

# **Planning Commission Agenda**

**December 5, 2007, 7:00 p.m.**

## **1. Roll Call**

## **2. Public Comment**

## **3. Minutes**

A. November 7, 2007, Regular Meeting

## **4. Committee and Commission Reports**

A. Development Review Committee (DRC) Report

B. Policy Committee

C. Comprehensive Plan Update

D. Other Committee/Commission Reports

## **5. Planning Commission Considerations**

A. Initiating Resolution - Setback Ordinance Amendment R-1 District

B. Initiating Resolution - Handicap Parking Ordinance Amendment

C. 2007 Planning Commission Annual Report

## **6. Public Hearings**

A. Z-0008-2007/MP-6-06. Ford's Colony Sec. 37

B. Z-0005-2007. Ingram Road Rezoning

C. SUP-0032-2007. John Deere Dealership

D. Z-0004-2007/MP-0004-2007. Stonehouse Planned Community Amendment

D. SUP-0029-2007/MP-0009-2007. Freedom Park Amendment

E. SUP-0031-2007. Jolly Pond Road Extension

F. SUP-00030-2007. 4th Middle School/9th Elementary School

## **7. Planning Director's Report**

## **8. Commission Discussion and Requests**

## **9. Adjournment**

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF NOVEMBER, 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  
Rich Krapf  
Tony Obadal  
Shereen Hughes  
Jim Kennedy

Staff Present:

Marvin Sowers, Director of Planning  
Adam Kinsman, Deputy County Attorney  
Jason Purse, Senior Planner  
Ellen Cook, Senior Planner  
Kate Sipes, Senior Planner  
Ellen Cook, Senior Planner  
Terry Costello, Development Management Assistant

Absent:

Jack Fraley

2. PUBLIC COMMENT

Ms. Hughes opened the public comment period.

There being no public comments, Ms. Hughes closed the public hearing.

3. MINUTES

A. October 3, 2007 Regular Meeting

Mr. Kennedy motioned to approve the minutes from the October 3rd regular meeting.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved (5-0). (Absent: Fraley, Obadal had not arrived)

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) Report

Ms. Jones presented the report stating that the DRC met October 31, 2007. The DRC reviewed three cases. The DRC recommended preliminary approval subject to agency comments for C-0107-2007, McDonalds Sign Relocation with a vote of 4-1. The second case was SP-0039-2007, Ironbound Park: the DRC determined that the Site Plan was consistent with the Master Plan, and approved the setback modifications and the sidewalk waiver with a vote of 5-0. The Committee reviewed SP-0056-2007, White Hall Club House, and recommended preliminary approval subject to agency comments with a vote of 5-0. The DRC also added a condition requiring the Farmhouse Architecture Plan to come back for review to the DRC. During the DRC meeting, Mr. Kennedy expressed his concerns about the air quality in Building C, and requested staff to contact the appropriate parties to ensure the health and safety of those attending in that boardroom.

Mr. Billups motioned to approve the report.

Mr. Krapf seconded the motion.

In a unanimous voice vote, the DRC report from October 31, 2007 was approved (5-0). (Absent: Fraley, Obadal had not arrived)

B. Policy Committee Report

Mr. Krapf gave the report as Mr. Fraley was absent. He stated the Policy Committee met on October 19, 2007 to review a proposal from staff to update the definition of “affordable housing” in the Zoning Ordinance. Staff has drafted a proposal to eliminate the disparity between the sales price required for a density bonus in a Residential Cluster Overlay and the sales price used in negotiating affordable housing proffers. The Committee voted 4-0 to recommend approval. The second item was a discussion of the Residential Cluster language to mirror other sections of the Zoning Ordinance, specifically those for Mixed Use and Planned Use Developments. The Committee recommended approval 4-0. Finally the Committee considered a request from AT&T/Cingular Wireless to amend the Zoning Ordinance to allow for alternative mounted wireless communication antennas atop structures over 120 in height. The proposed language would not allow the alternative mounted structures to exceed the maximum height of the already approved structure. The Policy Committee voted 4-0 to approve the amendment.

C. Comprehensive Plan Update

Ms. Hughes spoke about the Comprehensive Plan Update. She stated that on November 1<sup>st</sup> the Planning Commission met for a special meeting to discuss and consider potential CPT members based on a total of 36 applicants. The meeting was attended by all but one Commissioner. After Mr. Fraley presented a summary of the application process, and the Planning Commission went into a closed session to discuss the

candidates. During the meeting, the Commission discussed the applicants and identified seven potential individuals that they felt when compiled as a team, would comprise a strong representative group. She also mentioned the article in the Virginia Gazette, and an email that was received by one Commissioner that presented the idea that this process was secretive. Ms. Hughes stated that the Commission has made a large effort to make the process open. Ms. Hughes read the names of those selected: Vaughn Poller, William Spaller, Susan Sullivan-Tubach, Charlotte Jones, Robert Keith, Glendora James and Thomas Fitzpatrick. She stated this list will be provided to the Planning staff and will be made available to anyone who requests it.

D. Other Committee/Committee Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

A. Planning Commission 2008 Meeting Schedule

Ms. Hughes stated there may be complications with the schedule since two Planning Commissioners will be vacating their positions, and these two individuals are also on the DRC. She stated that she has discussed this with the Chairman of the Board of Supervisors to ensure that two individuals are chosen in January to fill these vacancies. Mr. Kennedy stated that he intended to be at the January meeting and serve until his vacancy is filled.

Ms. Jones suggested moving the first DRC meeting in 2008 from January 2<sup>nd</sup> to January 3<sup>rd</sup>, in order to provide more time to review information.

Mr. Kennedy asked Mr. Kinsman about the timing of himself and Ms. Jones attending the January 8<sup>th</sup> Board of Supervisors meeting and then attending the Planning Commission meeting on January 9, 2008. Mr. Kinsman did state that once the oath is taken the Planning Commissioner would have to resign his seat. He also stated that one Board of Supervisors member may serve on the Planning Commission.

Ms. Jones made a motion for approval of the calendar, changing the first DRC meeting from January 2<sup>nd</sup> to January 3<sup>rd</sup>.

Mr. Kennedy seconded the motion.

In a unanimous voice vote, the motion was approved (6-0). (Absent: Fraley)

6. PUBLIC HEARINGS

A. Z-4-07 / MP-4-07 Stonehouse Planned Community Amendment



Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to the December 5, 2007 Planning Commission meeting.

Judy Dean, 10225 Sycamore Landing Rd, spoke on the pedestrian connection to Sycamore Landing Road. She wanted to be on record that she cannot support the intrusion of future residents into their community that would result if trail connections were made. She felt that any connection whether vehicular or otherwise, to Sycamore Landing Road is not acceptable. Ms. Dean felt that access would place an undue burden on those living in the area currently. Her preference would be to have no pedestrian connection to Sycamore Landing Road at all.

Mr. Kennedy motioned for deferral.

Ms. Jones seconded the motion.

In a roll call vote the deferral was approved. (6-0). AYE: Krapf, Jones, Kennedy, Billups, Obadal, Hughes. (Absent: Fraley)

B. SUP-21-07 Tiki Climbing & Grinding Professional Tree Services

Ms. Ellen Cook stated that this case was presented to the Planning Commission at its 10/3/07 meeting, but was deferred at the request of the applicant so that he could meet with neighbors and consider Commission suggestions. Ms. Cook stated that it is staff understands that the applicant met with neighbors in the intervening weeks, and staff also understands that the applicant has been circulating a petition. She stated that Mr. Timothy Soderholm has also updated the information previously provided to staff regarding the number of his employees that leave their vehicles on site during the day (one part time employee) and the equipment he stores on site (one stump grinder instead of two). She also stated that the applicant has also provided a conceptual landscape plan to the County as part of the SUP condition. Ms. Cook stated that the applicant has stated that he would be willing to allow a bus stop on the property. Staff has advised the applicant that the bus stop could be shown as part of the final site plan. Staff has not included a bus stop as a condition of the Special Use Permit as, while the applicant is offering to allow for one on his property, placing a condition requiring one as part of the use permit does not appear to fall within the guidelines for a legal nexus between the permit and the condition as advised by the County Attorney's Office. Ms. Cook stated that staff does not find the proposal consistent with the Low Density Residential Comprehensive Plan designation, consistent with the character of the surrounding area, and does not find that the size of the parcel, and the location and intensity of the use on the parcel, allow for conditions which would sufficiently overcome these concerns. For these reasons, staff recommends denial of this application to the Planning Commission. She also stated should the Planning Commission wish to recommend approval, staff recommends that the conditions listed in the staff report be placed on the case.

Ms. Hughes asked if the applicant ran his business as a home occupation at another location.

Ms. Cook stated that according to the County's Zoning records, the applicant ran his business as a home occupation from another location.

Ms. Hughes asked if the applicant filed a home occupation application for the current residence.

Ms. Cook stated that the business was in operation when staff was made aware of it, and that it was outside the scope of the definition of home occupation. She stated at that point it was determined a special use permit was required.

Ms. Hughes stated that the applicant listed his mailing address as Centerville Road, but that the driveway was on Settlers Lane. She asked what was the correct address.

Ms. Cook stated that for each corner lot, the Real Estate Office assigns two addresses. In this instance, Ms. Cook was unsure how the address was arrived at, but the lot was plotted as part of a residential subdivision in the 1960's.

Ms. Hughes opened the public hearing and asked the applicant if he wished to speak.

Mr. Soderholm stated that the address in all his closing documents was 6293 Centerville Rd and that it was zoned A-1. He did not realize that he needed a special use permit at this current address. He stated he did operate his business at another location but was forced to move due to the neighbors, and that the size of the lot was too small. Mr. Soderholm asked the post office which address to use and he was informed that he could use either one. He stated that he was not aware his lot was part of a subdivision.

Mr. Kevin Grady, speaking on behalf of Mr. Soderholm, stated that Mr. Soderholm did everything requested from the Planning Commission. Mr. Grady stated Mr. Soderholm met with the neighbors, invited them to look at the property and the equipment being stored there. He stated that Mr. Soderholm received the approval of 13 of the 18 neighbors in writing, although the neighbors did have some concerns. One of these was the bus stop for the children in the area. Mr. Grady stated that Mr. Soderholm contacted the Department of Transportation. Mr. Grady showed what the Department stated they would be willing to provide. He also stated that Mr. Soderholm would have to provide the Department with an easement, which he is willing to do. Mr. Grady stated that the neighbors wanted to have a fence installed on the side of the house. He stated Mr. Soderholm had plans to complete this. Mr. Grady stated the neighbors did not want this application to have an open ended agreement for growth. Mr. Grady stated that Mr. Soderholm was more than willing to keep things the same as it is now. Mr. Grady stated that Mr. Soderholm has agreed not to have a sign on the property. He stated that Mr. Soderholm's office is in a portion of his house, with just a desk, file cabinet, computer, etc. He stated that there are no individuals coming and going. He stated that Mr. Soderholm had his log books present to prove when employees are at the premises and

the hours of operation. Mr. Grady stated that he and Mr. Soderholm are confident that the neighbors are satisfied with the improvements that Mr. Soderholm has done. He stated that the most important thing to Mr. Soderholm is to be able to run his business and support his family.

Mr. Soderholm showed pictures of his backyard and the equipment being stored. He stated that some of the equipment has been moved off of the property. He stated that the area used for storage is approximately 2800 square feet. Mr. Soderholm stated that from Centerville Road no equipment can be seen. He showed his landscape plan and what has already been installed.

Mr. Krapf asked Mr. Soderholm if he had an idea of the financial impact of stormwater management and the potential ramifications of an environmental assessment and if he had sufficient space on his property for a BMP and provides the safeguards.

Mr. Soderholm answered that he had 185 feet of 15 inch pipe that drains all water. To date there has not been any problem with standing water. He stated that the corner part of the lot tends to collect, but drains within 24 to 48 hours.

Mr. Krapf stated that it was his understanding that given the current circumstances that the pipe was not adequate for the amount of impervious cover that was on the property.

Ms. Cook answered that items that have been installed on the property have not been in coordination with the Environmental Division. She stated that with the site plan review, the environmental assessment and review would need to be done.

Mr. Soderholm stated that he is willing to comply with whatever is determined to be needed.

Mr. Obadal asked if Mr. Soderholm was contending that this application involved a home occupation.

Mr. Soderholm stated that he did work out of his home, however his equipment is stored at the residence and all consultations are done off site.

Mr. Obadal asked if there was a chipper on the property.

Mr. Soderholm answered, yes there was one stored, but it is used off site only.

Mr. Obadal questioned the idea of his business being a home occupation.

Mr. Soderholm stated that he did not know a special use permit was required to operate his business out of his home before buying the property.

Mr. Obadal asked if the chipper created noise at this site.

Mr. Soderholm answered no, it only creates noise where it is being used, and that this piece of equipment is only being stored at his residence.

Mr. Obadal questioned the idea that his property is part of a subdivision.

Mr. Soderholm stated that he had the option of putting a driveway either on Centerville Road or Settlers Lane. His driveway is on Settlers Lane.

Mr. Obadal discussed the A-1 ordinance stating the area requirements. He felt that the lot size is small for the business that is currently there.

Mr. Soderholm stated that if the special use permit is not approved, the only things that will be removed from the property will be a dump trailer, a bobcat, a chipper, and a flatbed trailer with a stump grinder. He stated that all this equipment takes up no more than 400 square feet on the property.

Mr. Obadal reiterated what is stated in the A-1 Zoning Ordinance.

Mr. Grady stated that Mr. Soderholm understands that he is not in compliance with the current code requirements, that this is the reason he is seeking a special use permit. Most of this equipment is taken offsite and no noise is being made by the equipment.

Ms. Annette Gilbert, who lives at 6301 Centerville Road, spoke on behalf of the applicant. She stated that the applicant has done several things to gain approval of the neighbors. She asked Mr. Obadal to restate the definition of home occupation.

Mr. Obadal did so.

Ms. Gilbert answered that she lives across the street. She stated that she has seen employees coming to work, and that she does not hear any noises from any equipment, and that the employees use care when leaving and returning to the property. Ms. Gilbert stated that many neighbors run businesses out of their homes, yet they make demands on his business.

Ms. Kristin Wilson, who lives at 16 Settlers Lane, stated that she does not want Mr. Soderholm not be able to run his business out of his home and provide for his family, but was concerned this would undermine the area and it would become more commercial. She requested that if the special use permit is approved, that the open area on his property not be developed for any commercial use, and that the fencing be completed that the applicant spoke of, and that there be no signage at all.

Mr. Brent Peterson, who lives at 101 Ridgecrest Circle, spoke on behalf of the applicant. Mr. Peterson felt that Mr. Soderholm has made an effort to address all the stipulations that were given to him at the last meeting. He felt that Mr. Soderholm has made several improvements to his property. Mr. Peterson and Mr. Soderholm measured

how much of his property is affected by the storage. Mr. Peterson stated that this amount is approximately 8 percent. He felt that this amount is small in regards to the size lot. He also stated that last time there were several people who spoke against this application, where at this meeting there were none.

Mr. Robert Soderholm, who lives at 46 Yeardley Loop, also spoke on behalf of his son, the applicant. He stated that his son had a desire to serve the community. He also stated that his son is a young business person who is trying to provide for his family. Mr. Soderholm also stated that he has never seen standing water on his son's property. He reiterated the statement that his son has agreed not to store any other additional equipment. He also stated that his son's services are needed during times of crisis and disaster. He further stated that if this application is denied, it will be inhibiting him from providing for his family and putting a further financial burden for him by relocating the business.

Mr. Obadal asked if the applicant was willing to use the property for a limited amount of storage.

Ms. Cook stated that there is a condition that limits the amount of storage to a certain area, and that the applicant is willing to comply.

Mr. Soderholm stated that the 4000 square foot in the back of the property is the only area allowed for storage.

Mr. Obadal asked whether the applicant was putting any landscaping between his property and his neighbor.

Mr. Soderholm stated he put a berm in to minimize noise from Centerville Road. He also stated that he is constructing a fence to go around the back part of the lot. Mr. Soderholm showed pictures of the berm and the fence that is partial installed. Mr. Soderholm also clarified what was his neighbor's fence and what he himself has installed.

Mr. Kennedy asked if the applicant had a business license.

Mr. Soderholm stated yes that he does have one.

Mr. Kennedy asked the applicant when he located on this property, did he get a new business license or did he use the existing one.

Mr. Soderholm stated that he did not apply for a new one at the time he moved, but did change the address once he had to renew the license.

Mr. Kinsman stated that the Commissioner of Revenue issues the business license and the Zoning Office checks for compliance.

Mr. Soderholm stated that when he re-applied for his business license is when his

address was changed. Mr. Soderholm was contacted by the Zoning Office and informed that he would have to apply for a special use permit. He then submitted an application for a special use permit.

Mr. Kennedy stated that when he moved, that is the time he should have changed the address with the Commissioner of Revenue. He stated that he is concerned when applicants ask for forgiveness after the fact. He stated that he did appreciate that Mr. Soderholm now has the support of his neighbors.

Mr. Soderholm did not realize that a special use permit was needed in the A-1 District, and thought that this type of business would be allowed.

Ms. Hughes closed the public hearing.

Mr. Kennedy stated that he appreciates small business and he believes in home based businesses. He also appreciated the fact that the applicant has gained support from his neighbors. He did state he was concerned about the procedures that were and were not followed. Mr. Kennedy did state that he would be supportive of this application.

Mr. Krapf stated that he was sympathetic to the applicant and all his efforts. His stated that he had concerns with compatibility with the surrounding neighborhood and whether his business provides a public benefit. Mr. Krapf felt that the answer was no to both. He also felt that this was not compliant with the Comprehensive Plan. Mr. Krapf also felt that by denying this application it would not preclude the applicant from moving his business to another location. He stated that he felt that the application should not be approved.

Mr. Billups stated that he felt since most of the neighbors supported his application, and that the applicant had agreed to conditions that were placed upon him, that the democratic process should prevail. Mr. Billups stated that he felt that requiring the applicant to provide stormwater management was beyond what should be required of him. He also stated that he felt this type of business was compatible with the A-1 Zoning. Mr. Billups felt strongly that this application should be approved, and if there are conditions, that they should be moderate and not place an undue financial burden on the applicant.

Ms. Jones stated that she will support this application with the attached conditions. She does have some reservations that the applicant did not show due diligence when changing addresses regarding the business license. Ms. Jones felt that the space used for storage was not that large. Ms. Jones did state that the applicant might want to consider the option of locating offsite. She felt that the conditions concerning stormwater management may become very costly to the applicant. Ms. Jones did state also that she felt this Mr. Soderholm's business did provide a public benefit.

Mr. Obadal stated he did not see a public benefit with this business. He also stated that Ordinances needed to be enforced and that the Comprehensive Plan needs to

be used as a guide. He also stated that he felt the lot size was too small for this type of business. Mr. Obadal felt that the lot size requirement in the Zoning Ordinance was there to protect residential neighborhoods from commercial uses.

Ms. Hughes stated that she felt the applicant knew the procedures concerning the home occupation. She stated she appreciated the fact that he has a young business but she also felt that he circumvented the rules. She felt the applicant should have known what to do when he relocated his business. Ms. Hughes felt that this property is part of a residential subdivision and that this type of business is not appropriate at this site. She also mentioned that the stormwater management requirements will most likely be very costly. Ms. Hughes stated she cannot support this application.

Mr. Kennedy made a motion to approve the application

Ms. Jones seconded the motion.

In a roll call vote the result was a 3/3 tie (3-3). AYE: Jones, Kennedy, Billups. NAY: Krapf, Obadal, Hughes. (Absent: Fraley)

Mr. Kinsman stated that the Code requires that the Planning Commission give the Board some guidance. He stated that there are a couple of options, one being to wait until next month when seven members are available, and re-vote, or send to the Board of Supervisors with no recommendation.

Mr. Kennedy stated he had no problem sending it to the Board with no recommendation.

Mr. Obadal asked if it is sent to the Board with no recommendation, can the comments and suggestions be attached with the application.

Mr. Kinsman stated that there is a comprehensive set of minutes that is part of the application that is reviewed by the Board of Supervisors.

Ms. Sowers also stated there is a representative from the Planning Commission that attends the Board meetings; therefore if there can be added input. Mr. Sowers also stated that as long as the special use permit is moving forward the applicant is allowed to continue operating his business.

Mr. Kennedy asked if the application was heard at the December Planning Commission meeting would it be heard at the December Board meeting.

Mr. Sowers stated that there is only one Board meeting in December. He stated it could possibly go to this one.

Mr. Krapf made a motion to send the application to the Board of Supervisors with a neutral recommendation.

Ms. Jones seconded the motion.

In a unanimous voice vote, the motion was approved (6-0). (Absent: Fraley)

C. Z-5-07 Ingram Road Rezoning

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to the December 5, 2007 Planning Commission meeting.

Ms. Jones motioned for deferral.

Mr. Krapf seconded the motion.

In a unanimous voice vote, the deferral was approved. (6-0). (Absent: Fraley)

D. SUP-26-07 Williamsburg Dodge Trailer Sales

Mr. Jason Purse presented staff's report for a special use permit to allow for the retail sale of trailers at 7101 Richmond Road. No new infrastructure will be built as part of this application; the only change would be the sale of trailers on the Dodge Site. Currently, the Honda Dealership, also owned by the Williamsburg Auto Group is operating under an approved special use permit that allows for trailers sales, but with the addition of new stock they wish to switch the trailer sales portion of the business to the Dodge site. Mr. Purse stated that staff believes the proposed amendment to sell utility trailers, in addition to selling automobiles at the existing Williamsburg Dodge Dealership, is a valid commercial enterprise and complimentary land use. Staff also believes that the conditions placed on this special use permit mitigate possible aesthetic concerns about the display of the trailers along Richmond Road. He also stated 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 special use permit conditions.

Ms. Hughes opened the public hearing.

Mr. Dodson spoke on behalf of Williamsburg Auto Group. He stated that approximately five years ago the County granted a special use permit for utility trailer sales at their Honda site. He stated that he is not requesting to have two trailer sites. Mr. Dodson stated that if this application is approved, all of the trailers will be moved from the Honda site to the Dodge site, with the Dodge site being the only one selling the utility trailers. He stated that they have always used the Dodge site for delivery since it had an easier access off of Richmond Road. He stated that in the past these trailers have been moved to the Honda store. Mr. Dodson did state that the inventory would be in the back of the site. He stated that the twelve spaces up at the front of the site would be for display only.



Mr. Kennedy asked about the display that was at the Dodge site at one point

Mr. Dodson stated the only units stored at the Dodge site were those that had already been sold and were waiting to be picked up. He assured the Planning Commission that his company has never displayed trailers for sale at the Dodge site.

There being no further public comments, Ms. Hughes closed the public hearing.

Ms. Jones made a motion to approve the application.

Mr. Kennedy seconded the motion.

In a roll call vote the application was approved. (6-0) AYE: Krapf, Jones, Kennedy, Billups, Obadal, Hughes. (Absent: Fraley)

D. ZO-10-07 Zoning Ordinance Amendment – Affordable Housing

Ms. Kate Sipes gave staff's report requesting a revision to the definition of affordable housing at it appears in the Zoning Ordinance. The Cluster Overlay district allows for the possibility of a density bonus for developments that provide affordable units. She stated that in order to provide the incentive intended through this section of the ordinance, staff believes the definition should be revised to provide sales prices that more closely reflect recent market activity. She further stated that if approved the revised definition would not include an actual revised sales price but rather would require target sales prices to be determined by the Office of Housing each year, using any and all data available to them, and present it to the Board of Supervisors each year for endorsement. Ms. Sipes stated the Policy Committee unanimously recommended approval of the proposed language. Staff recommends the Planning Commission recommend approval of this zoning ordinance amendment to the Board of Supervisors.

Mr. Kennedy made a motion to approve the revision.

Ms. Jones seconded the motion.

In a roll call vote the application was approved. (6-0) AYE: Krapf, Jones, Kennedy, Billups, Obadal, Hughes. (Absent: Fraley)

E. ZO-09-07 Zoning Ordinance Amendment – Wireless Communications

Mr. Purse stated that staff has received a request from AT&T/Cingular Wireless Communications to amend the Zoning Ordinance to allow for alternative mounted wireless communication antennas atop water towers over the height of 120'. He stated that the proposed language would allow alternative mounted structures over 60 feet, but not exceeding the maximum height of the already approved structure with an approved height waiver. Mr. Purse stated that staff believes it is important to allow alternative

mounted structures on already approved structures in order to minimize the need for conventional Wireless Communication Towers in the County and to avoid visual intrusion wherever possible. The Policy Committee unanimously recommended approval of this revision, and staff recommends that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Kennedy made a motion for approval.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved. (6-0) AYE: Krapf, Jones, Kennedy, Billups, Obadal, Hughes. (Absent: Fraley)

F. ZO-08-07 Zoning Ordinance Amendment – Residential Cluster Master Plan

Mr. Purse stated that the Planning Commission at its August 1<sup>st</sup> meeting recommended that staff look into amending the Residential Cluster section of the Zoning Ordinance in order to evaluate the Master Plan amendment process. He stated that staff, working with the Policy Committee, looked at the other sections of the Ordinance that deal with Master Plans, and on the recommendation of the committee members, altered the Residential Cluster language to more closely mirror other sections of the Ordinance (mixed-use and PUD) that allow for development plan consistency to be reviewed by the DRC. Staff removed the section that allowed for an amendment to the master plan to be approved administratively. Staff has also added a section that would allow the Planning Director to review minor changes to the development plan if it meets certain criteria. Mr. Purse stated that this new language is consistent with what is present in the other sections of the Ordinance, except it also allows flexibility for the Planning Director to review minor changes to the development plan. Staff recommends the Planning Commission recommend approval of this Ordinance amendment to the Board of Supervisors.

Mr. Obadal spoke about the paragraph relating to the general location of housing units or building units as shown on the master plan. He suggested that language from the Supplemental Ordinance 24-9 which makes a distinction of the location of housing and discusses the difference in the classifications of housing be added to the Ordinance.

Mr. Purse noted that staff would add “or classification” of housing units into Section 24-554 (d) (1) of the amended Ordinance language.

Mr. Krapf made a motion for approval with the added language suggested by Mr. Obadal.

Mr. Kennedy seconded the motion.

In a roll call vote the application was approved. (6-0) AYE: Krapf, Jones, Kennedy, Billups, Obadal, Hughes. (Absent: Fraley)

7. COMMISSION DISCUSSIONS AND REQUESTS.

Mr. Obadal congratulated Ms. Jones and Mr. Kennedy on their election to the Board of Supervisors, and the work they have done on the Planning Commission.

Ms. Hughes mentioned that she has been compiling information for new Commissioners that will be appointed. She felt that it is important for all Commissioners to gather information and documents for the new appointees to have. She also mentioned that December has several agenda items and it may take two meetings to cover everything that needs to be accomplished.

Mr. Kennedy stated that with the New Year there will be three new Commissioners to hear some very difficult cases. He stated that staff and the Planning Commission may need to work diligently with the applicants.

Ms. Hughes stated that further discussion is needed concerning this.

Mr. Kennedy asked Mr. Kinsman about the timing with him and Ms. Jones being sworn in on the Board of Supervisors.

Mr. Kinsman stated that the Code of Virginia allows for one Board member to serve on the Planning Commission.

Mr. Kennedy asked whether it would be appropriate for him or Ms. Jones to remain on the Planning Commission as transitional.

Mr. Krapf suggested that this topic be listed as an agenda item for discussion. This would allow for Commissioners input and to gather staff's input.

Ms. Hughes also stated that a special meeting may be needed to discuss this.

8. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated he had nothing further to add to his report contained in the Commissioners' packets.

9. ADJOURNMENT

There being no further business the Planning Commission meeting was adjourned at 9:45 p.m.

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Shereen Hughes, Chairperson

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O. Marvin Sowers, Jr., Secretary

## MEMORANDUM

Date: December 05, 2007

To: The Planning Commission

From: Jose Ribeiro, Planner

Subject: Setback Ordinance Amendment-Initiating Resolution

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In accordance with the Better Site Design Principles, staff is proposing to amend Section 24-236 of R-1, Limited Residential ordinance to reduce the required dimensions for setbacks.

### RECOMMENDATION:

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of this amendment to the Zoning Ordinance, and to refer this matter to the Policy Committee.

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Jose Ribeiro, Planner

### Attachments

1. Initiating Resolution
2. Copy of the Better Site Design Principle # 11

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE**

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider amending Article V. Districts. Division 3. Limited Residential District, R-1, Section 24-236 -Setback Requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

---

Shereen Hughes  
Chair, Planning Commission

ATTEST:

---

O. Marvin Sowers, Jr.  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5<sup>th</sup> Day of December, 2007.



## Principle #11: Setbacks

In cases when open space development is not possible, relax setbacks to achieve greater flexibility of design, minimize driveway lengths for housing, reduce grading areas, minimize land disturbance for construction, and promote the efficient use of land.

### Rationale

Often zoning codes have very strict requirements that govern the geometry of the lot. Relaxing setbacks and utilizing non-traditional designs can minimize imperviousness while reducing driveway lengths.

### Recommendation

The Roundtable supports this principle and makes the following recommendation:

- For conventional development, reduce minimum front setbacks to 25 feet in the R-1 and R-2 residential zones.

## Principle #12: Sidewalks

Promote more flexible 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.

### Rationale

Sidewalk requirements are an important element of many zoning ordinances and are intended to protect pedestrians and address liability concerns. However, requirements should be flexible enough to meet pedestrian demands, while minimizing the amount of impervious cover. Sidewalks may be unnecessarily required where the demand has not been generated by development trends.

### Recommendation

The Roundtable supports this principle, as stated, and makes the following recommendations:

- Eliminate the mandatory requirement for sidewalks on both sides of all streets for low density (0-4 du/acre) and moderate density (4-12 du/acre) developments.
- Where practical, sidewalks shall be sloped such that they drain to a pervious surface to allow runoff to infiltrate.
- Non-monetary incentives should be offered to developers to use alternative pavement materials and promote low impact development. For example, the use of these materials should be able to satisfy stormwater management criteria.

## MEMORANDUM

Date: December, 05 2007

To: The Planning Commission

From: Jose Ribeiro, Planner

Subject: Handicap Parking Ordinance Amendment-Initiating Resolution

---

In accordance with the Better Site Design Principles and the Americans with Disability Act (ADA), staff is proposing to amend Section 24-56 of the Highways, Streets, Parking and Loading ordinance to reduce the required dimensions for handicap parking spaces.

### RECOMMENDATION:

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of this amendment to the Zoning Ordinance, and to refer this matter to the Policy Committee.

---

Jose Ribeiro, Planner

### Attachments

1. Initiating Resolution
2. Copy of the Better Site Design Principle # 8

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE**

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider amending Article II. Special Regulations. Division 2. Highways, Streets, Parking and Loading. Section 24-56-Handicap Parking. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

---

Shereen Hughes  
Chair, Planning Commission

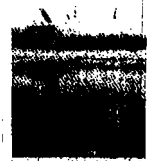
ATTEST:

---

O. Marvin Sowers, Jr.  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5<sup>th</sup> Day of December, 2007.





## Principle #8: Parking Lot Size

Reduce the overall imperviousness associated with parking lots by, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spill over parking areas.

### Rationale

The size of a parking lot is driven by stall geometry, lot layout, and parking ratios.

### Recommendation

The Roundtable endorses this principle and acknowledges that the County already supports this principle by meeting national benchmarks for minimum stall widths of 9' for 90 degree parking; encouraging shared parking, and requiring parking studies when parking lots greatly exceed minimum parking requirements. The Roundtable also recommends lowering the handicapped stall width to meet ADA requirements.



## Principle #9: Green Development Certification

Provide meaningful, non-regulatory, incentives to encourage the use of Better Site Design Techniques in James City County.

### Rationale

When regulations are in place that allow for flexible site design, incentives should be offered to recognize or award the development and engineering community and applicants who incorporate the principles of better site design into their site development projects.

### Recommendation

The Roundtable supports this principle and makes the following recommendation:

- County staff involved with the existing County PRIDE (Protecting Resources in Delicate Environments) water quality education program should consider, investigate and establish a provision in the program to recognize/award the development and engineering community and applicants who incorporate the principles of better site design into their site development projects (establishment of such a provision in the PRIDE program would be consistent with Priority # 14 of the approved Powhatan Creek watershed management plan and Priority # 10 of the approved Yarmouth Creek Watershed Management Plan).

JAMES CITY COUNTY  
PLANNING COMMISSION  
ANNUAL REPORT

FY 2007



December 2007

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## MESSAGE FROM PLANNING COMMISSION CHAIR

*The enclosed report, prepared in accordance with Section 15.2-2221 of the Code of Virginia, summarizes the activities of the James City County Planning Commission and the Planning Division for Fiscal Year 2007.*

*Fiscal Year 2007 is described as the “Year of the Master Plan”. Cases with master plans and master plan review process issues consumed a large amount of planning time and effort. On a positive note, the development community has responded to higher expectations due to citizen involvement in the development process, Commission initiatives, and Board directives and policies. As a result, the Commission has noticed a significant improvement in the quality of rezoning, special use and by-right land use cases. All rezoning cases recommended to the Board for approval included one or more 2003 Comprehensive Plan objectives: use of better site design (BSD) techniques, innovative stormwater management plans that included low impact development (LID) techniques, adaptive and attractive reuse of existing commercial properties, improved Community Character Corridor buffers, comprehensive and cumulative traffic impact analyses, and affordable or work-force housing.*

*Other Commission initiatives resulted in the “Cumulative Development Impact to Schools Project”, an assessment of the master plan approval process for the Cluster Ordinance, and development of a County conservation/preservation areas map through a cooperative effort with the Williamsburg Land Conservancy and the College of William and Mary. Individual Commissioners participated in the Better Site Design Committee, the Rural Lands Study and Committee, and the Regional Issues Committee.*

*In the upcoming year, the Commission is looking forward to working with staff and the community to update the Comprehensive Plan, revise residential ordinances, and implement the recommendations of the Better Site Design Committee. All of these important activities will guide future land use and growth in James City County and the Commission encourages all citizens to get involved and make a difference in your community.*

*Sincerely,*

*Shereen C. Hughes*

*Chair of the Planning Commission and Jamestown District Representative*

## INTRODUCTION

The James City County Planning Commission (Commission) is composed of 7 members; one member from each of the County's magisterial districts (Powhatan, Roberts, Stonehouse, Jamestown, Berkeley) and two at-large members. Members are appointed for 4-year staggered terms by the Board of Supervisors (Board). As an advisory body to the Board, the primary purpose of the Commission is to ensure orderly development within the County in accordance with our Comprehensive Plan, County ordinances, and Board-adopted policies. The Commission, with the support of County Planning Division staff (Staff), conduct public hearings and meetings and recommend actions to the Board regarding proposed land use (including rezoning cases, special use permits, subdivision plans, and site plans), land use policies, and ordinances.

Members of the Commission also are required to participate on one or two subcommittees: Development Review Committee (DRC) and the Policy Committee. The DRC reviews subdivision and site plans for consistency with approved master plans, County Zoning and Subdivision Ordinance, the Comprehensive Plan, and other Board-adopted policies; the DRC-recommended action is presented for approval by the Commission at the regular monthly meeting. The Policy Committee works with Staff (1) to prioritize Capital Improvement Program (CIP) requests in accordance with the Comprehensive Plan, and (2) to address specific planning-related issues such as policy and ordinance revisions.

The Section 15.2-2223 of the *Code of Virginia* requires the Commission to prepare an annual report for the Board to make recommendations, summarize commission activities, and summarize the status of planning activities in the community. During Fiscal Year 2007, joint Commission and Staff activities included:

- Development plan review rezoning, master plan and/or special use permit applications, proposed subdivision plans, site plans, and master plan revisions
- Consideration and preparation of policy and ordinance revisions,
- Preparation of the Capital Improvement Program
- Initiation of the Comprehensive Plan update process,
- Participation in community planning forums, committee studies, and planning seminars,

This report summarizes these joint activities, summarizes additional staff activities and projects, and provides information on Commissioners and Staff.

## PLANNING COMMISSION MEMBERS

**Shereen Hughes, Chairperson, (Jamestown District Representative)** Ms. Hughes has lived in James City County since 2001 and received her Bachelor's degree in Geology from James Madison University and a Certificate of Landscape Design from George Washington University. Ms. Hughes' professional experience includes over 18 years as an environmental consultant and several years as a landscape designer and small business owner. Ms. Hughes was appointed to the Planning Commission in September 2005, to complete the term of a previous Commissioner. Since her appointment, Ms. Hughes has served on the Policy Committee, the DRC, and the Better Site Design Committee. In 2006, Ms. Hughes became a Virginia Certified Planning Commissioner through the Citizens Planning Education Association of Virginia (CPEAV). Ms. Hughes term on the Planning Commission expires on 1/31/08.

**Anthony Obadal, Vice-Chairman, (Powhatan District Representative)** Mr. Obadal has been a resident of James City County since 2003 and was appointed to the Planning Commission in January 2006. He practiced law in New York and Washington, D.C. for over 45 years, retiring from the law firm of Obadal, Filler, MacLeod and Klein of Alexandria, Virginia. Mr. Obadal was Chairman of the Board of Westminster School in Annandale, Virginia, a member of the Advisory Board of the National Legal Center for the Public Interest, a member of the Board of Transportation Road Information Program and a member of the Board and President of the Thomas More Society of America. He and his wife came to Williamsburg over three years ago. In 2006, Mr. Obadal was certified by the CPEAV as a Virginia Certified Planning Commissioner. Mr. Obadal's first term on the Planning Commission expires on 1/31/10.

**Mary Jones, DRC Chairperson (Berkeley District Representative)** Mary has been a James City County resident for 10 years and was appointed to the Planning Commission in January 2005. She attended Towson State University majoring in Mass Communication. Currently, Mary is a committee member for Boy Scout Troop 155, a member of the Leadership Team at Baeplex Family Martial Arts and is a Real Estate Individual Licensee in the Commonwealth of Virginia. She has served as Planning Commission Vice Chair 2007, DRC Chairperson 2007, Policy Committee 2005 to present, DRC 2006 – present, Legacy Hall Design Committee, and Rural Lands Steering Committee member. Mary received the James City County Virginia Outstanding Service Award for her work as a member of the 2003 Comprehensive Plan Community Participation Team. Mary's first term on the Planning Commission expires on 1/31/09.

**Jack Fraley, Policy Committee Chairman (Roberts District Representative)** Jack graduated from the University of California at Los Angeles (UCLA) with a Bachelors' Degree in Economics. He held several managerial positions with Shell Oil Company before starting up a new high technology venture for Shell in 1984, Rampart Packaging, located in the Busch Corporate Center. He retired from the business in 1998 to spend more time with his family and contribute to the community. Jack has been a resident of James City County for 24 years. Jack was appointed to the Planning Commission in January 2004, and he was elected Vice-Chairman of the Commission in 2005 and

Chairman in 2006. Jack is past Chairman and continues to serve as a member of the Commission's DRC, and is presently serving as Chairman of the Commission's Policy Committee. He has also been named as the Coordinator of the County's upcoming Comprehensive Plan update. Jack is a past four-time elected Chairman of the James City County Board of Zoning Appeals and continues to serve as a member of this Board. He is also a member of the Design Review Board for the James River Commerce Center. In 2006, Jack was certified by the CPEAV as a Virginia Certified Planning Commissioner. Jack's first term on the Planning Commission expires on 1/31/08.

**Richard Krapf (Stonehouse District Representative)** Rich, a resident of James City County since 1993, is a 1972 graduate of the United States Air Force Academy. His Air Force career spanned 20 years and included assignments as a staff officer in Europe, an Associate Professor at Ohio University, and two assignments as a squadron commander. He earned a Masters of Public Administration degree from Golden Gate University and retired from active duty as a Lieutenant Colonel. Rich currently works for the Colonial Williamsburg Foundation, is a member of the Board of Directors of the Williamsburg Land Conservancy, and is a founding member of Friends of Forge Road & Toano. He was appointed to the Planning Commission in February, 2007 and also sits on the Policy Committee of the Commission. Rich is currently pursuing certification through the CPEAV. Rich's first term on the Planning Commission expires on 1/31/11.

