restricted Units):	\$350.00 per townhouse (x8 townhouses)
CIP Projects Contribution (Market-Priced Units):	\$700.00 per townhouse (x24 townhouses)
<b>Total Contribution Per Unit:</b>	<b>\$0.00 Affordable Units; \$1,000.00 Restricted Units; \$2,000.00 Market-Priced Units</b>
<b>Total Development Cash Contribution:</b>	<b>\$56,000.00</b>

## **PROJECT DESCRIPTION**

Mr. Joel Almquist of Health-E-Communities Enterprises has applied to rezone the subject property located at 104 Wisteria Garden Drive from a split-zoning of LB (Limited Business) (approximately 3.70 acres) and R-8 (Rural Residential) (approximately 5.318 acres) to R-5 (Multi-Family Residential), with Proffers, for the purpose of constructing forty owner-occupied townhouses. Eight of the townhouses (20%) will be Affordable, eight of the townhouses (20%) will be price and income restricted, and twenty-four (60%) will be sold at market rate. The subject property is a total of 9.018 acres in size, and is also known as Tax Map Parcel Number 5910100024.

The development would include, once constructed, five attached townhouse buildings, perimeter buffers, open space areas, parking areas, two recreation areas collectively totaling 0.40 acres in size, an internal sidewalk network, a tot lot, and an internal paved six-foot-wide walking path. The sidewalks and walking path would feature connections to the existing sidewalk along Pocahontas Trail, Route 60. In the Illustrative Plan submitted with the Master Plan, the five townhouses buildings consist of two nine-unit buildings, two eight-unit buildings, and one six-unit building. The development would also include a stormwater management BMP. Roughly 37% of the property (concentrated at its northeastern end) consists of non-developable wetlands and associated RPA buffers that are designated by the Comprehensive Plan as a Conservation Area.

The R-5 Zoning District has very specific standards for measuring density, as outlined in Section 24-312 of the Zoning Ordinance. Specifically, if less than 35% of a given property is deemed to be not developable due to the presence of wetlands, streambeds, area subject to flooding, or areas with slopes exceeding a 25% gradient, then the developable area of the parcel shall be the total area of the parcel. For this application, we have rounded the parcel size to 9.02 acres, and summarized this calculation as follows:

Total Parcel Size	= 9.02 acres
Non-Developable Land	= 1.76 acres
Percentage of Total Parcel that is Non-Developable	= 19.51%

Because the Non-Developable Land represents less than 35% of the Total Parcel, the Gross Acreage is

considered to be the acreage of the entire parcel, or 9.02 acres. The density for the project is then calculated thusly:

$$\begin{aligned}\text{Gross Density} &= 40 \text{ dwelling units} / 9.02 \text{ acres} \\ &= 4.43 \text{ dwelling units per acre}\end{aligned}$$

If the density were to be calculated **without** the Conservation Area included in the total area of the parcel for the calculation, the Gross Density would climb to 7.04 dwelling units per acre (40 dwelling units / 5.68 acres), which would still be in keeping with the density requirements of the proposed Zoning District, which specifies that, for developments of 100 units or less, eight dwelling units per acre are permissible. No special Density Bonuses are being sought for this application. For the purpose of computing densities under Comprehensive Plan designations, Staff has consistently used gross density of a parcel. This has included sites with large areas designated as “Conservation Area.” Regardless of whether the Conservation Area is included the proposed density falls within the four to twelve dwelling-unit-per-acre range recommended by the Comprehensive Plan Designation for this site. A Special Use Permit will also not be needed for this application, as the R-5 zoning designation allows for the construction of townhouses, which may be arranged in single structures that comprise up to ten individual units. The applicant is seeking a reduction in the Community Character Corridor (CCC) Buffer from the Comprehensive Plan recommended width of 150’ to 50’ as part of this rezoning proceeding. Staff generally supports this reduction request, due to the need for affordable housing in the County, the applicant’s proffer to enhance the remaining 50’ buffer, and the County’s past practice of consistently granting this type of CCC Buffer reduction along this portion of Route 60.

## **PUBLIC IMPACTS**

### **Archaeology:**

#### **Proffers:**

- (No. 5) A Phase 1 Archaeological study will be completed and submitted with the first Site Plan for the site. Phase 2 and Phase 3 studies will be undertaken as warranted.

**Staff Comments:** Planning Staff believes that adequate measures are in place to preserve and protect archaeologically significant discoveries that may be located on the site, by virtue of this proffer, which is consistent with the County’s Archaeology Policy. The applicant has additionally proffered that treatment plans will be prepared in the event that Phase 2 and/or Phase 3 studies are warranted, and that all studies are subject to the review and approval of the Planning Director. The proposed project site is in close proximity to two historically significant properties, to include Carter’s Grove (located directly across Pocahontas Trail from the subject property) and Barlow’s Lot, a small residential dwelling listed as #047-5056 by the Virginia Department of Historic Resources (DHR), (located to the northwest of the subject property, on the far side of the 7-Eleven property). Planning Staff believes that the enhanced landscaping to be provided in the perimeter and Route 60 buffers, coupled with the low-traffic-intensity nature of the proposed development will ensure that its impacts to these two historic sites will be minimal.

### **Environmental**

#### **Watershed:** Skiffes Creek

#### **Proffers:**

- (No. 8) A nutrient management plan for the entire parcel, prepared by the Virginia Cooperative Extension Office (VCEO), a Virginia licensed soil scientist, an agent of the Soil and Water Conservation District, or other qualified professional, shall be submitted to and approved by the Environmental Director.
- (No. 19) LID features shall be added to the plan as generally shown on the Master Plan, to include saving existing trees, using wide and flat stormwater conveyance channels, encouraging infiltration,

and the use of bio-retention cells with appropriate landscaping, subject to the review and approval of the Environmental Director.

**Staff Comments:** After review of the project, the Environmental Division found no significant concerns with the proposal. The Environmental Division determined that all needed protective measures and efforts could be safely enacted at the site plan level of review for this project. Further, it was noted that there is no official sub-watershed for the project area, but that it is, however, located directly adjacent to the mainstem of Skiffes Creek. The Environmental Division commented that there are multiple opportunities for LID features on this site, and that the LID proffer would help to provide "extraordinary environmental compliance" assurances. Finally, the Environmental Division offered that there is no need to provide a Stormwater Master Plan proffer, as this site will not undergo phased development. No development of any kind is proposed inside the Conservation Area, (which includes RPA areas and associated buffers) located at the northeast end of the property.

### **Housing:**

#### **Proffers:**

- (No. 2) There shall be a Homeowners Association for the property that will help to ensure that the development is properly cared for over time;
- (No. 4) There shall be eight Affordable townhouse units priced at \$135,000.00 each, eight price and income restricted ("Restricted") townhouse units priced at \$165,000.00 each, and twenty-four market-priced townhouse units. Each of the Affordable and Restricted units will be supported by a soft second mortgage that will be forgivable over a fifteen (Affordable) or five (Restricted) year term;
- (No. 6 and 13) There shall be enhanced landscape buffers and minimum landscaping and elevation standards to help create an aesthetically pleasing community;
- (No. 9, 10, 11, and 12) Internal streets, parking areas, sidewalks, and walking trails shall be designed and built to specific standards subject to the approval of the Planning Director or the County Engineer;
- (No. 15) Each townhouse shall be constructed to meet or exceed the HERS Energy Star Certification for energy efficiency.

**Staff Comments:** Planning Staff is encouraged by the various housing proffers, in that they, collectively, create an integrated mixed-income environment, provide at least sixteen reasonably affordable workforce housing units, and provide homes that are more energy efficient than what might otherwise be offered in the open marketplace. Mr. Rick Hanson of the James City County Office of Housing and Community Development was asked for feedback on this proposal. Mr. Hanson finds the Affordable Housing component of this proposed development to be acceptable, and gave a positive endorsement of the project overall, because of the new additional affordable housing stock being created. For comparisons between the proposed Chestnut Grove development and the nearby Pocahontas Square development currently under construction from the same developer, please see the "Comparisons of Pocahontas Square and Chestnut Grove Developments" attachment to this Staff Report.

### **Parks and Recreation:**

#### **Proffers:**

- (No. 16) Recreational facilities to include one 0.31-acre open space to include a tot lot with playground facilities for five to six activities, a second 0.09-acre open space / picnic area, and approximately 0.26 miles of walking trails;
- (No. 16) A cash contribution of \$2,889, made in accordance with the Parks and Recreation Master Plan Proffer Guidelines, to be adjusted yearly by the Marshall Swift Index until paid.

**Staff Comments:** These proffers adequately meet the Parks and Recreation Master Plan Proffer Guidelines and help to provide for healthy, active outdoor activity for future residents of the development. Staff is especially supportive of the well-integrated network of walking trails and sidewalks in the proposed community which will provide the development with internal pedestrian connectivity.

### **Public Facilities and Services:**

#### **Proffers:**

- (No. 14) Cash contributions of \$350.00 for each Restricted Unit and \$700.00 for each Market Priced Unit (and \$0.00 for Affordable Units) will be paid to the County for Capital Improvement Program (CIP) projects, to be adjusted yearly by the Marshall Swift Index until paid.

**Staff Comments:** Planning Staff is concerned by the dollar value of these proffers. The Fiscal impact Analysis (FIA) submitted by the applicant clearly shows that the proposed development will cost the County a net loss of \$21,600.00 per year. Analysis of the FIA submitted reveals that, depending upon the validity of some of the assumptions made in the FIA, the yearly cost (net loss) to the County may be substantially higher than this \$21,600.00 figure. The FIA correctly explains that the County's net loss or gain is the difference between what the County makes in taxes, fees, and direct revenues generated from the development and the cost to the County of providing services (including schools, roads, emergency services, etc.) to the citizens living in the development. Planning Staff notes that the Proffers provided to the county by the same applicant on the nearby Pocahontas Square townhouse development were substantially higher, and is concerned that the County is now being asked to accept lower amounts of money—even as costs to the County to provide for its citizens continue to sharply rise. Please see the "Comparisons of Pocahontas Square and Chestnut Grove Developments" attachment to this Staff Report for further information.

### **Public Utilities:**

#### **Proffers:**

- (No. 3) A water conservation plan for the entire parcel, to be reviewed and approved by the James City Service Authority Director.
- (No. 20) A twenty-foot Utility Easement from the proposed on-site sanitary sewer main over to the neighboring property identified as 8792 Pocahontas Trail shall be dedicated to the James City Service Authority on the property.

**Staff Comments:** This site is inside the PSA and will be served by public water provided by Newport News Water Works, and public sewer provided by the James City Service Authority. After review of the project, The James City Service Authority (JCSA) determined that no cash contribution for water improvements was warranted. Due to the close proximity of a properly sized sewer main, no sewer improvements or contributions would be needed. The Service Authority did, however, ask that a 20' JCSA Utility Easement be proffered and dedicated from the sanitary sewer main to be located on the subject property to 8792 Pocahontas Trail (the neighboring parcel to the southeast), and that a guarantee that the proposed new development would be served only by gravity sewer be proffered as well. JCSA did not anticipate any problems with providing an appropriate level of service for the subject property or the intended use.

### **Transportation**

#### **Proffers:**

- (No. 7) An emergency-only entrance will allow for direct access to the property for rescue vehicles should the primary entrance become blocked.
- (No. 17) Area of a suitable width shall be set aside and kept clear of utilities along the Pocahontas Trail (Route 60) frontage of the lot to accommodate a future shoulder bike lane, in accordance with the Regional Bikeway Map adopted by James City County, Williamsburg, and York County.
- (No. 18) The developer shall incur the costs of striping, delineation, and /or marking lanes on Route 60 to accommodate the entrance for the new development, subject to the direction and approval of VDOT.

**Analysis:** The subject property in this application fronts on Pocahontas Trail (Route 60) at a location that features 40-mph east-west travel lanes separated by a center turning lane. The entrance for the proposed



development would be positioned approximately forty feet from the easternmost entrance of the adjacent 7-Eleven property, which abuts the subject property at its northwest corner. The Commonwealth of Virginia Department of Transportation (VDOT) did express some concern at the proximity of this entrance (a driveway separation of at least 150' is preferable), but said that the proposed entrance would be permissible, given that little could be done to expand the separation.

The applicant provided a basic traffic analysis for the proposed project which classifies the intended development as (Category 230) "Condo / Townhouse" under the Institution of Transportation Engineers (ITE) traffic classification system. The applicant has indicated that 28 PM Peak Hour trips would be generated from the site. Khoi Nguyen of VDOT concurred with this analysis, as does Planning Staff. Because of this low level of projected trip generation, a Traffic Study was not warranted for this proposal.

**2005 Traffic Counts (for Pocahontas Trail (Route 60)):** Plantation Road (Route 1301) to Church Street (Route 655): 10,806 Average Daily Trips

**2026 Volume Projected (for Pocahontas Trail (Route 60)):** York County Line to BASF Drive: 8,000 Average Daily Trips (Listed in the "Okay" category; assumes the Route 60 Relocation is completed)

**Road Improvements:** No improvements to Richmond Road (Route 60), beyond the installation of appropriate signage / pavement markings, a standard entrance, and provisions for a shoulder bike lane were recommended by VDOT.

**VDOT Comments:**

1. We concur with the [projected] trip generation rates as presented within the submitted study. The proposed 40 townhouse [development has] the potential to generate 295 [total] daily trips (25 AM Peak Hour; 28 PM Peak Hour).
2. Based on VDOT hourly directional counts performed in January 2007, assigning all site trips to and from the proposed entrance, a right-hand treatment or left turn lane is not warranted on Route 60.
3. An intersection capacity analysis performed by VDOT shows that all movements at the Route 60/proposed Chestnut Grove entrance intersection will operate at acceptable levels of service. The Route 60 eastbound left will operate at a LOS A in both the AM and PM peak hours, and the southbound shared left/right site entrance will operate at LOS B in both the AM and PM peak hours.
4. The James City County, Williamsburg, and York County Regional Bikeway Map, adopted by the respective Boards of Supervisors and City Council, denotes this segment of Route 60 as having a proposed shoulder bike lane. We recommend that this be accommodated along the frontage of the site.

**Staff Comments:** No significant adverse traffic impacts are anticipated from this development. The applicant has indicated that an access agreement has been reached with the owners of Wisteria Garden Parkway with respect to the Emergency Entrance that is being proposed for the Chestnut Grove development. There are Williamsburg Area Transit (WAT) stops in close proximity of the proposed development at Busch Gardens and at the Wal-Mart Distribution Center. The farthest away of the two WAT stops is approximately a mile-and-a-half away (Wal-Mart Distribution Center stop).

It should be noted that if the property were to be developed under its current Limited Business zoning designation (3.70 acres of the 9.02-acre parcel fronting onto Pocahontas Trail), it would be expected to generate substantially more traffic. In the absence of the Route 60 relocation project, the traffic conditions along this roadway are expected to continue to be a concern. Conversion of the LB zoning to R-5 helps to minimize further traffic increases. For example, if a drive-in bank was located on the subject property (a by-right use) it could conceivably generate up to 106.92 PM Peak Hour trips (*ITE Category 912*) "*Drive-In Bank*," assuming a building size of 2,000 square feet). This is roughly 3.82 times the traffic generation of the proposed townhouse development, and is representative of the difference in potential traffic impacts created under these two different zoning / development scenarios.

## **Williamsburg-James City County Schools:**

### **Proffers:**

- (No. 14) Cash contributions of \$650.00 for each Restricted Unit and \$1,300.00 for each Market Priced Unit (and \$0.00 for Affordable Units) will be paid to the County for school uses, to be adjusted yearly by the Marshall Swift Index until paid.

**Staff Comments:** With respect to the analysis of the direct impact of the proposed development to the Williamsburg-James City County School District, Staff projects, based upon multipliers provided by Financial Management Services, that seven school-aged children will be generated by Chestnut Grove. Typically, three of these children will attend Elementary School (44%), two will attend Middle School (24%), and two will attend High School (32%). The applicant has indicated that the schools serving this location would be James River Elementary School, James Blair Middle School, and Jamestown High School. The following table is reproduced from the applicant's proposal, and has been verified by Staff:

### **Effective School Capacity<sup>A</sup>**

Existing Public School Facility:	Design Capacity: <sup>C</sup>	Effective Capacity:	2006 Enrollment:	Remaining Capacity:	Percentage of New Chestnut Grove Students:	Number of New Chestnut Grove Students:
James River Elementary:	588	514	456	58	44%	3
James Blair Middle:	625	764	658	106	24%	2
Jamestown High:	1250	1177	1591 <sup>B</sup>	-414 <sup>B</sup>	32%	2
<b>Totals:</b>	<b>2455</b>	<b>2455</b>	<b>2705</b>	<b>-250<sup>B</sup></b>	<b>100%</b>	<b>7</b>

<sup>A</sup> Source – 2007-2008 5-Year Enrollment Projection Report

<sup>B</sup> Projected Enrollment for Jamestown High is 1065; the lower number is due to the relief provided by the opening of the new third High School, (Warhill High School), in September, 2007.

<sup>C</sup> Source – Williamsburg-James City County Schools Ten-Year Enrollment Projections (October 2003)

Based on this analysis, the seven students projected to be produced from the new development would not cause the enrollment levels for these three schools to exceed their effective capacities. The proposed development fails the Adequate Public Facilities Test (APF Test) Policy at the Middle School Level, as the Board of Supervisors adopted policy (June 23, 1998) is based on Design Capacity rather than Effective Capacity. If, however, the analysis is based on Effective Capacity, then the new proposal passes the APF Test. As it is noted that a new Middle School is scheduled to open in 2009, Staff believes that this proposal would still meet the APF Test Guidelines.

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	<i>Moderate Density Residential (Page 121):</i> Moderate density areas are residential developments or land suitable for such development with a minimum gross 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, and public benefits outlined in the Comprehensive Plan.  <b>Staff Comment:</b> The proposed use is consistent with this land use designation, as it offers mixed-cost housing, affordable housing, unusual environmental protection, and open space design. The application also proposes a density of 4.43 dwelling units per acre, which is consistent with this Comprehensive Plan designation. This proposal also meshes well with surrounding development, as nearby properties are typically designated Low Density Residential or Moderate Density Residential, and also because the density being proposed for this development is on the low-end of the permissible scale, which keeps it more in line with its neighbors. The proposal brings the zoning of the subject property into conformance with the Moderate Density Residential designation and thereby avoids commercial uses
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	that may impact surrounding residents and visually impact Carter's Grove.
Development Standards	<p><i>General Land Use Standards No.01 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.</p> <p><i>General Land Use Standards No. 02 (Page 134):</i> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses.</p> <p><i>Residential Land Use Standards No. 02 (Page 137):</i> Design residential developments in a manner that fosters a sense of place and community and avoids the image of continuous urban sprawl.</p> <p><b>Staff Comment:</b> Staff finds the proposed use to be consistent with its neighboring uses. Surrounding the subject Property on three sides are residential properties that feature a mix of manufactured homes, townhouses, and single family homes, which feature approximate densities of 3.41 Dwelling Units-per-acre (Wisteria Gardens Mobile Home Park), 6.68 Dwelling Units-per-acre (Heritage Mobile Home Park), and 6.86 Dwelling Units-per-acre (Pocahontas Square). Directly across Pocahontas Trail from the subject Property is Carter's Grove, which is well screened by its own vegetation, and which will also be screened by the buffer that will be planted and/or preserved on the subject property along Route 60. The proposed development is served by Public Water and Public Sewer as required by the Zoning Ordinance and recommended by the Comprehensive Plan for Moderate Density Areas. Because of the attention to detail and considerable amenities offered to potential future residents by this proposal, this development is likely to foster a sense of community, and because of individual home ownership, of pride as well.</p>
Goals, Strategies, and Actions	<p><i>Goal No. 02 (Page 138):</i> Direct growth into designated growth areas in an efficient and low-impact manner.</p> <p><i>Strategy No. 06 (Page 138):</i> Promote the use of land consistent with the capacity of existing and planned public facilities and the County's ability to provide such facilities and services.</p> <p><i>Action No. 02 (Page 139):</i> Amend the Zoning Ordinance to ensure that allowed densities within residential zoning districts are consistent with densities recommended by the Comprehensive Plan.</p> <p><b>Staff Comment:</b> Staff finds that the proposed use proposes to put growth and appropriate density onto land that is planned for such development. The subject property is served by public utilities, and is situated in close proximity to shopping and services. The impact to public facilities and services should be well-handled due to the scale of the development, and the planned opening of Warhill High School. The development proposal will avoid generating adverse levels of dust, noise, odor, pollution, or vibration, and fits in well with its neighboring surroundings, due to this low level of impact and similar function. Staff finds that this proposed rezoning would put, if granted, an appropriate development on an appropriately zoned parcel that is consistent with the tenets of the Comprehensive Plan.</p>