**George Billups (At-Large)** George was re-appointed to the James City County Planning Commission for his second term in February 2006. He graduated from Virginia State College with a Bachelor of Science in Industrial Vocational Education and Science. He earned his Master's degree and Certificate of Advanced Studies from the State University of New York in the fields of Education and School Administration and Supervision. A retired high school principal and community activist, George has served on numerous local, state and federal boards which worked to create positive public policy and civil rights legislation. George is a Virginia Certified Planning Commissioner and currently a member of the Board of Directors for the CPEAV. In addition to his service on the Planning Commission, George served as Policy Committee Chairman – 2006, serves on the DRC and the Regional Issues Committee, and he was a member of the 2003 Comprehensive Plan Steering Committee. George's second Planning Commission term expires on 1/31/10.

**James Kennedy (At-Large)** Jim has been a resident of James City County for 23 years. After serving in the United States Navy he attended optician's school at Yorktown Naval Weapons Station where he earned his degree in opticianry. Currently he is the co-owner of Victor's Deli and Pizzeria in Williamsburg. Jim has served on many boards and commissions over the past several years. Most notably he served as Chairman of the Board in 2002 and was also the co-founder of the Stonehouse District Citizens Association. He was elected Vice-Chairman of the Commission in 2006, and became Chairman from February to July 2007. In addition to the Planning Commission, Jim also served as chairman of the DRC – 2006. Jim's first term on the Planning Commission expires on 1/31/09.



*The James City County Planning Commission (Left to Right: Jack Fraley, Richard Krapf, Mary Jones, Anthony Obadal, Shereen Hughes, George Billups; Not Pictured: James Kennedy.)*



## PLANNING DIVISION

The Planning Division provides staff support to the Board, the Commission, and its subcommittees. In addition to regular development review, staff makes planning-related policy recommendations to the Commission, administers and enforces the Zoning Ordinance, implements landscaping and bikeway projects, and acts as a liaison to a variety of other Board-appointed committees, community organizations and government entities. These include the Hampton Roads Planning District Commission, Virginia Department of Transportation-Hampton Roads, Pedestrian and Bicycle Advisory Committee, Virginia Organizing Project, 2007 Community Activities Task Force and Public Private Transportation Act Committee. Staff also regularly provides support for a number of other short-term and ongoing committees including the New Town Design Review Board, Historical Commission, Historic Triangle Bicycle Advisory Committee, Corridor Enhancement Steering Committee, Development Roundtable, the Better Site Design Committee, the Rural Lands Study Committee, Toano Revitalization Initiative to implement the Toano Area Study, and other special project committees.

Some of the ongoing planning initiatives undertaken in FY07 represent new services and programs to better serve customers and implement the Comprehensive Plan. Staff has implemented a web page (Casetrak 2.0) online enables County agencies to post comments and all County citizens, developers and owners to check the status of development cases.

Staff typically responds to over 12,000 citizen inquiries each year. The comprehensive or *long-range* planners are responsible for citizen's inquiries regarding the Comprehensive Plan, development issues, population, census and housing estimates, land use, transportation, traffic issues and assigned development issues. The number of inquiries directed to the long range planning section this year remained elevated like 2006 because of several major projects and developments and population growth. The *current* planners respond to citizen's inquiries regarding land development cases, the Zoning and Subdivision Ordinances, site plans, landscaping, development submittal requirements and general development in James City County. The administrative staff handles questions regarding the Commission and Board meetings, application processes, public hearing notices, development case status and other logistical and informational questions. These inquiries come from attorneys, architects, contractors, engineers, developers, landowners, and citizens at large. A substantial amount of staff time is dedicated to providing this service to keep the public informed and to provide an additional outlet for citizen response and comment.

In addition, Staff has continued to conduct the Development Roundtable, a bi-monthly conceptual review meeting for applicants that need to resolve issues before submitting a site plan.

## **Planning Staff**

<b>Planning Staff</b>	<b>Title</b>	<b>Year Employed</b>	<b>Comments</b>
<b>Management</b>			
Marvin Sowers	Planning Director	1987	
Allen Murphy	Zoning Administrator and Principal Planner	1979	Temporary assignment as Special Projects Manager for County Administrator
Don Davis	Principal Planner	1989	
<b>Professional Planning Staff</b>			
Tammy Rosario	Senior Planner II	1995	
Scott Whyte	Senior Landscape Planner	2004	Promoted in 2006
Ellen Cook	Senior Planner	2003	Recently promoted, served as Principal Planner for training purposes
Matthew Smolnik	Senior Planner	2005	Recently promoted
David German	Senior Planner	2005	Recently promoted
Kate Sipes	Senior Planner	2005	Recently promoted
Jason Purse	Senior Planner	2005	Recently promoted
Jose L. Ribeiro	Planner	2005	
Leanne Reidenbach	Planner	2005	Intern promoted to Planner
Luke Vinciguerra	Planner	2006	
<b>Zoning Officers</b>			
John Rogerson	Senior Zoning Officer	2000	
Melissa Brown	Deputy Zoning Officer	2003	Recently promoted, served as Zoning Administrator for training purposes
Beau Blevins	Zoning Officer	2007	
Christy Parrish	Proffer Administrator	2007	Recently transferred from Administrative Services Coordinator (County Employee since 1993)
<b>Front Desk – Support Staff</b>			
Terry Costello	Development Management Assistant	2006	Recently transferred from JCC Accounting (County Employee since 1989)
Milissa Story	Development Management Assistant	2006	
Jennifer Van Dyke	Administrative Services Coordinator	2007	

<b>Interns</b>			
<b>Name</b>	<b>Education Affiliation</b>	<b>Date</b>	<b>Comments</b>
Alexis Maxwell	W&M Senior	9/06-5/07	Comp. Plan, GIS, Population Estimates, Award and Grant Applications, Plan Review
JT Newberry	W&M Senior	9/06-5/07	Comp. Plan, GIS, Population Estimates, Award and Grant Applications, Plan Review
Gwen Kennedy	W&M Graduate Student	8/06-7/07	MA in Public Policy – Rural Lands, BSD, GIS
Evan Skinner	Virginia Tech Senior	5/07-8/07	Adequate Public Facilities: Cumulative Development Impact to Schools, Population Estimates, Award Applications, Plan Review
Steve Harrison	W&M Senior	5/07-8/07	Toano Community Character Study, Outlying Landing Fields study, Hazard Mitigation Plan, Adequate Public Facilities
Jessica Mackow	W&M Graduate	5/07-present	BS in Biology and Environmental Science – Rural Lands issues, GIS, VDOT

**Management Staff** pictured from left: Allen Murphy, Don Davis and Marvin Sowers



**Zoning Staff** pictured from left: Melissa Brown, John Rogerson, Christy Parrish, Beau Blevins



**Planning Staff** pictured from left to right back row: Jose Ribeiro, David German, Tammy Rosario; front row, Luke Vinciguerra, Kate Sipes, Scott Whyte



**Planning Staff** pictured from left back row: Jason Purse & Ellen Cook; Pictured from left front row: Leanne Reidenbach and Matt Smolnik



**Front Desk Staff** pictured from left: Jennifer VanDyke, Terry Costello, Milissa Story



### **Staff Changes**

The Planning Division staff underwent several changes this year due to turnover in several planner and front desk positions. Joel Almquist, Planner, left the Division in September 2006 and was replaced by Luke Vinciguerra in October 2006. Luke has Masters in Public Administration from UNC-Wilmington. Luke's has worked for an environmental consulting firm in New York City and interned with the Town Manager in Oak Island, North Carolina. Cliff Copley, Zoning Officer, left the Division in September 2007 and was replaced by Beau Blevins. Beau has a Masters in Public Administration from George Mason University. Rebecca Wilson, Development Management Assistant, left the Division in August 2006 and was replaced by Milissa Story in September 2006. Toya Ricks, part-time Administrative Services Coordinator, left the Division in September 2007 was replaced by Jennifer van Dyke. Jennifer has a BA from Christopher Newport University.

## **SUMMARY OF COMMISSION AND STAFF ACTIVITIES**

### **Development Review**

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions and conceptual plans. The rezonings and special use permits applications must go through the legislative review process and are considered during Commission and Board public hearings. The DRC reviews and recommends actions on certain major subdivision plans and site plans in accordance with the Subdivision and Zoning Ordinances and Comprehensive Plan. A list of major cases and fiscal year summary are provided in the appendices in this report. The number of rezonings and special use permits significantly increased during FY07 while the number of other cases remained at levels similar to the previous fiscal year.

Cases considered during the monthly public hearings by the Commission included zoning ordinance amendments, AFD renewals and withdrawals, and rezoning, master plan, and/or SUP cases (see Appendix A). Of the 47 cases considered by the Commission, the majority of planning time and effort was dedicated to 7 cases that included master plans:

- New Town Sections 7 & 8 (Z-05-06/MP-07-06)
- Prime Outlets Expansion (SUP-32-06/MP-11-06)
- Williamsburg Pottery Expansion (Z-08-06/MP-09-06/SUP-36-06)
- Ironbound Square Redevelopment (Z-09-06/MP-10-06)
- Candle Factory (Z-01-06/MP-12-06/SUP-37-06)
- Stonehouse Planned Community Amendment (Z-4-07/MP-4-07)
- White Hall (Z-11-05/MP-8-05/SUP-18-05)

All of these cases included multiple meetings between staff, the applicants, Commissioners, and concerned citizens. In the process of reviewing these 7 cases, the Commission and Staff had to address issues regarding master plan consistency, ordinance language interpretations, inconsistencies, and revisions, comprehensive plan consistency, environmental impacts, master stormwater plan revisions and improvements, community character corridor improvement, affordable housing (and the definition of Affordable), cumulative traffic impacts, economic revitalization, cumulative environmental impacts, and cumulative impacts to schools. Based on Commission experience with these 7 cases, the Commission has recommended a review of the Master Plan approval process, review of the cumulative impact assessment and reporting method for parking, traffic, and schools, and revision to the definition for Affordable Housing.

### **Policy Related Activities**

The Policy Committee and Planning Staff reviews Capital Improvement Program (CIP) requests on an annual basis. In addition, the Policy Committee conducts meetings to assess additions or revisions to County land use policies and ordinances. In FY 2007, the Policy Committee considered the following revisions to the Zoning Ordinance:

- Parking requirements for Outlet Malls

- Mixed Use setback requirements
- Master Plan approval process and Affordable Housing definition for the Residential Cluster Ordinance
- Compatibility of the Residential ordinance language to the Comprehensive Plan
- Public Land District Rezoning
- Direct Discharge Septic Systems

*Public Land District Rezoning.* In 2007, Staff and the Policy Committee assessed the need for and recommended that the County establish the Public Land District. This special zoning district includes all significant publicly owned land which is used for a public purpose. In the past, publicly used parcels were spread throughout all zoning districts as permitted or specially permitted uses. The Public Land District is more restrictive than the other districts in which the parcels were located. Most of the specially permitted uses in other districts typically are not permitted in the Public Land District without a special permit. During rezoning of publicly owned land parcel (approximately 122) to the Public Land District, the only changes made to the parcels reflect amendments to their underlying zoning to populate the newly-created Public Land District with lands that are consistent with the indicated purposes.

*Direct Discharge Septic Systems.* The Policy Committee and Staff reviewed a proposal to permit direct-discharge sewer systems in certain areas outside the Primary Service Area (PSA). Staff, in consultation with the Virginia Department of Health and a private maintenance professional, investigated the technology behind direct-discharge systems, their use, maintenance and monitoring in other Virginia localities, and ways to resolve outstanding problems to ensure that the systems operate as intended. Staff determined that while direct-discharge septic systems adequately treat wastewater, several contingencies merit special consideration. The Commission and Staff, recommended that the County not permit direct-discharge sewer systems.

### **Capital Improvement Program**

Every year the Commission reviews projects proposed by County agencies for inclusion in the Capital Improvements Program (CIP) Budget. The CIP review process is conducted by the Policy Committee and the CIP is approved by the Commission. The Policy Committee meets with County department representatives and staff to establish a priority ranking of projects. Each county department is asked to provide an initial priority ranking and justification for the requested project. The Committee then ranks the CIP projects in accordance with the Comprehensive Plan, existing master plans, and service needs. Of the 105 CIP requests for Fiscal Year 2007, the Committee placed the highest priority on projects associated with public health and safety, deteriorating public facilities with known maintenance issues, and projects that required matching funds and/or escrow funds for completion. School CIP priority rankings were based on the tier rankings provided by the Williamsburg James City County School system. School CIP projects in the Tier 1 (Health and Safety Issues) and some Tier II (Growth and Maintenance) category were designated high priority by the Committee. The Commission recommended that the Board place a high priority on funding for the

following Fiscal Year 2007 CIP projects:

Development Management

- Pedestrian Facilities
- Wayfinding Signs

General Services

- Human Services Center Generator
- Library Roof Replacement
- JCW Community Center (JCWCC) Roof Replacement/LR/Sauna Renovation

Parks and Recreation

- Warhill Sports Complex (WSC) Crosswalks
- Lights for School Fields
- Greenways and Trails
- Outdoor Pool Resurfacing – Chickahominy Riverfront Park
- WSC Basketball lights and shelters
- JCWCC Parking Expansion/Lighting
- JCWCC Expansion

Public Health and Safety (Fire and Rescue and Police)

- Fire Station 3 Renovation
- Police Generator at LEC
- Mobile Data System
- New Police Building

JCSA

- King William Reservoir
- Five Forks Water Treatment Plant Watermain
- Riverview Plantation Distribution Water Lines
- Monticello Storage Tank Modifications
- Various Sewer System Improvements and Rehabilitation
- Lift Station Upgrades (Seven Air Ejector Stations)
- Water Supply Reserve

WJCC School District

- Replace tennis courts – Lafayette High School
- Replace grease trap/sewer lines – James Blair Middle School
- Reconstruct bus loop, roof replacement – Rawls Byrd Elementary
- Expand cafeteria, add parking and entrance/bus area – Toano Middle School
- Construct gym maintenance catwalk – Jamestown High School
- Additional freezer storage – DJ Montague Elementary
- Replace gym roof – James River Elementary
- Additional cooler and freezer storage – Clare Byrd Baker Elementary
- Fund Third High School – Warhill High School
- Fund Eighth Elementary School – Matoka Elementary



## **2008 Comprehensive Plan**

Section 15.2-2230 of the *Code of Virginia*, the Commission must review the Comprehensive Plan “at least once every five years...to determine if amending is needed.” In April 2007, the Commission and the Board approved a timeline and methodology for the 2008 Comprehensive Plan. In addition, the Board approved the participation of James City County in the 2010 joint comprehensive plan initiative with York County and the City of Williamsburg. The joint-plan process and associated timeline, accepted by all three jurisdictions, will include a series of discussion forums to identify those areas requiring coordination, and possibly, joint decision-making between the three localities.

The Commission and Division staff began work on updating the 2003 Comprehensive Plan for release in 2008. Previous Comprehensive Plans provided the groundwork for the current Plan process in three key areas: update process methodology and schedule, the establishment and role of the Community Participation Team, and the establishment and role of the Steering Committee. Staff completed a timeline and methodology for the update process. The Community Participation Team (CPT), composed of three Planning Commission members and seven citizens-at-large, will play a vital role in collecting public input and promoting the Plan through public meetings, surveys, and media outreach opportunities. Policy development, goals and actions approval, land use decisions and Comprehensive Plan drafts will be considered first by a Steering Committee (four Commission members, one Board liaison and one CPT member) and will be acted upon by the Commission and the Board. In addition, the 2008 Plan will be enhanced by new features including input from other County staff and contributions from a Regional Issues Committee (RIC) endorsed by the Planning Commissions of James City County, the City of Williamsburg, and York County.

## **OTHER MAJOR PROJECTS AND INITIATIVES**

### **Rural Lands Study**

The County continues to pursue alternatives supporting the Comprehensive Plan's goals for residential development in rural land areas outside the Primary Service Area (PSA). A steering committee was appointed during the previous fiscal year, and the committee made recommendations based on its findings to the Board and the Commission. A technical committee was formed and completed three important tasks: set guiding principles for formulating ordinances and policies, crafted a narrative ordinance and began work on a technical ordinance. The committee held a public forum in January where they presented the narrative ordinance and received valuable feedback. Work continues on reviewing the draft technical ordinance.

### **Suggested Design Standards for New Residential Development**

In spring of 2006, the Commission established a list of suggested new residential developments design standards to be considered during the review process. Many of these standards have been incorporated in plans approved during the past year. These standards are in accordance with the Comprehensive Plan and are to complement the existing James City County ordinances, regulations, and policies. The following are the five categories of standards for new development: compatibility with adjacent neighborhoods in respect to lot area, lot width, and overall density; relations of buffer widths to densities of new development; environmental protections to incorporate better site design; providing passive and active areas which exceed the minimum standards for on-site recreation and long term traffic impacts on the surrounding roadway network should be addressed by new developments.

### **Transportation Impact Initiatives**

In 2006, the Commission recommended that the County establish transportation expertise within the Planning Department. In the past, the County has relied on VDOT and applicant's traffic consultants to provide traffic impact analyses. A County transportation expert could establish transportation standards, develop a comprehensive transportation plan for the County, and critically evaluate traffic impact analyses provided by applicants. The Commission also recommended that traffic impacts for major developments should be assessed using a cumulative and comprehensive approach.

In response to the Commission's transportation recommendations, the Planning Division contracted Kimley Horn as the County traffic consultant. Kimley Horn has provided independent assessments of complicated traffic impact studies for several major projects over the several years. During the past year the Commission and staff implemented a more comprehensive approach to the evaluation of traffic impacts of major developments. By focusing on longer term cumulative impacts on a corridor basis, the approach will better balance traffic and land use, for example.

The applicant for the Williamsburg Pottery Expansion conducted a comprehensive and cumulative traffic impact analysis of the Richmond Road Corridor. The County used Kimley Horn to review the traffic impact analysis and make recommendations for improvements to the proposed traffic plan. The results of the Richmond Road Corridor study can be used to assess impacts up to the 199/Richmond Road interchange and is a valuable planning tool.

### **Better Site Design**

The Better Site Design Committee, comprised of Commissioner Shereen Hughes, several staff members and other industry representatives, was created through the County's Roundtable Process. The goal of the committee was to develop implementation strategies for the development principles outlined in the Recommended Model Development Principles (better site design) booklet. County agencies outside of the Planning Division that worked on this project include James City County Environmental and Real Estate Divisions and the Commission. Additionally, representatives from the development community, including the Peninsula Home Builders Association (PHBA), and Builders for the Bay, served on the committee. The final product, the Better Site Design document, includes recommended actions such as Zoning Ordinance amendments, development of educational programs and materials, and review of internal policies related to development. These recommendations will be considered and implemented in FY 2008.

### **CaseTrak 2.0**

The Planning Division developed CaseTrak 2.0, a case tracking system used to organize and document more than 500 applications that staff receives for review annually. CaseTrak 2.0 enables planners to record all of the actions associated with a given case, provides a centralized place to review case history and to quickly access specific case information (such as contact information for an applicant, tax map identification numbers, or dates when comments were received from collaborating agencies). Planners, applicants, and IT professionals worked together to come up with a vision for a more simplified process than the previous CaseTrak. CaseTrak 2.0 is truly innovative because it addresses the immediate needs of the Planning Division and is accessible, via the internet, to the general public. Users can log on and easily navigate the system with tabs and drop-down menus. A new feature of version 2.0 allows reviewing agencies to post their comment letters directly to the web, where they are made available for the applicant and the public to view. CaseTrak 2.0 went online April 24, 2007, system improvements are ongoing and based on user feedback.

### **Toano Area Study Implementation**

In 2006, the Board approved the Design Guidelines for Toano, a set of guiding principles for development in Toano. A citizen group, the Toano Revitalization Initiative (TRI) was formed in the Spring of 2007 to help initiate enhancements along the Richmond Road corridor of the study area. With the assistance of planning staff, the group received \$

8,000 from the Board for landscaping and signage for the median areas in Toano. Planning staff, along with member of TRI, will be completing a matching grant application through the VDOT SAFETEA-LU grant program. The application seeks \$ 67,000 for sidewalk, landscaping, and urban furniture improvements along the historic corridor of Toano. The TRI is responsible for matching 20% of the funding required by the grant for this project, which would total \$ 13,400. To accomplish this, TRI is targeting in-kind donations from local businesses, as well as cash contributions from fundraisers. If the grant is approved, money would be available for the 2009 budget cycle.

### **Historical Commission**

The Planning Division has administrative responsibility for the Historical Commission. Responsibilities include taking minutes, preparing the budget, and assisting with projects such as “Oral Histories,” acquiring highway markers, and completing the architectural survey. Specifically, the Historical Commission helped to fund new signage for the Church on the Main this past year. Commissioners and planning staff continued to be active in the progression of the Norge Depot relocation and renovation (see specific section for more information). A historic preservation award was given to Ivor Noel Hume this past year, which had particular significance given the 400th Anniversary of Jamestown.

### **Norge Depot Relocation**

Norge, originally settled by Norwegian immigrants, is home to several historical structures, including the Norge Depot. The railway station was built by the railroad in the early 1900s and served as a connector for the Norge community to the rest of the country. The station acted as a vital catalyst of economic development in the surrounding area. Before being decommissioned in the late 1960s, the Depot was adapted from a train station into an office building. Due to its inoperative status, CSX proposed that the structure be demolished. The County and Historical Commission acquired a federal grant and obtained CSX permission to transport the Depot to a new location, the Norge Library on Croaker Road. Currently, the Norge Depot rests in the Norge Library parking lot where it will be restored and remodeled into a community meeting center.

During the past year the Depot has been relocated to its new home on the Norge Library site. With money from the TEA-21 VDOT grant program renovation work on the exterior of the Depot is currently underway. This Phase II portion of the project will help restore the Depot to its original look in the early 1900s. The work will include re-shingling the roof and repainting the exterior to match paint that has been photo-matched to the time period. The exterior renovation is expected to be complete sometime in early 2008.

The final phase of the project is projected to begin in the fall of 2008 and will focus on the renovation of the interior of the Depot. VDOT grant funding has already been secured for these renovations, and interior layout plans have been prepared.

### **Architectural Assessment Project**

Using a \$25,000 matching grant from the Virginia Department of Historic Resources (VDHR) to survey the County's architectural resources, a consultant completed a field study for the project and provided documentation, analysis, and recommendations to the Planning Division. The Department of Historic Resources is now reviewing the completed study; once the review is completed, the study will be finalized. The County may use the results of the survey to guide the development of a policy for the protection of historic structures and staff has developed a GIS layer that identifies the location of over 200 architecturally significant structures in the county. As a part of the project, a portion of Toano was nominated for and was deemed eligible for historic district status by the Department of Historic Resources. The project may enter a new phase for the Planning staff as the Board continues to evaluate options.

### **Washington-Rochambeau Route Project**

Using a Virginia Department of Historic Resource matching grant and support from the City of Williamsburg, York County, Gloucester County, and Charlotte County, County staff will be participating in a study of the American Revolutionary War Route of Washington and Rochambeau through the area. Dr. Robert Selig, renowned historian and expert of Revolutionary War routes throughout the East Coast has been hired to conduct the study. A full report is anticipated to be completed by Spring 2008.

### **Virginia Capital Trail**

The Virginia Capital Trail is a pedestrian and bicycle trail that connects Jamestown to Richmond. The James City County component of the Trail was completed during the past fiscal year. The overall completion date is targeted for 2010. The project was a joint effort by James City County, Virginia Department of Transportation, Federal Highway Administration, Williamsburg Land Conservancy, Virginia Cooperative Turf Foundation, Williamsburg-James City County Schools, and involved the cooperation of numerous civic and citizens' organizations.

### **Corridor Enhancement Projects**

The Jamestown Road Corridor enhancement project has encompassed the creation of a corridor landscape plan and a grant program for businesses and neighborhoods. During FY07, all applications for the Jamestown Road corridor enhancement project have been received and approved. The Route 60 Pocahontas Trail project is currently in the planning stage. A master plan is currently being developed with the City of Williamsburg, York County and James City County. James City County's landscape planner will be preparing plans for public areas.

### **Revenue Sharing Landscape Projects**

Revenue sharing landscape projects are funded by resources provided by James City County and VDOT. The Jamestown Road project is scheduled to be completed by the end of October 2007. Designs have been completed for the Longhill Road project and the permits have been obtained. Plans are to solicit bids and work will begin in the Fall of 2007. Designs are also completed for the Anderson's Corner and Monticello Road projects. Paperwork has been submitted to VDOT to acquire permits for both of these projects. The targeted completion date for these projects is early 2008.

### **Five Forks Sub Area Study Update**

The formal process to improve the Ironbound Road and Route 5 intersection began last fiscal year. The proposed changes include: creating additional turn lanes, and adding bike lanes. This project has been funded by VDOT, the Metro Planning Organization grant fund, and through cash proffers. The advertisement date to collect bids for this plan is projected to be March of 2008.

### **2030 and 2034 Regional Transportation Plan**

Planning Division staff has participated in the development of the HRPDC draft 2030 RTP. The Metro Planning Organization is expected to approve the plan in 2007. Currently the County's consultant is working on initiating the 2030 Transportation Plan into the 2008 Comprehensive Plan Update. Staff is also currently working with HRPDC on the next updated to the 2034 Transportation Plan.

### **New Town**

The New Town Design Review Board (DRB), assisted by staff, continued to review proposed developments in New Town. Throughout FY06-FY07, numerous building and site plans were approved in the Town Center (Sections 2 & 4), in the Discovery Business Park (Sections 3 & 6) and in Settler's Market (Section 9). Sections 2 & 4, and 3 & 6, have developed at a steady pace during FY06-FY07. Construction is on-going for a 265 unit apartment rental complex along with a Sentara medical building and several other office buildings and civic areas. The Main Street retail center and numerous other businesses opened last fiscal year.

There was one rezoning approved by the Board during FY06-FY07. Sections 7 & 8 were rezoned to Mixed Use with proffers in February 2007. Sections 7 & 8 will consist of mainly residential units and will include the only single family detached units in New Town along with townhouse style units. The remaining sections to be rezoned to Mixed Use with proffers in New Town are Sections 11 & 12, located west of Rt 199.

The Development Review Committee (DRC) has reviewed and approved quarterly shared parking updates for Sections 2 & 4 of New Town. The premise of shared parking is starting to become evident as residential units are being occupied and construction

continues on Mixed Use and office buildings throughout the Town Center. The opening of Main Street in the Town Center, which includes restaurants and national retailers, has enticed many visitors to New Town during the past year.

### **Neighborhood Connections**

Neighborhood Connections is a division of James City County's Community Services Department. They have a full time staff as well as 10 volunteer liaisons comprised of county employees including two from the Planning Division. Each liaison communicates with their assigned Home Owner Association (HOA). Part of the liaison's responsibilities includes coordinating the HOA of training opportunities provided by the county and other agencies. The Planning Division liaisons include Deputy Zoning Administrator Melissa Brown and Senior Landscape Planner Scott Whyte.

### **Adequate Public Facilities Policy - Schools**

The current Board adopted adequate public facilities policy serves as a tool to measure the impact of proposed residential development in the Williamsburg-James City County Public School System. Each of the district's schools has a measured, verifiable student capacity threshold, which is based upon the infrastructure, age, physical space, condition, planned and built design, and other factors found at each facility. The policy compares the projected increase in student population to each affected facility's capacity and determines the direct impact that a new development might have. Currently, Planners incorporate the policy into their staff reports for new residential developments. The Commission identified a need to review the policy. Suggested improvements to the adequate public facilities policy included identifying if the policy should compare all approved but unbuilt new development versus actual or planned school capacity, determining whether the policy should be used to deny new development or simply identify when additional public facilities are needed, incorporating revisions to reflect current School Board Policies, and whether the policy should be applied to other public facilities such as roads, water supply, and sewage treatment capacity. Currently, efforts are underway to update the adequate public facilities policy for schools, based on the suggestions of the Commission, to include a cumulative impact component. The new model being created will attempt to capture the impact of all development rather than just the impact of an individual proposal on each school that would potentially serve each proposed development.

### **Staff and Commissioner Training, Certification, and Educational Opportunities**

Staff development continues to remain a high priority for both the Planning staff and the Commission. Staff and Commission members take various planning and policy courses throughout each year. The Planning Division cross-trains staff so that comprehensive planners are assigned current planning cases such as rezonings, special use permits, site plans and subdivisions. Likewise, current planners also assist in comprehensive planning activities such as the development and implementation of the Comprehensive Plan.

The Planning Division continues to attend training opportunities and has extended educational opportunities to the Commission. Several seminars were held by the Urban Land Institute, such as “Smart Growth Series: The Hampton Roads Real Estate Market” which was attended by multiple staff members. Staff was present at training programs hosted by the County, such as Facilitator Training and Consensus Building. During the course of the year, a planner attended several Virginia Local Technical Assistance Program seminars which included Intersection/Arterial Capacity Analysis. A seminar was held by Tidewater Resource and Development Council on Conservation Strategies which was attended by several staff members. Two planners attended the National Impact Fee Roundtable in Arlington, Virginia. Senior Planner Dave German gained certification from the American Certified Institute of Planners in November 2006. Three staff members attended the National APA conference in Philadelphia. Planning Director Marvin Sowers and Zoning Administrator Allen Murphy fulfilled continuing education standards established by the American Planning Institute for Certified Planners. The Division’s Zoning Officers attended the Virginia Association of Zoning Officers conference in Virginia Beach, Virginia. Planning staff also attended seminars on the 2007 Virginia Transportation Bill initiatives and CPEAV’s Planning and Law Seminar.

The Commission also participated in a variety of training opportunities. Most of the Commissioners are certified through CPEAV as Virginia Certified Planning Commissioners, Tony Obadal and Richard Krapf attended a “Planning and Zoning Legal Seminar”, and Planning Commissioners attended county and citizen sponsored planning workshops.

### **James City County Demographics Updates**

#### **General Demographics: Population Estimates**

Population estimates providing approximate counts of the population of James City County for both the present day and for past, non-census years are prepared by the Planning Division. It is the Division’s policy to generate a population estimate at the end of each quarter. Staff has been working to improve our population estimates system, which is based on the number of Certificates of Occupancy that are issued by the County’s Codes Compliance Division. This streamlining effort was started in recent years, and is ongoing. The main goal of the effort is to produce the most accurate estimates possible so that other internal County departments, external government agencies and private citizens can feel confident in the estimations being produced. A secondary goal is to make the efforts to improve the system as transparent as possible, so that activities dependent upon the estimates are not compromised.

#### **General Demographics: Population Projections**

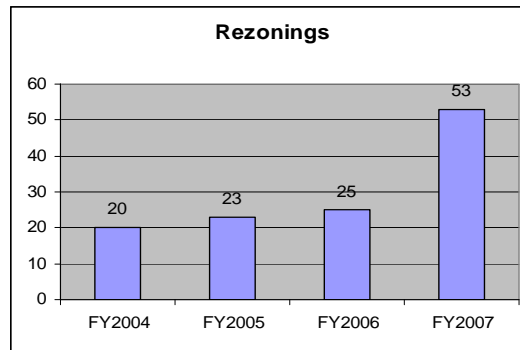
Population projections attempt to project approximate counts of the population of James City County in future years. Currently, Planning staff is working with a linear population projection model in an effort to ensure as accurate a projection as possible. It is anticipated that this model will be available for use before the end of 2007.



## Applied Demographics: School Population Projections

In the last year, Planning Staff has increased its role in assisting the Williamsburg-James City County School District, and its private consultant, DeJong Inc., with school population projections. Here, the goal is to accurately anticipate how many school children will need to be accommodated in upcoming school years—both in the immediate future, and on a longer-term basis. Great strides were made between the School District, DeJong and the Planning Division to identify ways in which data generated by the Planning Division (including population estimates, population projections, and development tracking numbers) could be used to better approximate the numbers of children likely to be attending school in the short-term and long-term future. The Planning Division will provide data to the District and DeJong on a regular basis, and will continue to foster strong communication and working relationships between all parties involved.

## Appendix A - Major Cases – Rezoning\*



### **Z-02-06**

Location:  
Zoning:  
District:

### **Mason Park**

Jamestown Road  
R-8 to R-2  
Jamestown

PC: Approved- 8/07/06  
BOS: Approved-10/10/06

### **Z-03-06**

Location:  
Zoning:  
District:

### **Pleasant Hill Station**

Richmond Road  
A-1 to B-1  
Stonehouse

PC: Approved- 8/07/06  
BOS: Approved- 9/12/06

### **Z-05-06**

Location:  
Zoning:  
District:

### **New Town Sec. 7 & 8**

Monticello Avenue  
R-8 to MU  
Berkeley

PC: Approved-11/06/06  
BOS: Approved- 2/13/06

### **Z-06-06**

Location:  
Rezoning:  
District:

### **Charlies Antiques**

Richmond Road  
A-1 to B-1  
Stonehouse

PC: Approved-12/06/06  
BOS: Approved- 1/09/07

### **Z-07-06**

Location:  
Rezoning:  
District:

### **New Town Section 3 & 6 Proffer Amendment**

Ironbound Road  
MU  
Berkeley

PC: Approved- 1/10/07  
BOS: Approved- 2/13/07

### **Z-08-06**

Location:  
Rezoning:  
District:

### **Williamsburg Pottery Factory**

Richmond Road  
A1 to M1  
Stonehouse

PC: Approved- 4/04/07  
BOS: Approved- 5/08/07

**Z-09-06**

Location:

Rezoning:

District:

**Ironbound Square Redevelopment Project**Carriage Road, Ironbound Road,  
Watford Lane

R2 to MU

Berkeley

PC: Denied- 4/04/07

BOS: Approved- 7/24/07

**Z-10-06**

Location:

Rezoning:

District:

**The Candle Factory**

Richmond Road

A1 to MU

Stonehouse

PC: Deferred Indefinitely  
by Applicant**Z-02-07**

Location:

Rezoning:

District:

**Chestnut Grove**

Wisteria Garden Drive

LB R-8 to R-5

Roberts

PC: Approved- 5/02/07

BOS: Approved- 6/12/07

**Z-04-07**

Location:

Rezoning:

District:

**Stonehouse**

Sycamore Landing Rd

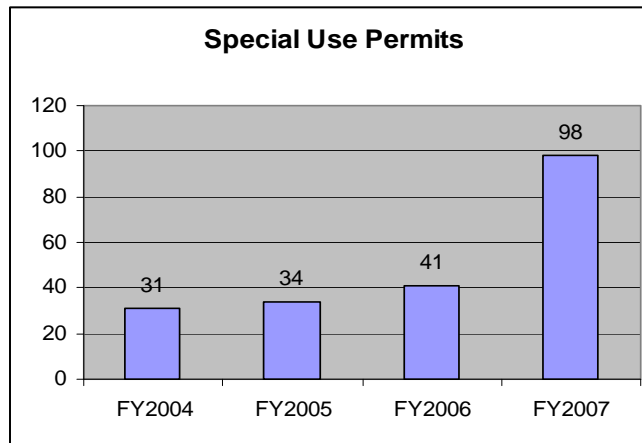
A-1 PUD to PUD

Stonehouse

PC:

BOS:

## Appendix B - Major Cases – Special Use Permits\*



### **SUP-15-06**

Location:

Zoning:

District:

### **Mann Service Station Conversion**

Richmond Road

A-1

Stonehouse

PC: Approved-12/04/06

BOS: Approved- 1/09/07

### **SUP-18-06**

Location:

Zoning:

District:

### **Stuckey's Redevelopment**

Old Stage Road

B-1

Stonehouse

PC: Approved-10/02/06

BOS: Approved-11/14/06

### **SUP-20-06**

Location:

Zoning:

District:

### **Whythe-Will Commercial Expansion**

Richmond Road

B-1

Stonehouse

PC: Approved- 7/10/06

BOS: Approved- 8/08/06

### **SUP-21-06**

Location:

Zoning:

District:

### **Pleasant Hill Station**

Richmond Road

A-1 to B-1

Stonehouse

PC: Approved- 8/07/06

BOS: Approved- 9/12/06

### **SUP-23-06**

Location:

Zoning:

District:

### **Volunteer Fire Department Flea Market**

Richmond Road

B-1

Stonehouse

PC: Approved-11/06/06

BOS: Approved-11/14/06

### **SUP-24-06**

Location:

Zoning:

District:

### **Coleman Family Subdivision**

Barnes Road

A-1

Stonehouse

PC:

BOS: Denied - 9/12/06

<b>SUP-27-06</b>	<b>Treleaven Warehouse &amp; Nursery</b>	
Location:	Rochambeau Drive	PC: Approved-12/06/05
Zoning:	A-1	BOS: Approved- 1/09/06
District:	Stonehouse	
<b>SUP-28-06</b>	<b>VFW 8046 Home</b>	
Location:	Riverview Road	PC: Approved- 11/06/06
Zoning:	A-1	BOS: Approved- 12/12/06
District:	Stonehouse	
<b>SUP-32-06</b>	<b>Prime Outlets Expansion</b>	
Location:	Richmond Road	PC: Denied- 3/07/07
Zoning:	B1	BOS: Approved- 4/10/07
District:	Powhatan	
<b>SUP-33-06</b>	<b>Johnny Timbers Tree Service</b>	
Location:	Jolly Pond Road	PC: Approved- 1/10/07
Zoning:	A-1	BOS: Approved- 2/13/07
District:	Powhatan	
<b>SUP-34-06</b>	<b>Rawls Byrd Elementary School</b>	
Location:	Laurel Lane	PC: Approved Parking- 12/04/06
Zoning:	R2	PC: Denied Bus Loop
District:	Jamestown	BOS: Approved- 4/10/07
<b>SUP-36-06</b>	<b>Williamsburg Pottery Factory</b>	
Location:	Richmond Road	PC: Approved- 4/04/07
Zoning:	M1	BOS: Approved- 5/08/07
District:	Stonehouse	
<b>SUP-37-06</b>	<b>The Candle Factory</b>	
Location:	Richmond Rd	PC: Indefinitely Deferred by Applicant
Zoning:	A1	
District:	Stonehouse	
<b>SUP-03-07</b>	<b>Newago Family Subdivision</b>	
Location:	Croaker Road	PC:
Zoning:	A-1	BOS: Approved- 4/10/07
District:	Stonehouse	
<b>SUP-12-07</b>	<b>Verizon Cell Tower</b>	
Location:	Brick Bat Road	PC: Approved- 9/12/07
Zoning:	A1	BOS: Approved-10/09/07
District:	Berkeley	

**SUP-17-07**

Location:

Zoning:

District:

**Wireless Tower**

Longhill Road

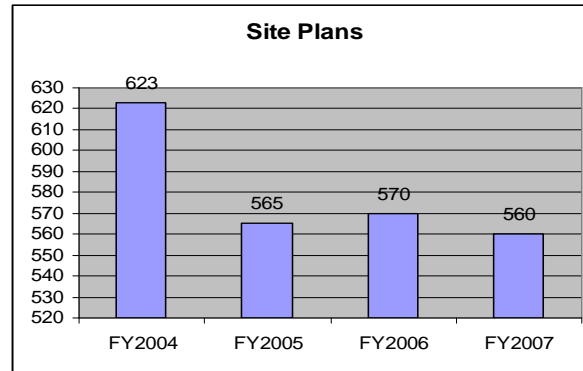
MU

Powhatan

PC: Approved- 7/11/07

BOS: Approved- 9/11/07

## Appendix C -Major Cases – Site Plans\*



### **SP-150-04**

Location:  
Zoning:  
District:

### **Abe's Mini-Storage**

Richmond Road  
B-1  
Berkeley

DRC: Approved- 1/31/07  
Final:

### **SP-089-05**

Location:  
Zoning:  
District:

### **Stonehouse – Route 600 Utilities**

Six Mount Zion Road  
PUD-R  
Stonehouse

Preliminary:  
Final: Approved- 8/24/07

### **SP-103-05**

Location:  
Zoning:  
District:

### **Colonial Heritage Phase 4**

Centerville Road  
MU  
Powhatan

DRC: Approved-11/02/05  
Final:

### **SP-133-05**

Location:  
Zoning:  
District:

### **Prime Outlets Phase 6**

Richmond Road  
B-1  
Powhatan

Preliminary: Approved- 5/11/06  
Final:

### **SP-137-05**

Location:  
Zoning:  
District:

### **Williamsburg Place Expansion**

Mooretown Road  
M-1  
Berkeley

Preliminary: Approved- 7/18/06  
Final: Approved- 8/18/06

### **SP-147-05**

Location:  
Zoning:  
District:

### **Warhill – TNCC Site Improvements**

Centerville Road  
PUD-R  
Powhatan

Preliminary:  
Final:

<b>SP-004-06</b>	<b>Villas at Five Forks</b>		
Location:	Ingram Road	DRC:	Approved- 4/03/06
Zoning:	R-2	Final:	Approved- 4/03/07
District:	Berkeley		
<b>SP-005-06</b>	<b>Governor's Grove at Five Forks</b>		
Location:	John Tyler Hwy	DRC:	Approved- 5/01/06
Zoning:	MU	Final:	Approved-11/08/06
District:	Berkeley		
<b>SP-012-06</b>	<b>New Dawn Assisted Living</b>		
Location:	Jamestown Road	Preliminary:	Approved- 9/15/06
Zoning:	R-8/LB	Final:	
District:	Berkeley		
<b>SP-023-06</b>	<b>Eighth Elementary School</b>		
Location:	Brick Bat Road	Preliminary:	
Zoning:	A-1	Final:	Approved- 8/18/06
District:	Powhatan		
<b>SP-025-06</b>	<b>Prime Outlets Phase 7 Expansion</b>		
Location:	Richmond Road	DRC:	Approved- 7/25/07
Zoning:	B-1	Final:	Approved- 9/26/07
District:	Powhatan		
<b>SP-029-06</b>	<b>New Town Block 10 Parcels E &amp; F</b>		
Location:	Foundation Street	DRC:	Approved- 5/31/06
Zoning:	MU	Final:	Approved- 8/24/06
District:	Berkeley		
<b>SP-031-06</b>	<b>Shell Building – James River Commerce Center</b>		
Location:	Pocahontas Trail	Preliminary:	Approved- 4/26/05
Zoning:	M-1	Final:	
District:	Roberts		
<b>SP-033-06</b>	<b>Chickahominy Riverfront Park</b>		
Location:	John Tyler Highway	Preliminary:	
Zoning:	A-1	Final:	Approved- 3/20/07
District:	Jamestown		
<b>SP-045-06</b>	<b>Busch Gardens 2007 Expansion</b>		
Location:	Pocahontas Trail	Preliminary:	Approved- 6/21/06
Zoning:	M-1	Final:	Approved- 7/10/06
District:	Roberts		



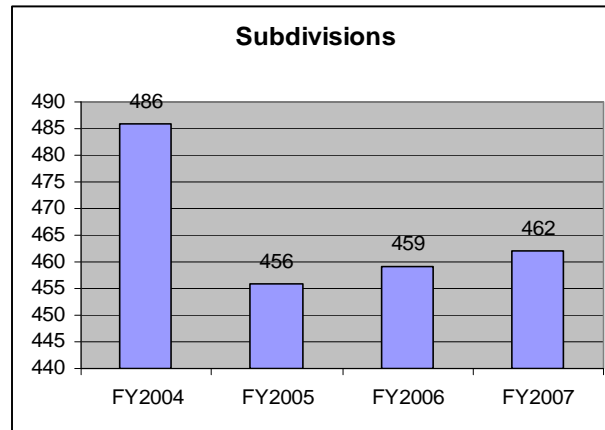
<b>SP-062-06</b>	<b>River Commerce Center</b>		
Location:	Endeavor Drive	Preliminary:	Approved- 9/13/06
Zoning:	M-1	Final:	Approved-10/12/06
District:	Roberts		
<b>SP-068-06</b>	<b>New Town, Oxford Apartments</b>		
Location:	Monticello Avenue	DRC:	Approved- 9/06/06
Zoning:	MU	Final:	Approved-12/08/06
District:	Berkeley		
<b>SP-069-06</b>	<b>Settlement at Powhatan Creek, Phase 2</b>		
Location:	Croaker Road	Preliminary:	
Zoning:	PUD-R	Final:	
District:	Berkeley		
<b>SP-070-06</b>	<b>Williamsburg Airport Access Road</b>		
Location:	Marclay Road	Preliminary:	
Zoning:	R-8	Final:	
District:	Roberts		
<b>SP-071-06</b>	<b>T-Hanger Site Prep, Williamsburg Airport</b>		
Location:	Marclay Road	Preliminary:	
Zoning:	R-8	Final:	
District:	Roberts		
<b>SP-074-06</b>	<b>Settlers Market at New Town</b>		
Location:	Monticello Road	DRC:	Approved-11/29/06
Zoning:	MU	Final:	Approved- 9/25/07
District:	Berkeley		
<b>SP-076-06</b>	<b>New Town Sec 3 &amp; 6, Block 14, Parcel C &amp; D</b>		
Location:	Ironbound Rd	DRC:	Approved- 8/07/06
Zoning:	MU	Final:	Approved- 1/22/07
District:	Berkeley		
<b>SP-077-06</b>	<b>Williamsburg Landing</b>		
Location:	Williamsburg Landing Drive	DRC:	Approved- 8/07/06
Zoning:	R-5	Final:	Approved- 8/01/07
District:	Jamestown		
<b>SP-084-06</b>	<b>AM Tower Relocation</b>		
Location:	Centerville Road	DRC:	Approved- 9/06/06
Zoning:	A1	Final:	Approved-10/23/06
District:	Powhatan		

<b>SP-085-06</b>	<b>Settler's Market New Town Section 9 Phase 2</b>	
Location:	Monticello Avenue	DRC: Approved- 9/26/07
Zoning:	MU	Final:
District:	Berkeley	
<b>SP-104-06</b>	<b>Walnut Grove</b>	
Location:	Richmond Road	DRC: Approved-11/01/06
Zoning:	R2	Final:
District:	Stonehouse	
<b>SP-118-06</b>	<b>Thomas Nelson Community College Parking Lot</b>	
Location:	Olde Towne Road	DRC: Approved-12/06/06
Zoning:	LB	Final:
District:	Powhatan	
<b>SP-119-06</b>	<b>Michelle Point Renewal</b>	
Location:	Barhamsville Road	DRC: Approved- 9/27/06
Zoning:	R-5	Final:
District:	Stonehouse	
<b>SP-120-06</b>	<b>Eaglecliffe Condos Amendment</b>	
Location:	Eaglecliffe	Preliminary:
Zoning:	R-4	Final: Approved-12/04/06
District:	Powhatan	
<b>SP-123-06</b>	<b>HR Development, Endeavor Drive</b>	
Location:	Endeavor Drive	DRC: Approved-11/01/06
Zoning:	MU	Final: Approved-12/29/06
District:	Roberts	
<b>SP-124-06</b>	<b>Weatherly at White Hall</b>	
Location:	Old Stage Road	DRC: Approved- 5/30/07
Zoning:	R-2	Final: Approved- 9/05/07
District:	Stonehouse	
<b>SP-125-06</b>	<b>Sentara Building, New Town Sec 3</b>	
Location:	Ironbound Road	DRC: Approved-11/01/06
Zoning:	MU	Final: Approved- 2/23/07
District:	Berkeley	
<b>SP-128-06</b>	<b>Warhill Sports Complex</b>	
Location:	Warhill Trail	Preliminary:
Zoning:	R-8	Final: Approved- 4/10/07
District:	Stonehouse	

<b>SP-129-06</b>	<b>Massie Parking Lot Expansion</b>		
Location:	Richmond Road	DRC:	Approved-11/29/06
Zoning:	M-1	Final:	
District:	Stonehouse		
<b>SP-143-06</b>	<b>White Hall Section 1</b>		
Location:	Rochambeau Drive	DRC:	Approved- 7/25/07
Zoning:	R-2	Final:	
District:	Stonehouse		
<b>SP-144-06</b>	<b>White Hall Section 2</b>		
Location:	Rochambeau Drive	DRC:	
Zoning:	R-2	Final:	
District:	Stonehouse		
<b>SP-146-06</b>	<b>Carolina Furniture Warehouse</b>		
Location:	Richmond Road	DRC:	Approved- 1/31/07
Zoning:	B-1	Final:	
District:	Berkeley		
<b>SP-007-07</b>	<b>Williamsburg Community Chapel</b>		
Location:	Marclay Road	DRC:	Approved- 3/08/07
Zoning:	R-8	Final:	Approved- 4/16/07
District:	Roberts		
<b>SP-027-07</b>	<b>Handel's Ice Cream and Yogurt</b>		
Location:	Richmond Road and Noland Boulevard	DRC:	Approved- 5/30/07
Zoning:	B-1 and MU	Final:	
District:	Stonehouse		
<b>SP-031-07</b>	<b>The Colonies at Williamsburg</b>		
Location:	Olde Towne Road	DRC:	Approved- 9/26/07
Zoning:	R-2	Final:	
District:	Berkeley		
<b>SP-036-07</b>	<b>Zion Baptist Church Expansion</b>		
Location:	Richmond Road	DRC:	Approved- 9/05/07
Zoning:	R-8	Final:	Approved- 9/07/07
District:	Powhatan		
<b>SP-039-07</b>	<b>Ironbound Park</b>		
Location:	Magazine Road	DRC:	Approved-10/31/07
Zoning:	R-2	Final:	
District:	Jamestown		

<b>SP-045-07</b>	<b>Rawls Byrd Parking Lot Expansion</b>		
Location:	Laurel Lane	DRC:	Approved- 5/30/07
Zoning:	R-2	Final:	
District:	Jamestown		
 <b>SP-047-07</b>	 <b>Nicewood Building Expansion</b>		
Location:	Westmont Drive	DRC:	Approved- 7/05/07
Zoning:	PUD-C	Final:	Approved-10/24/07
District:	Stonehouse		
 <b>SP-056-07</b>	 <b>White Hall Clubhouse</b>		
Location:	Richmond Road	DRC:	Approved-10/31/07
Zoning:	A-1	Final:	
District:	Stonehouse		

## Appendix D – Major Cases – Subdivisions\*



### **S-103-03**

Location:  
Zoning:  
District:

### **Ford's Colony Section 35 MP Consistency**

Centerville Road  
A-1  
Powhatan

DRC: Approved- 2/04/04  
Final:

### **S-002-05**

Location:  
Zoning:  
District:

### **The Pointe at Jamestown Section 2B (53 Lots)**

Sir Thomas Way  
R-2  
Jamestown

Preliminary: Approved- 2/18/06  
Final:

### **S-015-05**

Location:  
Zoning:  
District:

### **Colonial Heritage Phase 3, Section 2 (51 Lots)**

Richmond Road  
MU  
Stonehouse

Preliminary: Approved- 5/02/05  
Final:

### **S-043-05**

Location:  
Zoning:  
District:

### **Colonial Heritage Phase 3, Section 3 (66 Lots)**

Richmond Road  
MU  
Stonehouse

Preliminary: Approved- 6/06/05  
Final: Approved- 9/27/07

### **S-053-05**

Location:  
Zoning:  
District:

### **Kingsmill – Spencer's Grant (52 Lots)**

Kingsmill Road  
R-4  
Roberts

Preliminary: Approved- 7/11/05  
Final:

### **S-059-05**

Location:  
Zoning:  
District:

### **Pegleg's Point, Section 6 (86 Lots)**

Neck O' Land Road  
R-1  
Jamestown

Preliminary: This has been  
Deferred indefinitely

<b>S-078-05</b>	<b>Stonehouse Fairmont Subdivision Section 1-4 (127 Lots)</b>		
Location:	Six Mount Zion Road	DRC:	Approved- 9/28/05
Zoning:	PUD-R	Final:	
District:	Stonehouse		
<b>S-079-05</b>	<b>Colonial Heritage Phase 4 (137 Lots)</b>		
Location:	Centerville Road	DRC:	Approved-11/02/05
Zoning:	MU	Final:	
District:	Powhatan		
<b>S-090-05</b>	<b>Powhatan Secondary Phase 7C (33 Lots)</b>		
Location:	News Road	Preliminary:	Approved- 4/13/06
Zoning:	R-4	Final:	Approved - 7/26/06
District:	Powhatan		
<b>S-091-05</b>	<b>Windmill Meadows (78 Lots)</b>		
Location:	Centerville Road	DRC:	Approved- 9/28/05
Zoning:	R-2	Final:	
District:	Powhatan		
<b>S-095-05</b>	<b>Landfall Village (16 Lots)</b>		
Location:	Jamestown Road	Preliminary:	Approved- 3/10/06
Zoning:	R-2	Final:	Approved- 6/13/07
District:	Jamestown		
<b>S-106-05</b>	<b>Colonial Heritage Phase 5 Section 1 (144 Lots)</b>		
Location:	Richmond Road	Preliminary:	
Zoning:	MU	Final:	
District:	Powhatan		
<b>S-117-05</b>	<b>Liberty Ridge (139 Lots)</b>		
Location:	Centerville & Jolly Pond Road	DRC:	Approved- 3/29/06
Zoning:	A-1	Final:	
District:	Powhatan		
<b>S-026-06</b>	<b>Colonial Heritage Phase 5, Section 2 (118 Lots)</b>		
Location:	Richmond Road	Preliminary:	
Zoning:	MU	Final:	
District:	Stonehouse		
<b>S-046-06</b>	<b>Rivers Edge Phase IV (3 Lots)</b>		
Location:	Richmond Road	Preliminary:	Approved- 6/28/06
Zoning:	R-4	Final:	Approved- 7/03/06
District:	Roberts		

<b>S-055-06</b>	<b>Burlington Woods</b>	
Location:	Richmond Road	Preliminary:
Zoning:	R-2	Final:
District:	Powhatan	
<b>S-064-06</b>	<b>Colonial Heritage Phase 3 Section 2</b>	
Location:	Richmond Road	Preliminary: Approved-12/01/06
Zoning:	MU	Final:
District:	Powhatan	
<b>S-071-06</b>	<b>AVID Medical and ESGI Expansion</b>	
Location:	LaGrange Parkway and Westmont Drive	Preliminary:
Zoning:	PUD-C	Final:
District:	Stonehouse	
<b>S-076-06</b>	<b>New Town Sec 2/4 Block 10</b>	
Location:	Foundation Street and Discovery Park Boulevard	Preliminary: Approved-10/27/06
Zoning:	MU	Final: Approved- 5/25/07
District:	Berkeley	
<b>S-078-06</b>	<b>Walnut Grove</b>	
Location:	Richmond Road	DRC: Approved-11/01/06
Zoning:	R-2	Final:
District:	Stonehouse	
<b>S-081-06</b>	<b>Liberty Crossing/ Noland</b>	
Location:	Richmond Road	Preliminary:
Zoning:	MU	Final:
District:	Stonehouse	
<b>S-090-06</b>	<b>Fenwick Hills Section 4</b>	
Location:	Old Stage Road	Preliminary:
Zoning:	R-2	Final:
District:	Stonehouse	
<b>S-093-06</b>	<b>Matoaka Elementary School</b>	
Location:	Centerville Road	Preliminary:
Zoning:	A-1	Final:
District:	Powhatan	
<b>S-098-06</b>	<b>White Hall Section 2</b>	
Location:	Rochambeau	Preliminary:
Zoning:	R-2	Final:
District:	Stonehouse	

<b>S-103-06</b>	<b>Liberty Crossing Phase 2</b>		
Location:	Richmond Road	Preliminary:	
Zoning:	MU	Final:	
District:	Stonehouse		
<b>S-019-07</b>	<b>Mason Park</b>		
Location:	Jamestown Road	Preliminary:	
Zoning:	R-8	Final:	
District:	Jamestown		
<b>S-021-07</b>	<b>Liberty Crossing Phase 3</b>		
Location:	Richmond Road	Preliminary:	
Zoning:	B-1	Final:	
District:	Stonehouse		
<b>S-023-07</b>	<b>Preserve at Uncle's Neck</b>		
Location:	Forge Road	Preliminary:	Approved- 3/06/07
Zoning:	A-1	Final:	
District:	Stonehouse		
<b>S-031-07</b>	<b>McFarin Park</b>		
Location:	Neck-O-Land Road	Preliminary:	
Zoning:	R-2	Final:	
District:	Jamestown		
<b>S-037-07</b>	<b>Ford's Colony- Section 35</b>		
Location:	Centerville Road	DRC:	Approved- 9/10/07
Zoning:	MU	Final:	Approved-10/02/07
District:	Powhatan		
<b>S-050-07</b>	<b>Mill Creek</b>		
Location:	Ivy Hill Road	Preliminary:	
Zoning:	A-1	Final:	
District:	Stonehouse		

\* Figures are based on workload indicators. Actual totals for FY 2007 are as follows:  
Rezoning 12, Special Use Permits 35, Site Plans 141, and Subdivisions 104.











**REZONING-0008-2007 / MP-0006-2007: Ford's Colony Section 37: The Village at Ford's Colony  
Staff Report for the December 5, 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**

Planning Commission:  
Board of Supervisors:

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

December 5, 2007                      7:00 p.m.  
(T. B. D.)

**SUMMARY FACTS**

Applicant:                      Mr. Vernon Geddy, III, on behalf of Realtec, Inc.

Land Owner:                      SRW-Hockaday, LLC and Martha W. McMurran

Proposal:                      To rezone the subject property with the intention of constructing a Continuing Care Retirement Community (CCRC) that will feature 622 Independent Living Units, 32 Townhouses, 118 Assisted Living Units, and 180 Skilled Nursing Care Beds.

Location:                      3889 News Road (Route 613)

Tax Map/Parcel Nos.:                      3730100004

Parcel Size:                      180.79 Acres

Existing Zoning:                      R-8, Rural Residential

Proposed Zoning:                      R-4, Residential Planned Community, with Proffers

Comprehensive Plan:                      Low Density Residential, with Conservation Areas along the southeastern and southwestern parcel boundaries

Primary Service Area:                      Inside

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until the January 9, 2008 Planning Commission meeting in order to fully evaluate and better address comments, questions, and recommendations for the project received from the Planning Division and other review agencies. Reviews of the Proffers, Master Plan, and Community Impact Statement for this project are ongoing at the time of this requested deferral. Staff concurs with this request, and recommends deferral of this case.

Staff Contact: David W. German

Phone: 253-6685

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David W. German, Senior Planner

**ATTACHMENTS:**

1. Applicant's Deferral Request Letter

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

email: [vgeddy@ghfhlaw.com](mailto:vgeddy@ghfhlaw.com)

VERNON M. GEDDY, JR. (1926-2005)  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN  
RICHARD H. RIZK  
ANDREW M. FRANCK

November 21, 2007

Mr. David W. German  
Senior Planner  
James City County  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Realtec Incorporated - Section 37, Ford's Colony at Williamsburg

Dear David:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of these applications until its January meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/

cc: Drew Mulhare  
Arch Marston  
Jason Grimes

## **REZONING CASE NO. Z-0005-2007-Ingram Road**

### **Staff Report for the December 05, 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:	August 01, 2007	7:00 p.m. (applicant deferral)
Planning Commission:	September 12, 2007	7:00 p.m. (applicant deferral)
Planning Commission:	October 03, 2007	7:00 p.m. (applicant deferral)
Planning Commission	November 07, 2007	7:00 p.m. (applicant deferral)
Planning Commission	December 05, 2007	7:00 p.m. (applicant deferral)
Board of Supervisors:	January 08, 2008	7:00 p.m. (tentative)

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

#### **SUMMARY FACTS**

<b>Applicant:</b>	Mr. Scott Evans, Scott Evans Contracting, LLC
<b>Land Owner:</b>	Evans Development Corporation
<b>Proposal:</b>	To rezone 0.37 acres from R-8, Rural Residential, to B-1, General Business, with proffers, for the construction of an approximately 1,440-square foot, office building with a 520-square foot attached garage.
<b>Location:</b>	112 Ingram Road
<b>Tax Map/Parcel:</b>	(47-1)(1-23)
<b>Parcel Size:</b>	0.37 acres
<b>Existing Zoning:</b>	R-8, Rural Residential
<b>Comprehensive Plan:</b>	Mixed Use
<b>Primary Service Area:</b>	Inside

#### **STAFF RECOMMENDATION**

The applicant has agreed to defer this case to the January 09, 2008 Planning Commission meeting. Staff concurs with the request.

Staff Contact: Jose-Ricardo Linhares Ribeiro

Phone: 253-6685

#### **ATTACHMENTS:**

1. Deferral request letter

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Jose-Ricardo Linhares Ribeiro, Planner



# Scott Evans Contracting, Inc.

Industrial • Commercial • Residential

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November 28, 2007

Mr. Jose Ribeiro, Planner  
James City County  
Department of Development Management  
101-E Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187

RE: Z-0005-2007, 112 Ingram Road Rezoning

Dear Mr. Ribeiro:

I would like to request a deferral on the submission of our rezoning application until we can resolve the parking and environmental issues.

Thank you for all your help on this project and I look forward to working with you further.

Sincerely,

Scott Evans  
President



**SPECIAL USE PERMIT CASE NO. SUP-0032-2007, 7761 Richmond Road-John Deere Dealership**

**Staff Report for the December 05, 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.*

**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

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

December 05, 2007

7:00 p.m.

January 8, 2008

7:00 p.m. (tentative)

**SUMMARY FACTS**

**Applicant:**

Mr. James Peters of AES Consulting Engineers

**Land Owner:**

Mr. John I. Fleet Jr. of Fleet Brothers of Williamsburg, Inc

**Proposal:**

Expansion of existing building square feet by 8,000 square feet. A Special Use Permit is also requested to allow vehicle and trailer sale and service (with major repair limited to a fully enclosed building) on the site.

**Location:**

7761 Richmond Road

**Tax Map/Parcel:**

1240100045

**Parcel Size:**

4.69 acres

**Existing Zoning:**

B-1. General Business

**Comprehensive Plan:**

Mixed Use

**Primary Service Area:**

Inside

**STAFF RECOMMENDATION**

Staff finds the proposed 8,000 square foot addition generally consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff notes that the scale of the proposed commercial operation (i.e. the sale and service of farm and construction equipment) over 19,000 square foot of outdoor display area, not to be consistent with the primary land use recommendations of the Comprehensive Plan for this location in Toano. However, Staff believes that, with the attached special use permit conditions, the impacts-particularly visual impacts on adjacent residential properties and along Richmond Road and Bush Spring Road will be mitigated. In addition, staff believes that the proposed achieves other significant objectives in the Comprehensive Plan and in the Toano Design Guidelines. Therefore, staff recommends the Planning Commission recommend approval of this case with the conditions listed in the staff report.

**PROJECT DESCRIPTION**

Mr. James Peters of AES Consulting Engineers has applied on behalf of Fleet Brothers of Williamsburg, Inc for a special use permit to allow an additional 8,000 square feet of building area. This along with the existing 7,800 square foot retail structure would provide total of 15,800 square feet. The site also contains a 2,200 square foot barn. A special use permit is also requested to allow the sale of farm and construction equipment (e.g. small-sized tractors and medium to smaller size equipment such as cutters, gator utility vehicles, and push and riding mowers), which falls under the category of “vehicle and trailer sales and services (with major repair limited to a fully enclosed building)” per Section 24-391 of the Zoning Ordinance.

The proposed 8,000 square foot expansion would be located to the rear of the existing building and would be used as an equipment service center (3,000 square feet of the proposed building area, as noted on the binding master plan), and also as indoor storage, warehousing, and farm, feed, yard and garden supply center (5,000 square feet of the proposed building area, as noted on the binding master plan). The proposed expansion would have a maximum height of 24 feet, matching the existing building maximum’s height.

In addition to the expansion, approximately 23,300 square feet of commercial outdoor display areas is proposed on the site. These areas, labeled on the binding master plan as garden and equipment display areas, will exhibit John Deere brand name equipment (approximately 19,000 square foot of display area having a turf and/or mulch surface, located at the eastern side of the property) and garden and landscape materials (approximately 4,000 square foot of display area located at the western side of the property). The existing 2,200 square foot wooden barn will remain on the site and it is proposed as either an “old farm equipment-antique museum” or as an area to conduct repairs on small engines.

*Site Properties:*

The 4.69 acres property is located at 7761 Richmond Road in Toano. The property is zoned B-1, General Business and is designated by the 2003 Comprehensive Plan as Mixed Use. Properties to the east of the site are zoned A-1, General Agricultural, and are designated as Low Density Residential by the Comprehensive Plan. Properties to the south and west of the site are zoned A-1, and designated Mixed Use. Properties to the north of the site and across Richmond Road are zoned A-1 and M-2, General Industrial and are designated as Mixed Use. Further, the property is located within the Toano Community Character Area and is subject to the principles found in the Design Guidelines & Streetscape Plan for Toano. The site fronts on Richmond Road, which is designated by the 2003 Comprehensive Plan as a Community Character Road.

*Topography and Soils:*

The site gently slopes to the north and west of the site. Elevations on the property average approximately 110 feet above mean sea level. The predominant soil types are described as well-drained soils with low shrink-swell potential and slight erosion hazard potential.

**PUBLIC IMPACTS**

### **Archaeology:**

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

**Planning Division Comment:** Staff finds that given the size and nature of the site, no archaeological studies are necessary.

### **Environmental**

**Watershed:** Yarmouth Creek, Subwatershed 102.

**Environmental Staff Comments:** The Environmental Division Staff recommends that a special use permit condition be designed to ensure that overflow from the proposed infiltration trench BMP discharge directly to a roadside (Richmond Road and/or Bush Springs Road) trench and not to the adjacent parcel located west of the property. Further, the Environmental Division Staff notes that the goals, priorities, and contents of the Yarmouth Creek Watershed Management Plan should be reviewed and addressed, as appropriate, prior to development plan submission.

**Planning Division Comments:** Staff notes that Special Use Permit condition No. 4 has been designed to address the Environmental Division concerns regarding off-site runoff discharge. Staff further notes that in order to ensure that hazardous materials (e.g. pesticides, herbicides, petroleum by-products, etc) do not infiltrate into the site’s drainage system or soil, a special use permit condition (SUP condition No.3) has been designed which requires that a spill prevention and control plan be submitted to the Environmental Division for review and approval prior to final site plan approval.

### **Public Utilities**

**Staff Comment:** The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. The JCSA staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards. Water Conservation and Irrigation standards are part of the SUP conditions for this proposal (please refer to SUP conditions Nos. 5 & 6).

### **Transportation**

- **2007 Traffic Counts:** From Forge Road (Route 610) to Croaker Road (Route 607), 17,201 average daily trips.
- **2026 Volume Projected:** From Route 30 to Croaker Road (Route 607) projected 24,000 average daily trips- “OK” category in the 2003 Comprehensive Plan.
- **Road Capacity:** A four lane minor arterial with turn lanes has a capacity of 30,000 vehicle trips per day.
- **Access:** The property fronts on Richmond Road between Bush Springs Road and Turlington Road with two right-in/right-out driveways on Richmond Road, and one driveway on Bush Springs Road. There is a crossover on Richmond Road at Bush Springs Road. The property currently has right turn lanes at the driveways on eastbound Richmond Road, and there are left turn lanes on westbound Richmond Road at the Bush Springs Road crossover.

**VDOT comments:** The Virginia Department of Transportation (VDOT) concurs with the Traffic Engineer's traffic analysis conclusions that no improvements will be required to the existing entrances on Route 60. The proposed expansion, with no additional development planned, should not cause a negative impact on current or future VDOT Right-of-Way. VDOT notes that the existing signs appear to be located partially on VDOT right of way. VDOT recommends that any alterations or proposals to modify the signs require that the signs be relocated entirely off of VDOT right of way. Further, advertising signs are not permitted within the VDOT right of way.

**Planning Division Comments:** Staff concurs with VDOT's comments. Trip generation associated with the proposed development introduces approximately 41 new PM peak hour vehicle trips per hour and has the potential to generate 289 weekday average daily vehicular trips. The Traffic Study projected that the proposed development would have very little effect on traffic operations and level of service (currently at level "C"). No road improvements are warranted as part of this proposal. As far as signage, staff notes that the applicant has to comply with Article II, Division 3 of the James City County Ordinance.

**Parking:** 71 existing off-street parking spaces are provided as part of this development. However, according to required parking ratios set forth by Section 24-59 (11) of the Zoning Ordinance, a total of 92 parking spaces are required (please refer to the parking tabulations table on the binding master plan for a detailed account on parking numbers). Staff finds that the additional 21 parking spaces would unnecessarily increase the total amount of impervious surface on the site; further, staff believes that 71 parking spaces would adequately accommodate all parking requirements for the proposed development. Staff has suggested that the applicant submit a minimum off-street parking waiver, in accordance with Section 24-59 (g)(2) of the Zoning Ordinance to be considered by the Planning Commission. The off-street parking waiver is later discussed in this report; the applicant has submitted a written waiver request which is attached to this report (please refer to attachment No. 4).

## **COMPREHENSIVE PLAN**

### **Land Use Map**

General	<p><i>Mixed Use-Toano Area- page 125:</i> As part of the 1997 Comprehensive Plan review, the Toano Mixed Use area was expanded to include the area fronting on the southwestern side of Richmond Road and Bush Springs Road.... Future development should be consistent with the design standards of the Toano Community Character Area. The age, architecture, scale, materials, and spacing of the buildings give the community its unique character. Principal suggested uses include moderate density residential development, neighborhood-scale commercial establishments, and small office developments. Limited industrial uses may be appropriate as secondary uses provided that they are setback and screened from Richmond Road (Route 60 West). Preservation and adaptive re-use of historic buildings are encouraged. Redevelopment of existing residential areas and commercial development are also encouraged.</p>
	<p><b>Staff Comment:</b> Staff believes that this development has great potential to help achieve the design standards of the Toano Community Character Area, most notably its unique small town character. Staff finds that because of its industrial component, particularly the outdoor display and sale of potentially large equipments (i.e. tractors), the scale of this proposed commercial operation is not consistent with the principal suggested uses for this area (i.e. Moderate density residential, neighborhood-scale commercial establishments and small office developments). However, staff believes that the special use permit conditions and the master plan associated with this case, notably the requirement for enhanced landscaped buffer along the property's eastern perimeter (SUP condition No.13) and enhanced landscape along the property frontage (SUP condition No. 14), limits on equipment display and use of soft surface display areas, mitigate the visual impact that this proposal may have on adjacent properties and along Richmond Road and Bush Springs Road while visually enhancing the character of the site. Further, SUP conditions No.7 and No. 9 ensure that the building materials and colors of the existing and proposed buildings are uniform and compatible with the character of the Toano Area. Staff notes that portions of this property are currently vacant and that the Comprehensive Plan encourages the redevelopment of commercial areas in Toano. Finally, while not a neighborhood-scale use, much of the market for this business, goods and uses is located in nearby areas.</p>

## Economic Development

Goals, strategies and actions	<p><i>Strategy # 1-Page 20:</i> Promote and encourage development of James City County as a premier location for business and industry that is compatible with the character and image of the area and has a positive fiscal impact for the County.</p> <p><i>Action #1-Page 20:</i> Continue to maintain an active and effective Economic Development strategy which includes existing business retention and expansion, the formation of and assistance to new business, and new business recruitment.</p> <p><i>Action #7 (a)-Page 21:</i> Promote water conservation among new and existing business.</p> <p><b>Staff Comment:</b> Staff finds that the relocation of the proposed John Deere dealership within the County to 7761 Richmond Road would be compatible with the rural character of the Toano Area. Further, staff believes that the retention of local small business is in keeping with the intent of the Economic Development Section of the Comprehensive Plan. SUP conditions Nos. 5 &amp; 6 ensure water conservation and irrigation standards for this proposal.</p>
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## Environment

Yarmouth Creek Watershed Management Plan	<p><i>Description-Page 47:</i> 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 James River. A final watershed management plan with recommendations on preserving this watershed will be completed in 2003. Citizen participation and comment will play a key role in this process in order to balance environmental goals with property rights.</p> <p><b>Staff Comment:</b> This project is situated in the Yarmouth Creek watershed. The owner, applicant, developer and or plan preparer will comply and review the goals, priorities (tools) and the entire content of the Yarmouth Creek Watershed Management Plan, including sub-watershed maps. Further, staff notes that on October 10, 2006, the James City County Board of Supervisors revised the Powhatan and Yarmouth Creek Watershed Management Plans to include mainstream riparian buffers, 50-foot non-RPA wetland, and 50-foot intermittent stream buffers. According to the environmental inventory provided in the master plan submitted along with this Special Use Permit request, no mainstream, wetland, or intermittent stream features appear present on this site.</p>
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Goals, strategies and actions	<p><i>Action # 5-Page 65:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><b>Staff Comment:</b> Since this project is located within the Yarmouth Creek Watershed Plan area, Special Stormwater Criteria (SSC) will apply. Two Low Impact Development (LID) features will be used on the site to comply with the Special Stormwater Criteria: at least 2000 square feet of pervious pavement/pavers will be utilized at the proposed 4,000 square foot outdoor garden display area. Additionally, rain barrels will be used at the downspouts for the building addition. Further, as means to minimize additional impervious surface on the site, all outdoor equipment display areas will be placed in either mulched or turf areas.</p>
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## Transportation:

Richmond Road	<p><i>Description-Page 77:</i> The traffic model assumes that Interstate 64 (I-64) is going to be improved to a six-lane facility. Funding is not currently available, however, nor is it likely to be available in the near to mid-range future. If I-64 does not get widened, Richmond Road will absorb a significant amount of local traffic as I-64 becomes increasingly congested. Even with the assumption of widening I-64, traffic volumes are expected to increase from an average of 24,000 vehicle trips per day to an average of 31,000 to 33,500 vehicle trips per day in 2026 on its most heavily traveled sections.</p> <p><b>Staff Comment:</b> According to the Traffic Engineer’s traffic analysis conclusions and with VDOT’s concurrence, the traffic generated by this proposal will not negatively affect the current Level of Service for this segment of Richmond Road. Given that this use is a low traffic generator compared to other B-1 uses, the proposal will help keep future traffic levels lower on Richmond Road.</p>
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### Community Character Area:

Toano	<p><i>Description-Page 86:</i> Toano still remains much of the “village” character that led to its designation as a Community Character Area. Although some new development has occurred, the character is still dominated by buildings constructed around the beginning of the 20<sup>th</sup> century. These buildings have shallow setbacks and many are two-story, creating a more pedestrian-oriented storefront environment than any other area in the County. There are only a few examples of the most recent automobile-induced development pattern of parking lots located between a one-story building and the road, which characterizes most of Richmond Road. Toano has also retained a fairly clear visual separation from other recent development along Richmond Road, with visitors having a distinct sense of arrival from both the east and the west.</p> <p><b>Staff Comment:</b> Staff finds that due to the site’s existing conditions (i.e. parking lot area between one-story building and Richmond road, deeper front setbacks) some of the design standards intended to guide future development and redevelopment in the Toano area (please refer to page 86 of the Comprehensive Plan) cannot be accomplished as intended by the Comprehensive Plan. However, staff notes the following as positive design elements proposed as part of this development which are believed to be in keeping with the intent of the design standards for the Toano area:</p> <ul style="list-style-type: none"> <li>• The wooden barn will remain unchanged in the site and therefore visually enhance the rural and small “village” character of the Toano area ( SUP condition No.9);</li> <li>• Existing specimen and trees and shrubs will be preserved on the site to the extent possible;</li> <li>• The proposed landscape will supplement the existing native vegetation of the site and enhance the overall visual aspect of the site.</li> <li>• Larger tractors and equipment have been restricted to display locations further from Richmond Road (SUP condition No. 16).</li> </ul>
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### Community Character Road

Goals, strategies and actions	<i>Strategy # 3-Page 95:</i> Ensure that development along Community character Corridors and Areas protects the natural views of the area, promoted the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.
	<b>Staff Comment:</b> Staff notes that enhanced landscaping with hedging, to include three landscaped islands, is proposed along the northern parking area fronting on Richmond Road. Staff further notes that the Comprehensive Plan recommends a 50-foot landscape buffer for commercial developments; however, due to the site's existing conditions (i.e. parking areas located within the 50 foot buffer) full compliance with the Comprehensive Plan recommendation is not feasible. Staff has designed a special use permit which requires enhanced landscaping (SUP condition No.14) within the non paved areas of the 50 foot front setback, as means to comply with zoning requirements and the Comprehensive Plan recommendations.

**Toano Design Guidelines & Streetscape Plan (Adopted by the Board of Supervisors on February 14, 2006)**

Entrance Corridor from Norge, Richmond Road	<i>Description-Page 8:</i> Reinforce a village character with safe, walkable streets, landscaping, shallow building setbacks and vernacular architecture. Preserve open space where appropriate for future needs.
	<b>Staff Comment:</b> Staff notes that there is an existing sidewalk fronting the property. Staff further notes that additional landscaping along the property frontage is also required. The existing wooden barn will remain in the site, enhancing the rural character of the area. The northern area of the parcel will remain as a small open space pocket with landscaping.

**Staff Comment:**

Overall, staff believes that this proposal meets the zoning and Comprehensive Plan requirements for this area in Toano. As previously stated, staff finds that the scale of the commercial operation, as proposed, does not meet the intent of Comprehensive Plan recommendation for the Toano Mixed Use area. However, staff believes that the special use permit conditions associated with this request will mitigate the land use impact of this proposal on adjacent properties and along Richmond Road and Bush Springs Road.

Staff is sensitive to the nature of this proposal, particularly, to the need expressed by the property owner to display its merchandise along Richmond Road without visual obstruction. (Please refer to the non-binding conceptual drawing-attachment "A"- illustrating the proposed view from Richmond Road/Bush Springs Road-attached to this report). However, staff recognizes the strategic location of this property as one of the entrances to the Toano Community Character Area. As such, staff has designed a special use permit condition (SUP condition No.14) which requires enhanced landscape along the non paved 50 foot front setback of the property up to 125% above ordinance requirements for size. The intent of this condition is not to prevent the outdoor display areas to be fully viewed from Richmond Road, but rather, to complement the outdoor display areas by visually enhancing and beautifying the property therefore improving the overall visual appearance of the Toano area.

**Minimum Off-Street Parking Waiver:**



Section 24-59 ( g)(2) of the Zoning Ordinance states that “A property owner may be granted a waiver by the planning commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission may place conditions upon granting of a waiver and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.”

Staff notes that the existing and proposed building expansion generates the need for a total of 45 parking spaces, which is provided under this proposal. However, the 23,600 square foot of outdoor display area requires an additional 47 parking spaces. Staff finds that the additional parking spaces would unnecessarily increase the amount of impervious surface on the site. Further, staff finds that 71 parking spaces, as provide by this development, appear to accommodate all the parking requirements for this proposal. Staff is supportive of the off-street parking waiver and will take this request to the Development Review Committee (DRC).

### **RECOMMENDATION:**

Staff finds the proposed 8,000 square foot addition generally consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff finds that the proposed use of the property is not generally consistent with the Comprehensive Plan Land Use Map. However staff believes that the special use permit conditions associated with this case will mitigate any impact on adjacent residential properties and along Richmond Road and Bush Spring Road. Further, staff believes that this proposal achieves significant objectives in the Comprehensive Plan and in the Toano Design Guidelines. Staff recommends the Planning Commission recommend approval of SUP-0032-07 with the following conditions:

1. **Master Plan:** This Special Use Permit (SUP) shall be valid for the construction of an 8,500 square foot expansion (the “Building”), in addition to the existing two buildings on the below-described property for a total of 18,500 square feet (the “Buildings”). This SUP shall also permit the sales and services of vehicles and trailers (with major repair limited to a fully enclosed building), on the property located at 7761 Richmond Road and also identified as JCC Tax Parcel Number 12401100045 (the “Property”). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled “Master Plan for A Special Use Permit For Fleet Brothers of Williamsburg, Inc.”, prepared by AES Consulting Engineers and dated June 1, 2007 and revised on November 26, 2007 (the “Master Plan”) with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. **Stormwater Master Plan:** Prior to the submittal of any related construction plans, a stormwater master plan (the “Stormwater Plan”) for the Property shall be submitted to the James City County Environmental Director (“Environmental Director”) for his review and approval. The Stormwater Plan shall include facilities and measures necessary to meet the County’s ten point stormwater 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 Stormwater Plan is approved, changes to the Stormwater Plan shall only be made with the prior approval of the Environmental Director.