## Environment

General	<p><i>Natural Resources Protection and Management, Landowner Stewardship (Page 46):</i> Promotes effective conservation and resource protection by individual land owners.</p> <p><b>Staff Comment:</b> The Environmental Division did not identify any significant concerns with the proposed use, in terms of its potential impact upon the Skiffes Creek Watershed. Staff is satisfied that any negative impacts generated by the proposed use will be very minor and properly mitigated by the protections built into current Environmental ordinances (e.g., Chesapeake Bay Ordinance, etc.) The carefully designed Turf Management Proffer will provide individual townhouse owners with effective tools and information to reduce the amounts of fertilizers and nutrients that are introduced in the watershed. Individual ownership tends to create pride in the maintenance of landscaping and open space areas.</p>
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Goals, Strategies, and Actions	<i>Strategy No. 02 (Page 65):</i> To assure that new development minimizes adverse impacts on the natural and built environment.
	<i>Action No. 05 ( Page 66, item g):</i> To encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.
	<i>Action No.13 (Page 66):</i> Minimize negative effects of urban development and agricultural practices on water quality through increased education and sound policies such as Watershed Planning, Agricultural Best Management Practices (BMPs), erosion control measures, stream bank buffers, and other nonpoint source controls.
	<i>Action No.23 (Page 67):</i> To encourage residential and commercial water conservation.  <b>Staff Comment:</b> The applicant will use Best Management Practices (BMP) as required by ordinance, nutrient management testing and control measures, (Proffer #8), and Water Conservation measures, (Proffer #3). The applicant has taken steps to reduce impervious cover and to increase open space by increasing density, which is also of benefit.

### Community Character

General	<i>Community Character Corridors (Page 83):</i> The proposed development fronts Pocahontas Trail (Route 60), a Community Character Corridor.
	<b>Staff Comment:</b> The applicant has submitted a design with a reduced-width but positively enhanced buffer to address the site's location along the Pocahontas Trail (Route 60) Community Character Corridor. By enhancing the landscape buffer with larger plantings, using architecture that is not incompatible to the area, taking steps to preserve as many existing trees as possible, and using enhanced planting measures in the perimeter buffers, the applicant has presented a development that meets or exceeds the minimum visual standards for Community Character Corridors.
Goals, Strategies, and Actions	<i>Goal No. 01 (Page 95):</i> Improve the overall appearance of the County's urban and rural environment.
	<b>Staff Comment:</b> By providing enhanced buffer plantings, and by potentially making pride-in-home-ownership (and the corresponding care for lawns, common areas, landscaping and exterior maintenance) possible for many lower income families, the proposed rezoning will potentially add to the aesthetic quality of the Pocahontas Trail (Route 60) Community Character Corridor.

### Transportation

General	<i>Route 60 East Relocation / Pocahontas Trail (Page 76):</i> A relocation and upgrading project, this realignment will divert traffic from Route 60 East, which experiences traffic congestion from industrial and tourist traffic.
	<b>Staff Comment:</b> Planning Staff recognizes that Pocahontas Trail is ill-equipped to handle the increasing traffic strain being placed upon it in this region of the County. Due to funding, design and engineering constraints, and time-to-construct, the proposed realignment of Route 60 may take several years to physically complete. By rezoning the subject property from LB to R-5, the potential for increased traffic impacts on Route 60 is lowered. (See example of LB development provided in the Transportation portion of the Public Impacts section of this Staff Report.)

### Housing

General	<p><i>Affordability (Page 105):</i> For housing to be affordable for a family or household, housing expenses generally should not exceed 30% of gross monthly household income. Within a region, the term affordable housing generally refers to housing available to persons who have incomes below the area median income, provided that the occupant pays no more than 30% of gross income for housing costs, including utilities. The location of housing can greatly affect other expenses, especially that of transportation. Low-income households and rural households pay a higher percentage of income on transportation costs than those in moderate income or urban households. These higher costs can present a barrier to home ownership.</p> <p><b>Staff Comment:</b> Planning Staff believes that providing new opportunities for affordable housing in James City County is critical to the long-term economic health and viability of the County. Among others, teachers, government employees, fire, EMT, and police personnel, and service workers all benefit from affordable housing. By having affordable housing located in James City County, lower income individuals and families can live closer to the jobs they have here, easing congestion on our roadways, and providing a work force for retail and service industry companies. The James City County Office of Housing and Community Development has reviewed the affordable housing component of this application, and finds that it will provide additional affordable housing stock for the County that is appropriately priced to benefit the local buyer's market.</p>
Goals, Strategies, and Actions	<p><i>Goal No. 02 (Page 106):</i> Eliminate substandard housing conditions.</p> <p><i>Goal No. 03 (Page 106):</i> Increase the availability of affordable housing.</p> <p><b>Staff Comment:</b> By developing quality homes with HERS Energy Star ratings (Proffer #15) that can be sold at affordable prices, low-income home buyers are presented with the opportunity to leave substandard housing conditions behind. There shall be enhanced landscape buffers, and minimum landscaping and elevation standards to help create an aesthetically pleasing community, (Proffers 6 and 13), and internal streets, parking areas, sidewalks, and walking trails shall be designed and built to specific standards subject to the approval of the Planning Director or the County Engineer (Proffers 9, 10, 11, and 12). These features will help to ensure that no new substandard housing is created. This proposed development plan will add a minimum of eight affordable and eight restricted income single family townhouse units to the County's housing stock.</p> <p><i>Strategy No. 11 (Page 107):</i> Promote infill residential development to minimize site development costs and unnecessary sprawl, and maximize the development potential of land convenient to public facilities and services.</p> <p><b>Staff Comment:</b> The proposed development places affordable and lower-priced homes on a piece of property that is surrounded on all sides by already developed land. The subject lot has ready access to public water and sewer facilities, is located in convenient proximity to public facilities and services, and lends itself well to development in the proposed capacity.</p> <p><i>Action No. #04 (Page 107):</i> Ensure that adequate land for moderate density housing is located in areas served by public utilities and is convenient to public transportation and major thoroughfares, employment centers, schools, recreation facilities, and shopping facilities.</p> <p><b>Staff Comment:</b> By rezoning the subject property to allow for Multi-Family housing, the County can make more land available for moderate density housing in a manner that is compatible with the Comprehensive Plan. The subject site is located close to many major arterials and transit options, as well as being in close proximity to many employment areas.</p>

**Comprehensive Plan Staff Comments:** Planning Staff finds this proposal to be compatible with the James City County 2003 Comprehensive Plan, especially in the areas of Comprehensive Plan Land Use Designation and Affordable Housing.

#### **STAFF RECOMMENDATION**

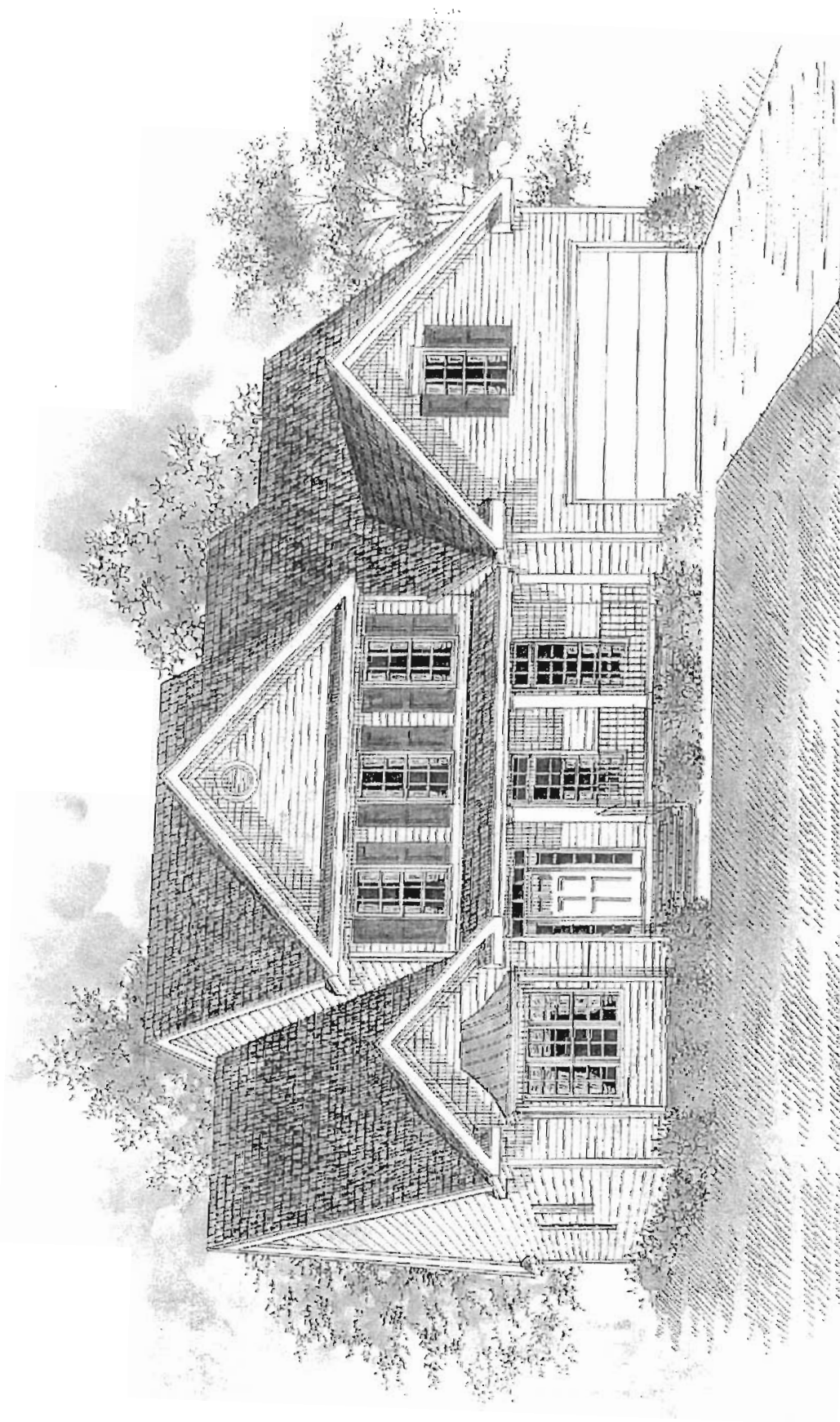
Planning Staff finds this proposal to rezone the subject parcel from LB and R-8 to R-5 to be consistent with the James City County 2003 Comprehensive Plan, as outlined in this staff report. Due to the projected small traffic impact, the provision for affordable housing, the emphasis placed on open space and amenities, and the generally compatible nature of this proposal with respect to the surrounding community, Staff supports this proposal and recommends that the Planning Commission recommend approval of this application to rezone to the James City County Board of Supervisors. Planning Staff would also recommend to the Planning Commission that it consider recommending to the Board of Supervisors that the per unit cash contribution proffers for this proposal for Community Impacts should be increased to keep it in line with other similar projects, and with the rising costs of providing County services.