3. **Spill Prevention and Control Plan:** Prior to final site plan approval, a spill prevention and containment plan which addresses chemical handling including but not limited to fertilizers, pesticides, herbicides, the proposed diesel fueling container solvents, oil, and gasoline, shall be submitted to the Environmental Director and the Fire Chief for their respective review and approval.
4. **BMP Discharge:** Overflows from the proposed infiltration trench BMP shall discharge to a roadside (i.e. Richmond Road and or Bush Springs Road) trench and shall not be conveyed to the adjacent parcel located west of the Property (identified as JCC Tax Parcel Number 1240100047) without an offsite drainage easement. If overflows from the proposed infiltration trench BMP cannot be made to discharge into a roadside trench and/or offsite drainage easements cannot be secured, the infiltration BMP must be designed to intercept and infiltrate all runoff from the site ensuring zero surface discharge from the Property. Said BMP design must be reviewed and approved by the Environmental Director prior to final site plan approval.
5. **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 prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. **Irrigation:** In the design phase, the developer and designing engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments (the "Impoundments") may be used for irrigating common areas on the Property (the "Irrigation"). In no circumstances shall the "JCSA" public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the Impoundments.
7. **Architectural Review:** Prior to final site plan approval, architectural elevations, buildings materials, and colors shall be submitted to the Planning Director or his designee for review and approval. The purpose of this condition is to ensure that the existing and proposed structures on the Property are uniform and compatible in terms of design, materials, and colors, are designed for minimal visual impact, and are compatible with other structures in Toano.

8. **Fencing:** All proposed fencing which are either design for security and/or ornamental purposes shall be submitted to the Planning Director or his designee for review and approval prior to final site plan approval.
9. **Wood Frame Barn:** The existing 2,200 square foot wood frame barn shall remain on the Property and its outside character (i.e. building material, colors, scale) shall remain unchanged except as provided herein. Any changes to the outside character of the barn shall be submitted to the Planning Director or his designee for review and approval.
10. **Exterior 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 property line or any direct view of the lighting source from the adjoining properties.
11. **Dumpsters:** All dumpsters and heating and cooling units on the Property shall be screened with landscaping or fencing approved by the Planning Director or his designee prior to final site plan approval.
12. **Noise Abatement:** No exterior loudspeaker system shall be used in the Property.
13. **Buffer:** A variable 50-to-80-foot-wide buffer shall be provided along the eastern perimeter of the Property from the rear of the Property line to the existing asphalt entrance road. The buffer shall be undisturbed. However, within the 35 foot transitional buffer the existing vegetation may be removed and supplemented with additional plantings at 125% above ordinance of either size or quantity requirements. A Planting Removal Plan shall be approved by the Planning Director or his designee prior to final site plan approval.
14. **Landscaping:** A minimum of three landscape islands located within the northern parking area of the Property shall be provided along Richmond Road. Further, non paved areas of the 50-foot front setback of the Property shall be landscaped in accordance with the requirements set forth by Section 24-96 of the zoning ordinance except that plantings shall be 125 % above ordinance size requirements. The landscape islands shall be included in the landscape plan and any additional landscaping shall be approved by the Planning Director or his designee prior to final site plan approval.
15. **JCSA Review of Landscaping and Signage Location:** Any landscaping and signage improvement along Richmond Road right-of-way of way must be reviewed and approved by the "JCSA" prior to final site plan approval.
16. **Outdoor Display Areas:** No vehicles, equipment, or garden materials for sale on the Property shall be displayed in areas which are not specifically indicated on the Master Plan as outdoor display area. Further, the types of outdoor displayed items and their respective location on the Property are bound by the master plan.

17. **Commencement of Construction:** Construction on this project shall commence within thirty-six (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
18. **Severance Clause:** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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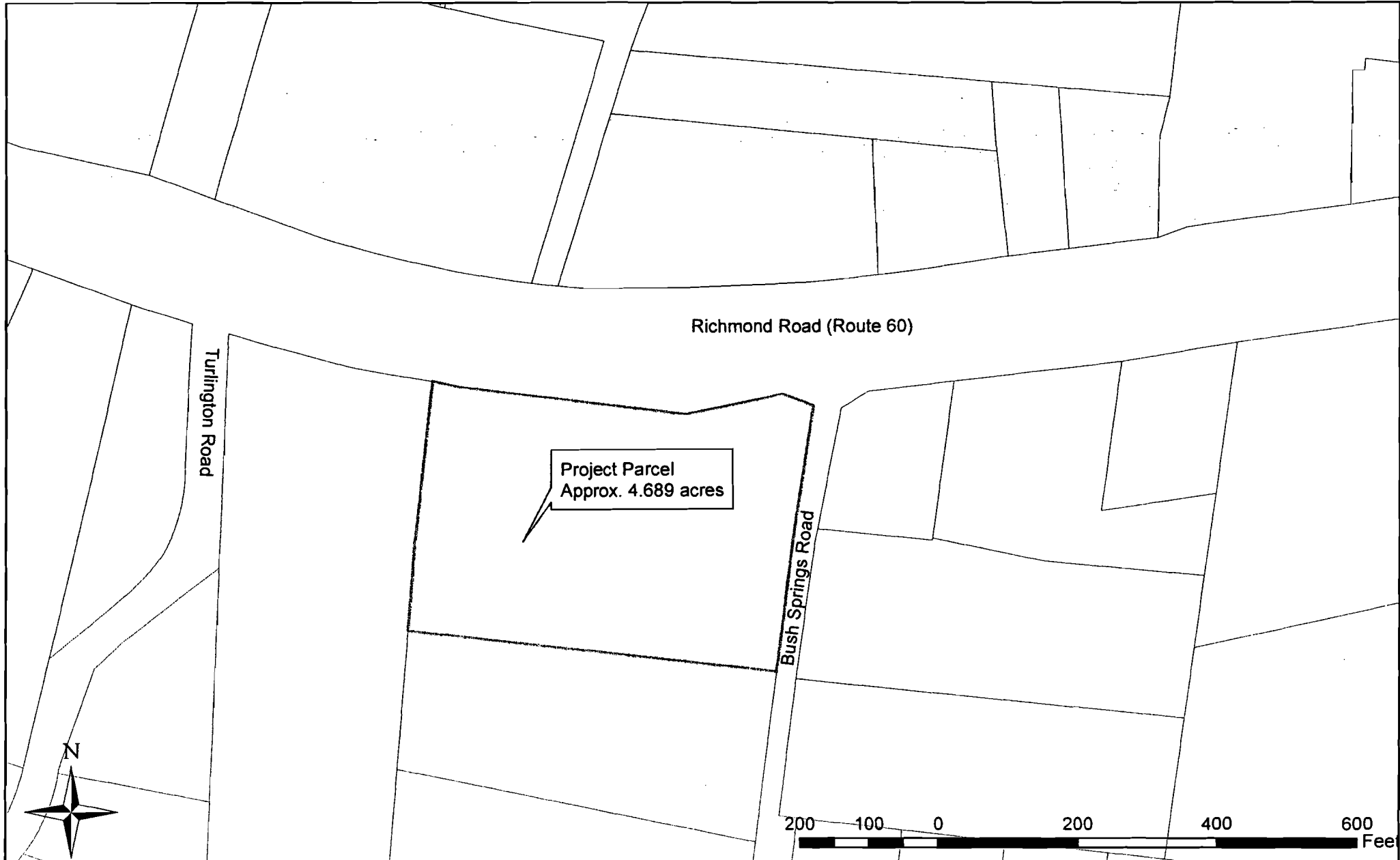
Jose Ribeiro, Planner

**ATTACHMENTS:**

1. Location Map
2. Master Plan
3. Community Impact Statement (CIS)
4. Off-Street Parking Waiver Request Letter
5. Illustrative Drawing-Attachment A
6. Illustrative Drawing-Attachment B
7. Copy of Design Guidelines & Streetscape Plan for the Toano Community Character Area

# SUP-0032-2007

## John Deere Dealership



# **Community Impact Statement**

*For*

**Feed, Seed, Garden Supply, and Farm Equipment Sales and Service  
At 7761 Richmond Road**

**October 24, 2007**

**Prepared By**

**AES Consulting Engineers  
5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
(757) 253-0040**

**Prepared For**

**Mr. John Fleet  
Fleet Brothers of Williamsburg, Inc.  
PO Box 424  
Hartfield, VA 23071  
(804) 776-6600**

**RECEIVED**  
OCT 2007  
Planning Department

## **I. INTRODUCTION & PROJECT DESCRIPTION**

On behalf of John Fleet and Fleet Brothers, Inc., AES Consulting Engineers respectfully requests a Special Use Permit (SUP) to allow a building addition for a small farm equipment dealership with associated feed, farm, and garden supply store at 7761 Richmond Road - the former Basketville property.

The property is zoned General Business (B-1) and totals 4.6± acres. It is served by public utilities which are adequate to meet the demands of the proposed farm vehicle and supply store and the site is within the Primary Service Area (PSA).

In 2004 this property was granted an SUP (SUP-24-04) to allow an expansion of the Basketville building for a total building square footage of over 10,000 square feet (sq.ft.). That addition was never constructed, and the SUP expired in January of 2007.

It is Fleet Brothers, Inc.'s desire to establish a farm, feed, and yard and garden supply store specializing in the sale and service of licensed John Deere goods in this area of James City County. Fleet Brothers, Inc. proposes to keep the existing building for sales and offices, and to construct an addition to the rear of the existing property for warehousing and service. Outdoor storage of plant material would also be located behind the existing building. The existing barn on the property would be used to house antique tractors and farm equipment.

The existing Basketville building is 7,800 sq.ft. and the barn is 2,200 sq.ft. This request is to allow an 8,000 sq. ft. addition in order to accommodate equipment service, indoor storage and warehousing, as well as farm, feed, and yard and garden supplies. Because this addition will bring the building over the 10,000 square foot threshold established by the Zoning Ordinance, a Special Use Permit is required. Additionally, a Special Use Permit is required to allow the sales and service of agricultural and yard maintenance equipment, as the Zoning Ordinance considers that "vehicle and trailer sales and services (with major repairs limited to a fully enclosed building.)"

The site is located within the Toano Community Character Area, per James City County 2003 Comprehensive Plan (2003, as amended), and is included in the recommended Toano Mixed-Use District. The Mixed-Use District recommends neighborhood-scale commercial, moderate density residential, and offices as the primary recommended uses, but it also notes that limited industrial uses may be appropriate secondary uses given appropriate setbacks and screening.

While this project does contain a small "light industrial", or, "regional-commercial" element in the sales and repair of larger agricultural equipment, by and large the business provides yard and garden equipment and supplies to local large-lot homeowners and casual, hobby, and backyard farmers. According to Fleet Brothers, Inc., the majority of their business is from the sale of John Deere

## **II. THE PROJECT TEAM**

The following organizations are involved in the planning and development of the 4.69± acre property:

Property Owner	John Fleet, Jr. of Fleet Brothers, Inc.
Applicant	AES Consulting Engineers - Williamsburg, VA
Civil Engineer	AES Consulting Engineers - Williamsburg, VA
Land Planning/ Landscape Architecture	AES Consulting Engineers - Williamsburg, VA



With assumption of adequate delivery pressures and volumes, and limited line losses through the delivery of water to the site, the current 5/8-inch water meter may be adequate.

### Sanitary Sewer

Sanitary sewer service to the site is currently provided via a grinder pump discharging into an existing 6-inch force main. The force main is located on the south side of Richmond Road, immediately adjacent to the front of the site.

Below, a table is supplied to identify approximate sanitary sewer demand based upon the proposed use(s) at the project site.

**Sanitary Sewer Contribution**

Type of Use	Square Feet (sq. ft.)	Avg. Water Demand (GPM)	Average Wastewater Contribution (Average Water Demand *3/2.5) (GPM)	Peak Wastewater Contribution (Average Wastewater Contribution *2.5) (GPM)
Commercial/ Retail (Garden Center)	5300	1.5	1.8	4.5
Warehouse and Office (Warehouse and Existing 2200 sq. ft. Barn)	7200	0.2	0.2	0.5
Indoor display	2500	0.1	0.1	0.3
Service Shop	3000	0.1	0.1	0.3
<b>Total</b>	<b>18,000</b>	<b>1.9</b>	<b>2.2</b>	<b>5.6</b>

Again, with the consideration of the former use at this site as a full retail/commercial use, anticipated sanitary sewer contribution use could be

ITE estimates that the former Basketville generated approximately 346 ADT, with 39 at peak hours (ITE code 814).

Based on projected daily traffic volumes and existing conditions on Richmond Road, this proposal would have very little, if any, effect on traffic or level of service.

### **C. Fire and Emergency Medical Services**

There are currently five (5) fire stations providing fire protection and Emergency Medical Services to James City County. Each station is located such that the emergency response goal is six minutes or less. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for additional backup assistance.

The primary response station for this site is the Forge Road Station (Station 1), which is less than one mile away.

In the evaluation of fire protection at the project site, two existing fire hydrants are located nearby: one fire hydrant is positioned at the southwest corner of the intersection of Richmond Road with Bush Neck Road; the second existing fire hydrant is located on the north side of Richmond Road, opposite to the project site location.

### **D. Solid Waste**

The property will generate solid waste which will require collection and disposal. Collection of solid waste will be provided by private contract with a reputable hauler acting in accordance with all applicable health standards.

### **E. Gas and Electricity**

Electricity will be supplied by Virginia Dominion Power.

No natural gas service is existing or proposed.

## **IV. STORMWATER MANAGEMENT**

This project site lies within the Yarmouth Creek Watershed Plan area, specifically within Subwatershed 102. Redevelopment and additional development of the site triggers the need to meet Special Stormwater Criteria (SSC) in addition to meeting James City County's 10-point BMP System for stormwater quality improvements. Additionally, increase in stormwater flows associated with the proposed site improvements are to be compensated for, thereby reducing peak post-development runoff rates of selected storms to pre-development values. Implementation of SSC measures improves the hydrology of a site assisting to

With the evaluation completed, and the identification of soils potentially having moderate to good infiltration capabilities, it is proposed that an adequately sized infiltration trench could achieve: a reduction in pollutant load due to stormwater runoff; attenuation of runoff volumes; reduction in peak runoff rates, and assistance in groundwater recharge.

## **V. ENVIRONMENTAL RESOURCES**

### **Description of Existing Environment**

The site is currently developed. Much of the property is open mowed field with a buffer of trees around the perimeter. The existing building is located in the center of the clearing, and there is a barn structure tucked in the southeast corner of the site. The site is generally flat, there are no water or wetland features on the site or adjacent to it, it is not in the 100-year floodplain, and there are no endangered, threatened, or rare species habitats on-site.

### **A. Topography**

The site gently slopes to the north and west of the site. Elevations on the property average approximately 110 feet mean sea level (msl), as indicated by the James City County GIS with a contour interval of 5-feet.

### **B. 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. The predominant soil types are described as well-drained soils (e.g. Slagle, Suffolk), with low shrink-swell potential and slight erosion hazard potential.

### **C. Surface Water**

This site is within Subwatershed 102 of the Yarmouth Creek Watershed Plan. As such, the site plan will be reviewed to ensure that stormwater management addresses the Special Stormwater Criteria (SSC) measures required by the County (see Stormwater Management (Section IV), above).

### **D. Wetlands**

There are no jurisdictional wetlands on the project site.

### **E. Floodplain**

Information and technical data published by the Federal Emergency Management Agency (FEMA) were reviewed to determine the extent, if any, of

where daily inundation is common. Given that there are no wetlands or tidal marshes on this site, the occurrence of sensitive joint-vetch is implausible.

Small whorled pogonia occupies a very specific habitat type within its range. In particular, the species seems to require the following conditions: mature, mixed hardwood, upland forests, generally open understory conditions with minimal aggressive ground level species, generally level to moderately sloping land with shallow upland draws often northerly or easterly exposure, scattered ground-level sunlight, and acidic, sandy loam soils (Ware 1991, Gleason and Cronquist 1991, Weakley 2006). In addition, many professionals have noted a prevalence of decaying logs and a well-developed detritus layer on the forest floor. These attributes tend to be present with the species when found, although the exact mechanisms associated with each affinity are not understood (Ware 1991).

While there are mature trees on the site, the cluster along the perimeter is not a mature forest and the conditions present would not likely support small whorled pogonia.

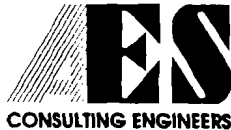
#### **I. Cultural Resources**

According to James City County archeological assessment "Preserving Our Hidden Heritage: An Archeological Assessment of James City County, Virginia" this site is not located within an area identified as a highly sensitive area.

#### **IV. SUMMARY AND RECOMMENDATIONS**

In summary, we conclude that the subject property does not contain any environmental resources as described in Section 23.10 of the James City County Code, and that the proposed use will not impose any adverse demands on public infrastructure or services.

The proposed use, a feed, seed, garden supply, and farm equipment sales and service business, reflects the agricultural heritage of the area and is appropriate for the rural context of the Mixed-Use District. The expansion, located behind the existing building, allows for adequate setbacks and screening and is consistent with General Business (B-1) zoning standards, as well as recommendations contained in James City County 2003 Comprehensive Plan and the *Toano Community Character Area Design Guidelines and Streetscape Plan*.



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6632 Main Street, Gloucester, VA 23061

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(804) 330-8040  
(804) 693-4450  
www.aesva.com

November 27, 2007

Mr. O. Marvin Sowers, Jr.  
James City County, Director of Planning  
P.O. Box 8784  
Williamsburg, Virginia 23187



**RE: 7761 Richmond Road – John Deere Dealership  
County No. SUP-0032-2007  
AES Project No: 9476-02**

Dear Mr. Sowers:

Pursuant to Section 2-59(g), (2) – Appeals and Waivers, and on behalf of Fleet Brothers of Williamsburg, AES Consulting Engineers respectfully requests a waiver to the parking requirements shown on the Master Plan as “required”. This waiver request is to allow the number of spaces shown on the Master Plan as “provided.” AES believes that previously submitted calculations showing 2,500 square feet of indoor display area at one (1) space per 400 square feet is a more realistic calculation for the type of use proposed given the experience of Mr. Fleet’s current business at Airport Road. It is important to note that the total parking provided on that property is 16 spaces. These spaces have been more than enough to serve the indoor display and sales area of the business as well as the outdoor display areas. This calculation would match the requirement for indoor vehicular sales show rooms in the James City County Ordinance.

We also believe that the ratio of one (1) space per 500 square feet for outside display area, if applied to all the potential display areas shown on the Master Plan, would far exceed the parking generated by the uses proposed for this site. Again, we base this opinion on Mr. Fleet’s experience at his Airport Road site as well as his business in Lancaster County and his contractual agreements with John Deere limiting excess product inventory, and on our own experience with businesses such as retail nurseries with large outdoor display areas and with car dealerships. In York County for instance, parking for vehicle sales and display is one (1) space per 500 square feet of indoor sales and display area and one (1) space per 2,500 square feet of outside display area.

AES believes that the required number of parking spaces for the particular uses proposed for Fleet Brothers of Williamsburg is not clearly set forth in the Ordinance, and pursuant to Section 24-59(d) that the Planning Director make a determination, preferably based on the number of spaces provided on the Master Plan, or, that the Planning Commission grant this waiver request in the interest of eliminating the unnecessary impervious surface generated by an additional 21 spaces.

Sincerely,

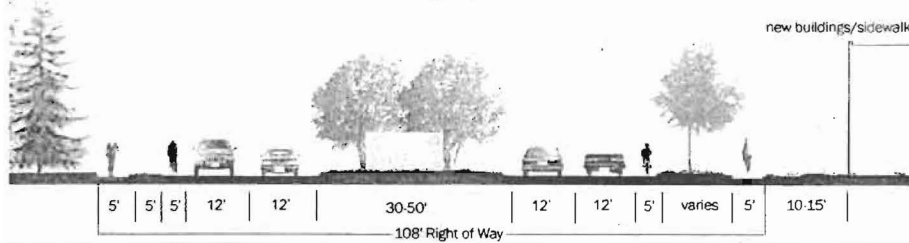
AES Consulting Engineers

James S. Peters, L.A.  
Landscape Architect / Land Planner

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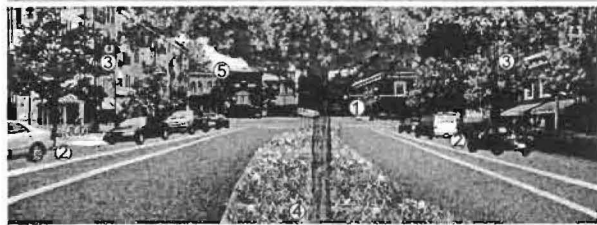
## Entrance Corridor from Norge, Richmond Road



Concerns	Goals
Traffic Speed	Lower the speed of traffic entering town through signage, median plantings, street trees, sidewalks and shallow building setbacks
Gateway into Toano	Reinforce the sense of arrival through signage and other design elements
Development Pattern	Provide a framework of infrastructure (parallel streets, alleys, blocks) that extends the built pattern of the historic center in an incremental fashion as the village grows
Visual Beauty/character	Reinforce a village character with safe, walkable streets, landscaping, shallow building setbacks and vernacular architecture. Preserve open space where appropriate for future needs

Note: Design elements for "Entrance Corridor from Norge" are consistent with those listed under "TRANSITION ZONE" - page 6.

### OTHER DESIGN ELEMENTS - TOANO DRIVE



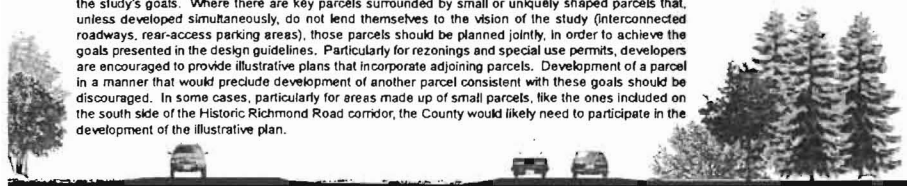
Toano Drive and Richmond Road Intersection Enhancement



1. **Traffic Signal & Crosswalks** - Provide a signal which would slow down through traffic while allowing pedestrians to safely cross the highway at designated crosswalks.
2. **Bicycle Lanes & On-Street Parking** - Use the existing wide section of Toano Dr. to provide for on-street parking and a bike lane in both directions. This helps narrow the street and slows down traffic while providing alternatives to surface parking lots.
3. **Street Trees & Lighting** - Create a safe and comfortable walking environment through pedestrian scale lighting and shade, which also helps to break down the scale of the street.
4. **Landscape Median** - Help to create a sense of place through well-maintained landscape in the public realm of the median.
5. **Infill Development** - Encourage mixed-use development that follows the pattern found in historic Toano. Buildings should be 2 to 3 stories and pushed to the street edge with entrances onto the sidewalk.

### JOINT DEVELOPMENT

There are sections of the study area where it will be very difficult to develop on a small scale and still achieve the study's goals. Where there are key parcels surrounded by small or uniquely shaped parcels that, unless developed simultaneously, do not lend themselves to the vision of the study (interconnected roadways, rear-access parking areas), those parcels should be planned jointly. In order to achieve the goals presented in the design guidelines, particularly for rezonings and special use permits, developers are encouraged to provide illustrative plans that incorporate adjoining parcels. Development of a parcel in a manner that would preclude development of another parcel consistent with these goals should be discouraged. In some cases, particularly for areas made up of small parcels, like the ones included on the south side of the Historic Richmond Road corridor, the County would likely need to participate in the development of the illustrative plan.



## TOANO COMMUNITY DEVELOPMENT PLAN

# DESIGN GUIDELINES & STREETSCAPE PLAN



Adopted

February 14, 2006

by

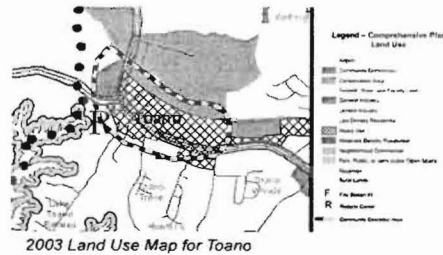
**James City County  
Board of Supervisors**



RENAISSANCE PLANNING GROUP

## BACKGROUND

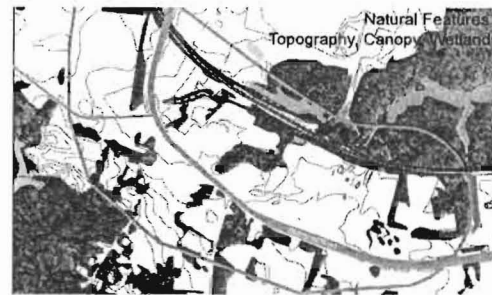
The historic village of Toano sits along Route 60 in the northern part of James City County, between Anderson's Corner and Norge. The village began as a railroad stop called Burnt Ordinary and in 1882 became known as Toano, a native American name for high ground. The extension of the Chesapeake and Ohio Railway along the middle of the peninsula led to the rapid expansion of the town as a commercial center for the northern part of the county. Industries which relied upon the railroad emerged along the Richmond Road corridor. With the expansion of the automobile in the 20th century, Richmond Road replaced the railroad as the primary conduit of goods and people through the village. The expansion of Richmond Road through the town in the 1950's eliminated many of the historic buildings in the village, particularly along the south side of the highway.



The 2003 Comprehensive Plan for James City County designates historic Toano as a Community Character Area. It calls for the architecture, scale, materials, and spacing of buildings to complement the historic character of the area. These guidelines and streetscape plan are the products of a steering committee convened to develop specific recommendations guiding the future development of the village while enhancing its historic character.

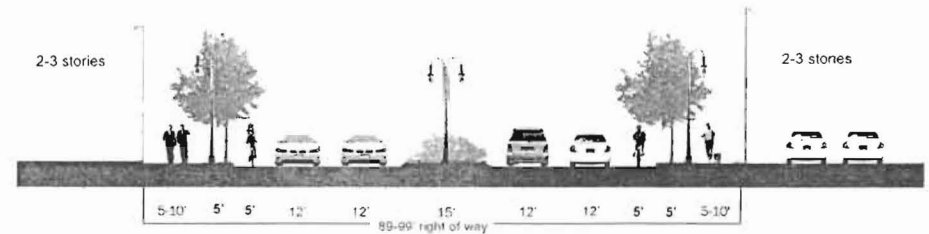
## COMMUNITY PROFILE

Toano is situated along the ridge line that Richmond Road follows. North of Richmond Road, water flows to an intermittent stream and out into the York River watershed. South of Richmond Road, water flows to the Little Creek Reservoir and down to the Chickahominy River watershed. Along Richmond Road through town there are few existing mature stands of canopy trees. Mature canopy stands instead are found near the low lying floodplains.



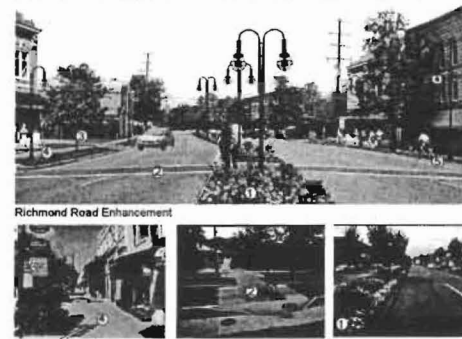
Toano is characterized by a central historic district on Richmond Road between Forge Road and Toano Drive. Beyond this district lies a historic neighborhood to the south, with Mt. Vernon United Methodist Church and more recent housing to the north - Burnt Ordinary Apartments and Assisted Living facility. Other facilities in the town include Toano Middle School, James City County Fire Department and Emergency Operations Building, and the Women's Club of Toano. Much of the remainder of the town consists of industrial uses.

## Historic Toano, Richmond Road



Concerns	Goals
Traffic	Reduce the perceived scale of Richmond Road by employing streetscape design elements, introduce traffic signals and clearly mark intersections
Pedestrian Access/Network	Encourage pedestrian activity through improved streetscape design including new sidewalks, bike lanes, sidewalk buffers, crosswalks, a planted median/refuge island, and short building setbacks
Economic/social vitality	Enhance the sense of place by increasing the density of mixed-use buildings in the village center. Designate points of interest to attract visitors and revitalize the downtown economy. Incorporate land for parks and open space.
Visual Beauty/character	Reinforce a village character with safe, walkable streets, landscaping and vernacular architecture; Preserve open space

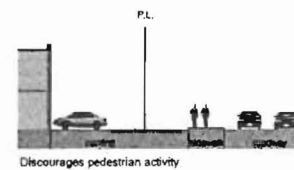
## DESIGN ELEMENTS - HISTORIC TOANO



- Median** - Separate directional traffic. Provide a refuge island for safe pedestrian crossing. Reduce the perceived width of the roadway and reinforce the sense of place with landscaping, pedestrian-scale lighting, and signage.
- Crosswalk** - Highlight and designate specific areas for pedestrian crossing. Use texture and color to alert and slow drivers. Connect crosswalk with network of sidewalks for full pedestrian access.
- Landscape Buffers** - Promote sidewalk safety by providing grass buffer strips between pedestrian and highway traffic. Plant more street trees for shade, to add beauty to the streetscape, and to reinforce the distinction between the street and the sidewalk.
- Sidewalk** - Create a clear and safe zone for pedestrians that links to a network of crosswalks and sidewalks. Improve the current condition of the sidewalks and provide ample width to encourage pedestrian activity.
- Bike Lane** - Encourage bicycling as an alternate means of transportation. Provide a clearly defined lane for bikes with connections to a network.

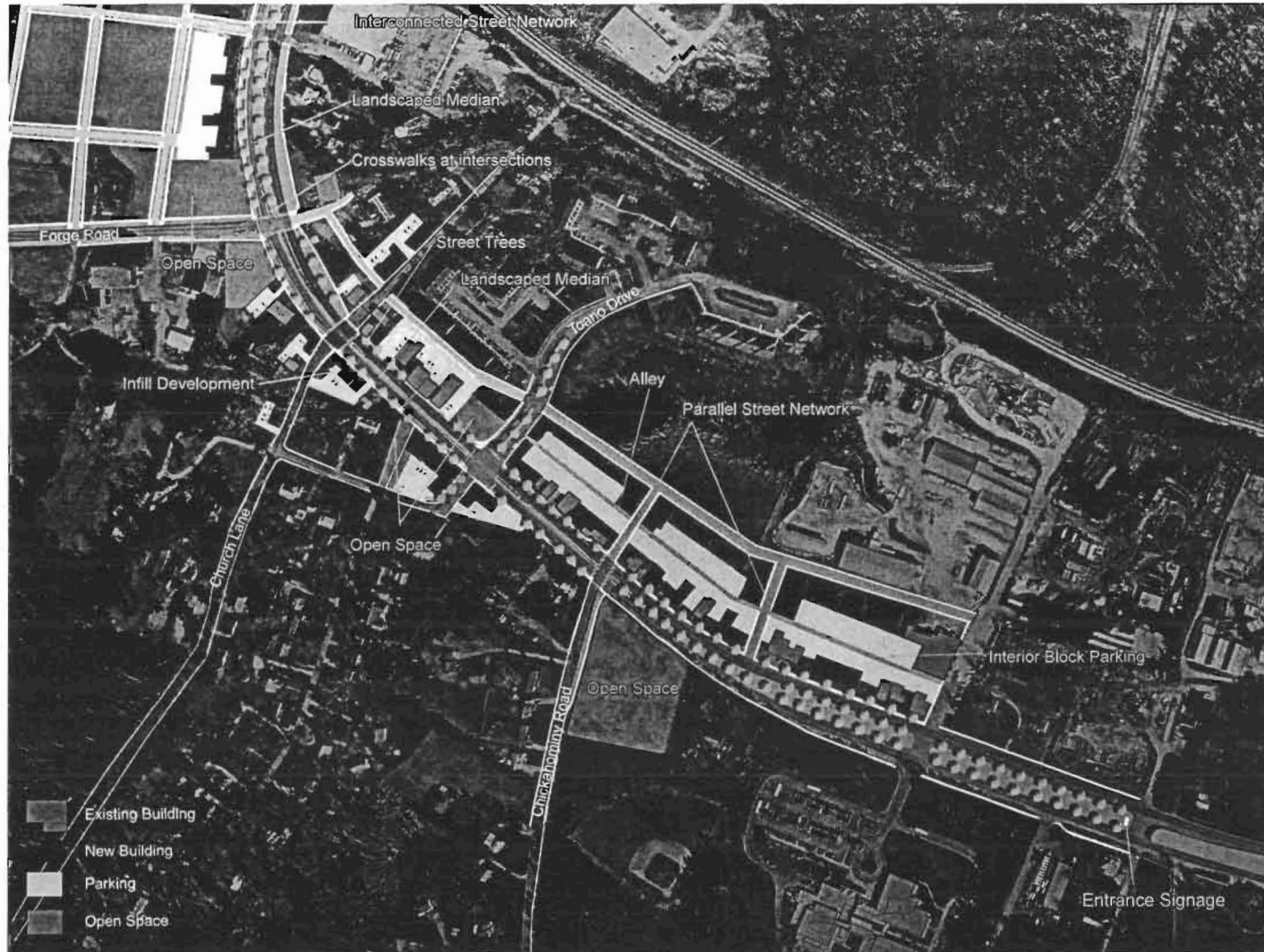
## BUILDING FRONTAGE AND PARKING

Promote a village town atmosphere where pedestrian activity is encouraged and served by a network of safe sidewalks and crosswalks that pass before building entrances. Activate the town center by increasing building density and height (up to three stories). Encourage shorter building setbacks with entry access from the sidewalk. Restrict parking to the side or rear of buildings. Access parking from Richmond Road at designated locations, and create alternative access to lots from back-alley roads.





## PROPOSED STREETWAY CONFIGURATION



AERIAL OF TOANO

## ARCHITECTURAL GUIDELINES



Silver Maple Cafe Unfinished Furniture Shop Historic Bank

### Historic Toano

1. Buildings should be set back 10-15'. Massing should be denser in this area of Toano, with limited side yard setbacks of 0-5'.
2. Projects should have a consistent and distinct identity through the use of similar and compatible architecture and building materials. Predominant exterior materials should be of high quality, including wood, and brick. Buildings should be of similar size and design as the three existing main street buildings (Old Bank, Masonic Lodge, and Old Antique Store buildings), or other buildings previously located in this area of a similar age when their designs can be documented, as well as have architectural characteristics sensitive to and compatible with design elements of the nearby historic buildings, including: The Gatewood House, Silver Maple Café, and the Unfinished Wood Furniture Store.
3. Desired elements include two and three story buildings, windows on all floors, 1<sup>st</sup> or 2<sup>nd</sup> story porches.
4. Landscaping should consist predominantly of street trees, foundation plantings, and parking areas; fences and walls should be used to screen objectionable features such as mechanical equipment and dumpsters.
5. These guidelines are highly recommended for all parcels fronting on Richmond Road, and recommended for back parcels inside the Community Character Area

### Transition Areas (also for Forge, Chickahominy, and Toano Drive transitions leading away from Richmond Road)

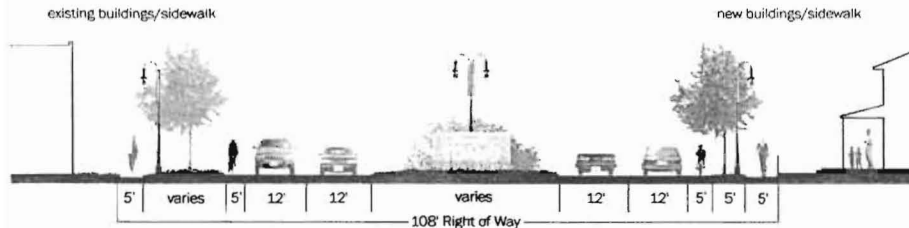
1. Building setbacks of 15-25 feet.
2. Buildings should be of a lesser scale than those directly along the historic Toano corridor, with building heights of one and a half and two stories.
3. Building density and massing should decrease as well, with side yard setbacks increasing to 10-15 feet.
4. Landscaping should focus on berms and buffers between the edge of the village and the rural lands or industrial uses, while landscaping along the internal roads should still focus on streetscapes and integration of the village area. Parking behind the buildings should still be screened with plantings, but can include a mix of on-street parking if the road width is wide enough to support it.
5. These guidelines are recommended for business and residential uses fronting on Richmond Road, and suggested for all other uses and back parcels.

### In Between Towns (Outskirts of Community Character Area and in between towns)

1. Building setbacks and buffers should increase in this section to more closely mirror the Comprehensive Plan designations for this area, as parcels in this section encompass more industrial, low-density residential, and agricultural uses.
2. Building scale and density is more readily dependent on land use, rather than the Toano historic district guidelines.
3. Dominant features inside these areas should include more extensive buffering and landscape screening of these uses from Route 60.



## Entrance Corridor from Anderson's Corner - Richmond Road



Concerns	Goals
Traffic Speed	Lower the speed limit in the transitional zone
Infrastructure	Create additional access to and from any proposed Forge Road development to Richmond Road; Introduce a traffic signal at the intersection of Forge Road and Richmond Road; Develop infrastructure before growth, not as a reaction
Gateway into Toano	Provide design elements that reinforce a sense of arrival
Pedestrian/bike access	Promote walking and biking with safe, improved sidewalks, crosswalks, bike lanes and sidewalk buffers
Character	Maintain an agricultural character by screening development with landscape and buffers. Create a town edge by increasing building setbacks and decreasing overall density

### DESIGN ELEMENTS - TRANSITION ZONES



- Planted Median** - The transition from town center to town edge is enhanced by the introduction of trees in the median. In this corridor, visibility across the median becomes less important as the number of pedestrian crossings decrease.
- Gateway** - The median also acts as a space for the display of gateway elements such as signs, pedestrian-scale lighting, and sculpture/art work which alerts drivers to their arrival into town. Designed welcome signage can also be used to reinforce the desired character of the town/village and can provide information about the town to visitors.
- Bike Lane** - A separate lane designated for bicycle traffic will help to reduce automobile traffic and will make the town and school more accessible to non-drivers.
- Sidewalks** - Wide, buffered sidewalks encourage walking to and from the town.
- Landscaped Berm** - Transitioning from Richmond Road to farmland on Forge Road, or to industry along the entrance corridor from Norge, berms or earth mounds could be employed as a visual edge or screen between different land uses. For year-round screening, berms should be planted with evergreen species and at a scale-appropriate density.
- Intersection** - A signalized intersection at Forge Road and Richmond Road will help to manage traffic and increase the overall safety for drivers, pedestrians, and bikers.

### TRANSITIONAL DEVELOPMENT



Toano is primarily a rural/agricultural community, undergoing development pressure. The transition area North and South of Richmond Road should complement the character of the town center with smaller scale street-front buildings, rear entry parking, and pedestrian friendly design. Planning for new development should include the preservation of farm viewsheds and improved traffic management. Landscaped berms improve the visual continuity of farmland (example shown below) and act as a screen to adjacent or industrial development. New development should include a plan for multiple access routes and avoid overloading any single corridor.



### PLANNING PRINCIPLES

The following principles were developed in consultation with the Toano Community Character Area Steering Committee as well as members of the public. The principles form the foundation for the following streetscape and design guidelines.

- Highlight and honor history
- Encourage appropriate growth that enhances unique small town character
- Preserve open space; establish communal green space
- Enhance pedestrian and bicycle environment while slowing vehicular traffic
- Improve streetscape and landscape to create a sense of place

James City County has several policies in place that help to guide the development of Toano. These are included in the following lists under Community Character Areas and Streetscape Guidelines Policy.

#### Community Character Areas

(from 2003 Comprehensive Plan)

- Promote rear-access parking.
- Design and maintain appropriate landscaping
- Develop consistent signage
- Ensure pedestrian & bicycle access
- Promote mixed-use development
- Provide open space

#### Streetscape Guidelines Policy

(Adopted April 2004)

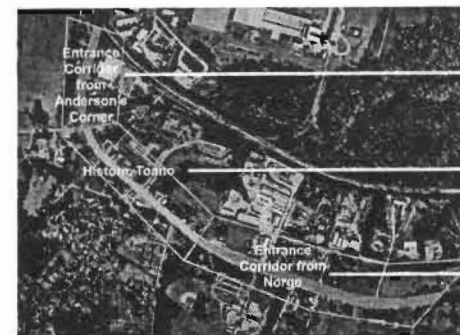
- Preserve or establish tree canopies of 20% within 20 years growing time
- A five foot landscape easement along a Right of Way must contain at least 1 tree per 40' or 1 shrub per 20'
- Native species or common street trees are recommended
- Existing trees within 20' of the Right of Way are protected by the zoning ordinance

### COMMUNITY CHARACTER STUDY

The expansion of Richmond Road through the center of Toano resulted in the removal of buildings that once formed the town's center. The community is eager to rebuild their town in the character of a village, where their collective goals include creating a safe and vibrant place to live, work, and visit.

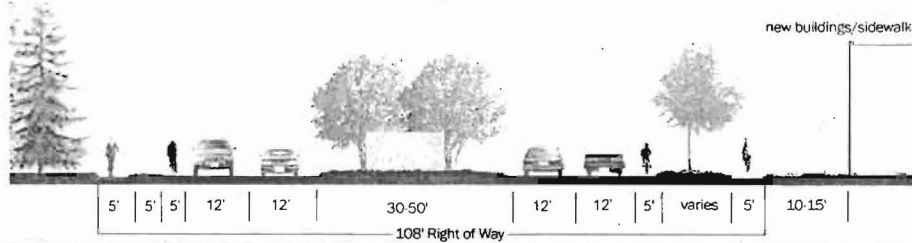
Three zones were selected by the committee for consideration in The Toano Community Character study: The Entrance Corridor from Anderson's Corner, Historic Toano, and The Entrance Corridor from Norge. Designs for each zone are based on the general concept of realizing a more defined town center and edge.

#### Key Toano Areas Studied



The proposed Streetscape Plan (included on pages 4 and 5) provides a framework for creating and maintaining a sense of place in Toano. Through the careful redesign of the public realm along Richmond Road, a pattern of development emerges that should guide future investment. The creation of a street network adjacent and parallel to Richmond Road allows a finer grain of density to develop and contributes to the village-like feel. Additionally, this network begins to draw development and interest into side streets and neighborhoods. Through design elements such as street trees, building massing and orientation, landscaping, crosswalks, and a network of open space, the fingerprint of a vibrant place can emerge. Toano's future should be informed but not constrained by its past while enhancing its unique character.

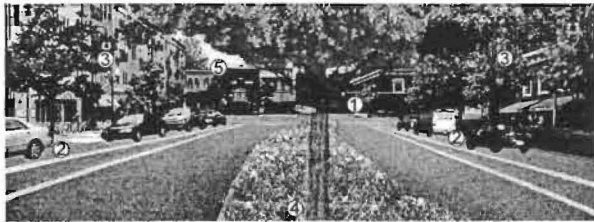
## Entrance Corridor from Norge, Richmond Road



Concerns	Goals
Traffic Speed	Lower the speed of traffic entering town through signage, median plantings, street trees, sidewalks and shallow building setbacks
Gateway into Toano	Reinforce the sense of arrival through signage and other design elements
Development Pattern	Provide a framework of infrastructure (parallel streets, alleys, blocks) that extends the built pattern of the historic center in an incremental fashion as the village grows
Visual Beauty/character	Reinforce a village character with safe, walkable streets, landscaping, shallow building setbacks and vernacular architecture. Preserve open space where appropriate for future needs

Note: Design elements for "Entrance Corridor from Norge" are consistent with those listed under "TRANSITION ZONE" - page 6.

### OTHER DESIGN ELEMENTS - TOANO DRIVE



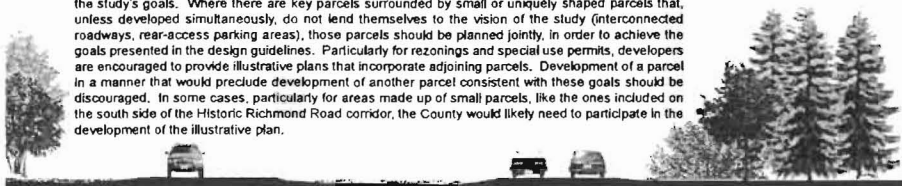
Toano Drive and Richmond Road Intersection Enhancement

- 1. Traffic Signal & Crosswalks** - Provide a signal which would slow down through traffic while allowing pedestrians to safely cross the highway at designated crosswalks.
- 2. Bicycle Lanes & On-Street Parking** - Use the existing wide section of Toano Dr. to provide for on-street parking and a bike lane in both directions. This helps narrow the street and slows down traffic while providing alternatives to surface parking lots.
- 3. Street Trees & Lighting** - Create a safe and comfortable walking environment through pedestrian scale lighting and shade, which also helps to break down the scale of the street.
- 4. Landscape Median** - Help to create a sense of place through well-maintained landscape in the public realm of the median.
- 5. Infill Development** - Encourage mixed-use development that follows the pattern found in historic Toano. Buildings should be 2 to 3 stories and pushed to the street edge with entrances onto the sidewalk.



### JOINT DEVELOPMENT

There are sections of the study area where it will be very difficult to develop on a small scale and still achieve the study's goals. Where there are key parcels surrounded by small or uniquely shaped parcels that, unless developed simultaneously, do not lend themselves to the vision of the study (interconnected roadways, rear-access parking areas), those parcels should be planned jointly. In order to achieve the goals presented in the design guidelines. Particularly for rezonings and special use permits, developers are encouraged to provide illustrative plans that incorporate adjoining parcels. Development of a parcel in a manner that would preclude development of another parcel consistent with these goals should be discouraged. In some cases, particularly for areas made up of small parcels, like the ones included on the south side of the Historic Richmond Road corridor, the County would likely need to participate in the development of the illustrative plan.



## TOANO COMMUNITY STRATEGIC PLAN

# DESIGN GUIDELINES & STREETSCAPE PLAN



Adopted

February 14, 2006

by

**James City County  
Board of Supervisors**



RENAISSANCE PLANNING GROUP

## COMMUNITY PROFILE

Toano is characterized by a central historic district on Richmond Road between Forge Road and Toano Drive. Beyond this district lies a historic neighborhood to the south, with Mt. Vernon United Methodist Church and more recent housing to the north - Burnt Ordinary Apartments and Assisted Living facility. Other facilities in the town include Toano Middle School, James City County Fire Department and Emergency Operations Building, and the Women's Club of Toano. Much of the remainder of the town consists of industrial uses.

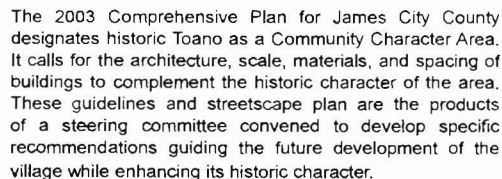


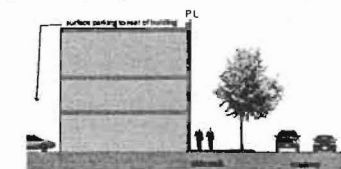
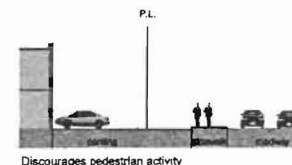
Diagram illustrating a 60-foot wide right-of-way for a 2-lane road with 2-3 stories buildings. The layout includes a 5-10' sidewalk, 5' trees, 5' planting strip, 12' travel lane, 12' travel lane, 15' center turn lane, 12' travel lane, 12' travel lane, 5' planting strip, 5' trees, and 5-10' sidewalk. The total width is 89-99' right of way.

Concerns	Goals
Traffic	Reduce the perceived scale of Richmond Road by employing streetscape design elements: Introduce traffic signals and clearly mark intersections
Pedestrian Access/Network	Encourage pedestrian activity through improved streetscape design including new sidewalks, bike lanes, sidewalk buffers, crosswalks, a planted median/refuge island, and short building setbacks
Economic/social vitality	Enhance the sense of place by increasing the density of mixed-use buildings in the village center. Designate points of interest to attract visitors and revitalize the downtown economy. Incorporate land for parks and open space.
Visual Beauty/character	Reinforce a village character with safe, walkable streets, landscaping and vernacular architecture; Preserve open space

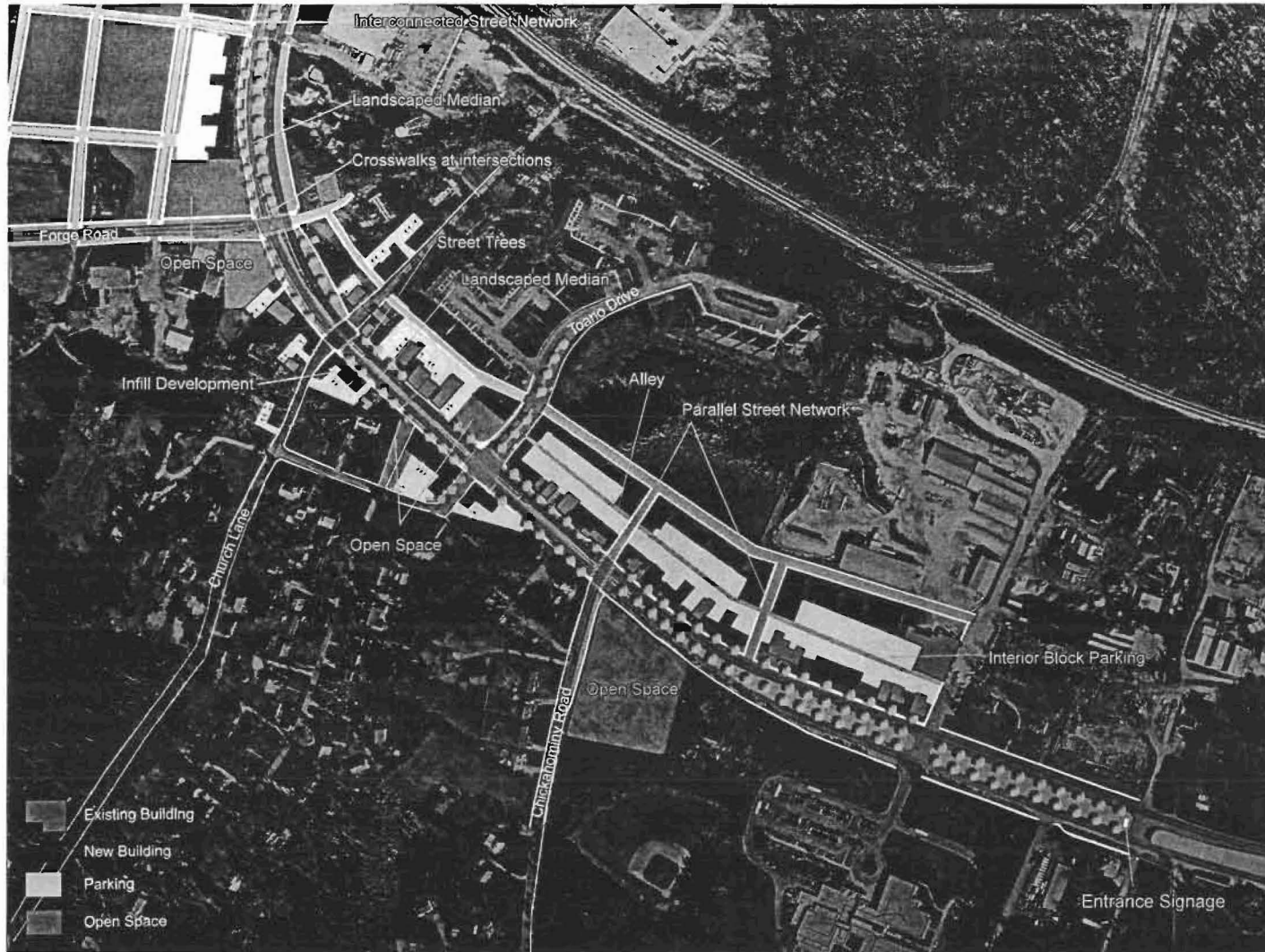
Richmond Road Enhancement

1. **Median** - Separate directional traffic. Provide a refuge island for safe pedestrian crossing. Reduce the perceived width of the roadway and reinforce the sense of place with landscaping, pedestrian-scale lighting, and signage.
2. **Grasswalk** - Highlight and designate specific areas for pedestrian crossing. Use texture and color to alert and slow drivers. Connect crosswalk with network of sidewalks for full pedestrian access.
3. **Landscaping Buffers** - Promote sidewalk safety by providing grass buffer strips between pedestrian and highway traffic. Plant more street trees for shade, to add beauty to the streetscape, and to reinforce the distinction between the street and the sidewalk.
4. **Sidewalk** - Create a clear and safe zone for pedestrians that links to a network of crosswalks and sidewalks. Improve the current condition of the sidewalks and provide ample width to encourage pedestrian activity.
5. **Bike Lane** - Encourage bicycling as an alternate means of transportation. Provide a clearly defined lane for bikes with connections to a network.

Promote a village town atmosphere where pedestrian activity is encouraged and served by a network of safe sidewalks and crosswalks that pass before building entrances. Activate the town center by increasing building density and height (up to three stories). Encourage shorter building setbacks with entry access from the sidewalk. Restrict parking to the side or rear of buildings. Access parking from Richmond Road at designated locations, and create alternative access to lots from back-alley roads.



## PROPOSED STREETScape Plan



AERIAL OF TOANO

### ARCHITECTURAL GUIDELINES



Silver Maple Cafe

Unfinished Furniture Shop

Historic Bank

#### Historic Toano

1. Buildings should be set back 10-15'. Massing should be denser in this area of Toano, with limited side yard setbacks of 0-5'.
2. Projects should have a consistent and distinct identity through the use of similar and compatible architecture and building materials. Predominant exterior materials should be of high quality, including wood, and brick. Buildings should be of similar size and design as the three existing main street buildings (Old Bank, Masonic Lodge, and Old Antique Store buildings), or other buildings previously located in this area of a similar age when their designs can be documented, as well as have architectural characteristics sensitive to and compatible with design elements of the nearby historic buildings, including: The Gatewood House, Silver Maple Cafe, and the Unfinished Wood Furniture Store.
3. Desired elements include two and three story buildings, windows on all floors, 1<sup>st</sup> or 2<sup>nd</sup> story porches.
4. Landscaping should consist predominantly of street trees, foundation plantings, and parking areas; fences and walls should be used to screen objectionable features such as mechanical equipment and dumpsters.
5. These guidelines are highly recommended for all parcels fronting on Richmond Road, and recommended for back parcels inside the Community Character Area

#### Transition Areas (also for Forge, Chickahominy, and Toano Drive transitions leading away from Richmond Road)

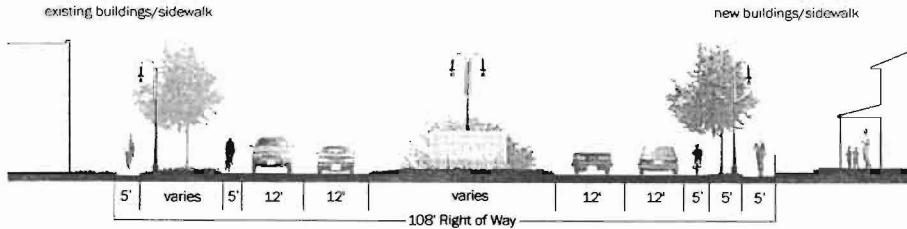
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4. Landscaping should focus on berms and buffers between the edge of the village and the rural lands or industrial uses, while landscaping along the internal roads should still focus on streetscapes and integration of the village area. Parking behind the buildings should still be screened with plantings, but can include a mix of on-street parking if the road width is wide enough to support it.
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#### In Between Towns (Outskirts of Community Character Area and in between towns)

1. Building setbacks and buffers should increase in this section to more closely mirror the Comprehensive Plan designations for this area, as parcels in this section encompass more industrial, low-density residential, and agricultural uses.
2. Building scale and density is more readily dependent on land use, rather than the Toano historic district guidelines.
3. Dominant features inside these areas should include more extensive buffering and landscape screening of these uses from Route 60.



## Entrance Corridor from Anderson's Corner - Richmond Road



Concerns	Goals
Traffic Speed	Lower the speed limit in the transitional zone
Infrastructure	Create additional access to and from any proposed Forge Road development to Richmond Road; Introduce a traffic signal at the intersection of Forge Road and Richmond Road; Develop infrastructure before growth, not as a reaction
Gateway into Toano	Provide design elements that reinforce a sense of arrival
Pedestrian/bike access	Promote walking and biking with safe, improved sidewalks, crosswalks, bike lanes and sidewalk buffers
Character	Maintain an agricultural character by screening development with landscape and buffers; Create a town edge by increasing building setbacks and decreasing overall density

### DESIGN ELEMENTS - TRANSITION ZONES



- Planted Median** - The transition from town center to town edge is enhanced by the introduction of trees in the median. In this corridor, visibility across the median becomes less important as the number of pedestrian crossings decrease.
- Gateway** - The median also acts as a space for the display of gateway elements such as signs, pedestrian-scale lighting, and sculpture/art work which alerts drivers to their arrival into town. Designed welcome signage can also be used to reinforce the desired character of the town/village and can provide information about the town to visitors.
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### TRANSITIONAL DEVELOPMENT



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## COMMUNITY CHARACTER STUDY

The following principles were developed in consultation with the Toano Community Character Area Steering Committee as well as members of the public. The principles form the foundation for the following streetscape and design guidelines.

1. Highlight and honor history
2. Encourage appropriate growth that enhances unique small town character
3. Preserve open space; establish communal green space
4. Enhance pedestrian and bicycle environment while slowing vehicular traffic
5. Improve streetscape and landscape to create a sense of place

James City County has several policies in place that help to guide the development of Toano. These are included in the following lists under Community Character Areas and Streetscape Guidelines Policy.

### Community Character Areas

(from 2003 Comprehensive Plan)

1. Promote rear-access parking.
2. Design and maintain appropriate landscaping
3. Develop consistent signage
4. Ensure pedestrian & bicycle access
5. Promote mixed-use development
6. Provide open space

### Streetscape Guidelines Policy

(Adopted April 2004)

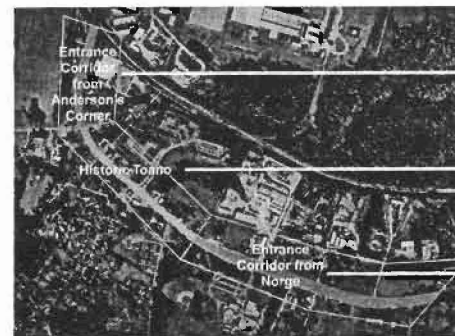
1. Preserve or establish tree canopies of 20% within 20 years growing time
2. A five foot landscape easement along a Right of Way must contain at least 1 tree per 40' or 1 shrub per 20'
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4. Existing trees within 20' of the Right of Way are protected by the zoning ordinance

### COMMUNITY CHARACTER STUDY

The expansion of Richmond Road through the center of Toano resulted in the removal of buildings that once formed the town's center. The community is eager to rebuild their town in the character of a village, where their collective goals include creating a safe and vibrant place to live, work, and visit.

Three zones were selected by the committee for consideration in The Toano Community Character study: The Entrance Corridor from Anderson's Corner, Historic Toano, and The Entrance Corridor from Norge. Designs for each zone are based on the general concept of realizing a more defined town center and edge.

### Key Toano Areas Studied



The proposed Streetscape Plan (included on pages 4 and 5) provides a framework for creating and maintaining a sense of place in Toano. Through the careful redesign of the public realm along Richmond Road, a pattern of development emerges that should guide future investment. The creation of a street network adjacent and parallel to Richmond Road allows a finer grain of density to develop and contributes to the village-like feel. Additionally, this network begins to draw development and interest into side streets and neighborhoods. Through design elements such as street trees, building massing and orientation, landscaping, crosswalks, and a network of open space, the fingerprint of a vibrant place can emerge. Toano's future should be informed but not constrained by its past while enhancing its unique character.

**SPECIAL USE PERMIT CASE NO. SUP-0029-2007/MP-0009-2007 Freedom Park Master Plan Amendment**

**Staff Report for the December 5, 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:	December 5, 2007	7:00 PM
Board of Supervisors:	January 8, 2008 (tentative)	7:00 PM

**SUMMARY FACTS**

**Applicant:** Mr. John Carnifax, James City County Parks and Recreation

**Land Owner:** James City County

**Proposal:** To amend existing SUP-0011-2004 and MP-0003-2004 to remove approximately 90 acres in order to accommodate a proposed combined public middle and elementary school and associated fields. The area to be removed is on the southeast side of Jolly Pond Road, and is approximately 1,000 feet west of Jolly Pond's intersection with Cranston's Mill Pond Road.

**Location:** 5537 Centerville Road

**Tax Map/Parcel:** 3010100009

**Parcel Size:** 689+/- acres

**Existing Zoning:** PL, Public Land

**Comprehensive Plan:** Park, Public, or Semi-Public Open Space

**Primary Service Area:** Outside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the amended conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the special use permit/master plan application for Freedom Park with the amended conditions to the Board of Supervisors.

Staff Contact:	Leanne Reidenbach, Planner	Phone: 253-6685
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## PROJECT DESCRIPTION

Mr. John Carnifax of James City County Parks and Recreation has applied for an amendment to the existing Freedom Park Special Use Permit and Master Plan to remove approximately 90 acres in order to accommodate a proposed combined public middle and elementary school and associated fields. Other minor changes in the location of facilities are proposed, including the relocation of some hiking trails, additional mountain biking trails, relocation of the entrance and parking lot off of Jolly Pond Road, and the grouping of sport courts. All these uses were approved under the original SUP and are only being moved. The property is located at 5537 Centerville Road and can be further identified as JCC Real Estate Tax Map 3010100009. The area to be removed is on the southeast side of Jolly Pond Road, and is approximately 1,000 feet west of Jolly Pond's intersection with Cranston's Mill Pond Road.

A Special Use Permit is required for this proposal because it requires changing a condition that was placed on the Park's original Special Use Permit to operate in an A-1, General Agricultural District (and now in a PL, Public Land District) and a Master Plan is required as it proposes the removal of a portion of the Park plan previously designated for unprogrammed open space, hiking trails, and road connection. As shown on the revised master plan, the removal will still allow the County to retain a variable width (between 50 and 70 feet) strip of land from Freedom Park, running along parcel 3020100003, to connect to the "dog leg" fronting on Jolly Pond Road. This area is planned to be used as a trail connection to the internal trail through the school site from Freedom Park in the future.

## PUBLIC IMPACTS

### Environmental

**Watershed:** Gordon Creek

**Staff Comments:** The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

### Public Utilities

Freedom Park is located outside of the Primary Service Area, though the portion to be used for this school site will be served by public water and sewer. An SUP-0031-2007 for the utility extension will be heard by the Planning Commission at the December 5 meeting as well.

**Staff Comments:** The James City County Service Authority has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

### Transportation

While the joint school site will generate additional traffic impacts, they will not be addressed with this application to remove the site from the Freedom Park Master Plan.

**2007 Traffic Counts (Centerville Road):** From Route 60 to Ruth Lane there were 10,174 trips. From Jolly Pond Road to Forest Glen there were 11,507 trips.

**2026 Volume Projected:** From the Route 60 interchange to Longhill Road there is the projection of 15,000 trips. This portion of Centerville Road is listed in the "watch" category.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	Park, Public, or Semi-public Open Space (Page 129): Land included in this designation generally consists of large, undeveloped areas owned by institutions or the public. Areas typically serve as buffers to historic sites, as educational
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	resources, and as areas for public recreation and enjoyment.
	<p><b>Staff Comment:</b> While land is proposed for removal from an existing park, the area will instead be used to provide land for a joint middle and elementary school. The location of the schools site was chosen due to its ability to serve a need within the community for a facility close to the population in this area. For the purpose of a public use, this large, County-owned site provides a better opportunity to meet community needs than any available parcel in the area within the Primary Service Area.</p> <p>Along with this use, several athletic facilities will be provided, including 2 gymnasiums, multiple ball and multi-use fields, play areas, and an outdoor environmental study area. These facilities will be used to serve the active recreation needs of the community at-large. Given this trade off, staff believes that the removal of this portion of parkland meets the intent of the Comprehensive Plan Land Use designation.</p> <p>While the Comprehensive Plan does not suggest that such facilities be developed outside the Primary Service Area (PSA), Strategy #2 stresses that the location of new public facilities should be close to the greatest number of people served, and located so that accessibility is maximized with minimum neighborhood effects. The Comprehensive Plan also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public elementary and middle school is needed in this area of the County in order to meet current demand. Additionally, the James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the ninth elementary and fourth middle school. As stated above, the site has also been designed in order to provide additional fields, play areas, and trail connections that can jointly be used by Parks and Recreation.</p>

### **Comprehensive Plan Staff Comments**

Overall, staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. The removal of this portion of Freedom Park from the Master Plan is essential to the development of the fourth middle school/ninth elementary school site. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for school construction. Additionally, the school will provide for other recreation needs for the community, including lighted fields, play areas, and an environmental study area.

### **RECOMMENDATION**

Staff finds the proposal, with the amended conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Please note that the conditions have been restated from the original SUP to ease future plan review. The only conditions that have been altered are #1 (to reference the new Master Plan date) and #5 (to require the traffic study within 3 years of the date of approval of SUP-0011-2004, July 27, 2004). If the date for condition #5 had not been altered, approval of this SUP would require the applicant to submit a traffic study by 2010. The traffic study is currently in the process of being reviewed by staff so it would be unnecessary to further extend the submittal date. These changes are bolded and italicized in the below list of conditions. Staff recommends that the Planning Commission recommend approval of the special use permit and master plan application for Freedom Park to the Board of Supervisors with the following restated and amended conditions:

1. Development of the site shall be generally in accordance with the ***Freedom Park Master Plan dated 9/14/07*** with such minor changes as the Development Review Committee determines do not change the basic concept or character of the development.
2. Prior to issuance of a land disturbance permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.



3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, and walking, hiking, and biking trails. Other uses not previously listed which are specifically approved by the Development Review Committee may also be permitted within the buffer.
4. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with development plans approved by the Virginia Department of Transportation (VDOT).
5. The applicant shall submit a traffic impact study to the County within three years of the date of approval *of SUP-0011-2004 (approved July 27, 2004)*, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.
6. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: Historical areas 1, 2, and 3; Active recreation area; “Hotwater Lake” as shown; and the Environmental Education Center. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Leanne Reidenbach, Planner

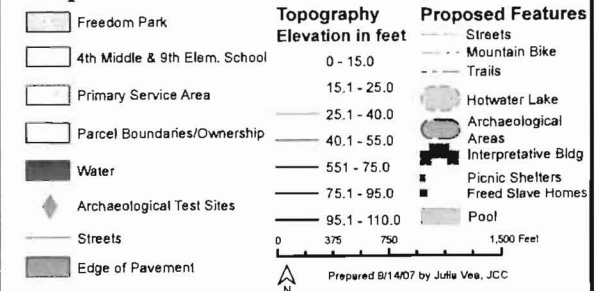
ATTACHMENTS:

1. Master Plan (dated 9/14/07)

# Freedom Park Master Plan



## Improvements



**SPECIAL USE PERMIT CASE NO. SUP-0031-2007 Jolly Pond Utility Extension**  
**Staff Report for the December 5, 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**

Planning Commission:  
Board of Supervisors:

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

December 5, 2007                      7:00 PM  
January 8, 2008                      7:00 PM (tentative)

**SUMMARY FACTS**

**Applicant:** Mr. Aaron Small, AES Consulting Engineers

**Land Owner:** James City County

**Proposal:** To construct approximately 13,146 linear feet of 4”sanitary sewer force main through Freedom Park from existing services located in the Forest Glen subdivision and 2,280 linear feet of 12” waterline from existing services located at the intersection of Jolly Pond Road and Cranston’s Mill Pond Road to serve the proposed joint W-JCC 9<sup>th</sup> elementary school and 4<sup>th</sup> middle school site.

**Location:** A portion of 5537 Centerville Road on the southeast side of Jolly Pond Road.

**Tax Map/Parcel** 3010100009

**Parcel Size** 90+/- acres

**Existing Zoning:** PL, Public Land

**Comprehensive Plan:** Park, Public, or Semi-Public Open Space

**Primary Service Area:** Outside

**STAFF RECOMMENDATION**

While extending utilities beyond the PSA boundaries is contrary to the Comprehensive Plan, the Public Facilities section stresses that the location of new public facilities should be closest to the greatest number of people served, and located so that accessibility is maximized with minimal neighborhood effects. A public school is needed in this area of the County in order to meet current demand generated by residential development. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the ninth elementary school/fourth middle school. A condition has been added to this application that limits connections to the service from this site, thus prohibiting further encroachment of utilities outside the PSA. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

Staff Contact: Leanne Reidenbach, Planner

Phone: 253-6685

## **Project Description**

Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County, for an SUP to allow for the extension of approximately 13,146 linear feet of 4" sanitary sewer force main through Freedom Park from existing services located within the Forest Glen subdivision and 2,280 linear feet of 12" waterline from existing services located at the intersection of Jolly Pond Road and Cranston's Mill Pond Road to serve the proposed joint W-JCC 9<sup>th</sup> elementary school and 4<sup>th</sup> middle school site. The site is located on a portion of 5537 Centerville Road, which is located on the southeast side of Jolly Pond Road, and is approximately 1,000 feet west of Jolly Pond Road's intersection with Cranston's Mill Pond Road. It can further be identified as JCC RE Tax Map No. 3010100009.

## **Surrounding Zoning and Development**

The parcel is zoned PL and designated as Park, Public, or Semi-Public Open Space on the 2003 Comprehensive Plan Land Use Map. The project site is surrounded to the north, north-east, and west by parcels zoned A-1, General Agriculture, which include a variety of uses including residential and the School Operations building. Freedom Park, zoned PL, Public Land, is the parcel that the sewer line is proposed to be extended through. Freedom Park is adjacent to the school site to the south and south-west and a small portion of the Park is immediately adjacent to the site to the north. All of the surrounding parcels are designated Rural Lands, with the exception of Freedom Park which is designated Park, Public, or Semi-Public Open Space on the Comprehensive Plan.

## **PUBLIC IMPACTS**

### **1. Environmental Impacts**

**Watershed:** Gordon Creek

#### **Proposed Conditions:**

1. Resource Protection Area. The final location of the waterline and force main and all construction related activity shall avoid previously undisturbed areas of the RPA and the RPA buffer. Should the pipe alignment need to cross a previously undisturbed RPA or previously undisturbed RPA buffer, the waterlines and force mains shall be bored underground to avoid any aboveground disturbance. Previously uncleared portions of the RPA and RPA buffer shall remain undisturbed, except as approved by the Director of the Environmental Division.
2. Reforestation. For all portions of any temporary construction easements that have been cleared, but that do not need to remain clear after construction, as determined by the Director of Planning or his designee, seedlings shall be planted and shall be shown on a reforestation or re-vegetation plan to be approved by the Director of Planning. This plan shall be submitted as part of the site plan depicting the utility extension. The reforestation or re-vegetation of any temporary construction easements shall be completed as determined by the Director of Planning or his designee, within two years of the initial clearing of the easement. It shall be the responsibility of W/JCC Schools to secure the necessary means to plant any temporary construction easements after the easements revert back to the property owner.

**Environmental Staff Conclusions:** The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

### **2. Public Utilities**

The site is located outside the Primary Service Area, but will be served by a public water extension from an existing waterline at the intersection of Jolly Pond Road and Cranston's Mill Pond Road and by public sewer extension from Forest Glen. The water line will follow Jolly Pond Road southwest for approximately 2,280 feet and will loop around the perimeter of the school buildings. The sewer line will follow Theodore Allen Drive and cross Centerville Road to enter Freedom Park. The line will primarily

follow the existing entrance road and an abandoned logging road that runs through the park property in order to minimize clearing.

**Proposed Conditions:**

1. Limitations on Connections to Water. No connections shall be made to the water main which would serve any property located outside the Primary Service Area (PSA) except for connections of the 9<sup>th</sup> Elementary School/4<sup>th</sup> Middle School project and existing structures located on property outside the PSA adjacent to the proposed water main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 8, 2008, that is vacant, outside the PSA and adjacent to the water main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.
2. Limitations on Connections to Sewer. No connections shall be made to the sanitary sewer force main which would serve any property located outside the PSA except for connections of the 9<sup>th</sup> Elementary School/4<sup>th</sup> Middle School project, existing structures located on property outside the PSA adjacent to the proposed main, and connections necessary to serve approved facilities shown on the Freedom Park Master Plan as amended. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of January 8, 2008, that is vacant, outside the PSA and adjacent to the main, one single equivalent residential connection shall be permitted.

**JSCA Staff Conclusions:** The James City County Service Authority has reviewed the proposal and concurs with the Master Plan and conditions as proposed. Restrictions are included in the condition to preclude connections to more than one dwelling unit per parcel. The recommended conditions placed on the utility extensions are similar to those that were developed after direction by a previous Board of Supervisors, and have been approved in the past by both the Commission and the Board. Specific details concerning the construction requirements will be considered with the forthcoming site plan submission.

**Comprehensive Plan**

**Land Use Map**

Designation	<p>Park, Public, or Semi-public Open Space (Page 129): Land included in this designation generally consists of large, undeveloped areas owned by institutions or the public. Areas typically serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.</p> <p><b>Staff Comment:</b> As this is proposed as a joint facility, the Comprehensive Plan recommends a minimum combined site size of 50 acres, 20 for the elementary school and 30 for the middle school. In actuality, public elementary and middle schools require considerably more acreage in terms of developable land in order to fit all of the necessary elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land and Toano Middle School is situated on 35 acres.</p>
Development Standards	<p><i>General Standard #1-Page 134:</i> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services and facilities generated by a development should be met or mitigated by that development.</p> <p><i>General Standard #4-Page 134:</i> Protect environmentally sensitive resources including... archaeological 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 #6-Page 135:</i> Provide for ultimate future road, bicycle and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a</p>

	<p>manner that accommodates future road, bicycle, and pedestrian improvements.</p> <p><b>Staff Comment:</b> The location of the schools site was chosen due to its abilities to serve a need within the community for a facility close to the population in this area. For the purpose of a public use, this large, County-owned site provides a better opportunity to meet community needs than any available parcel in the area within the Primary Service Area. The proposed water line route will not impact any archaeological resources. The route for the sewer extension will be designed to avoid or minimize impacts to previously identified archaeological sites. Condition #2 addresses the need to conduct additional surveys along the proposed route in areas not previously investigated and for sites that cannot be avoided. A portion of the sewer route will follow an existing logging road which will serve to minimize the amount of clearing necessary and limit impacts to environmentally sensitive resources to a pre-existing wetlands crossing. Co-location of a multi-use trail from Centerville Road through Freedom Park is proposed to provide a connection to the schools site.</p>
Goals, strategies and actions	<p><i>Strategy #3-Page 138:</i> Ensure that all land uses are located at appropriate sites in the Primary Service Area (PSA)...</p> <p><i>Strategy #5-Page 138:</i> Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action #5-Page 139:</i> Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with... parks, schools, and other public facilities.</p> <p><b>Staff Comment:</b> While the site is outside of the Primary Service Area (PSA), utilities are proposed to be extended to the schools through this SUP application. Conditions #3 and #4 include limitations to connections to the extended services which will reduce the impact that this project has on lands outside of the Primary Service Area. The extension of the water line will make public water available to only 2 additional parcels outside of the PSA. Since the sewer extension is routed through Freedom Park, it limits the number of parcels that can connect to public sewer to only 2 additional lots across Jolly Pond Road. As noted above, a multi-use trail will also be co-located within the sewer easement to provide pedestrian and bicycle connectivity to Freedom Park and neighborhoods along Centerville Road.</p>

### Public Facilities

Goals, strategies and actions	<p><i>Strategy #2-Page 31:</i> Locate new facilities to provide convenient service to the greatest number of County residents or service consumers.</p> <p><i>Strategy #7-Page 32:</i> Encourage development of facilities within the Primary Service Area (PSA) as defined on the Comprehensive Land Use Map.</p> <p><i>Action #3c-Page 32:</i> Construct new facilities consistent with projected anticipated needs and County capabilities continuing to encourage full utilization including joint use by different County and other public agencies.</p> <p><i>Action #5-Page 32:</i> Apply acceptable zoning, land use, and other adopted county criteria when evaluating public facility sites and uses.</p> <p><b>Staff Comment:</b> While the Comprehensive Plan does not suggest that such facilities be developed outside the Primary Service Area (PSA), Strategy #2 stresses that the location of new public facilities should be close to the greatest number of people served, and located so that accessibility is maximized with minimum neighborhood effects. The Comprehensive Plan also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public elementary and middle school is needed in this area of the County in order to meet current demand. Additionally, the James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the ninth elementary and fourth middle school.</p>
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## Environment

Goals, strategies and actions	<i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment. <i>Action #3-Page 65:</i> Ensure that development projects, including those initiated by the County, are consistent with the protection of environmentally sensitive areas and the maintenance of the County's overall environmental quality.
	<b>Staff Comment:</b> The water line extension is not anticipated to impact environmentally sensitive areas as it is a short extension to an existing line and will be extended along the right-of-way of Jolly Pond. Impacts of the sewer extension through Freedom Park are mitigated by locating the main within an existing logging road that has already been cleared. One crossing through the RPA associated with Colby Swamp is necessary to extend the force main from Centerville Road to the school site. Condition #6 requires that utility crossings through previously undisturbed RPA or RPA buffer be bored underground to avoid any aboveground disturbance. Condition #1 also requires the reforestation of any temporary constructions easements that are cleared, but that do not need to remain clear after the completion of construction.

### Comprehensive Plan Staff Comments

With the approval of a special use permit to allow for water and sewer utility extensions to the proposed schools site, the area would be in conformance and consistent with zoning for the Public Land District, and consistent with surrounding uses as indicated in the above discussion. Proposed conditions restricting number of connections serve to limit the impact the extensions have on areas outside of the Primary Service Area. Additionally, the extension of a sewer force main through Freedom Park would enable planned facilities within the park, such as the visitor's center and educational building, connected to public sewer. This is a more environmentally and fiscally sound option to providing septic drainfields for each use.

### **RECOMMENDATION:**

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

1. For all portions of any temporary construction easements that have been cleared, but that do not need to remain clear after construction, as determined by the Director of Planning or his designee, seedlings shall be planted and shall be shown on a reforestation or re-vegetation plan to be approved by the Director of Planning. This plan shall be submitted as part of the site plan depicting the utility extension. The reforestation or re-vegetation of any temporary construction easements shall be completed as determined by the Director of Planning or his designee, within two years of the initial clearing of the easement. It shall be the responsibility of W/JCC Schools to secure the necessary means to plant any temporary construction easements after the easements revert back to the property owner.
2. A Phase I Archaeological Study for the disturbed areas associated with the sewer force main extension shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of

Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. No connections shall be made to the water main which would serve any property located outside the Primary Service Area (PSA) except for connections of the 9<sup>th</sup> Elementary School/4<sup>th</sup> Middle School project and existing structures located on property outside the PSA adjacent to the proposed water main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 8, 2008, that is vacant, outside the PSA and adjacent to the water main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.
4. No connections shall be made to the sanitary sewer force main which would serve any property located outside the PSA except for connections of the 9<sup>th</sup> Elementary School/4<sup>th</sup> Middle School project, existing structures located on property outside the PSA adjacent to the proposed main, and connections necessary to serve approved facilities shown on the Freedom Park Master Plan as amended. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of January 8, 2008, that is vacant, outside the PSA and adjacent to the main, one single equivalent residential connection shall be permitted.
5. For water and sewer main construction adjacent to existing residential development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property.
6. The final location of the waterline and force main and all construction related activity shall avoid previously undisturbed areas of the RPA and the RPA buffer. Should the pipe alignment need to cross a previously undisturbed RPA or previously undisturbed RPA buffer, the waterlines and force mains shall be bored underground to avoid any aboveground disturbance. Previously uncleared portions of the RPA and RPA buffer shall remain undisturbed, except as approved by the Director of the Environmental Division.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
8. A Land Disturbing Permit shall be obtained within twenty-four (24) months from the date of the issuance of this special use permit, or this special use permit shall be void.