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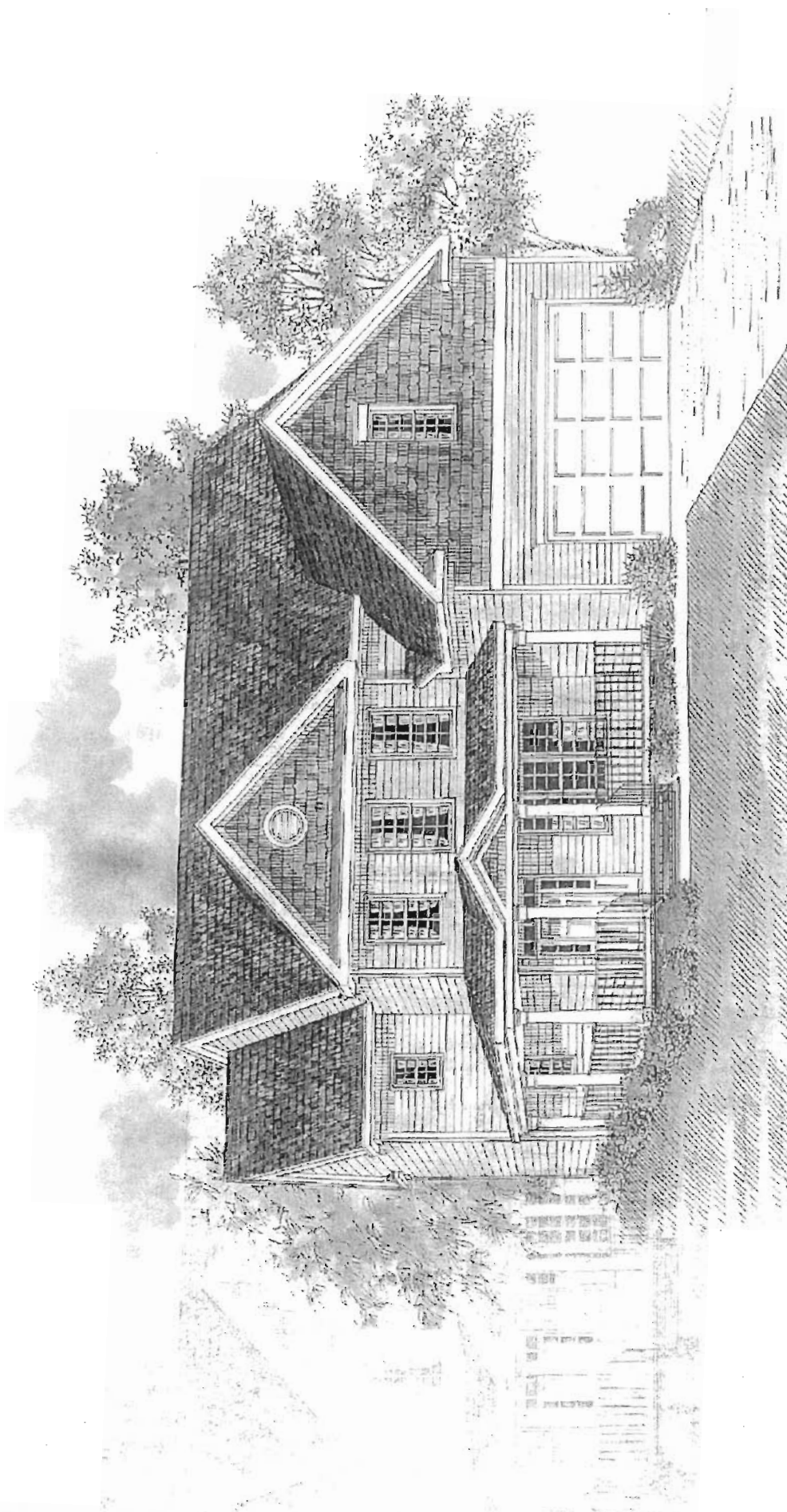
David W. German, Planner

**ATTACHMENTS:**

1. Project Location Map
2. Proffers
3. Comparisons of Pocahontas Square (2005) and Chestnut Grove (2007) Developments
4. Applicant's Architectural Elevations (under separate cover)
5. Applicant Additional Information Handout (under separate cover)
6. Master Plan (under separate cover)

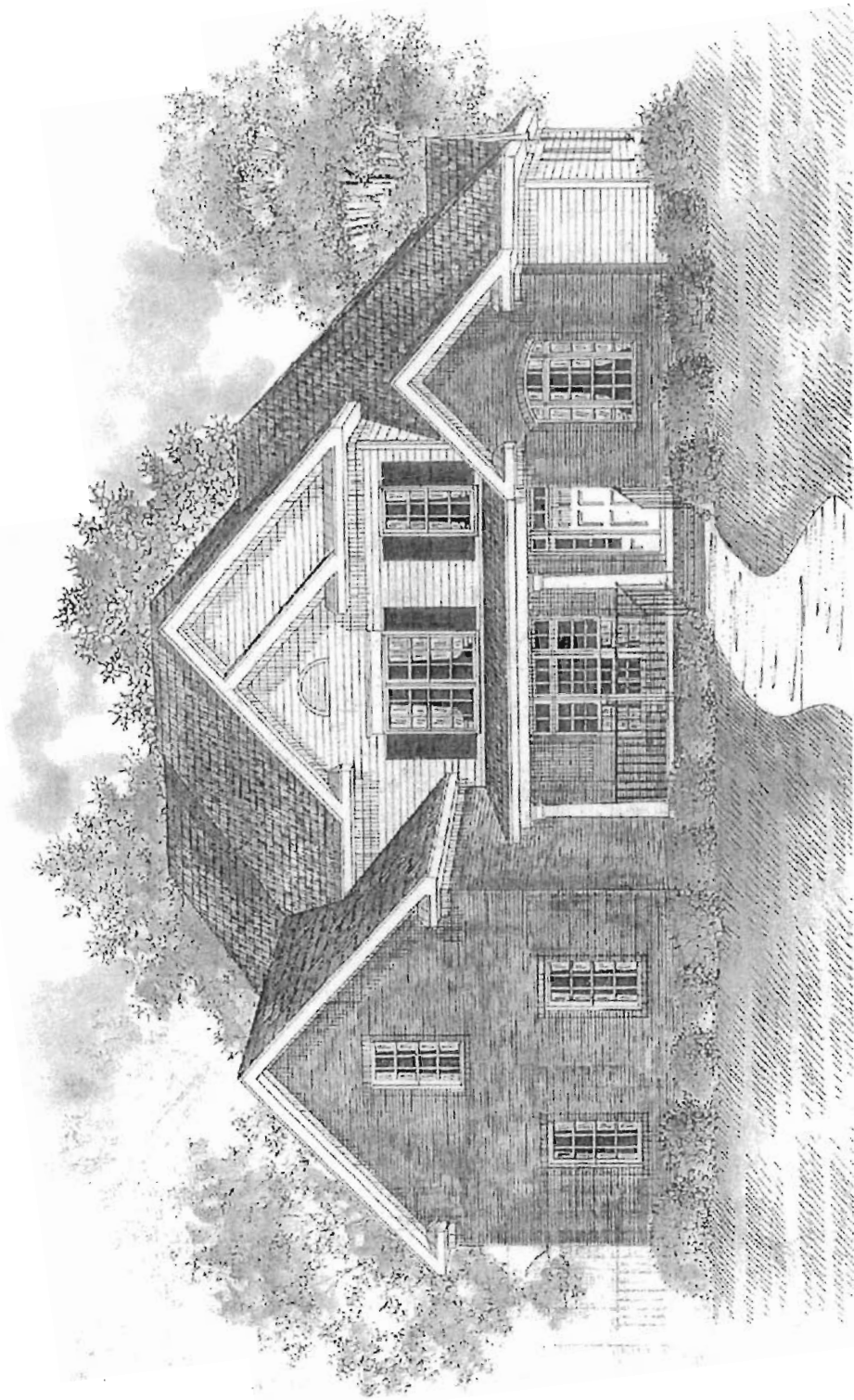


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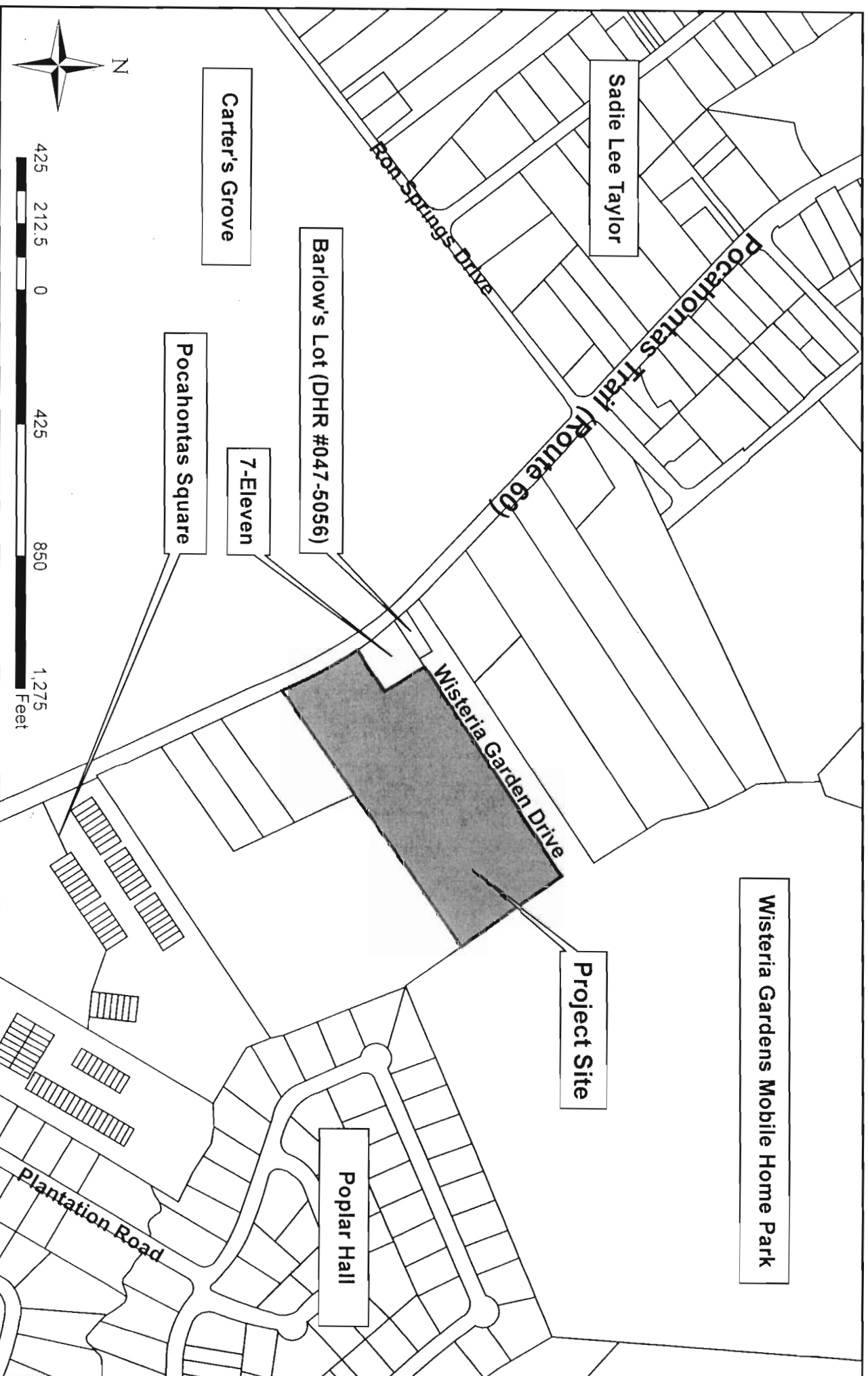
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# JCC-Z-0002-2007 / JCC-MP-0003-2007 Chestnut Grove



## COMPARISONS OF POCAHONTAS SQUARE (2005) AND CHESTNUT GROVE (2007)

**Table 1: Selected Proffer Contributions Comparison:**

Townhouse Type:	Capital Improvement Program (CIP) (Pocahontas Square):	Capital Improvement Program (CIP) (Chestnut Grove):
Affordable:	\$0.00	\$0.00
Restricted:	\$425.00	\$350.00
Market-Priced:	\$1,250.00	\$700.00

*Note: This is a comparison of unadjusted Proffer Amounts in the final version of the proffers for each project.*

**Table 2: Proposed Development Composition:**

Townhouse Type:	Proposed Number of Units: (Pocahontas Square):	Proposed Number of Units: (Chestnut Grove):	Percentage of Development: (Pocahontas Square):	Percentage of Development: (Chestnut Grove):
Affordable:	24	8	25.00%	20.00%
Restricted:	38	8	39.58%	20.00%
Market-Priced:	34	24	35.42%	60.00%
Totals:	96	40	100.00%	100.00%

*Note: This is a comparison of unit type breakdowns in the final versions of each project.*

**Table 3: Proposed Unit Selling Prices:**

Townhouse Type:	Proposed Selling Price: (Pocahontas Square):	Proposed Selling Price: (Chestnut Grove):	Adjusted Selling Prices (2007): (Pocahontas Square):
Affordable:	\$110,000.00	\$135,000.00	\$116,584.00
Restricted:	\$155,000.00	\$165,000.00	\$164,277.00
Market-Priced:	(Market)	(Market)	(Market)

*Note: This table shows initially proffered price points, as well as the adjusted-for-2007-dollars price points for Pocahontas Square.*

**Table 4: Proposed Cash Reserve:**

Development:	Total Cash Reserve:	Proposed Number of Units:	Cash Reserve Per Unit:
Pocahontas Square:	\$12,960.00	96	\$135.00
Chestnut Grove:	\$5,400.00	40	\$135.00

*Note: This table illustrates that the developer per-unit contribution toward HOA Cash Reserve fund for both projects was calculated the same way, at \$135.00 per unit.*

## PROFFERS

THESE PROFFERS are made this \_\_\_\_ day of April, 2007, by Crumpler Properties Two, LLC, together with its successors and assigns ("Owner"), and Jay E. Epstein and/or assigns ("Developer").

## RECITALS

WHEREAS, Owner is the record title owner of land located in James City County, Virginia, with an address of 104 Wisteria Garden Drive, Williamsburg, Virginia, and being Tax Parcel 5910100024 (the "Property");

WHEREAS, Developer has contracted to purchase the Property conditioned upon rezoning;

WHEREAS, Owner and Developer have applied to rezone the Property from LB and R-8 to R-5, Multifamily Residential District, with Proffers;

WHEREAS, Developer has submitted to the County a Master Plan entitled "Master Plan of Chestnut Grove" prepared by AES Consulting Engineers, dated the 16th day of March, 2007 (Revised on the 20<sup>th</sup> day of April, 2007) (the "Master Plan"), for the Property in accordance with the County Zoning Ordinance; and

WHEREAS, the Owner and Developer desire to offer to the County certain conditions on the development of the Property, not generally required under the current Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the James City 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 subdivided and developed generally as shown on the Master Plan prepared by AES Consulting Engineers, identified as Project Number 9428, and dated April 20, 2007. Only minor deviations from this Master Plan, which do not change the basic concept or character of the development, shall be permitted, and must receive prior approval from the Development Review Committee.

2. **Owners Association.** There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with the conditions and application. 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 road and parking areas ("Reserve"), 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. Developer shall maintain all common areas on the Property until 90% of the lots/units on the Property have been sold to minimize

Association dues during that period so as to not adversely affect purchaser's ability to qualify for a home mortgage.

At the time Developer's maintenance obligation under this Section ends, there shall be at least \$5,400.00 in the Reserve and Developer shall supply evidence of the mechanism to secure the same to the Director of Planning. In addition to said funds, at each closing prior to HOA conveyance, each new homeowner shall pay \$150.00 per unit to be deposited in said reserve account.

3. **Water Conservation.** Water conservation standards shall be submitted to and approved by the James City Service Authority and Developer and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as prohibitions 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 site plan approval, and shall be installed by owner.

4. **Affordable Housing (Proposition 20/20).** A minimum of 20% (8 townhouses) of the townhouse dwelling units shall be reserved and offered for sale at a net sales price to buyer at or below \$135,000.00 subject to adjustment as set forth herein. A second deed of trust shall be assigned unto the James City County Office of Housing and Community Development for the difference of the appraised value of the townhouse and the net sales price paid by the purchaser of the townhouse, which shall be reflected on a settlement statement for review prior to closing. This deed of trust shall, subject to the request of James City County Office of Housing and Community Development, be assigned to James City County at the time of closing, utilizing appropriate approved

procedures and identifying the net sales price paid by the purchaser of the townhouse for the 8 townhouses sold through James City County for \$135,000.00 or less ("Affordable Units"). The second deed of trust will be prepared so as to provide the Purchaser a 15 year loan, forgivable during the 15 year term, in such form as approved by the Office of Housing and Community Development, the County Attorney, and the Virginia Housing Development Authority.

A minimum of 20% (8 townhouses) of the townhouse dwelling units shall be reserved and offered for sale at a price at or below \$165,000.00, subject to adjustment as set forth herein ("Restricted Units"). A second deed of trust will be prepared so as to provide the Purchaser a 5-year forgivable loan over the 5-year term, in such a form as approved by the Office of Housing and Community Development and the County Attorney. The second deed of trust may be held by the County or a third party nonprofit agency at the discretion of the developer. If the second deed of trust is held by a party other than the County, the deed of trust shall include such terms as to permit the County to monitor and administer the enforcement of the terms of the note. Such terms shall be approved in advance by the Office of Housing and Community Development and the County Attorney. The maximum prices set forth herein shall be adjusted semi-annually, on January 1st and July 1<sup>st</sup> of each year, by increasing such prices by the cumulative rate of inflation as measured by the Marshall and Swift Build Costs Index annual average change for the period from January 1, 2008, until July 1st or January 1<sup>st</sup> to reflect any increase or decrease for the preceding period in the Marshall and Swift Build Costs Index. In no event shall the prices be adjusted to a sum less than the initial "Affordable" or "Restricted" prices. 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. Developer shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis.

5. **Archaeology.** A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to or with the initial Site Plan submission for this property. 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.