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Leanne Reidenbach, Planner

Attachments:

1. Master Plan date stamped November 28, 2007 (Under Separate Cover)



**SPECIAL USE PERMIT CASE NO. SUP-0030-2007 9<sup>th</sup> Elementary School and 4<sup>th</sup> Middle School  
Staff Report for the December 5, 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**

Planning Commission:  
Board of Supervisors:

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

December 5, 2007                      7:00 PM  
January 8, 2008                      7:00 PM (tentative)

**SUMMARY FACTS**

**Applicant:** Mr. Aaron Small, AES Consulting Engineers

**Land Owner:** James City County

**Proposal:** To construct a joint elementary school, middle school, and associated facilities.

**Location:** A portion of 5537 Centerville Road on the southeast side of Jolly Pond Road.

**Tax Map/Parcel** 3010100009

**Parcel Size** 90+/- acres

**Existing Zoning:** PL, Public Land

**Comprehensive Plan:** Park, Public, or Semi-Public Open Space

**Primary Service Area:** Outside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, and because it is a public use site, generally consistent with the Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the attached conditions.

Staff Contact: Leanne Reidenbach, Planner                      Phone: 253-6685

## **Project Description**

Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County, for a Special Use Permit to allow for a joint elementary and middle school, parking, and athletic fields, on approximately 90 acres of land, on a parcel zoned PL, Public Land. The parcel is located on a portion of 5537 Centerville Road, which is located on the southeast side of Jolly Pond Road, and is approximately 1,000 feet west of Jolly Pond Road's intersection with Cranston's Mill Pond Road. It can further be identified as JCC RE Tax Map No. 3010100009. The site is shown in the Comprehensive Plan as Park, Public, or Semi-Public Open Space.

An earlier proposal for the development of the site for the middle and elementary school was previously submitted as SUP-0024-2007, but was withdrawn on October 3, 2007 due to a School Board requested year delay in the opening the schools. Additionally, the applicant expressed a desire to bring the school application forward concurrently with a request to extend utilities to the property. The schools are now scheduled to open in summer 2010, rather than fall 2009 as had originally been proposed. This SUP application has been submitted now to allow for additional time for the construction process to ensure the schools are ready to open for the 2010-11 school year.

## **Surrounding Zoning and Development**

The parcel is zoned PL and designated as Park, Public, or Semi-Public Open Space on the 2003 Comprehensive Plan Land Use Map. The project site is surrounded to the north, north-east, and west by parcels zoned A-1, General Agriculture, which include a variety of uses including residential and the School Operations building. Freedom Park, zoned PL, Public Land, is adjacent to the project site to the south and south-west and a small portion of the Park is immediately adjacent to the site to the north. All of the surrounding parcels are designated Rural Lands, with the exception of Freedom Park which is designated Park, Public, or Semi-Public Open Space on the Comprehensive Plan.

## **PUBLIC IMPACTS**

### **1. Environmental Impacts**

**Watershed:** Gordon Creek

#### **Conditions:**

- Special Stormwater Criteria: the Structural Component of Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. This will require the installation of a minimum of seven (7) measures to include, but not be limited to, infiltration trenches, bio-retention cells, dry swales, manufactured BMP's, and similar items related primarily to recharge and water quality. The owner shall demonstrate the application of SSC on development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval.
- Stormwater Attenuation: Attenuation in all proposed stormwater management BMPs shall be provided in a way to ensure that post-development stormwater flows do not exceed pre-development flows and have not been exceeded for storms of intensities up to and including the 100-year event. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval. This requirement does not eliminate the need to satisfy the James City County Stream Channel Protection Criteria of 24-hour attenuation of the runoff volume for the 1-year storm event.

- **Nutrient Management Plan:** The owner 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 soil tests and to develop, based upon the results of the soil tests, a nutrient management plan (the "Plan") for all common areas and athletic fields within the Property. The Plan shall be reviewed and approved by the County's Environmental Division Director prior to the issuance of any Certificate of Occupancy. Upon approval, the owner shall be responsible for ensuring that any nutrients applied to the Property be applied in strict accordance with the Plan.

**Environmental Staff Conclusions:** The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

## 2. Public Utilities

The site is located outside the Primary Service Area, but will be served by public water and sewer extensions. The routes have been proposed with SUP-0031-2007, which will also be heard by the Commission at the December 5, 2007 meeting.

### Conditions:

- **Water Conservation:** The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. 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 resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- **Irrigation:** If the Williamsburg-James City County School Board desires to have outdoor watering of athletic fields or common areas, it shall provide water for irrigation utilizing surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. Upon written application and finding that there is insufficient surface water for irrigation, the JCSA General Manager may approve the installation of irrigation wells to a depth no greater than 100 feet.

**JSCA Staff Conclusions:** The James City County Service Authority has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

## 3. Traffic

The applicant submitted a traffic impact analysis prepared by Kimley-Horn and Associates (KHA), dated November 2007, and titled "Traffic Impact Study: Jolly Pond Schools." Updated traffic counts for peak hour weekday turning movements were conducted in October 2007 for the Jolly Pond (Route 611)/Centerville (Route 614) intersection and the Jolly Pond (Route 611)/Cranston's Mill Pond intersection. An average daily traffic count was also collected for the area of Jolly Pond Road in front of the proposed school site. The consultant looked at traffic generation using the ITE manual for Elementary Schools and Middle/Junior High Schools. The schools are planned to begin at different times and may end at different times as well, thus staggering traffic to the site. For the purposes of the traffic analysis and recommendations, trips to and from the middle and elementary school were combined for both the AM and PM projections because of the likelihood of overlap in daily trips. Through this analysis, it was determined that there would be 718 total combined AM peak hour trips and 436 total combined PM peak hour trips generated.

The consultant used a growth factor of 5% to adjust background levels of traffic to incorporate current and future development that could also influence the LOS of this intersection. This growth factor is consistent with those used in traffic studies for recent developments along Centerville Road. Based on the results of a preliminary signal warrant analysis, the consultant and staff have concluded that at a minimum, a signal will need to be installed at the intersection of Centerville and Jolly Pond to address traffic concerns; therefore, this scenario has been used as the base alternative. Using 2007 traffic count data, the consultant determined that the intersection is currently operating at a Level of Service “A” for 2007 in both the AM and PM peak hours. With the installation of a traffic signal and build-out of the schools, the intersection is projected to operate at a LOS “F” for 2017 in the AM and PM peak hours. This LOS appears to be a result of primarily two turning movements which cause the significant delays: (1) left turn off of eastbound Jolly Pond Road and (2) left turn off of northbound Centerville Road. Three other improvement scenarios were examined as alternatives to the provision of a traffic signal at the intersection. Improvements addressed by each alternative are as follows:

**Base Scenario (Alternative 1):** Traffic signal, no geometric improvements

**Alternative 2:** Traffic signal, exclusive left-turn lane and exclusive right-turn lane on eastbound Jolly Pond Road

**Alternative 3:** Traffic signal, exclusive left-turn lane and exclusive right-turn lane on eastbound Jolly Pond Road, exclusive left-turn lane on northbound Centerville Road

**Alternative 4:** Traffic signal, exclusive left-turn lane and exclusive right-turn lane on eastbound Jolly Pond Road, exclusive left-turn lane on northbound Centerville Road, exclusive right-turn lane on southbound Centerville Road

A summary of the results of this analysis can be found on page 19 of the traffic impact study. Improvements addressed by alternatives 1 and 2 would result in significant average delays which would be compounded by buses and other large vehicles (such as trucks traveling to the County landfill) turning left off of Centerville Road, which will have to wait for larger gaps in traffic to make a safe turn. This would result in delays of getting students to school (by both bus and car) and would delay buses from picking up the next tier of students, potentially causing a domino effect on tardiness. Frustration with the wait and need to get students to school on time may result in drivers making riskier turn movements, trying to sneak through yellow lights, and thru drivers on Centerville trying to go around waiting vehicles by way of the shoulder.

Based on these findings, KHA noted that alternative 3 best mitigates traffic concerns and ensures safe and efficient operation at the Centerville Road (Route 614) and Jolly Pond Road (Route 611) intersection and recommended that the following improvements be installed:

- Traffic signal with appropriate timing plan
- Exclusive full width left-turn lane and taper on eastbound Jolly Pond Road
- Exclusive full width left-turn lane and taper on northbound Centerville Road

Installation of these improvements has been proposed as condition #9 below. Alternative 4, which also included an exclusive right-turn lane on southbound Centerville Road, was not recommended because the addition of the extra turn lane did not significantly improve the intersection’s LOS. The intersection, and all individual turning movements, would continue to operate at the same LOS, with only a small improvement in the amount of delay experienced.

The intersection of Jolly Pond Road (Route 611) and Cranston’s Mill Pond Road was also analyzed. This intersection currently operates at a LOS “A” in both the AM and PM peak hours and is anticipated to continue to operate at this LOS in 2017 with the addition of school-generated traffic. No improvements

were recommended for this intersection.

Finally, the intersections of Jolly Pond Road (Route 611) and the proposed access driveways for the two schools were evaluated. In order to accommodate the queuing of buses and cars waiting to make a left turn from westbound Jolly Pond Road into the elementary school bus entrance and the shared middle and elementary vehicle parking lot, KHA recommended the provision of exclusive left-turn lanes for both. An exclusive left-turn lane at the middle school bus entrance is not shown to be needed based on the fact that it is further away from these two entrances and the Jolly Pond (Route 611)/Centerville Road (Route 614) intersection and it is likely that the majority of traffic approaching the schools would have already turned into previous entrances. Installation of these improvements has been proposed as condition #9 below.

**2007 Traffic Counts (Centerville Road):** From Route 60 to Ruth Lane there were 10,174 trips. From Jolly Pond Road to Forest Glen there were 11,507 trips.

**2026 Volume Projected:** From the Route 60 interchange to Longhill Road there is the projection of 15,000 trips. This portion of Centerville Road is listed in the “watch” category.

**Conditions:**

- **Road Improvements:** All improvements recommended in the traffic impact study developed in November 2007 by Kimley-Horn and Associates shall be constructed to VDOT standards. The improvements that shall be constructed shall, at a minimum, include the following:
  - **Jolly Pond/Centerville Road Intersection:** traffic signal, exclusive left-turn lane and taper on eastbound Jolly Pond Road, an exclusive left-turn lane and taper on northbound Centerville Road, and the retention of existing shoulder bike lanes along Centerville Road.
  - **Jolly Pond/Elementary School Bus Entrance:** exclusive left-turn lane on westbound Jolly Pond Road.
  - **Jolly Pond/Shared Parking Lot Entrance:** exclusive left-turn lane on westbound Jolly Pond Road.

These improvements shall be installed or guaranteed and the appropriate right of way dedicated to VDOT, prior to issuance of a final certificate of occupancy for any structure on the site.

**VDOT Conclusions:** The traffic study is currently under review by VDOT. Comments have not yet been received; however, a representative from VDOT has been involved in the development of the traffic impact study and evaluation of alternative improvements. Additional traffic considerations are discussed in the Comprehensive Plan section of the report below.

**Comprehensive Plan**

**Land Use Map**

Designation	Park, Public, or Semi-public Open Space (Page 129): Land included in this designation generally consists of large, undeveloped areas owned by institutions or the public. Areas typically serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.
	<b>Staff Comment:</b> While the proposal’s school component is not consistent with this designation, it also contains numerous associated athletic fields and play areas, which will be open to public use, which are consistent with the designation. Additionally, as a further educational resource, an outdoor environmental study area has been proposed as part of the development of the schools. As this is proposed as a joint facility, the Comprehensive Plan recommends a minimum combined site size of 50 acres, 20 for the elementary school and 30 for the middle school. In actuality, public elementary and middle schools require considerably more acreage in terms of developable land in order to fit all of the necessary

	elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land and Toano Middle School is situated on 35 acres.
Development Standards	<p><i>General Standard #1-Page 134:</i> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services and facilities generated by a development should be met or mitigated by that development.</p> <p><i>General Standard #4-Page 134:</i> Protect environmentally sensitive resources including... archaeological 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 #6-Page 135:</i> Provide for ultimate future road, bicycle and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodates future road, bicycle, and pedestrian improvements.</p> <p><b>Staff Comment:</b> The location of the schools site was chosen due to its abilities to serve a need within the community for a facility close to the population in this area. For the purpose of a public use, this large, County-owned site provides a better opportunity to meet community needs than any available parcel in the area within the Primary Service Area.</p> <p>A 50 foot right-of-way buffer, including enhanced landscaping with over 50% evergreen plantings (see condition #8), will be provided along Jolly Pond Road to mitigate the impacts of necessary grading. The building is also conditioned to be of a natural color to better blend in with its surroundings (condition #3). The proposed exterior treatment and color schemes for the buildings can be found in the “Prototype Schools” exhibit in attachment 3. The applicant will also be required through condition #2 to conduct an archaeological survey of the property to ensure that no resources are lost. Several pedestrian connections are proposed between uses on the site, and these are anticipated to tie in to future Parks and Recreation trails through Freedom Park. Additionally, shoulder bike lanes will be retained along the intersection of Centerville and Jolly Pond post-improvement.</p>
Goals, strategies and actions	<p><i>Strategy #3-Page 138:</i> Ensure that all land uses are located at appropriate sites in the Primary Service Area (PSA)...</p> <p><i>Strategy #4-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> While the site is outside of the Primary Service Area (PSA), utilities are proposed to be extended to the schools. This extension requires a special use permit, which will also be reviewed by the Planning Commission at this meeting. A condition will be added to that special use permit to limit connections to the service which will reduce the impact that this project has on lands outside of the Primary Service Area. The school site is generally consistent with the School Operations Center across the street. While not immediately adjacent, the JCC Solid Waste Transfer Station is also located approximately ¾ of a mile farther down Jolly Pond Road. Most of this distance is entirely wooded and provides an adequate screen from the school site. Since the majority of the school site is bordered by Freedom Park, there will be significant County-owned wooded buffers. In an effort to reduce the potential for internal traffic congestion, access to the schools has been spread out to three entrances, one bus entrance per school and a joint visitor/staff/drop-off lot. Staff believes multiple entrances to the site are necessary due to its size and use.</p>

### Public Facilities

Goals, strategies and actions	<p><i>Strategy #2-Page 31:</i> Locate new facilities to provide convenient service to the greatest number of County residents or service consumers.</p> <p><i>Strategy #4-Page 31:</i> Design facilities to accommodate future expansion.</p>
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	<p><i>Strategy #5-Page 32:</i> Design facilities to allow for maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.</p> <p><i>Strategy #7-Page 32:</i> Encourage development of facilities within the Primary Service Area (PSA) as defined on the Comprehensive Land Use Map.</p> <p><i>Action #3c-Page 32:</i> Construct new facilities consistent with projected anticipated needs and County capabilities continuing to encourage full utilization including joint use by different County and other public agencies.</p> <p><i>Action #5-Page 32:</i> Apply acceptable zoning, land use, and other adopted county criteria when evaluating public facility sites and uses.</p>
	<p><b>Staff Comment:</b> While the Comprehensive Plan does not suggest that such facilities be developed outside the Primary Service Area (PSA), Strategy #2 stresses that the location of new public facilities should be close to the greatest number of people served, and located so that accessibility is maximized with minimum neighborhood effects. The Comprehensive Plan also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public elementary and middle school is needed in this area of the County in order to meet current demand. Additionally, the James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the ninth elementary and fourth middle school. The site has also been designed in order to provide additional fields and play areas that can jointly be used by Parks and Recreation. Please see Parks and Recreation section below for additional discussion. Finally, both schools have been designed and oriented on the site in a way that allows wings of the school to be expanded should the need arise.</p>

## Parks and Recreation

Goals, strategies and actions	<p><i>Goal #1-Page 39:</i> Provide a range of recreational facilities and activities that are appropriate and adequate in number, size, type, and location to accommodate the needs of all County residents.</p> <p><i>Strategy #4-Page 39:</i> Continue to pursue more efficient utilization of athletic facilities between the Williamsburg-James City County Public Schools and the Parks and Recreation Division.</p> <p><i>Action #14-Page 40:</i> Develop community parks in conjunction with new school development whenever possible.</p>
	<p><b>Staff Comment:</b> One of the main reasons this site was chosen was because of its large availability for playing fields and accessory play areas for the community. There are a total of 5 multi-use fields, 3 ball fields, 6 multi-use play areas, and gymnasium included with this proposal. Additionally, some fields are proposed to be lighted in order to serve County needs for evening games and trail connections from Centerville Road, through Freedom Park to the school site are proposed. Finally, shoulder bike lanes along Centerville will be maintained throughout the required road improvements. This site, as a public use, meets not only the public school's ability to meet a need, but also Parks and Recreation's ability to meet the community's need for additional recreation fields.</p> <p>Staff notes that no sidewalk or trail has been depicted on the master plan along the site's frontage on Jolly Pond Road. It is the applicant's intention to request a sidewalk waiver from the Development Review Committee at the site plan stage of development. A multi-use path through the center of the site, connecting the school buildings, parking lot, and fields, has been provided and shown on the master plan and is intended to connect to a trail in Freedom Park.</p>

## Environment

Goals, strategies	<p><i>Goal #5-Page 65:</i> Protect the availability, quantity, and quality of all surface and groundwater resources.</p>
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and actions	<p><i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action #2-Page 65:</i> Continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, and threatened and endangered species, wetlands, flood plains, shorelines, wildlife habitats, natural areas, perennial streams, groundwater resources, and other environmentally sensitive areas.</p> <p><i>Action #3-Page 65:</i> Ensure that development projects, including those initiated by the County, are consistent with the protection of environmentally sensitive areas and the maintenance of the County's overall environmental quality.</p> <p><i>Action #5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMP's) to mitigate adverse environmental impacts.</p> <p><i>Action #12-Page 66:</i> Encourage the development of educational and passive recreational facilities which provide access to special environmental and historical areas.</p> <p><i>Action #22-Page 67:</i> Promote the use of LEED "green-building" techniques as a means of developing energy and water efficient buildings and landscapes.</p> <p><i>Action #23-Page 67:</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.</p> <p><b>Staff Comment:</b> An environmental inventory has been conducted for the site to identify important areas that merit protection. The Department of Conservation and Recreation was also consulted regarding potential impacts of the project and their recommendation of a habitat study for Virginia least trillium, a 'species of concern' is currently being implemented. In terms of site protection, the middle and elementary schools have been jointly located on the same site, thus minimizing impacts if they were on two different sites, and have been condensed into a single area within this site to further minimize impacts. The buildings are also proposed to be multiple stories (2 story elementary school and 3 story middle school), thus using vertical construction to minimize the building's footprint.</p> <p>Furthermore, the applicant has provided special stormwater criteria measures to mitigate the impacts of the school building itself and runoff from athletic fields, including bioretention facilities, dry swales, infiltration trenches, and the like (see condition #10). The locations of these facilities will be arranged between the applicant and the Environmental Division during the site plan review process. Additionally, pervious pavement are proposed for use in low impact areas as depicted on the Master Plan, thus reducing the impervious footprint of the development and promoting infiltration. The Master Plan also provides for a total of 3 BMP's, which will also be utilized for surface irrigation, thus protecting groundwater resources (see condition #6). Per condition #11, the BMP's will also be designed to ensure that post-development stormwater flows will not be exceeded for storms of intensities up to and including the 100-year event. This supports the need to preserve the system below this site by reducing post-development peak runoff rates up through the 100-year storm. This will also provide a much higher level of protection against the cumulative impacts of stormwater events. The development and enforcement of water conservation guidelines, including the use of water conserving fixtures and native plants, has been provided in condition #5. An outdoor environmental study area has also been provided as an educational facility to allow access to special environmental areas surrounding one of the BMP areas.</p>
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## Transportation

Goals, strategies and actions	<p><i>Goal #2-Page 80:</i> Ensure that the transportation system supports a land use pattern that is consistent with the Comprehensive Plan.</p> <p><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.</p> <p><i>Strategy #7-Page 80:</i> Direct most transportation capacity investments to areas within the PSA while ensuring the maintenance and safety of transportation facilities outside the PSA</p>
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	<p><i>Action #10-Page 82:</i> Implement the adopted James City County Sidewalk and Trail Plan and Regional Bicycle Facilities Plan, by including bikeways and pedestrian facilities in Primary and Secondary Road Plans and projects.</p>
	<p><b>Staff Comment:</b> Significant improvements to this section of Jolly Pond Road were installed in preparation for the JCC Landfill. Included in these improvements were the straightening and reinforcing of the roadway to enable it to support large trucks and other vehicles. The addition of the joint school facility at this site will require minor intersection improvements at the school site and some road improvements offsite at the Jolly Pond/Centerville Road intersection, which is located inside the PSA (see condition #9). These improvements are needed to ensure the safety of those going to and from the school, as well as for through traffic along Centerville Road. The improvements will also ensure that students arrive at school on time, both by bus and by parent drop-off, and that school buses will be on-time to pick up students attending schools with a later start time.</p> <p>Visitor and staff parking facilities for the schools are proposed to be shared, thus resulting in their placement in between the buildings for accessibility. In addition to required parking lot landscaping, conditions #7 and #8 propose a 50 foot right-of-way buffer with enhanced and evergreen plantings in an effort to screen the parking lot from Jolly Pond Road. Finally, as mentioned earlier, shoulder bike lanes will be provided/retained along Centerville Road.</p>

### **Comprehensive Plan Staff Comments**

There are also plans to light the playing fields, but those plans, and the specific fields have not been finalized.

It would be staff's recommendation that the fields located near the rear of the parcel be lighted and that the lighted fields are a mix of ball fields and multi-purpose fields to better serve the recreation needs of the community and because they are the furthest ones away from the street where the light would be most readily seen. Additionally, staff has proposed condition #4 specifying that light glare be restricted to within the boundaries of the school site and that light be directed away from Jolly Pond Road.

With the approval of a special use permit to allow for two public schools, the site would be in conformance and consistent with zoning for the Public Land District, and consistent with surrounding uses as indicated in the above discussion.

### **RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, and because it is a public use, generally consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

1. Master Plan: This Special Use Permit shall be valid for the construction of a middle school, elementary school, and associated fields, trails, and parking areas located on a portion of 5537 Centerville Road (the "Property"). The Property shall be developed generally as shown on the master plan drawn by AES Consulting Engineers entitled "9<sup>th</sup> Elementary School and 4<sup>th</sup> Middle School" and date stamped November 28, 2007 (the "Master Plan"), with only changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.
2. Archaeology: A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning

and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. Architecture: Building facades visible from Jolly Pond Road shall be of a dark natural color to minimize visual impact from Jolly Pond Road and so that the schools are compatible with the natural and rural surroundings. Prior to final site plan approval, the Director of Planning shall review and approve the final building materials and colors for consistency with photo page entitled "Prototype Schools."
4. Lighting: Any new exterior site or building lighting 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 are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 30 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to athletic field lighting provided that proper permits are issued under the James City County Zoning Ordinance. Athletic field lighting shall not be aimed toward Jolly Pond Road.
5. Water Conservation: The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall 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 resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Irrigation: If the Williamsburg-James City County School Board desires to have outdoor watering of athletic fields or common areas, it shall provide water for irrigation utilizing surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. Upon written application and finding that there is insufficient surface water for irrigation, the JCSA General Manager may approve the installation of irrigation wells to a depth no greater than 100 feet.
7. Right-of-Way Buffer: There shall be a fifty-foot (50') right-of-way buffer along Jolly Pond Road generally as shown on the Master Plan (the "buffer"). The buffer shall be exclusive of any structures or paving, except for the entrances and sidewalks shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the Director of Planning. With the prior approval of the Director of Planning, utilities may intrude into or cross the buffer, provided however, that such crossings or

intrusions are generally perpendicular to the buffer and are given prior approval from the Director of Planning.

8. Enhanced Landscaping: An enhanced landscaping plan providing a minimum of 50 percent evergreen plantings within the buffer shall be approved by the Director of Planning or his designee prior to final site plan approval. Enhanced landscaping shall be defined as 125 percent of the number of the Zoning Ordinance landscape requirements.
9. Road Improvements: All improvements recommended in the traffic impact study developed in November 2007 by Kimley-Horn and Associates shall be constructed to VDOT standards. The improvements that shall be constructed shall, at a minimum, include the following:
  - Jolly Pond/Centerville Road Intersection: traffic signal, exclusive left-turn lane and taper on eastbound Jolly Pond Road, an exclusive left-turn lane and taper on northbound Centerville Road, and the retention of existing shoulder bike lanes along Centerville Road.
  - Jolly Pond/Elementary School Bus Entrance: exclusive left-turn lane on westbound Jolly Pond Road.
  - Jolly Pond/Shared Parking Lot Entrance: exclusive left-turn lane on westbound Jolly Pond Road.

These improvements shall be installed and the appropriate right of way dedicated to VDOT, prior to issuance of a final certificate of occupancy for any structure on the site.

10. Special Stormwater Criteria: the Structural Component of Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. This will require the installation of a minimum of seven (7) measures to include, but not be limited to, infiltration trenches, bio-retention cells, dry swales, manufactured BMP's, and similar items related primarily to recharge and water quality. The owner shall demonstrate the application of SSC on development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval.
11. Stormwater Attenuation: Attenuation in all proposed stormwater management BMPs shall be provided in a way to ensure that post-development stormwater flows do not exceed pre-development flows and have not been exceeded for storms of intensities up to and including the 100-year event. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval. This requirement does not eliminate the need to satisfy the James City County Stream Channel Protection Criteria of 24-hour attenuation of the runoff volume for the 1-year storm event.
10. Nutrient Management Plan: The owner 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 soil tests and to develop, based upon the results of the soil tests, a nutrient management plan (the "Plan") for all common areas and athletic fields within the Property. The Plan shall be reviewed and approved by the County's Environmental Division Director prior to the issuance of any Certificate of Occupancy. Upon approval, the owner shall be responsible for ensuring that any nutrients applied to the Property be applied in strict accordance with the Plan.
11. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

12. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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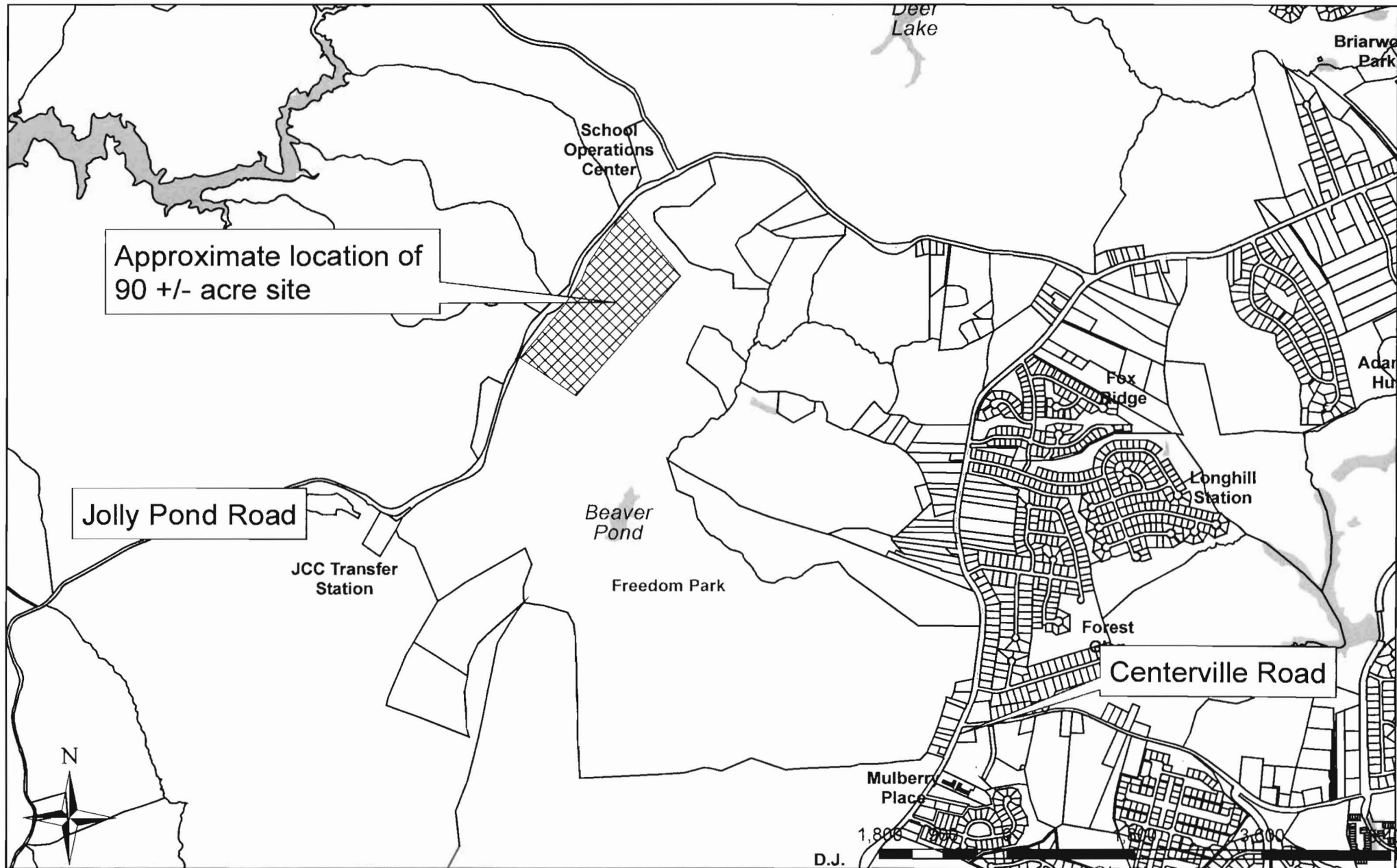
Leanne Reidenbach, Planner

Attachments:

1. Location map
2. Master Plan date stamped November 28, 2007 (Under Separate Cover)
3. Community Impact Statement Binder (Under Separate Cover)
4. "Prototype Schools" exhibit

# JCC-SUP-0030-2007

## 9th Elementary and 4th Middle School



**REZONING 0004-2007/MASTER PLAN 0004-2007. Stonehouse Amendment  
Staff Report for the December 5, 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**

Planning Commission:	<b><u>Building F Board Room; County Government Complex</u></b>	
	September 12, 2007	7:00 p.m. (deferred)
	October 3, 2007	7:00 p.m. (deferred)
	November 7, 2007	7:00 p.m. (deferred)
	December 5, 2007	7:00 p.m.
Board of Supervisors:	January 2008 (T.B.D.)	7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant:	David Guy
Land Owner:	David Guy (GS Stonehouse Green Land Sub, LLC)
Proposal:	Amendment of the master plan and proffers to accomplish the following: change land use designations within the development; make revisions to the approved proffers related to traffic improvements, environmental protections, and other matters; incorporate tax parcels 0630100001, 1310100008A, 1310100019, all currently zoned A-1, General Agricultural, into the Planned Unit Development (PUD-R and/or PUD-C) Zoning District; and adjust the boundary line between PUD-Commercial and PUD-Residential.

**Location and Tax Map/Parcel Nos.:**

- 3820 Rochambeau Drive, also known as tax parcel: 1310100008A.
- 170 Sand Hill Road, also known as tax parcel: 1310100019.
- 3900, 3600 Mt. Laurel Road, also known as tax parcels: 1310100022, 130100021.
- 9100, 9150, 9250, 9300, 4051, 9400, 9650, 9700, 9750, 9800, 9801, 9751, 9601, 9501, 9404, 9451, 9301, 9251, 9475, 9101, 9455, 9770 Six Mount Zion Road, also known as tax parcels: 0540100013, 0540100012, 0540100011, 0540100009, 0630100003, 0540100010, 0630100001, 0630100003, 0630100002, 0610100002, 0610100001, 0630100002, 0540100009, 0540100008, 0540100007, 0540100006, 0540100005, 0540100004, 0540100014, 0540100002, 0530100021, 0640100001.
- 4100, 4130, 4150, 4170 Ware Creek Road, also known as tax parcels: 0630100004, 0640100002, 1320100028, 1320100027.
- 9551, 9501, 9675, 10251 Sycamore Landing Road, also known as tax parcels: 0740100020 and 0740100022, 0740100029, 0740100021, 0710100001.
- 9020 Westmont Drive, also known as tax parcel: 1210100048.
- 9225, 9300, 9354, 9235, 9360, 9370, 9354, 9415, 9423, 9431, 9451 Fieldstone Parkway, also known as tax parcels: 0440100028, 0440100027, 0440100025, 0440100029, 0440100030, 0530100009, 0440100025, 0530100025, 0530100024, 0530100023, 0530100022.
- 9400, 9760, 3029 Mill Pond Run, also known as tax parcels 0440100025A, 0530100010, 0530100020.
- Unaddressed parcels which are tax maps 1210100047, 0440100026.

Parcel Size: Approximately 4,537 acres

Existing Zoning: PUD, Planned Unit Development, A-1, General Agricultural

Proposed Zoning: PUD, Planned Unit Development

Comprehensive Plan: Mixed Use (Majority), Conservation Area, Rural Lands, and Low Density Residential development

Primary Service Area: Inside

### **STAFF RECOMMENDATION**

Staff finds that the proposed amendments are generally consistent with the Comprehensive Plan and with surrounding development. Compared with the 1999 application, staff finds that some elements, like archaeology proffers, have changed very little. Some elements have changed substantially in concept or approach, but appear to still address project impacts and present a public benefit to a comparable degree as the 1999 application – these include transportation, parks and recreation amenities, the master plan, and fiscal/economic development aspects. In some areas, staff finds that the current application offers certain benefits beyond what had been previously proposed – these include the environmental proffers, the affordable housing contributions and, to a lesser degree, workforce units, the larger combined school site and cash contribution for schools, and the use of reclaimed water for irrigation if found to be feasible. Staff has highlighted certain items in the text below, some of which relate to specific proffer language changes that staff would continue to recommend, while other items are simply brought to the Planning Commission’s attention as staff considered them to be of special note in any consideration of the application. Overall, staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors.

Staff Contact: Ellen Cook

Phone: 253-6685

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

<b>Cash Proffer Summary (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
Schools	\$2,000 per lot
Affordable Housing	\$1,000 per lot
Sewer	- \$42 per single family lot; \$35 per multifamily unit; and \$0.14 per gallon of average daily flow for commercial uses for flows to JCSA lift station 9-5. - \$93 per single family lot; \$77.50 per multifamily unit; and \$0.31 per gallon of average daily flow for commercial uses for flows to JCSA lift station 9-7. (These amounts are not included in the totals below since the flows to these stations are not yet determined. In addition, other JCSA facility and cash-related arrangements have been made through a separate 2005 agreement acknowledged in the proffers.)
Stream Monitoring	\$59,800 total (spread over 10 years)
<b>Total Amount (2007 dollars)</b>	<b>\$10,997,800.00 (does not include water/sewer)</b>

<b>Total Per Lot</b>	<b>\$3,016.40 (does not include water/sewer)</b>
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Staff would note that the applicant has proffered cash contributions to be paid to the County at building permit, rather than at site plan or subdivision plat approval. This proffer language represents a change from the typical policy in the County, as staff has in the past strongly recommended payment at site plan/subdivision plat approval as it is both easier administratively, and, staff believes, a time in the development process that best links the appropriate party (the property owner/developer) to the cash contribution. With a later trigger timing, the cash contribution potentially falls to a builder or individual resident. While staff can make a building permit process work technically, staff would like to highlight this change from past practice to the Planning Commission and Board.

### **Summary of Proposed Amendments**

The Stonehouse Planned Unit Development was originally approved in November 1991 as a mixed residential/commercial community with a proposed reservoir. Since the original approval, a number of changes have been made. Between 1991 and 1994, three minor rezoning amendments approved which primarily dealt with the Commerce Park and recreation/golf course. In April of 1995, the BOS approved changes to the proffers to remove language pertaining to the Ware Creek Reservoir after permitting did not succeed. In 1999, the BOS approved a rezoning that incorporated the 75 acre Fernandez tract, and transferred 52 units from Phase 2 to Phase 1. Cash proffers were offered on the 52 units, and the extension of LaGrange parkway was also proffered. This 1999 case was the last legislative case to be approved: the development is currently proceeding under the 1999 master plan and proffers. In addition to these legislative cases, the Planning Commission's Development Review Committee has approved a number of modifications that were deemed to not change the overall concept or character of the development.

The Stonehouse Development Corporation (developer of the existing Phase 1) sold the remaining sections to Stonehouse Capital, LLC and Stonehouse at Williamsburg (Ken McDermott). These lands, with the exception of the Stonehouse Glen neighborhood, were then sold to GS Stonehouse Greenland Sub, LLC in 2006. The current application then, is primarily for what had been shown on the 1999 Master Plan as Phases 2, 3, 4, 5 (Phase 1 is largely approved for development), which encompass the rest of the Stonehouse Land Area. The current applicant proposes changes that are comprehensive in nature, thoroughly revising both the master plan and proffers. Changes to the master plan are described in the next several paragraphs. Proffer changes include proposed amended language for existing proffers, addition of new proffers, and deletion of a couple existing proffers: staff has attempted to describe the proposed proffer changes in the pertinent sections of the report below.

Proposed changes to the Master Plan include four aspects: (1) zoning designation; (2) overall residential and commercial caps; (3) land use designations and land bay/Tract caps; and (4) other non-land use changes. For the first item, there are two changes in zoning designation proposed, the rezoning of the 7 acre "Stinette Tract" and the 89 acre "Tract 9" parcel from A-1, General Agricultural to Planned Unit Development-Residential (PUD-R); and the rezoning of approximately 356 acres from PUD-Commercial (PUD-C), with proffers, to PUD-R, with Proffers. The PUD-R to PUD-C change includes land now associated with the school site: a full depiction of the zoning changes can be seen as those elements outlined in blue on the Zoning Map sheet of the Master Plan.

For the second item, the overall residential and commercial caps, the proposed master plan is largely the same as the existing one. The applicant proposes no more than 3,646 dwelling units which represents the remaining units from the original cap of 4,411 after the already approved development plan units are subtracted. On the commercial side, the applicant has proffered no more than 2,900,000 square feet of commercial uses – as approximately 700,000 square feet have been built and approximately 200,000 additional square feet are currently in permitting in the existing commerce park, the overall total is approximately the same as the original overall cap of 3,806,000 square feet. Staff would note that future expansions in the commerce park are not currently proffered to count toward the GS Stonehouse commercial cap.



For the third item, the land use designations and land bay/Tract caps, a number of different changes are proposed as illustrated in the table below.

	<b>1999 (Had 81 Land Bays)</b>	<b>2007 (Consolidates Land Bays into 13 Tracts, plus several remaining Land Bays)</b>
Land Bay/Tract Size	Generally between 3 and 136 acres in size (with most between 10 and 40 acres).	Generally between 189 and 1,000 acres in size.
Land Bay/Tract Designations	The majority of Land Bays had one land use designation (A-Single Family, etc.) while some had two or more designations allowing for a variety of uses.	Most Tracts have more than one land use designation, allowing for a variety of uses.
Land Bay/Tract Caps	Each of the residential Land Bays had a specific unit cap, while commercial Land Bays had specified acreages, but not specific square footages	Tracts have ranges of allowed residential units, but have specific commercial square footage caps
Phasing	Was overlaid by a five level phasing plan tied to the traffic proffers (dwelling unit/square footage based).	Proffers currently contain a binding residential phasing plan based on numbers of building permits that can be approved per year (a conceptual non-binding phasing plan was also submitted). No commercial phasing is included in that proffer.

Staff would want to be absolutely clear that the proposed Master Plan does allow for a greater degree of flexibility than the 1999 Master Plan. In terms of residential units, the 1999 Plan had specified 2,008 single family detached; 1,733 townhouses; and 670 multifamily units on certain specific land bays. The 2007 Master Plan specifies certain Tracts as single family only, certain Tracts would only allow for multi-family, and the proffers cap the number of non-single family units (those residential uses designated B, C and D) at 1,200. Other than that, the Master Plan allows flexibility in unit types, numbers (within specified ranges) and locations within Tracts.