6. **Landscape Buffers and Requirements.**

a.) ***Route 60 Landscape Buffer:*** There shall be a 50 foot landscape buffer along the Route 60 frontage of the Property measured from the edge of right-of-way. Prior to the County being obligated to grant final site plan approval for the Property, a landscaping plan for the 50 foot landscape buffer along the Route 60 frontage of the Property consistent with this Condition shall be prepared and submitted for review and approval of the Director of Planning. The landscaping plan shall include additional trees and shrubs at the quantity and mixture required by Section 24-94 of the James City County Zoning Ordinance, and that are sized at 125% of what is required in the Ordinance, to supplement the existing trees and shrubs in the buffer.

b.) ***Preservation of Existing Trees and Shrubs; Installation of Landscaping:*** Prior to the submission of a site plan for review by the County, the Developer shall meet onsite with the Landscape Planner of the Planning Division to identify existing trees and groups of trees that shall be protected and preserved in the setback, perimeter buffer, and open space areas of the property during clearing and construction, and included on the landscaping plan submitted as permanent trees for the property. The trees, shrubs, and other plants shown in the approved landscaping plan shall be either (i) planted on the Property or (ii) bonded in a form satisfactory to the County Attorney prior to issuance of any building permits for the project. The buffers, setbacks, and open space areas shall be exclusive of any lots or units and shall be undisturbed, except for the landscaping proffered herein and, with the approval of the Director of Planning, utilities, the entrance as shown generally on the Master Plan, the

pedestrian trail proffered hereby, sidewalk connections, recreation amenities, lighting, entrance features and signs.

c.) ***Perimeter Landscape Buffer:*** Wherever the 35' Perimeter Landscape Buffer abuts an LB zoned property, it shall be planted at the quantity and mixture required by Section 24-94 of the James City County Zoning Ordinance, with trees and shrubs that are sized at 125% of what is required in the Ordinance, to supplement the existing trees and shrubs in the buffer.

d.) ***Adjacent to Building Landscape Requirements:*** The landscaping plan shall reflect that 50% of the Adjacent-to-Building Landscaping is comprised of evergreen plantings.

7. **Entrance and Emergency Ingress and Egress.** There shall be only one entrance into the Property from Pocahontas Trail (Route 60). This entrance shall have one exiting lane and one entering lane. In addition thereto, there shall be a 14 foot gravel base, grass covered, emergency ingress and egress, with a knock down barrier (bollards) such as to prevent regular traffic use thereof. Said emergency access to be constructed in accordance with the Master plan prepared by AES dated April 20, 2007, and with the approval of James City County Fire Department.

8. **Turf Nutrient Management Plan.** The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soils tests and to develop, based upon the results of the soils tests, customized nutrient management plans (the "Plans") for all common areas within the Property and each individual townhouse lot platted within the Property. The Plans shall be submitted

to the County's Environmental Director for his review and approval prior to the issuance of the eleventh certificate of occupancy for any townhouse unit on the Property. Upon approval, the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Plan. The Developer or Association shall provide a copy of the applicable Plan made for the individual townhouse lots to the initial purchaser thereof. Within twelve months after issuance of the certificate of occupancy for the final townhouse on the Property, and every three years thereafter, a turf nutrient management information seminar shall be provided by the Association and conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

9. **Sidewalk Connections and Construction.** There shall be two sidewalk connections from the internal sidewalks in the development to the existing sidewalk adjacent to Route 60, generally as shown on the Master Plan. Sidewalks may be installed in phases as residential units are constructed. All sidewalk connections and internal sidewalks associated with a particular building or phase of the development shall be completed or bonded in a form acceptable to the County Attorney prior to the issuance of any building permits for that building or phase.

10. **Sidewalk Design.** The design of all sidewalks shall be subject to the approval of the Director of Planning as part of the final approval of the site plan submitted for the Property, to ensure adequate sidewalk placement and width to provide for pedestrian circulation.

11. **Pedestrian Trail.** There shall be a paved walking trail at least six feet in width installed on the Property, generally as shown on the Master Plan. The trail shall be

located to avoid mature or specimen trees identified on the Landscape Plan (see Proffer #6), and otherwise where reasonably feasible, and the exact location and design of the trail shall be approved by the Director of Planning. (The trail shall be constructed or bonded in a form acceptable to the County Attorney prior to issuance of any building permits for the Property.)

12. **Private Streets.** The private streets and parking areas in the development shall be constructed in accordance with applicable James City County standards for private streets. All streets and parking areas shall be curb-and-gutter construction. All construction plans and cross-sections for streets and parking areas are subject to the review and approval of the County Engineer.

13. **Architectural Elevations.** The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the proposed Typical Townhouse Elevations, as submitted in the appendix of the "Community Impact Statement for Chestnut Grove Rezoning Application," prepared for and by Health-E Community Enterprises of Virginia, Inc., as determined by the Director of Planning.

14. **Cash Contributions for Community Impacts.** The project shall consist of no more than forty townhouse units, eight of which will be "Affordable," eight of which will be "Restricted," and twenty-four of which will be sold at market rates. Cash contributions to offset the fiscal community impacts of these units will be as follows:

(a) A contribution of \$650.00 for each Restricted 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 use.

(b) A contribution of \$350.00 for each Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, school uses, off-site road improvements, library uses, and public use sites.

(c) The contribution of \$1300.00 for each dwelling unit other than an Affordable Unit or Restricted 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 use.

(d) A contribution of \$700.00 for each dwelling unit other than an Affordable Unit or Restricted Unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, school uses, off-site road improvements, future water needs, library uses, and public use sites. No contributions shall be required for the affordable housing units.

(e) The contributions described above, unless otherwise specified, shall be payable prior to final approval of the site plan for each unit.

(f) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2008, to reflect any increase or decrease for the preceding year in the Marshall and Swift Build Costs Index (the "Index"). 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 Index as of December 1st in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1st in the year preceding the calendar year most currently expired. In the event a substantial change is made in the method of establishing the Index, 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 the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (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.

15. **Energy Efficient Homes.** All the townhouses shall be certified by a HERS rater to meet or exceed the Energy Star Certification. Each ENERGY STAR qualified new home must achieve a HERS score of at least 86. A copy of the HERS Energy Star Certification for each unit, once available, shall be provided to the Director of Planning.

16. **Recreation.**

(a) The following recreational facilities shall be provided: (i) approximately .45 acres to include one playground (tot lot) with playground equipment for five to six activities; (ii) approximately .19 acres for open space picnic area; and (iii) approximately .26 miles 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 Director of Planning.

(b) Developer shall pay a cash contribution of \$2,889 to be adjusted using the Marshall Swift Index yearly, beginning January 1, 2008, and again on the first day of each successive year, until paid in accordance with the Parks and Recreation Master Plan Proffer Guidelines.

(c) The recreational facilities and cash contribution proffered under this Section shall be installed or bonded in a form satisfactory to the County Attorney (or paid, in the case of the cash contributions) prior to the issuance of the 30th building permit for any townhouse unit on the Property.

17. **Bike Lanes.** Developer agrees to preserve the right-of-way area along the Route 60 frontage of the Property for the designation of a four foot wide bike lane, and agrees to not install any new underground or above ground utilities within such areas that may, as determined by the Director of Planning, prevent the construction of a bike lane.

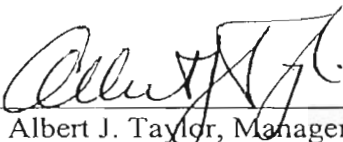
18. **Route 60 Entrance.** At its sole cost and at the direction and approval of VDOT, the Developer shall stripe, delineate and/or mark the Route 60 roadway at the entrance of the Property.

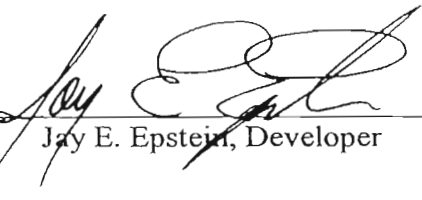
19. **Low Impact Design (LID) Features.** The Developer shall construct LID features on the Property in the areas generally shown on the Master Plan. Such LID features shall include saving existing trees where possible, use of wide and flat storm water conveyance channels, and encouraging infiltration and the use of bioretention cells with appropriate landscaping. Final LID construction techniques and locations shall be determined and approved by the Director of the Environmental Division prior to final site plan approval.

20. **JCSA Utility Easement.** The Developer shall record a 20-foot JCSA Utility Easement from the location of the proposed sanitary sewer main on the Property to the property located at 8792 Pocahontas Trail. The final location of the JCSA Utility Easement shall be determined by the JCSA and the Developer prior to final site plan approval.

WITNESS the following signatures:

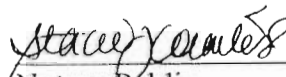
CRUMPLER PROPERTIES TWO, LLC

By:   
Albert J. Taylor, Manager

By:   
Jay E. Epstein, Developer

Commonwealth of Virginia  
CITY/COUNTY OF POCSMOUTH, to wit:

The foregoing instrument was acknowledged this 25<sup>th</sup> day of APRIL, 2007, by Albert J. Taylor, Manager of Crumpler Properties Two, LLC.

  
Notary Public

My commission expires: November 30, 2010



Commonwealth of Virginia

CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged this 25<sup>th</sup> day of April, 2007, Jay E. Epstein.