Staff had originally expressed some concern about this approach (and related this to Planning Commissioners at the Stonehouse work session), noting concerns about (1) relating the master plan to impact studies, (2) about retention of commercial uses and land, and (3) about compatibility with surrounding development. The applicant has addressed these concerns to a degree acceptable to staff by (1) conducting impact studies (traffic, schools, fiscal, recreation) in a manner that takes a very conservative approach in the sense of using scenarios assuming uses with the higher generators or lower revenues, etc. would be built. Staff would also note that the major cash proffers are related simply to units, not varied by type, so the total amounts would not change if different uses were ultimately built. Second, the applicant has made the commercial land bays exclusively commercial (eliminated residential uses), making these land bays more similar to the 1999 proposal. With regard to the third item, the applicant has restricted unit types for the Tracts at the perimeter of the development to single family only, which staff feels gives greater certainty about these areas being compatible with adjacent properties. Finally, the applicant has also proffered a second level of review on the part of the Planning Division and Development Review Committee for each Tract on the property before any development plans are submitted: this submittal would be matched with the master stormwater plans for each Tract to be reviewed by the Environmental Division which is also proffered. Staff feels that with these provisions, the public interest aspects have been addressed, and hopes that the flexibility would allow for better fitting development to the land once more specific environmental information is known at the Tract level. Staff would, however, want the Planning Commission and Board to be fully aware of this aspect of the proposal in their consideration of this application.

Finally, for the fourth item, other Master Plan changes of note include re-design of the interior roadway network involving Fieldstone Parkway, Ware Creek Road and Mount Laurel Road, with the LaGrange Parkway/I-64 interchange no longer shown; the greater consolidation of the recreational amenities, and of the two school sites; the reservoir lines are removed from the Master Plan and the projected Resource Protection Area is shown; and the second golf course is no longer shown.

Staff would like to highlight a little more information about two of the items discussed above. First, with regard to the commercial land bays, these areas are now preserved exclusively for commercial uses. Staff has worked with the County's Office of Economic Development (OED) in reviewing these Tracts, and they feel that the Master Plan as shown would generally meet economic development needs and expectations. Staff has also received information and comments from the Economic Development Authority, a copy of which is attached (Attachment 6 - due to the volume of the comments, they are not addressed individually in the staff report, but have been attached for Planning Commission consideration). Planning and OED staff have reviewed the Master Plan with an understanding that without a new interchange, some market aspects would no longer be present, and also an eye toward balancing uses that may present stronger economic development prospects (light industrial, office, wholesale/warehouse) with the retail commercial which will be needed by future Stonehouse residents and which would help reduce vehicle trips outside the development. To that end, the proffers and Master Plan reflect portions of Tracts that allow the full spectrum of commercial uses (Tract 11B), as well as other Tracts that are limited to office, or allow a range of uses but are restricted in the amount of retail commercial development (Tracts 10B and 11A) to preserve more of the land for economic development prospects.

A second item to mention is the phasing of the residential development. As stated above, the proffers include a provision limiting the number of residential units which can receive building permit approval from the County in any given year. This proffered phasing plan covers a twelve year period; while this would spread development over a predictable schedule, it does appear to be a relatively aggressive projected build-out timeframe compared with the development that has taken place in Stonehouse to date. The Planning Commission and Board may want to discuss this with the applicant and decide if they think that the proffer as written provides a meaningful limit on the pace of development.

Of final note in this section is the situation with regard to existing development in Stonehouse. Moving forward, staff understands that the Phase I development Homeowners Association has reached a legal agreement with this applicant on items necessary for a productive co-existence of their section with the new development. In addition, the applicant proposes through the proffers to subject the remaining 'Phase I' land bays to the existing homeowners association (with their concurrence). For the Stonehouse Glen neighborhood, which has been, and is being developed by, the last Stonehouse owner, an agreement was included in the contract that residents of this neighborhood will be part of the remainder of the Stonehouse development, and the proffers acknowledge the right of Stonehouse Glen residents to become members of the Community Association. Staff has also requested, and the applicant has agreed, that a provision be placed in the proffers stating that there shall be one master Community Association for all residential portions of the Property. For the existing commerce park, a commercial owners association is in existence and remains under the control of the current applicant.

## **PUBLIC IMPACTS**

### **Environmental**

The 1999 proffers did not include any of the environmental protection measures listed below, or any other proffers that addressed environmental protection.

**Watersheds:** Ware Creek (Richardson Mill Pond), Ware Creek and York River (direct).

#### **Proffers:**

- Proffer 8. A one-time contribution of \$16,240 for use by the County in purchasing monitoring equipment and establishing monitoring stations on the Property for the County's Water Quality Monitoring Program, and a contribution of \$4,840 each year for the next nine years for ongoing

maintenance and sampling costs.

- Proffer 10. Environmental Protection Provisions Including:
  - Provides that the Property shall be subject to the County's Special Stormwater Criteria as if the Ware Creek watershed was subject to a management plan adopted by the Board of Supervisors.
  - Submission of Stormwater Management Plans for each Tract prior to submission of development plans.
  - Stormwater Management Inventory System to document BMPs and provide design information for future HOA maintenance of the stormwater management system.
  - Conservation easements dedicated to an approved land conservation organization.
  - Twenty-five foot building setback from the RPA.
  - LID Education Field Center located at the amenity center which will provide information on LID applications for individual residential lots and a rain water reuse cistern.
  - Provides that the County's Natural Resource Policy will be followed (although the proffer varies from the Policy in providing for conservation management plans for existing natural heritage resources, but not portions of the site where a natural heritage resource "could be supported"). Please note that by including the proffer, the applicant exceeds the Policy expectation since the Ware Creek area is one natural area "rank" (as determined by the Department of Conservation and Recreation) below what the Policy typically is applied to.
  - Provides for a Nutrient Management Plan for the Property.
  - Achieving LEED certification to the "Certified" level for the amenity center.
  - In addition to the cash contributions in Proffer 8, Owner shall cooperate with the Environmental Division to establish three water quality monitoring stations on the Property.

**Staff Comments:** Staff believes that the environmental proffers demonstrate a commitment to environmental protection and the environmental goals of the Comprehensive Plan, from measures to be used during the development process (SSC, building setbacks from the RPA, adherence to the Natural Resources Policy) to measures that will carry on into the future (stormwater management inventory system, LID education center, nutrient management plan, LEED certified amenity center, stream monitoring). With regard to the stream monitoring, the language is designed to contribute to the Water Quality Monitoring Program, to be developed and implemented by the County's Stormwater Division. Environmental Division staff has reviewed the rezoning submission documents and the proffers and finds them generally acceptable. However, Environmental staff have two remaining concerns with the current proffer language: (1) that the stream monitoring activities outlined in Proffer 10.11 *not* count toward Special Stormwater Credit as currently stated in Proffer 10.1; and (2) that Proffer Condition 10.11 should refer to both the Environmental and Stormwater Divisions of the County.

### **Public Utilities**

Other than a small portion of proposed Tract 9, the property is inside the Primary Service Area and is served (or to be served) by public water and sewer. Previous versions of the Stonehouse proffers have included reference to the proposed reservoir (which did not receive permitting) and to well impact (draw down) provisions. With regard to this second item, staff would note that the system of water provision by a series of wells within Stonehouse is no longer contemplated and the system of water provision is now via the JCSA central system, as further discussed below. For this reason, the well draw down proffer is now no longer included in the new proffers. All proffers listed below are new proffers.

#### **Proffers:**

- Proffer 8. Per unit/square foot cash contributions for any sewage flows discharged to Lift Stations 9-5 (Wellington) and 9-7 (Fenwick Hills). (It is expected that most flow will go directly to the HRSD force main.)
- Proffer 8. Acknowledgement that cash contributions for water system improvements are governed by a Water Facilities Agreement with JCSA dated April 29, 2005.
- Proffer 9. Water Conservation Provisions including:
  - Installation of reclaimed water lines for irrigation and conveyance of a 3 net acre site for the

treatment and storage facilities if the reclaimed water system is determined to be feasible and if HRSD and JCSA determine to undertake the project. Property owners shall be required to connect to and utilize the reclaimed water system for irrigation.

- Development of water conservation standards to be approved by JCSA.
- For outdoor watering of common areas, use of only the reclaimed water system, or recycled water or surface water ponds, and not JCSA water or well water, except with special approval by the JCSA General Manager.
- Proffer 14. Commits owner to submit an overall master water and sanitary sewer plan for the Property and states the process for acknowledging the Reclaimed Water System.

**Staff Comments:**

*Sewer.* The applicant has provided a conceptual sewer master plan for the development. The master plan shows sewer lines to be installed by the developer based on projected flows. Due to the topography of the site, the applicant is projecting that a number of pump stations will be needed on site, and in some outlying areas grinder pumps may be required. Sewage flows will ultimately be directed to the Hampton Roads Sanitation District (HRSD) Force Mains along Rochambeau Road and Barhamsville Road (Route 30). HRSD has indicated that there is adequate sewer capacity at its wastewater treatment plant for the full development of Stonehouse. As more fully described below, it is possible that development of Stonehouse will include installation of reclaimed water lines and on-site treatment of sewage for reuse. Depending on how the reclaimed water system would be laid out (such as the location of the treatment facility), some components of the conceptual sewer layout would be altered. Any such adjustments, for this reason, or other reasons, would be reviewed at the time of the formal submission of the water and sewer master plans or as otherwise set forth in the process described in Proffer 14.

*Water.* The applicant has provided a conceptual water master plan for the development. Stonehouse had been supplied with water through the Stonehouse Independent System (operated by JCSA), which consisted of three on-site wells. That Independent system has now been joined to the JCSA Central System. Future water provision for the Stonehouse Development is the subject of a Water Facilities Agreement with JCSA which was signed in April, 2005. That agreement provides for a minimum 1 million gallon elevated storage tank (under construction) and states that when the demand exceeds the reserved storage capacity of the tank, the production volume of the existing wells, or the maximum water capacity of the Independent Stonehouse system, the applicant would either (a) provide its own water production source and storage facility on-site to include, but not limited to, a groundwater withdrawal and storage facility or (b) pay JCSA a per unit amount (\$1,061 per single family, \$796 per multifamily, adjusted yearly) for water facility development: as the trigger has not been reached, one of these options has not yet been selected. The total domestic water demand projected for the Stonehouse development is approximately 1.5 million gallons per day.

*Conservation.* The applicant has provided several measures to reduce the overall water demand of the development. First, proffers include development of water conservation standards to be approved by JCSA which address, among other standard items, landscaping materials and indoor fixtures and appliances. Second, proffers provide that irrigation of common areas shall not use JCSA water or well water (this does include a provision for waiver by the JCSA General Manager under certain circumstances). Finally, the applicant has agreed by proffer to participate with JCSA and HRSD in a feasibility study for a reclaimed water system on site. If deemed feasible, the system is expected to provide approximately 500,000 gallons per day for use in irrigating common areas, residential and commercial property, and potentially for use as a source of water for industrial users. The applicant has further proffered the installation of the pipe system and provision of a net three acre site for the treatment facility. Staff would note that, if the facility is determined to be feasible, there will be a permitting process required, which will include obtaining all zoning and subdivision ordinance approvals.

**JCSA Staff Discussion:** JCSA staff has reviewed the rezoning submission documents and the proffers and finds them acceptable.

**Transportation**

**Proffers:**

- Proffer 3. Sets forth the external and internal Traffic Improvements, including language addressing bikeway improvements.

Most of the transportation related language in the 1999 proffer set dates back to the original rezoning proffer set (1991). Reflecting the scope of the proposed Stonehouse development, the traffic study conducted at the time was comprehensive, and included not only the direct entrances and exits from the development, but elements of the transportation network further afield including I-64 interchanges (two existing interchanges and a proposed new interchange); the Route 60 and Route 30 intersection known as Anderson's Corner; and Rochambeau Road from its intersection with the new Bridge Road to the intersection with Croaker Road. The proffers included six trigger thresholds which corresponded to certain specified amounts of residential unit or commercial square footage approvals.

The current applicant has submitted a revised Traffic Study and proposes to amend the transportation proffers.

The new study is based on a different set of assumptions than were used previously. Most importantly, the new study uses data drawn from existing Stonehouse development, which demonstrates a lower trip generation rate and a distribution pattern less oriented to Richmond and more oriented to Williamsburg and the Peninsula than the original study projected. The original traffic study's recommendations and subsequent proffers have led to the Stonehouse development arriving at traffic improvement triggers which are not yet warranted based on current levels of traffic. Under the 1999 proffers, further development in Stonehouse would require that the I-64 westbound off-ramp at the I-64 and Route 30 interchange be re-aligned and a westbound Route 30 to westbound I-64 loop ramp be completed or bonded. The new traffic study (Attachment 5) uses the revised assumptions to generate information on several scenarios, including an analysis of existing conditions; a "no-build" scenario (growth of background/approved development traffic without any Stonehouse development); a "build" scenario (background/approved development traffic plus Stonehouse development); and a sensitivity analysis that looks at how intersections, interchanges and road segments fare in the years after Stonehouse build-out.

*Changes to Improvements.* The major changes to the improvements proffered and a brief discussion of each is offered below. A full comparison of the improvements between the 1999 and 2007 proffers is included as Attachment 7. VDOT and Kimley Horn have concurred with the proposed changes.

- Elimination of additional on-loop ramp at I-64/Route 30 interchange and some changes in what is proffered for the existing on-ramp (Map #2). The 1999 improvements had been included to accommodate heavy movements to westbound I-64 (Richmond); with the revised distributions described above, the proposed signalized intersection from northbound Route 30 to westbound I-64 functions adequately with the currently proffered dual left turn lanes.

- Elimination of several turn lane improvements at Anderson's Corner (Map #4). Some of the turn lanes in the final configuration descriptions in the 1999 proffers are already in place. With the revised trip generations and distributions, the study projects that the intersection will operate at an acceptable overall level of service (LOS) without improvements at least twenty years beyond build-out.

- Retention of the Bridge Road over I-64 to Rochambeau (instead of the use of Ware Creek Road) (Map #5 and #6). This element is not a change from the 1999 proffers, but staff would note it since the previous rezoning request had proposed to use Ware Creek Road to bring traffic to the east. The intersection of Bridge Road and Rochambeau Road (Route 30) would be constructed, and Rochambeau would be widened to four lanes between that intersection and Croaker Road. The Rochambeau Road intersection with Croaker Road would also be improved. In relation to Ware Creek Road, the applicant has proffered to petition VDOT to close a portion of Ware Creek Road, or, if unsuccessful in obtaining VDOT approval, to limit any future improvement of this road and "through the use of signage and other measures as approved by VDOT, the applicant shall attempt to de-emphasize Ware Creek Road as a means of ingress and egress to and from the Property" (for cars, not bikes). Staff would prefer that a definite solution be presented, or at least a specified timeframe for pursuing these actions, and would also prefer to see language addressing how (and in accordance with what timeframe) use of Mount Laurel road will also be de-emphasized. Finally, staff would

note that closure of a portion of Ware Creek Road would require Board endorsement prior to VDOT action. Therefore, Commissioners and Board members may want to evaluate at this rezoning stage whether they believe such an action would be acceptable.

- Elimination of several I-64/Route 607 (Croaker Road) interchange improvements (Map #7). The 1999 proffers would require reconstructing a significant portion of the interchange (especially the portion calling for increasing the distance between the on- and off-loop ramps). The study shows, and VDOT concurs, that the weaves and merges for this interchange would work operationally with the 2007 proffered improvement and that further modifications are not justified by any apparent deficiencies.

- Addition of improvements to the Route 607 (Croaker Road)/Route 60 intersection (Map #8). Staff, VDOT and Kimley Horn had asked the applicant to include this intersection in the Traffic Study given the revised trip distribution and the Stonehouse trips which are oriented to Williamsburg via Richmond Road. Improvement of this intersection by adding several turn lanes has been proffered. In relation to Croaker Road, staff would note that the Traffic Study shows the segment of Croaker Road between Rochambeau and Richmond Road encountering a LOS D at build-out. The improvement that would address this LOS D would be to widen Croaker to four lanes: this improvement is not currently a component of the proffers. This segment of Croaker Road is within the primary service area, and deficiencies are caused by growth in regional traffic as well as Stonehouse Traffic. Staff, with the concurrence of VDOT and Kimley Horn, feel that this improvement should be addressed as a regional concern through the Comprehensive Plan, but would want the Planning Commission and Board to be specifically aware of this in their consideration of this application.

- Elimination of inverse proffers regarding the proposed I-64/LaGrange Parkway interchange and widening of I-64 between the western Route 199/I-64 interchange and the I-295/I-64 interchange in Henrico County (Map #9). The 1999 proffers (and the 1991 set before that) stated that no more than 3,910 dwelling units, 205,000 square feet of E commercial or 2,353,000 square feet of office/business park use could be developed until these two items had been completed. At the time the original rezoning was being considered, regional plans were in the works that appeared to indicate that the six-laning of I-64 was imminent (relative to the timeframe of major highway improvements), and that the new LaGrange Parkway interchange might be a part of that. As far as this second piece, however, it was known even at the time that the spacing did not appear to meet FHWA guidelines. The applicant had proffered to update the traffic analysis before proceeding with development plans in Phase IV and V, and as proffered, and noted by staff in the original staff report, the recommendations and improvements suggested by the updated study, if different from those listed, would then replace the proffered improvements. The 2007 traffic study projects LOS on I-64 at build-out to be generally in the B and C range, with one segment encountering a LOS D: the 2007 Study's sensitivity analysis indicates that these LOS are projected to deteriorate to lower service levels, generally ten or more years after Stonehouse build-out.

*Phasing of Improvements/Triggers.* The 1999 proffers proposed seven levels of improvements that were triggered by certain amounts of residential units and commercial square footage in specified phases shown on the master plan. This applicant proposes to change the system to a set of three improvement levels (Initial, Level 1, Level 2) that would be triggered at certain traffic count volumes at the Stonehouse entrances (or for some specific turn lane improvement, counts of that movement). The improvements would only be built if these traffic count thresholds are met. The traffic counts would be updated annually and the proffers make provisions for beginning design plans and construction in advance of reaching the actual trigger thresholds. The applicant proposes to "front-load" the major improvements by building the new Bridge Road (and associated items) in the first set of transportation improvements; the next transportation level is projected to be hit at approximately half-way through development, and the third set at approximately 65% of development. This phasing has been arrived at by timing improvements needed to maintain adequate levels of service. Finally, staff would note that the proposed proffer set does include provisions for a required updated traffic study at a specified time of development, as the 1999 set had. Given the scope and timeframe for the project, staff feels more comfortable proceeding knowing that a traffic study update will be conducted to verify either that development and associated trip generation and distribution has proceeded as expected, or

that if there is some variation, that any changes to timing or improvements will be accomplished.

*Internal Roads.* The 2007 Traffic Study includes analysis of the major roads internal to Stonehouse and sets forth recommendations for improvements. The items have been included in the proffers.

**VDOT Comments:** VDOT has concurred with the assumptions of the study and the recommended improvements. In their last comment letter, VDOT recommended that certain bicycle and pedestrian improvements be included in the proffers (the proffers have been amended to address these), and provided commentary on the improvements which are no longer part of the proffer set which has been incorporated in the comments above.

**Staff Comments:** Staff and Kimley Horn find the Traffic Study and proffers to be generally acceptable as written. Staff does have a remaining concern the strategy of limiting Ware Creek Road and Mount Laurel access, as discussed above. In addition, Kimley Horn has recommended that the proffered improvements for the westbound State Route 755 (Rochambeau Drive) approach to Route 607 (Croaker Road) be moved up from the Level 2 to Level 1 improvement set, as a portion of the improvements at this approach are already included in that Level (Map #6). Finally, Kimley Horn has noted several remaining items that they believe would improve the Traffic Study document (showing the overall lane configuration on the tables illustrating proposed improvements, etc. – none of which, after checking, have been determined to affect the actual recommendations), and both staff and Kimley Horn would like to see the study addendum (also attached - #8) incorporated into the actual report.

Staff would not necessarily wish to unduly hold up this application to address these items and feels that, if deemed appropriate, and upon any expressed direction by the Planning Commission, they could be addressed between the Planning Commission and Board of Supervisors meetings.

### **Housing**

The 1999 proffers did not address the provision of affordable housing, although in the past some funds (approximately \$185,000) were provided by the Stonehouse development company in a separate arrangement to meet affordable housing needs in the County.

#### **Proffers:**

- Proffer 8. \$1,000 per residential unit toward affordable housing (total of \$3.646 million if all units are built).
- Proffer 13. Provides that a minimum of 125 “work force” residential units be offered for sale at an average price at or below \$250,000 (subject to adjustment as set forth).

**Staff Comments:** Staff feels that provision of actual affordable dwelling units (at or below \$160,000) as part of the development of the property would be of the greatest public benefit and most fully support affordable housing goals of the Comprehensive Plan. However, staff feels that the provision of cash contributions, and the provision of 125 work force units (approximately 3.4% of the total) do provide some public benefit. The cash provides roughly the equivalent of twenty additional homes priced at \$160,000. With regard to the cash contribution, Housing and Community Development staff provided the following information: “It is generally preferable to obtain proffers of affordable unit to address the shortage of homes affordable to low and moderate income families or donation of a site for affordable housing. Absent either of those possibilities a donation of a significant amount of cash which the County can invest in providing and preserving affordable housing can be used to address critical housing needs in the County. The commitment of \$1,000 per unit would be a significant resource which the County could invest in supporting affordable housing development or preservation elsewhere in the County. The funds could be added to the existing Housing Fund which is currently funded with General Fund dollars or a Housing Trust Fund within the Community Development Fund could be created. Potential uses for these proffered funds include purchase of property as well as installation of on and off site improvements required for affordable or mixed income development sponsored by the County, a non-profit organization, or builders participating in the County’s Affordable Housing Incentive Program. Several Virginia localities have used developer contributions as a funding source for local Housing Trust Funds.”

With regard to the work force units, Housing and Community Development staff notes that units in this price range could potentially address the higher income workforce first time homebuyers, and that there are citizens who are eligible for the County Employer Assisted Housing Program that can qualify for homes in this price range. In addition, Housing and Community Development currently has (and could potentially have in the future) available VHDA HomeStride funds which can assist families in purchasing homes with sales prices up to \$250,000.

Staff does have a remaining concern with the proposed proffer. It relates to the phrase “offered for sale at an *average* price at or below \$250,000. The proffer as worded allows for the possibility of selling one or two homes at artificially very low prices which would allow the rest of the units to be sold for more than \$250,000, and potentially a great deal more than that amount. Staff feels that this clause, as worded, would greatly diminish the public benefit associated with the proffer, and would highlight this aspect to the Planning Commission and Board as they consider the public benefit associated with this proffer.

### **Public Facilities**

According to the Public Facilities section of the Comprehensive Plan, Action number four 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. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and water supply facilities (the latter two are discussed elsewhere in the report).

#### *Schools*

The 1999 proffers and master plan provided for conveyance to the County of a 30.2 acre school site at the eastern edge of the development (Land Bay 61), and a 20.5 acre site for a school or other County use along Six Mount Zion Road . The 1999 proffers also included a \$1,750 per unit contribution for each of the 52 units to be built on the land that was added to the PUD through that application for use for projects in the County’s CIP.

#### **Proffers:**

- Proffer 5. Conveyance to the County of a 179 gross acre (estimated 113 net acre) school site along Six Mount Zion Road with associated recreational use, and other possible County uses. WJCC School Division staff have deemed this site acceptable for two schools.
- Proffer 8. Cash contribution to the County of \$2,000 for each residential unit on the property for school uses (total of \$7.292 million if all units are built).

Adequate Public School Facilities Policy. The Stonehouse development is located within the current Stonehouse Elementary School, Toano Middle School and Warhill High School districts. Under the proposed amended Master Plan, 3,646 units are proposed (these are the remaining units of the 4,411 total Stonehouse cap from the original rezoning). The applicant projects a total of 1,641 students would be generated (this estimate is based on single family homes, the highest generator). Per the adequate public school facilities test adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the test for adequate public school facilities. The test adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the test, the following information is offered:

School	Design Capacity	Effective Capacity	Current Enrollment (9/30/2007)	Projected Students Generated	Enrollment + Projected Students
Stonehouse Elementary	588	524	737	722	1,459
Toano Middle	775	822	825	394	1,219



Warhill High	(N/A)	1,250	756	525	1,281
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The table shows that with expected Stonehouse students, the elementary and middle schools would clearly be over capacity. However, a fourth middle school and ninth elementary are currently included in the County's capital improvement program and budget. These schools are projected to open in the summer of 2010 with planned capacities of 700 students (elementary) and 800 students (middle): the new elementary would provide enough capacity for virtually all Stonehouse students, and the new middle could provide capacity in excess of what would be needed to serve Stonehouse students. Further, the applicant has proffered to provide a school site for future construction of additional schools and cash contributions (see additional discussion below). Finally, it should be clearly noted that the students to be generated are not "new" students to the system, as the Stonehouse development has been approved for many years and the current application does not increase dwelling unit numbers, and that, strictly speaking, this application would be exempt from having to meet the policy under the "amendments to approved plans with no density change" exemption.

#### Cash Proffer Policy for Schools.

On September 13, 2005 the Board of Supervisors adopted a Cash Proffer Policy for Schools which sets forth cash proffer amounts for school construction. (This Policy was updated in 2007, however, this application was submitted prior to its effective date.) Based on single family units, the Policy suggests a cash contribution of approximately 14.6 million dollars. However, the Policy also states that the value of proffered land shall be credited against the cash proffer amount for schools. The applicant has provided information that states the value of the school site is \$3.58 million. This, together with the proffered amount of cash contributions, would bring the value of the 2007 proffers to \$10.872 million. (Staff would note however, that approximately 50 net acres had been included as part of the previous proffers and master plan.) To bring the proffered amount closer to the Policy, a cash contribution of approximately \$3,000 per unit would appear applicable. However, the Board may wish to consider, in its evaluation of this application, items which might be deemed mitigating factors: the fact that this development is a previously approved application; that the \$14.6 million figure is based on single family units since the master plan does not guarantee that other types of units will be built, but it is possible that some multi-family units will be included and these have a lower cash contribution expectation; and that the school site has a certain land value, but the proposed combined school site (as opposed to the previous master plan) also has the benefit of a location close to existing infrastructure or infrastructure that is projected to be upgraded early in the development process.

#### *Other Public Facilities/Uses*

As stated above, the 1999 master plan provided for a 20.5 acre site for a school *or other County uses*, and a 4 acre site for a range of County uses (net acreages). Also as stated above, the 1999 proffers included a \$1,750 per unit contribution for each of the 52 units to be built on the land that was added to the PUD through that application for use for projects in the County's CIP.

#### **Proffers:**

- Proffer 6. Reservation of two boat slips at the marina for use by the U.S. Coast Guard and/or the County Police or Fire Departments, if such use is requested.
- Proffer 5. Conveyance to the County or JCSA a ten acre site on Tract 9 for use for a range of public facilities, including police, fire or emergency services station or public library.

**Staff Comments.** Stonehouse Development is currently served by Fire Station #1. Staff finds the proffer language provides public use land in excess of what is contained in the 1999 proffers, and finds that, if needed, the boat slips at the marina would provide some additional public benefit.

#### **Fiscal**

Stonehouse applicants have always projected a positive fiscal impact from the Stonehouse Development since it was first taken to the Planning Commission and Board in 1990/1991. The development as it exists right now is almost certainly fiscally positive, given the amount of development in the Commerce Park and the housing stock that has been built. Approximately 17 percent of the residential units have been approved (with approximately 12 percent having received a Certificate of Occupancy) and 18 percent of the commercial square footage has been built. As discussed above in the summary of proposed

amendments, the number of units and amount of commercial square footage remains approximately the same between the 1999 and proposed 2007 master plans.

**Proffers:**

- Proffer 8. Contains cash contribution amounts for schools, affordable housing, water/sewer.
- Proffer 4. Contains commitments to timing of improvements for the important commercial land bays, and to cooperate with the Office of Economic Development in marketing the land.

**Staff Comments:** The applicant has submitted a Fiscal Impact Statement for the portion of the property covered by the amended master plan that projects a positive net fiscal impact of \$12.5 million dollars at build-out, or \$88.1 million of net present value in today's dollars. The Office of Financial Management Services has reviewed the study and concurs that with the projected housing price points, the fiscal profile would be positive. Staff had asked the applicant for a comparison of the projected fiscal impact between the 1999 plan and the 2007 plan; staff had not received that information as of the writing of the staff report. Finally, staff would note that the applicant has presented a "worst-case" evaluation (in the sense of the scenario that provides the lowest revenues and highest expenditures allowed by the master plan/proffers) that assumes up to 1,200 multifamily units are constructed, which is the multifamily cap specified in the proffers. This scenario also projects a positive fiscal profile.

In addition to the overall fiscal profile, staff feels it is important that the project provide a balanced fiscal profile over the course of development. One way to accomplish this is to have the residential and commercial components tied to each other through proffered phasing. The 1999 proffers had one such element which tied development of residential units in excess of 2,400 to the issuance of building permits for 600,000 square feet of commercial floor area (this proffer has already been satisfied.) The 1999 proffers also tied a certain amount of residential development to extension of utilities to a certain amount of commercial acreage (also satisfied), and specified that as roads were built next to commercial tracts, water and sewer would be installed with capacity to serve the commercial areas. This applicant does not propose to offer any residential/commercial phasing proffers, but does propose another proffer related to infrastructure which would ensure that commercial property is available relatively early in the projected build-out timeframe, increasing the likelihood that a fiscal balance will be maintained. The major commercial land bays are located along Fieldstone Parkway (which has already been built to the intersection with Six Mount Zion), Six Mount Zion Road (existing, but will be improved) and Mount Laurel Road (existing, but will be re-aligned in portions). The critical link is Mount Laurel Road, which fronts Tract 11: for this road, the applicant has proffered specific timeframes for submission of design plans (within 12 months of rezoning) and construction (within 18 months of plan approval) of water, sewer and road improvements with capacity to serve this Tract. Finally, as an additional step to address fiscal balance concerns, the applicant has proffered to cooperate with the County's Office of Economic Development in providing information to potential buyers of commercial property. Planning and OED staff find the proposed proffer to be generally in line with past proffers, and generally acceptable as written.

### **Parks and Recreation**

Past proffer sets have included provisions for a comprehensive package of recreational amenities for the property. This applicant proposes to change a number of the components of the recreational amenity package. A full comparison of recreational amenities included in the 1999 proffers versus the proposed proffers is included as Attachment 9.

**Proffers:**

- Proffer 6. Provides for a package of recreational improvements as summarized in Attachment 2.

**Staff Comments:** There are three types of shifts proposed by this applicant in relation to the recreational amenities package. First, a shift in some of the types of recreation facilities to fewer tennis courts and pools, and more fields (soccer and softball) and a few more playgrounds. There is also a somewhat greater range in types of amenities as the package now includes items such as a sand volleyball court, canoe launches and a community garden area. One change that makes a large difference in the acreage is that the second golf course is not included in the proffers. The amenities proposed by the applicant have

been evaluated against the County's Parks and Recreation Master Plan and meet these guidelines. Finally, staff would note that several of the recreational amenities will be dedicated to the County for public use upon completion (canoe launches, Stone House park, fields and courts at the school site).

A second shift is in the proposed distribution of amenities - from 10 parks (not including the RV storage areas, marina or golf courses) ranging from a couple acres to a 10 acre community center park spread throughout the property, to more concentration of the larger recreational amenities at the "major recreation facility" (Tract 1, Amenity Area D), at the Tract 3 community center and pool, and at the school site. This concentration is, according to the applicant, to provide areas that bring the residents of the community together through shared use of one large common facility. This concentration is off-set by the provision of playgrounds throughout the Tracts to serve residents at a more localized, neighborhood scale – although staff would note that while the playground size is specified (3,000 square feet), no total acreage for other open space associated with the playgrounds is specified. As with the previous proffer set, trails and access to historic and environmental features are included which span the development.

A third shift, related to the second shift, is in the proposed timing of the facilities. The 1999 proffers do not specify any certain timings (date specific) with respect to the improvements, but do generally tie bonding/completion to the approvals for dwelling units in the Land Bays the amenities were generally planned to serve. The proposed proffers tie commencement of the "major recreation facility" to 800 building permits, which, in relation to the phasing specified in Proffer 11, puts this improvement approximately 4 years into the development schedule. For the community center and pool in Tract 3, the proffers specify that design plans shall be submitted to and approved by the County Planning Director and construction of such facilities shall have started, or bonds posted, before the County is obligated to grant final subdivision or site plan approval for any residential lots or units permitted in Tract 2 or Tract 3. For the fields and courts at the school site, the proffers specify that these will be constructed "prior to or within one year of conveyance of the site to the County". For the remainder of the amenities (playgrounds, canoe launches, parks associated with historic features, marina), the trigger is specified as design plan approval prior to 50% of the mid range of the allowed units, and installation within three years of the first unit approval for the Tract. Staff believes there is a public interest in achieving a timing that meets the needs of the residents through on-site facilities since this will alleviate the use of existing, or need for additional, County facilities. Staff believes that with the proffered community center and pool in Tract 3, resident needs for the larger amenities (pool) will be accommodated for development in the Six Mount Zion and Fieldstone Parkway corridors (including Stonehouse Glen) which the applicant projects as being Phase I and II of the development.

Overall, staff finds the proposal generally acceptable, but has some remaining concerns about playground acreage in the proffers as currently written, as stated above.

### **Archaeology**

A number of archaeology studies have been completed within the Stonehouse development over the years, in accordance with archaeology study language that has been a component of past proffer sets. This applicant has summarized those studies and developed a map to guide further work on the property.

#### **Proffers:**

- Proffers 7 and 6. Proffers to preserve the site of the foundations of the "Stone House"; to install a historical sign, provide park acreage and a trail connection to the Stone House and to another archaeological site on the property in Tract 8 – the Stone House park would be dedicated to the County for public use (these items are specified in Proffer 6); to conduct further archaeology study of the property where additional work is necessary; and formalizes a procedure to cover any instances when unexpected discoveries might be made.

**Staff Comments:** Staff finds the proffer language to be acceptable.

### **COMPREHENSIVE PLAN**

#### **Land Use**

The main portion of Stonehouse is designated as Low Density Residential (LDR), Mixed Use and Conservation Area. While some changes to the master plan are proposed, as described in the project description, the overall residential density (less than 1 unit per gross acre) and commercial square footage has remained the same, and the location of uses has not shifted significantly. Staff finds the master plan for the main portion of Stonehouse to be consistent with the LDR and Mixed Use Comprehensive Plan Land Use Designations.

One significant aspect of this application is the proposed addition of “Tract 9” to the Planned Unit Development. The parcel is currently zoned A-1 and has been owned by Stonehouse developers for many years as the location of the bridge road flyover. The parcel is designated Low Density Residential (LDR) and Rural Lands (small portion of the site to the east of the environmental features) by the Comprehensive Plan. The applicant proposes public use and some limited recreational use, both of which appear consistent with LDR recommended uses. The applicant also proposes up to 120,000 square feet of office use. In evaluating this use for the parcel, staff has compared the proposal with Greensprings Office Park, which is a component of a master planned development (the R-4, Residential Planned Community, of Greensprings) and is also designated as LDR. Staff finds that greater latitude could be, and has been in the past, given to commercial development in LDR which is part of a planned community with commitments to infrastructure and other elements, such as buffers. The Greensprings Office Park contains approximately 55,000 square feet of office use on approximately 15 gross acres, with building footprints in the range of 5,500 to 8,500 square feet (single story buildings). Staff feels that through the use of limited building footprints and buffers, the Greensprings Office Park does achieve a neighborhood commercial character that is compatible with the residential and public uses in its proximity. Tract 9 would appear to allow for approximately 15 net acres for office use once the public and recreational uses are accounted for. Staff finds that the amount of square footage proposed by the applicant could be deemed generally consistent but finds that the proffers do not currently provide the assurances staff would typically be looking for such as limitations on the building footprints, commitments to height limits (no more than 2 stories), and buffers beyond ordinance minimums to address concerns about impacts to the adjacent Sand Hill residents. Staff believes the applicant has indicated in the past that buffers and perhaps other measures would be provided, however, this language is not currently in the proffer set. Staff would highlight this Comprehensive Plan consistency issue to the Planning Commission and Board in their evaluation of any decision on this application.

#### **Other Comprehensive Plan Sections**

Staff finds that the current application addresses stated Comprehensive Plan goals to an equivalent or greater (especially with regard to environmental protection) degree than the existing master plan and proffers.

#### **RECOMMENDATION**

Staff finds that the proposed amendments are generally consistent with the Comprehensive Plan and with surrounding development. Compared with the 1999 application, staff finds that some elements, like archaeology proffers, have changed very little. Some elements have changed substantially in concept or approach, but appear to still address project impacts and present a public benefit to a comparable degree as the 1999 application – these include transportation, parks and recreation amenities, the master plan, and fiscal/economic development aspects. In some areas, staff finds that the current application offers certain benefits beyond what had been previously proposed – these include the environmental proffers, the affordable housing contributions and, to a lesser degree, workforce units, the larger combined school site and cash contribution for schools, and the use of reclaimed water for irrigation if found to be feasible. Staff has highlighted certain items in the text below, some of which relate to specific proffer language changes that staff would continue to recommend, while other items are simply brought to the Planning Commission’s attention as staff considered them to be of special note in any consideration of the application. Overall, staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors.

ATTACHMENTS:

1. Proffers
2. Applicant Proffer Comparison Document
3. Traffic Study Executive Summary
4. Master Plan (under separate cover)
5. Community Impact Statement (under separate cover)
6. EDA Remarks
7. Traffic Map and Proffered Improvements Comparison
8. Traffic Study – URS Memo dated November 21, 2007
9. Recreational Amenities Proffer Comparison
10. Citizen Letters and Stonehouse Glen Petition

AMENDED AND RESTATED  
STONEHOUSE PROFFERS

THESE AMENDED AND RESTATED PROFFERS are made as of this 27<sup>th</sup> day of November, 2007, by **GS STONEHOUSE GREEN LAND SUB LLC**, a Delaware limited liability company (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Existing Property") located in James City County, Virginia, more particularly described on Exhibit A attached hereto and made a part hereof which is a portion of the property commonly referred to as the Stonehouse Planned Unit Development.

B. The Existing Property and the balance of the property located within the Stonehouse Planned Unit Development (not owned by Owner) is now zoned PUD-C and PUD-R, with proffers, and is subject to (i) a plan of development entitled "Stonehouse, Virginia, Master Plan, James City County, Virginia and New Kent County, Virginia, Stonehouse Inc./ Stonehouse LLC Owners/Developers" prepared by Langley and McDonald, P.C., dated February 19, 1999, a copy of which is on file with the County Planning Director (the "Existing Master Plan"), and (ii) Second Amended and Restated Stonehouse Proffers, dated August 6, 1999, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as document number 990021231 (the "Existing Proffers").

C. Owner has applied to amend the Existing Master Plan in various respects and to include tracts of land containing approximately 89 acres (Tax Parcels 1310100019 and 1310100008A) and 4.125 acres (Tax Parcel 063010001), respectively, which property is more particularly described on Exhibit A-1 (the "Additional Property"), to rezone Tax Parcels 1310100019 and 1310100008A of the Additional Property from A-1 to PUD-C, with proffers, and to rezone Tax Parcel 1630100001 of the Additional Property from A-1 to PUD-R, with proffers, to amend the zoning line between the PUD-R and PUD-C portions of the development, and to amend and restate the Existing Proffers in their entirety as set forth below but only to the extent the Existing Master Plan and Existing Proffers apply to the Existing Property. The Existing Property and the Additional Property are hereinafter referred to as the "Property". In connection therewith, Owner has filed rezoning and master plan amendment applications with the County which have been assigned case numbers Z-4-07 and MP-4-07 by the County Planning Department (the "Applications").

D. Owner has submitted to the County an amended plan of development entitled "Stonehouse Master Plan" prepared by Chas. H. Sells, Inc. dated November, 2007 (the "Master Plan") in accordance with Section 24-484 of the County Zoning Ordinance.

E. A traffic impact study entitled "Stonehouse Traffic Impact Analysis" prepared by URS Corporation and dated May 22, 2007 as revised September 12, 2007, and November, 2007 (the "Traffic Study") has been submitted to the County in accordance with Section 24-484 of the

County Zoning Ordinance. The Traffic Study has been reviewed and approved by the County and the Virginia Department of Transportation (“VDOT”). The Traffic Study addresses the requirements of Proffer 3 of the Existing Proffers as provided in Proffer 3(i) thereof.