John K. Laikar  
Notary Public

My commission expires: 7/31/09

(404545)

# TYPICAL TOWNHOUSE ELEVATIONS

HAWK

SWAN

OWL

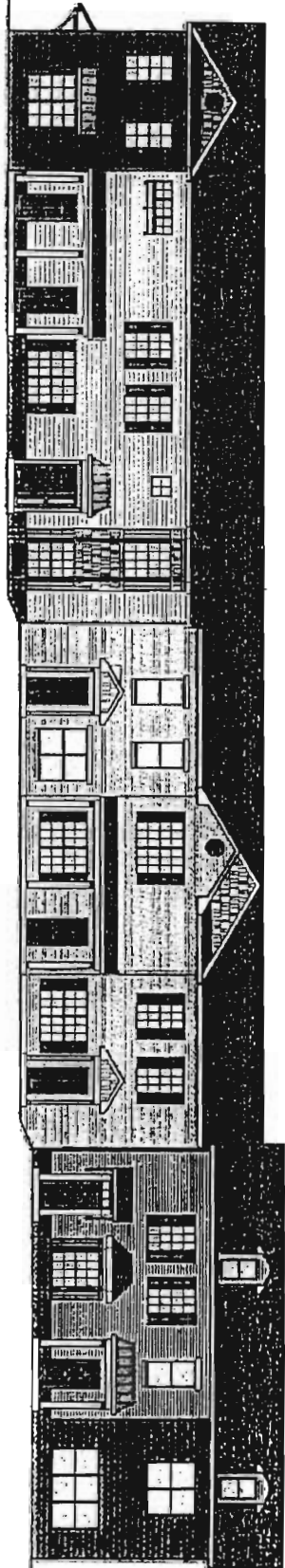
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HAWK

SWAN

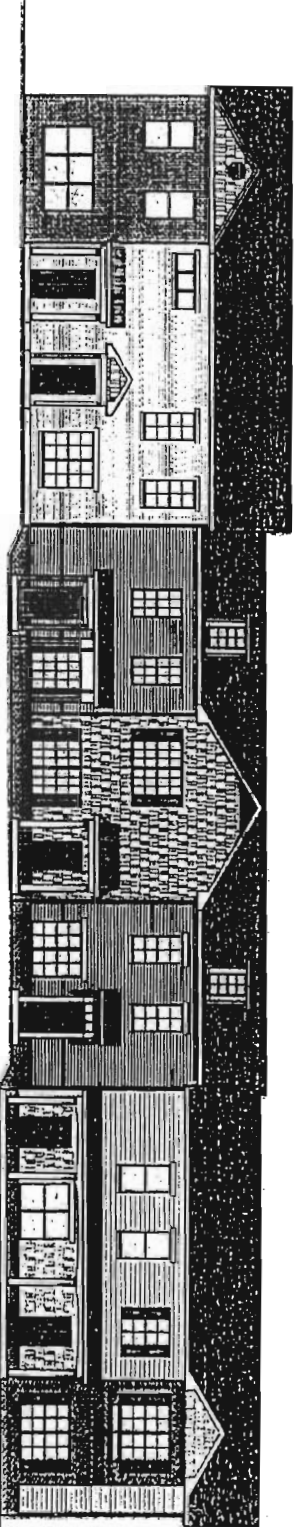
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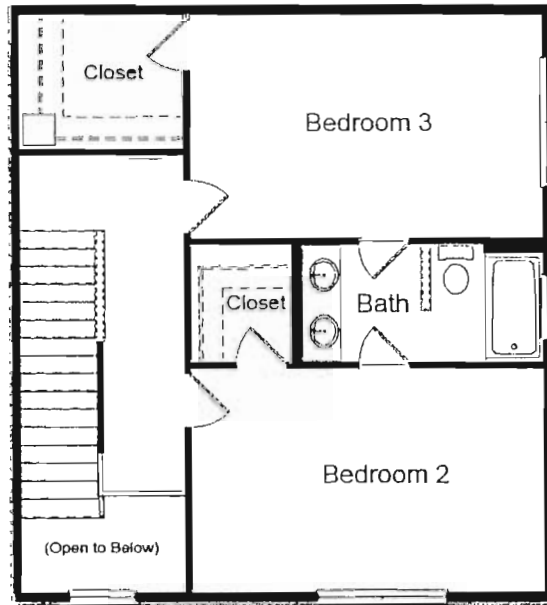
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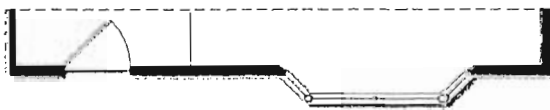




First Floor



Second Floor

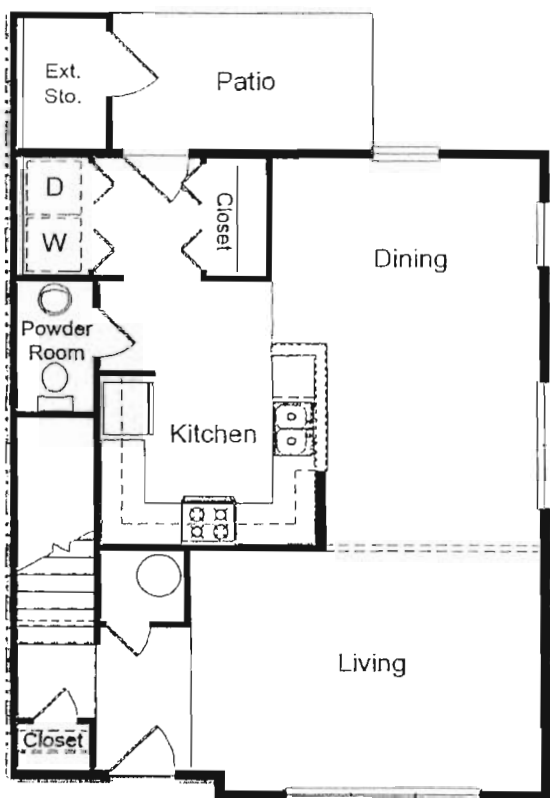


Bay Option

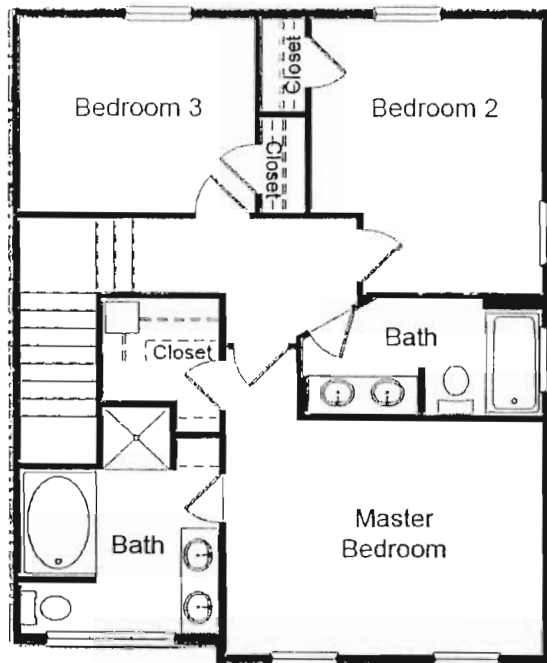


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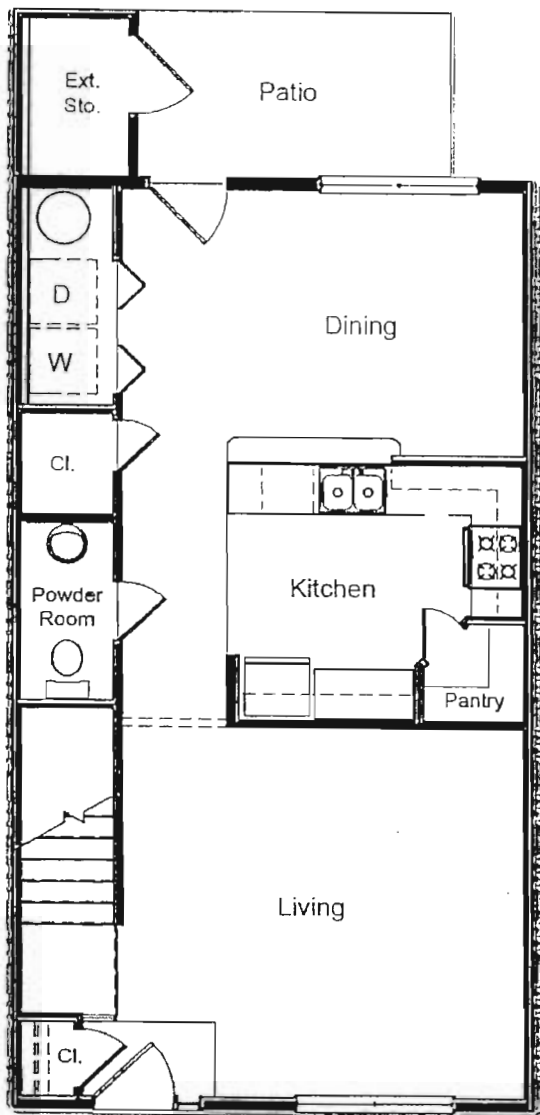
First Floor



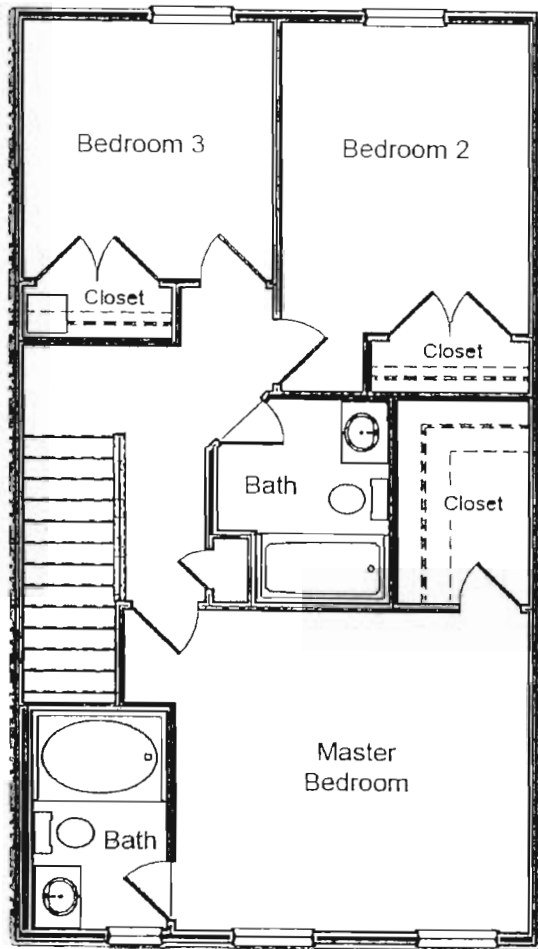
Second Floor

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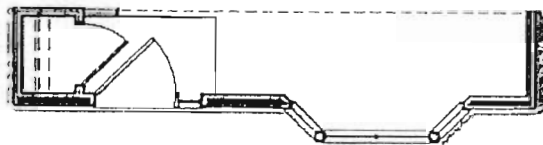




First Floor



Second Floor



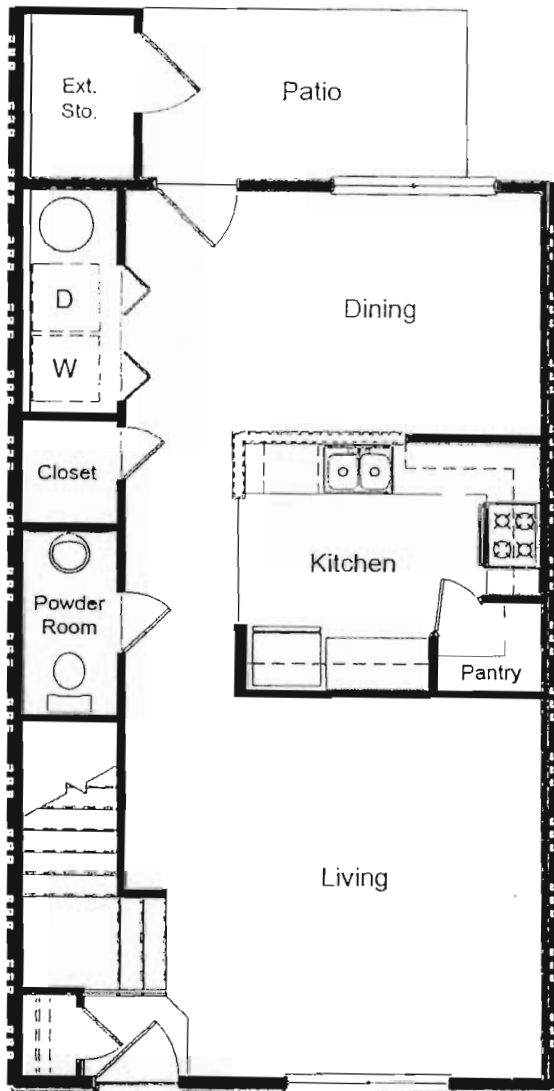
Bay Option



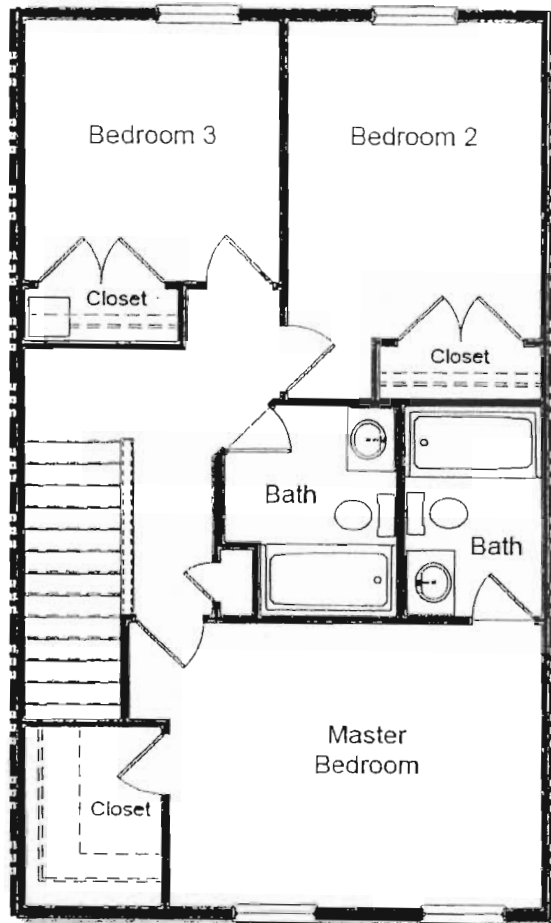
Bay Option

1,450 s.f.

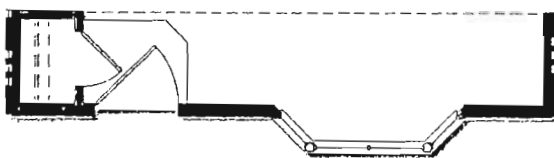




First Floor



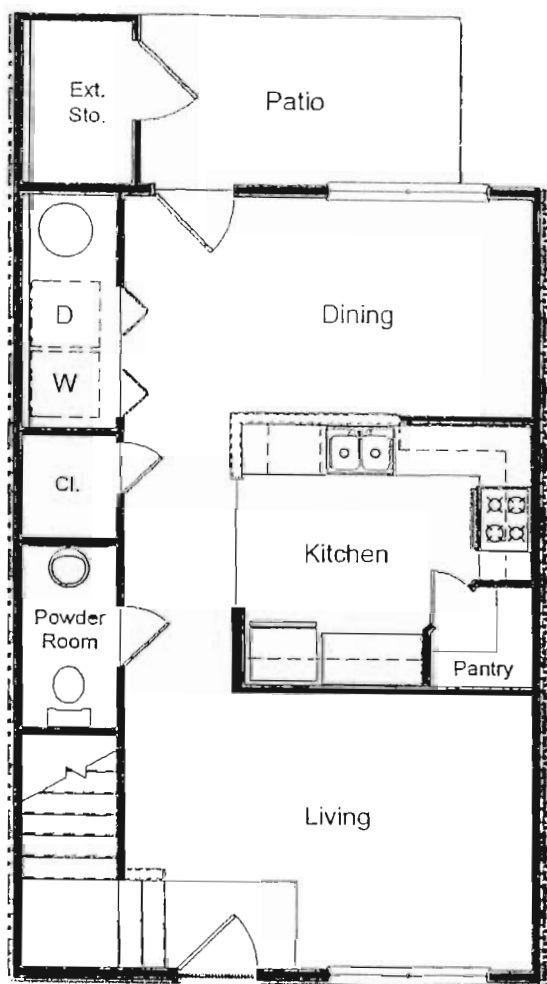
Second Floor



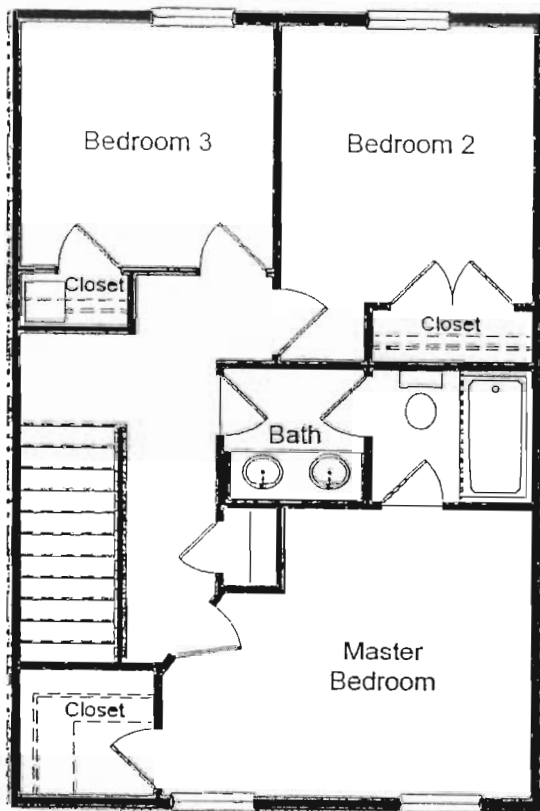
Bay Option

1,384 s.f.

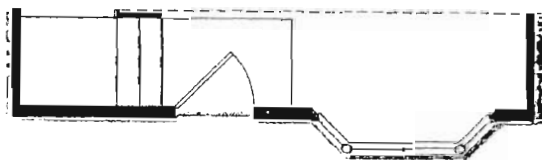




First Floor



Second Floor



Bay Option

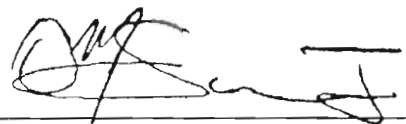
1,220 s.f.



PLANNING DIRECTOR'S REPORT  
MAY 2007

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

- Rural Lands Study. In March, the Technical Committee met to consider the Public Forum comments (which have also been posted on the Rural Lands website) and make final revisions to the narrative ordinance. Since then, staff and the consultant have been working on translating the narrative ordinance into specific ordinance language for the Planning Commission's and Board of Supervisor's consideration later this year.
- New Town. The Design Review Board reviewed seven cases in April. Two were for signage, one was for improvements to the rear of the Main Street Retail buildings, one was for a minor change in WindsorMeade Retirement Community, one was a conceptual layout for BMP 53 behind Towne Bank, one was for the site layout of the DRC portion of Settler's Market and one was for architectural renderings to buildings in the AIG Baker portion Settlers Market. The Board of Supervisors will also need to consider a height waiver for the Settler's Market buildings.
- Better Site Design. The Better Site Design Implementation Committee did not have any meetings in April. The Committee will next be meeting on May 1, 2007 with the intent of wrapping up the process and deciding on next steps.
- Online Comment Database. Staff anticipates the transfer of historic case data to be completed by the end of April. The internal use of the system has been well received thus far, and a few select external applicants have tested its operation as well. Public release is still planned for early Spring of this year.
- Direct Discharge Septic Systems. Staff has been working with the Health Department and a private maintenance provider to develop performance standards to address concerns expressed by the Policy Committee. Another meeting will be held shortly to discuss more specific potential conditions and expectations.
- Historic Triangle Corridor Enhancement. Carlton Abbot has finished the conceptual plan for phase two and has prepared before and after graphics for each business in phase two. The Guild House and Shirley Pewter are having landscape plans prepared for their properties and several more are requesting a design be prepared for them. We plan to get as many businesses as possible signed up and then we will get bids from contractors for the entire section. We feel that this will provide a cheaper, more uniform, and less complicated landscape job.
- Board Action Results April 10.
  1. Case No. HW-5-06. New Town Section 9 - Settler's Market (Continued from March 13, 2007) Continued to April 24, 2007
  2. Case No. SUP-34-06 Rawls Byrd Elementary School Parking and Bus Loop Approved 5-0 as amended
  3. Case No. SUP-32-06/MP-11-06: Prime Outlets Master Plan Amendment Approved 3-2 (Icenhour, Harrison-No)
  4. Case No. SUP-3-07 Newago Family Subdivision Approved 4-0 (Bradshaw-Abstain)



O. Marvin Sowers, Jr.