F. Owner has submitted to the County (i) a listing of all previous archaeological studies performed on the Stonehouse development, including on the Property, entitled “Previous Archaeological Excavations, Dated May 23, 2007” compiled by Carol Tyrer of Circa~Cultural Resource Management, LLC, (ii) a table listing all identified archaeological sites at the Stonehouse development, including the Property, entitled “Archaeological Sites at the Stonehouse Development, Dated March, 2007” compiled by Carol Tyrer of Circa~Cultural Resource Management, LLC, and (iii) a map identifying the approximate location of each of the identified archaeological sites entitled “Stonehouse Archaeological Exhibit” made by Chas. H. Sells, Inc. and dated April 3, 2007 (together, the “Archaeological Documents”). The Director of Planning has reviewed and approved the Archaeological Documents and each of the studies listed therein.

G. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned PUD-R and PUD-C for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property in accordance with Section 15.2-2296 *et seq.* of the Virginia Code and Section 24-16 of the Zoning Ordinance.



NOW, THEREFORE, in consideration of the approval by the County of the Applications and the Master Plan and the acceptance of the Amended Proffers, the Existing Proffers are hereby amended and restated insofar as they relate to the Property as set forth below. The Existing Proffers and Master Plan shall continue to govern the portion of the Stonehouse Planned Unit Development not included within the Property. Owner agrees that the following conditions shall be met and satisfied in the development of the Property.

#### CONDITIONS

**1. Community Association.** Owner, with the concurrence of the Association at Stonehouse, Inc., shall subject Land Bays 1, 3, 5, 8 and 14 to the existing Declaration of Covenants, Restrictions, Affirmative Obligations and Conditions for Stonehouse recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 970015414, including without limitation, the architectural review process and guidelines. Owner shall organize a community association or associations (the "Community Association") in accordance with Virginia law in which all property owners in the development on the Property other than in Land Bays 1, 3, 5, 8 and 14, by virtue of their property ownership, shall be members, provided, however, Owner may subject by the recordation of supplemental declaration(s) portions of the Property to existing property owners association(s) and restrictive covenants. Owners of property within the existing Stonehouse Glen subdivision shall have the right to subject their property to the Governing Documents and become members of the

Community Association. There shall be one master Community Association for all residential portions of the Property. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Community Association shall be submitted to and reviewed by the County Attorney. The Governing Documents shall (i) require that the Community Association adopt an annual maintenance budget and assess all members for the maintenance of all properties owned or maintained by the Community Association and (ii) shall grant the Community Association the power to file liens on members' properties for non-payment of such assessments and for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. Owner may organize separate neighborhood or commercial associations and impose supplemental or different restrictive covenants on individual sections of the Property.

2. **Density.** There shall be no more than 3,646 residential units and no more than 2,900,000 square feet of non-residential uses, excluding recreational uses, permitted on the Property. Of the 3,646 residential units no more than 1,200 residential units shall be B – attached structures containing two to four dwelling units, C – attached structures less than three stories and containing more than four dwelling units or D - attached structures of three or more stories and containing more than four dwelling units as those terms are defined in section 24 – 484 of the County Zoning Ordinance. Owner shall provide on each site plan or subdivision plan for any development within the Property a then current accounting of the number of residential units,

unit type and square footage of non-residential development that have previously been approved by the County and are proposed by the plan in question in form acceptable to the Director of Planning to permit the accurate tracking of the progression of the development of the Property.

3. **Transportation Improvements.** This proffer sets forth external and internal road and intersection improvements recommended in the Traffic Study and the phasing of their construction.

3.1 **Periodic Traffic Counts.** Owner shall have traffic volume counts conducted annually beginning not less than one year from the date of final approval of the requested rezoning by the Board of Supervisors and on or about each anniversary of the initial count thereafter (“Annual Counts”). With the approval of VDOT and the Director of Planning, the Annual Counts shall be conducted at a time of year such that no adjustment factor will need to be applied to the raw count data to estimate annual average daily traffic. The Annual Counts shall be conducted at (i) Fieldstone Parkway at its intersection with State Route 30, (ii) La Grange Parkway at its intersection with State Route 30, (iii) Ware Creek road at its intersection with Mount Laurel Road and (iv) Bridge Road and its intersection with Rochambeau Drive (collectively, the “Entrances”) and submit the results of such counts to the Director of Planning and to VDOT.

3.2 **Initial Transportation Improvements.** The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such

time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 947 vehicles as shown by the Annual Counts (the “Initial Trigger”) until the following improvements have been completed or such improvements have been commenced (as used herein with respect to construction or installation of improvements, “commenced” shall mean all necessary plan approvals and permits have been obtained and actual physical construction activity, e.g. land disturbing, has begun) and guarantees in accordance with §15.2-2299 of the Code of Virginia, as amended, and the applicable provisions of the County Code in form and amount satisfactory to the County Attorney (“Guarantees”) for their completion have been posted with the County:

(a) Install a 4-lane roadway (Bridge Road) connecting Stonehouse to State Route 30 (Rochambeau Drive) generally as shown on the Master Plan. The intersection of Bridge Road with State Route 30 shall include separate turn lanes (eastbound left turn, westbound left turn and westbound channelized right turn) on State Route 30 and southbound turn lanes (left turn and right turn) on the Bridge Road approach to State Route 30 and shall include a median in Route 30 of sufficient width to accommodate a westbound left turn lane on Route 30 to be installed in the future by others. A traffic signal shall be installed when VDOT signal warrants (“Warrants”) are met. Install a second left turn lane to the southbound Bridge Road approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour; and

(b) Widen the segment of State Route 30 from the intersection with Bridge Road approaching State Route 607 (Croaker Road) from two lanes to four lanes; and

(c) At the intersection of State Routes 30 and 755 with State Route 607, add dual left turn lanes and a channelized right turn lane to the eastbound approach to Croaker Road; and

(d) Install a traffic signal at the intersection of State Route 30 and Fieldstone Parkway when Warrants are met; and

(e) Install a traffic signal at the intersection of State Route 30 and the westbound Interstate 64 Exit 227 exit ramps when Warrants are met.

(f) Install a traffic signal at the intersection of the State Route 1045 and State Route 30 when Warrants are met; and

(g) Install a traffic signal at the intersection of the eastbound I-64 Exit 227 off-ramp and State Route 30 when warrants are met.

3.3 Level 1 Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 2,135 vehicles as shown by the Annual Counts (“Level 1 Trigger”) until the following improvements have been completed or such improvements have been commenced and Guarantees for their completion have been posted with the County and

Guarantees for the design and construction of the Level 2 Transportation Improvements have been posted with the County:

(a) Modify the pavement markings on southbound Fieldstone Parkway to add a second left turn lane to the southbound Fieldstone Parkway approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour; and

(b) Add a second left turn lane to the westbound I-64 off-ramp at Exit 227 to southbound State Route 30. Add a second left turn lane to the northbound State Route 30 approach to the westbound I-64 on-ramp at Exit 227. Widen the westbound I-64 on-ramp to two lanes; and

(c) Install an exclusive left turn lane, a dual left/thru lane and an exclusive right turn lane on the southbound State Route 607 (Croaker Road) approach to U.S. Route 60 (Richmond Road);

(d) Install a second left turn lane and a separate right turn lane to the northbound State Route 607 approach to State Routes 30 and 755;

(e) Install a second through lane to the westbound Route 755 approach to State Routes 607 and 30; and

(f) Owner shall have posted Guarantees for the design and completion of the Level 2 Transportation Improvements with the County.

3.4 Level 2 Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 2,793 vehicles as shown by the Annual Counts (“Level 2 Trigger”) until the following improvements have been completed or such improvements have been commenced and Guarantees for their completion have been posted with the County:

(a) Add a second left turn lane to the southbound State Route 1045 approach to State Route 30 when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour; and

(b) Add a left and right turn lane and a second through lanes to westbound State Route 755 (Rochambeau Drive) approach to Route 607 (Croaker Road); and

(c) Extend by 200 feet the length of the on-ramp to eastbound I-64 at Exit 231 from northbound State Route 607 (Croaker Road); and

(d) Add a second left turn lane to the eastbound State Route 30 approach to Bridge Road when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour

3.5 Design of Improvements. The Initial Trigger, Level 1 Trigger and the Level 2 Trigger are hereinafter called an “Improvement Trigger”. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Annual Counts reflect the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances equals or exceeds a total of 80% of an Improvement Trigger until such time as Owner has submitted evidence satisfactory to the Director of Planning that the design of the improvements associated with the Improvement Trigger has commenced.

3.6 Commencement of Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Annual Counts reflect the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances equals or exceeds a total of 90% of an Improvement Trigger until such time as Owner has submitted evidence satisfactory to the Director of Planning that the construction of the improvements associated with the Improvement Trigger has commenced or Guarantees for such construction have been posted with the County.

3.7 Traffic Signal Warrant Analyses. Anything to the contrary herein notwithstanding, Owner shall not be obligated to install or post Guarantees for any traffic signal until such time as VDOT determines Warrants for that signal have been met. The Annual Counts shall include turning movement counts at the intersections listed in Sections 3.2, 3.3 and 3.4 for



potential signalization. If based on the Annual Count VDOT determines any intersection at which a traffic signals is proffered is approaching meeting Warrants for installation of the traffic signal then at the request of VDOT, Owner shall have a Warrant analysis of that intersection conducted and submitted to the County and VDOT.

3.8 VDOT Standards. All improvements proffered in this Section 3 shall be designed and constructed in accordance with applicable VDOT standards and guidelines. All traffic signals proffered hereby shall be designed and installed to accommodate future proffered traffic improvements. Traffic signal timing equipment will be modified and signal timing plans updated as\required by VDOT concurrently with capacity improvements at the intersection in question. All traffic signals proffered hereby shall include signal coordination equipment if required by VDOT.

3.9 FHWA Approvals. The proffered modifications to Interstate 64 interchanges will require the approval of the Federal Highway Administration ("FHWA"). If FHWA approval of a modification is not granted after submission through and with the approval of VDOT of all appropriate and required interchange modification applications and supporting documentation, Owner shall propose to the County and VDOT substitute improvements and provide VDOT and the County with a traffic study showing the impact of the proposed substitute improvements, commensurate in traffic benefit and costs with the proffered interchange modifications for the review and approval of the County and VDOT. If such substitute improvements are approved by

the County and VDOT, the completion or posting of Guarantees for their completion with the County shall satisfy the obligation of Owner with respect to the proffered interchange modification for which FHWA approval was not granted.

3.10 Updated Traffic Study. (a) Owner may have the Traffic Study updated, amended or supplemented from time to time by an independent traffic consultant and shall submit any such updated, amended or supplemented Traffic Study to the County and VDOT for approval. The schedule of road and intersection improvements and the phasing thereof set forth above may be amended by the Owner based on such updated, amended or supplemented Traffic Study with the approval of the Board of Supervisors. Owner shall convey, without charge, to VDOT or the County, as appropriate, all right of way owned by it that is necessary for such improvements and, when completed, shall dedicate all such improvements to VDOT or the County, as appropriate.

(b) The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Level 2 Trigger is reached until the Owner, at its expense, has submitted to the VDOT and the Director of Planning for their review and approval an updated traffic study of the Stonehouse development performed by a traffic consultant acceptable to the County. The consultant shall submit the proposed methodology for the study to VDOT for approval before initiation of the study, however, the methodology shall include forecasted background traffic volumes (including traffic volumes

from approved developments other than Stonehouse) as identified in the current traffic study. If the updated study indicates changes in the improvements proffered hereby and/or the triggers for such improvements are necessary as a result of an increase traffic generated by the development on the Property compared with that projected in the approved Traffic Study, Owner shall submit to the County an updated improvement and trigger plan which shall be subject to approval by the Director of Planning. Further development of the Property shall be in accordance with the approved, updated improvement and trigger plan.

3.11 Internal Road and Intersection Improvements. To ensure adequate service at major internal intersections and along roadway segments within Stonehouse, Owner shall install the following improvements at the time of roadway and intersection construction in the area of the specified intersection unless another trigger is specified herein:

(a) Install eastbound left turn lane and right turn lane on the Fieldstone Parkway approach to La Grange Parkway and install a southbound right turn lane and a northbound left turn lane on the La Grange Parkway approach to Fieldstone Parkway; and

(c) Install a traffic signal at the LaGrange Parkway/Fieldstone Parkway intersection when Warrants are met; and

(b) Add a second northbound left turn lane on the La Grange Parkway approach to Fieldstone Parkway when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour;

(c) Install a southbound left turn lane and a northbound right turn lane on the La Grange Parkway approach to Mount Laurel Road and install a westbound left turn lane and a right turn lane on Mount Laurel Road; and

(d) Install a traffic signal at the LaGrange Parkway/Mount Laurel Road intersection when Warrants are met; and

(e) Add a second westbound left turn lane to the Mount Laurel Road approach to La Grange Parkway when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour. Concurrent with the installation of the second left turn lane on westbound Mount Laurel Road, La Grange Parkway will be widened from 2 lanes to 4 lanes from Mount Laurel Road south to the existing 4-lane section; and

(f) Extend the 4-lane section of Bridge Road from State Route 30 to Ware Creek Road.

3.12 Bicycle Accommodation Improvements. The improvements made by Owner to Route 30 and the Route 607/Route 30 intersection shall include shoulder bike lanes provided such bike lanes can be installed within the existing right of way. All improvements to Route 600 within the Property shall include a shoulder bike lane except, with the approval of the Director of Planning, no bike lane shall be required where Route 600 passes under Interstate 64 if such a bike lane is not feasible due to pavement width restrictions under the bridge.

3.13 External Road Connections. There shall be no road connection directly from the

Property onto Croaker Road. Owner shall petition VDOT to permit the disconnection of Ware Creek Road immediately west of its intersection with Mount Laurel Road from the portion of Ware Creek Road that extends through the Property and, if VDOT approval is obtained, physically disconnect the road, to prevent traffic from the Property from using Ware Creek Road to access Croaker Road. If VDOT refuses to allow this disconnection, Owner shall not improve a segment of Ware Creek Road between its intersection with Bridge Road and the eastern boundary of the Property and shall not improve Ware Creek Road west of its intersection with Mount Laurel Road to the first subdivision road in the Property and through the use of signage and other measures as approved by VDOT shall attempt to de-emphasize Ware Creek Road as a means of ingress and egress to and from the Property.

4. **Economic Development.** (a) As and when segments of the roads shown on the Master Plan within or adjacent to areas designated E, F, G or H on the Master Plan are constructed, water and sewer lines shall be installed adjacent to or within the road right-of-way or otherwise extended to such areas with capacity to serve the areas described above. Within 12 months from the date of approval of the requested rezoning by the Board of Supervisors, (i) design plans for water and sewer lines along Mount Laurel Road from its intersection with Six Mount Zion road to its intersection with Bridge Road with capacity to serve Tract 11 shall be submitted to the County and JCSA and (ii) design plans for the improvement of Mount Laurel Road to meet applicable VDOT subdivision street standards shall be submitted to the County and

VDOT. Such water and sewer lines and road improvements shall be installed within 18 months of approval of such design plans.

(b) Owner, upon request, shall provide the County's Office of Economic Development ("OED"), any state or regional economic development agency and/or any prospective user identified by the OED or such state or regional agency with a marketing information package for the areas of the Property designated E, F, G or H on the Master Plan containing relevant information about the property such as size and configuration of available sites, surveys, topographic information, utility availability and capacity, road access, stormwater management plans and similar information.

(c) In Tracts 10B and 11A there shall be no more than 70,000 square feet of retail development and no single retail use shall exceed 7,500 square feet. If and when mixed use buildings are permitted by applicable zoning ordinances, no more than 10% of the floor area of any mixed use building in Tracts 10B and 11A shall be devoted to retail use.

## **5. Public Sites.**

5.1 School Site and Public Use Site. (a) Owner shall convey to the County, without consideration, a site containing approximately gross 179 acres (the "School Site") in the location shown on the Master Plan as "School" for use by the County only as a site for schools and a public athletic field/tennis court complex. If the County desires to locate any other public use on the School Site, the use, location and architectural design of any improvements shall be subject to

the prior approval of Owner.

(b) Owner shall convey to the County or the James City Service Authority (“JCSA”), without consideration, a site located in Tract 9 containing approximately ten acres for use only as a police, fire or emergency medical services station, public library, County or JCSA office building, park, park and ride lot, recycling center, community building or any combination thereof.

5.2 Timing of Conveyances. All conveyances of public sites to the County pursuant to this Condition 5 shall be upon the request of the County Administrator after the County has adopted a capital improvements program including funding for facilities on the sites. Within 45 days of the receipt of such a request Owner shall cause to be prepared and submitted to the County any required subdivision plat. The actual conveyance shall be made within five business days of final approval of the subdivision plat. If no subdivision is required, such conveyance shall be made within 30 days of the receipt of the request from the County Administrator.

5.3 Reversion. If (i) the Board of Supervisors makes a formal determination by resolution not to use any of the sites conveyed to the County, the School Board or the Service Authority for the aforesaid public purposes before construction of any improvements on such sites or (ii) construction of improvements has not been commenced within fifteen years from the date of conveyance to the County, the School Board or the Service Authority, title to such site or sites shall revert to the Owner, if as of the date of the resolution Owner owns any of the Property,

or if Owner does not then own any of the Property, to the master Community Association. The County, at the request of the Owner or Community Association, shall deliver deeds to the Owner or Community Association, as appropriate, evidencing such reversion of title.

**6. Community and Recreational Facilities.**

6.1 Facilities and Phasing. Owner shall construct the community and recreational facilities described below (subject to obtaining all required permits) generally in the locations shown on the Master Plan. The facilities listed in paragraph (a) of this Section shall be commenced before the County is obligated to grant building permits for more than 800 residential units on the Property and shall be completed within 30 months of the date of commencement. Design plans for the facilities listed in paragraphs (b) through (i) of this Section and in Section 6.2(b) shall be submitted to and approved by the County Planning Director and construction of such facilities shall have started, or Guarantees in an amount and form acceptable to the County Attorney for such construction shall have been posted with the County, before the County is obligated to grant final subdivision of site plan approval for more than 50% of the midpoint of the range of residential lots or units permitted in the Tract or Land Bay in which the facilities are to be located and in any event the facilities shall be installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question. Design plans for the facilities listed in paragraph (j) of this Section shall be submitted to and approved by the County Planning Director and construction of such facilities



shall have started, or Guarantees in an amount and form acceptable to the County Attorney for such construction shall have been posted with the County, before the County is obligated to grant final subdivision or site plan approval for any residential lots or units permitted in Tract 2 or Tract 3. Each Amenity Area shall contain approximately the gross and net acreage set forth on the Master Plan.

(a) Tract 1, Amenity Area D. A major recreation facility including an 18,000 square foot building with an indoor basketball court, one outdoor junior Olympic pool with a water surface area of at least 5,000 square feet, one children's fun pool, two unlit softball fields, two unlit soccer fields, play areas for both toddlers and older children, open space of at least one acre for unstructured play, and one sand volleyball court.

(b) Tract 4, Amenity Area G. A canoe launch site with dock (subject to permitting) and benches accessed by a pedestrian path connecting to the internal pedestrian system.

(c) Tract 4, Amenity Area E. Passive park of at least seven acres accessed by a pedestrian path connecting to the internal pedestrian system. An appropriate interpretive historical sign shall be installed at the site.

(d) Tract 6, Amenity Area C. Playground with at least five apparatus and/or activities, unstructured play area of at least one acre, a gazebo and a community garden area of at least 2,500 square feet with a water source.

(e) Tract 6, Amenity Area F. A canoe launch site with dock (subject to permitting)

and benches accessed by a pedestrian path connecting to the internal pedestrian system.

(f) Tract 8, Amenity Area A. Passive park of at least two acres accessed by a pedestrian path connecting to the internal pedestrian system. An appropriate interpretive historical sign shall be installed at the site.

(g) Tract 8, Amenity Area B. A marina (subject to permitting), trails to waterfront, benches. Commercial uses at the marina such as a restaurant, ships store or tackle/bait shop shall be open to the public.

(h) Tract 9. Three acre boat and RV storage area for residents.

(i) Land Bay 14. Park of at least two acres.

(j) Tract 3. A recreation facility of at least three acres to include a community building with a minimum area of 3,000 square feet, a swimming pool with a minimum water area of 4,500 square feet, a minimum 20 foot by 20 foot wading pool, outdoor seating areas and an open lawn of 30,000 square feet for gathering and play.

(k) Playgrounds. In addition to the facilities proffered in paragraphs (a) through (i) above, eleven playgrounds/pocket parks placed throughout the Property. Pocket parks will not be located primarily or exclusively in a single Tract. Each playground will be at least 3,000 square feet in area and include five activities and/or apparatus as well as benches for seating. Pocket parks will include benches for seating, gazebo or other gathering area.

(l) School Site. Owner shall construct four lighted softball fields and an eight court

tennis complex on the School Site prior to or within one year of the conveyance of the School Site to the County. These facilities shall be open to the public and shall be conveyed to the County upon completion.

The Amenity Areas listed in paragraphs (b), (c) and (e) shall upon completion be dedicated to the County and shall be open to the public. Owner shall provide public parking adjacent to a public road as close as reasonably possible to those three amenity areas given applicable environmental, topographic and regulatory constraints. If the marina listed in paragraph (g) is constructed, Owner shall reserve two boat slips for use by the U.S. Coast Guard and/or the County Police or Fire Departments, if such use is requested by those agencies at the time of development plans for the marina being submitted to the County.

The exact facilities to be provided at each site may be varied by Owner, with the consent of the Director of Planning based on, among other things, the demographics and expressed preferences of the residents of the development. There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan to dollars for the year the contributions are made using the formula in

Section 8(g)) or some combination thereof. All cash contributions proffered by this Proffer shall be used by the County for recreation capital improvements and shall be paid at the time of final site plan or final subdivision plat approval for the final phase of the development.

## 6.2 Trail System.

(a) Multi-Use Paths. An asphalt multi-use path approximately 15 miles in length and designed in accordance with applicable County greenway standards shall be installed on the Property along Six Mount Zion Road (except, with the approval of the Director of Planning, no multi-use path shall be required where Six Mount Zion Road passes under Interstate 64 if such a multi-use path is not feasible due to width restrictions under the bridge), Mount Laurel Road, the new parkway over I-64 and out to the marina site and along Ware Creek Road. In lieu of the multi-use path along Ware Creek Road, Owner may install a shoulder bike lane. The multi-use path shall be installed at the time the adjacent road is constructed or widened or if no construction or widening will take place at the time of development of adjacent parcels.

(b) Pedestrian Paths. Pedestrian paths along Ware Creek and internally along stream buffers to connect pedestrian system in individual Tracts to Amenity Area D in Tract 1 and to Amenity Area B in Tract 8, all subject to permitting. Pedestrian paths located within the net developable areas of the Property shall be asphalt. Pedestrian paths located outside net developable areas shall have a surface approved by the County Environmental Director and any other regulatory body with jurisdiction. Design plans for the path within a Tract shall be

submitted to the County with the first development plan for the Tract and construction of such path shall begin or Guarantees for such construction shall be posted before the County is obligated to grant final subdivision of site plan approval for more than 50% of the mid-point of the range of residential lots or units permitted in the Tract and in any event the path shall be installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question..

(c) Greenway Connections. Owner shall provide connections at the boundaries of the Property from the internal trail system to a County wide greenway system, when and if implemented by the County.

**7. Archaeological Sites.**

7.1 Stone House Site. Owner shall preserve the site of the foundations of the "Stone House" located within Tract 4, Amenity Area E.

7.2 Other Archaeological Sites. (a) Archaeological sites listed in the Archaeological Documents (defined in Recital F) that are potentially eligible for the National Register of Historic Places that can be avoided by the development will be clearly marked on site plans or subdivision construction plans ("development plans"). In addition, if ground clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing near the area. If potentially eligible sites cannot be avoided by the development, then a Phase II evaluation will be completed on the site

prior to any ground disturbance activity in the site area. The Phase II evaluation will be submitted to the County Planning Director for review.

(b) At the conclusion of the Phase II evaluation, if a site is determined not eligible for listing on the National Register of Historic Places, then development may occur in the site area. If the determination is made that the site is eligible for listing on the National Register of Historic Places, then several mitigation options are available:

(i) Avoidance. The site may be avoided by the development by setting aside the site in a park, RPA buffer, or vegetative area. National Register eligible archaeological sites that can be avoided by the development will be clearly marked on project development plans. In addition, if ground clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area.

(ii) Partial Avoidance/Data Recovery. The site may be partially located within a RPA or vegetative buffer and partially within a development area. In this case, data recovery will be limited to the site area to be impacted. The site area that remains within the buffer will be clearly marked on project development plans. In addition, if ground clearing or construction activities take place near the site area, then the remaining site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area. A Treatment Plan will be completed and submitted to the County Planning Director for review.

(iii) Data Recovery. If the site cannot be avoided, then a Treatment Plan will be completed and submitted to the County Planning Director for review.

(c) If the Phase II or Phase III study of a site determines the site is eligible for inclusion on the National Register of Historic Places and such site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

7.3 Unexpected Archaeological Discoveries. Should previously unidentified historic properties be identified during development of the Property, the applicant will halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur and notify the Director of Planning and the Virginia State Historic Preservation Officer (“SHPO”) of the discovery. The Director of Planning and the SHPO will be allowed to immediately inspect the work site and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by Director of Planning and the SHPO, or their designated representative. Within 14 working days of the original notification of discovery, the Director of Planning, in consultation with the SHPO, will determine the National Register eligibility of the resource based on information provided by Owner’s archaeologist recovered from the field, site type, artifacts, and historic

research. If the resource is determined eligible for the National Register, the applicant will prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. The plan shall be approved by the Director of Planning, in consultation with the SHPO, prior to implementation. Work in the affected area shall not proceed until either (i) the development and implementation of appropriate data recovery or other recommended mitigation procedures, or (ii) the determination is made that the located remains are not eligible for inclusion on the National Register.

7.4 Qualifications and Standards. The archaeological excavations will be conducted under the direct supervision of an archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards*. All work and resulting reports will meet the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* and the Virginia Department of Historic Resource's (VDHR) guidance entitled, *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Section's 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments and Guidelines for Archaeological Investigations in Virginia June 1996*. All field and laboratory methodology, as well as the final report, will be conducted in accordance with standards set forth in the VDHR's *Guidelines for Preparing Archaeological Resource Management Reports* and will meet the qualifications set forth in the *Secretary of Interior's Professional Qualification Standards*.



8. **Cash Contributions for Community Impacts.** (a) Owner shall make a contribution to the County of \$2,000.00 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the County for the school uses.

(b) Owner shall make a contribution to the County of \$1,000.00 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the County for the provision of affordable housing within the County.

(c) A contribution of \$42.00 for each single family dwelling unit, \$35.00 for each multi-family dwelling unit and an amount equal to \$0.14 per gallon per day of average daily sanitary sewage flow as determined by JCSA for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-5 shall be made to the JCSA.

(d) A contribution of \$93.00 for each single family dwelling unit, \$77.50 for each multi family dwelling unit and an amount equal to \$0.31 per gallon per day of average daily sanitary sewage flow as determined by JCSA for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-7 shall be made to the JCSA.

(e) A one-time contribution of \$16,240 for use by the County in purchasing monitoring equipment and establishing monitoring stations on the Property for the County's Water Quality Monitoring Program shall be made to the County at the time of the submittal of the initial

development plan for development on the Property and a contribution of \$4,840 shall be made to the County on each of the following nine anniversary dates of the initial payment for ongoing maintenance and sampling costs.

(f) The contributions described in paragraphs (a) through (d) above shall be payable at the time of issuance of a building permit for each residential unit or non-residential building.

(g) The per unit contribution amounts shall consist of the amounts set forth in the above paragraphs plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2007 to the year a payment is made if payments are made after on or after January 1, 2009. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. 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.

(h) The County, JCSA and Owner acknowledge and agree that the obligations of Owner to make cash contributions for water system improvements is governed by the Water Facilities Agreement dated April 29, 2005 among JCSA and the predecessors in title to Owner to the Property.

9. **Water Conservation.** (a) The JCSA and the Hampton Roads Sanitation District

("HRSD") are undertaking a joint feasibility study of a reclaimed water system to supply irrigation water for the Stonehouse development, including a satellite treatment plant, storage facility and distribution lines ("Reclaimed Water System"). Owner shall participate in and cooperate with HRSD and JCSA in the feasibility study. If HRSD, JCSA and Owner agree that the Reclaimed Water System is feasible and HRSD and JCSA determine to undertake the project and all necessary permits and approvals for the project are obtained, (i) Owner shall install the pipe system for the distribution of the reclaimed water within the Property in accordance with HRSD/JCSA specifications, (ii) Owner shall convey without charge to HRSD a site of up to three net developable acres within the Property in a location acceptable to Owner and HRSD for the location of the treatment and storage facilities, and (iii) Owner shall require in the Governing Documents that property owners within the Property connect to and utilize the Reclaimed Water System for irrigation. Owner's approval of the feasibility of the project shall not be unreasonably withheld.

(b) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the JCSA. The Community Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as (i) the requirement to use the Reclaimed Water System for irrigation if the system is constructed, (ii) limitations on the installation and use of irrigation systems (other than the Reclaimed Water System) and irrigation wells, (iii) if the Reclaimed Water System is not constructed, the use of

approved landscaping materials such as warm season turf in appropriate growing areas and drought tolerant native plants and (iv) 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 JCSA prior to final subdivision or site plan approval for development on the Property.

(c) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing the reclaimed water system if it is constructed or otherwise from recycled water or surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation from recycled water or in the surface water impoundments, and the Owner may apply for a waiver for shallow (less than 100 feet) wells to supplement the recycled water supply or surface water impoundments. Owner acknowledges a waiver will be required for each well requested.

**10. Environmental Protection.**

10.1 Special Stormwater Criteria. The Property shall be subject to the County's Special Stormwater Criteria ("SSC") as a SSC Type 1 as if the Ware Creek watershed was subject to a management plan adopted by the Board of Supervisors so long as the SSC continue

to be applicable to the Powhatan and Yarmouth Creek watersheds or are generally applicable in the County. If the County repeals its SSC program, Owner shall no longer be bound by this Proffer. The County acknowledges that the stormwater management inventory system proffered by Section 10.3 will qualify for an SSC unit per Tract under SSCP#22, the additional 25 foot RPA setback proffered by Section 10.5 will qualify for an SSC unit per Tract under SSCP#23, provision of as-built drawings for the entire storm drainage system will qualify for one-half of an SSC unit per Tract under SSCP#39 and contributions to the County's Water Quality Monitoring Program will qualify for one-half of an SSC unit per Tract.

10.2 Stormwater Management Plans. At least 60 days prior to submission of development plans for a Tract as designated on the Master Plan within the Property, Owner shall submit to the County a conceptual master stormwater management plan for that Tract ("Stormwater Plan"). Each Stormwater Plan shall include the following: (i) narrative providing information about specific site plans including proposed land use, significant environmental constraints, and proposed method for meeting stormwater management requirements; (ii) preliminary site plan with conceptual layout of road network and utilities; (iii) completed Significant Design Consideration Checklist; (iv) identification of proposed location and type of each stormwater management device; (v) mapping of existing conditions drainage areas and environmental constraints; (vi) identification of stream crossings including proposed type of crossing and summary of environmental impacts and mitigation requirements; (vii) 10-Point

System worksheets showing preliminary calculations to verify compliance within each site; and (viii) SSC Checklist identifying the required unit measures and the menu items for which credit will be requested towards compliance. The submittal will not include calculations or detail sheets representing the design of stormwater management devices.

10.3 Stormwater Management Inventory System. Owner shall create a comprehensive inventory of all stormwater management devices within the Property. This inventory shall include data sheets for every device that will include basic information including location, type, and size of device. Additionally, a digital picture and other design information such as required storage volume and general operations and maintenance requirements shall be included. The goal of the system is to provide an interactive means by which the Community Association can maintain the stormwater management system and work proactively with the County. The database will be designed in accordance with any existing James City County stormwater management inventory standards. The initial version of the system shall be submitted with the first conceptual Stormwater Plan for the Property and the inventory system shall be updated as each Tract develops.

10.4 Conservation Easements. Owner shall grant a conservation easement to the Williamsburg Land Conservancy or some other County approved land conservation organization over all portions of the Property over which the Owner has granted a natural open space easement to the County for Chesapeake Bay Preservation Ordinance purposes. The terms of the

conservation easement shall be consistent with the terms of the County standard natural open space easement required for Chesapeake Bay Preservation Ordinance purposes.

10.5 Building RPA Setback. A 25 foot setback from the defined RPA buffer will be established so that no building will be erected within 25 feet of the RPA.

10.6 Low Impact Development (LID) Educational Field Center. To support the use of LID practices within Stonehouse an educational field center shall be established at the main amenity center to be located within Tract 1. This educational center will include the construction of a covered recreational amenity, in the vicinity of one of the corners of the parking area, such as a gazebo or other gathering space. The structure will incorporate numerous elements of LID including the use of a section of a green roof through complete or terraced coverage, the use of a rain barrel to provide reuse water for irrigation in the immediate vicinity of the structure, a rain garden, and the use of small sections (2-3 parking spaces) of multiple types of permeable pavement for a total of 12 spaces. The intention of the LID educational field center is to provide residents and perspective residents with a working example of applications they could implement on their lots. While the impacts of LID on a lot by lot basis can not be counted on or quantified, it is expected that applications throughout Stonehouse will serve as additional stormwater management water quantity and quality treatment above and beyond the minimum required standards. An educational component will include information explaining the elements of the LID and providing reference information for interested residents. Prior to construction of the

educational field center, educational materials will be located at the project sales office.

10.7 Rain Water Reuse Cistern. A large-scale cistern (rain barrel) shall be used at the main amenity center to be located within Tract 1 as a means to collect roof runoff to be used for irrigation around the amenity center and other uses not requiring potable water.

10.8 Natural Resources. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources as defined in the County's Natural Resources Policy in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource exists, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Virginia Department of Conservation and Recreation's Division of Natural Resources ("DCR/DNH") standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. This proffer shall be interpreted in accordance with the County's Natural Resources Policy adopted by the County on July 27, 1999.



10.9. 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 soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the “Plans”) for all common areas within the Property and for the single family lots shown on each subdivision plat of the Property. The Plans shall be submitted to the County’s Environmental Director for his review and approval prior to the issuance of the building permits for more than 25% of the units shown on the subdivision plat. Upon approval, the Owner so long as it controls the Community Association and thereafter the Community Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Community Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within five years after issuance of the Certificate of Occupancy for the first dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be 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.

10.10 LEED Certification of Amenity Center. The amenity center building proffered by Section 6.1 (a) shall achieve a certification level of Certified under U.S. Green Building

Council's Leadership in Energy and Environmental Design certification program. Owner shall furnish evidence of certification to the Director of Planning.

10.11 Water Quality Monitoring Program. In addition to the cash contributions provided for by Section 8(e) of these Proffers, Owner shall cooperate with the Environmental Division in establishing three water quality monitoring stations on the Property in locations approved by Owner. These stations will be located to operate in conjunction with any other stream monitoring conducted by Owner pursuant to permit or regulatory requirements.

11. Development Phasing. The County shall not be obligated to issue building permits for more than the number of units on a cumulative basis set forth beside each anniversary of the date of the final approval of the applied for rezoning by the Board of Supervisors:

<u>Anniversary of Rezoning</u>	<u>Maximum Number of Units</u>
1	200
2	450
3	750
4	1,100
5	1,450
6	1,800
7	2,150

8	2,500
9	2,850
10	3,200
11	3,550
12	3,646

12. **Conceptual Review.** At least 60 days prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the entire Tract to the Director of Planning for review and comment by the Director of Planning and the Development Review Committee. The conceptual development plan shall show the layout of lots/units or commercial buildings, density in units or square footage, road locations, amenity areas and improvements, trails and pedestrian paths, common and natural open space, required or proffered buffers, proposed clearing limits and any archaeology or natural resource preservation areas within the tract. Such review shall be for the purposes of determining general consistency with zoning ordinance requirements, the Master Plan, these proffers and other applicable County policies.

13. **Work Force Housing.** A minimum of 125 of the residential units shall be reserved and offered for sale at an average price at or below \$250,000 (“Workforce Units”) subject to adjustment as set forth herein. The Workforce Units shall be shown and designated as

such on the development plans for the area in question. The maximum prices set forth herein shall be adjusted annually, or January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Index annual average change for the period from January 1, 2008 until January 1 of the year in question. The Director of Planning shall be provided with a copy of the settlement statement for each sale of a Workforce Unit and a spreadsheet prepared by Owner showing the prices of all of the Workforce Unit that have been sold for use by the County in tracking compliance with the price restrictions applicable to the Workforce Units.

14. **Water and Sewer Master Plans.** Owner shall submit to the JCSA for its review and approval an overall master water and sanitary sewer plan for the Property prior to the submission of any development or subdivision plans for the Property. The overall Master Plan will be submitted as a skeletized layout reflecting the major pressure lines of the system with calculations justifying the line sizes. The purpose of the overall water master plan is to be sure the “system backbone” is appropriately sized for total build-out and not handled on a section-by-section submittal basis. The overall Master Water Plan shall also identify at what point in the development a future water source/facility may be required. JCSA will not require lift station locations and gravity sewer layout to be shown as part of the overall Master Sewer Plan. These items will be included on sub-Development Area master plan submittals when more detail can be provided (i.e. lift station locations, gravity sewer layout, looping of waterlines, etc). It is

understood the Reclaimed Water System if implemented will impact the overall Master Sewer Plan. Assuming that the project will be moving forward with sections of the development prior to this determination, notes/disclaimers will be added to the overall Master Sewer Plan stating the water re-use facility is not included. If the Reclaimed Water System does happen, then revised overall Master Sewer Plans will have to be submitted.

15. **Strip Shopping Centers Prohibited.** No retail development in Tracts 10 or 11 shall consist of an unbroken row or line of building fronts which are one unit deep and parallel or principally oriented to either Fieldstone Parkway, Six Mount Zion Road, Bridge Road or Mount Laurel Road with the parking field for such buildings located between the building and Fieldstone Parkway or Mount Laurel Road. It is the intent of this proffer to prohibit retail development commonly known as “strip retail/commercial development.” Development plans for retail development in Tracts 10 and 11 shall be subject to approval by the Director of Planning as to their compliance with this proffer.

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

17. **Severability.** If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in these Proffers.

WITNESS the following signatures and seals:

GS STONEHOUSE GREEN LAND SUB LLC.

By: [Signature]  
Title: SVP

Connecticut  
STATE OF ~~VIRGINIA~~  
CITY/COUNTY OF Fairfield, to-wit:

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of November, 2007 by Michael Bradley, Senior Vice President of GS STONEHOUSE GREEN LAND SUB LLC, a Delaware limited liability company, on behalf of the company.

[Signature]  
NOTARY PUBLIC

My commission expires:

\_\_\_\_\_  
**JENNIFER L. SKAWINSKI**  
**Notary Public**  
**Fairfield Cty. CT**  
**My Commission Expires 5-31-08**

Exhibit A  
Existing Property

Exhibit A-1  
Additional Property



## Stonehouse Proffer Comparison (1999 versus 2007)

\*Includes cost opinions.

Traffic Proffers			
Initial Improvements (up to 4 years)			
1999 (before 765 residential units and 635,000 SF of commercial development)	Cost	2007 (before 947 PM peak hour trips)	Cost
Realign Route 600 to intersect with Route 30 and intersection improvements (mostly complete – only signalization and pavement markings left to complete)	\$250,000	Installation of 4-lane Roadway Bridge connecting site and Route 30, including intersection improvements at Route 30	\$12,500,000
Route 30/Fieldstone Parkway Intersection Improvements including turn lanes and signalization, if warranted (mostly complete – only signalization and pavement markings left to complete)	\$200,000	Widening of Route 30 from Bridge Connector Road to Route 607 (including bike lanes or separate bike facility)	\$6,250,000
Signals at Route 30/I-64 Ramps, if warranted	\$400,000	At intersection of Routes 30 and 607, add dual left-turn lanes and a channelized right-turn lane	\$750,000
Realign WB off-ramp of I-64 at I-64/Route 30 interchange and construct Route 30 loop ramp onto WB I-64	\$2,000,000	Install Signal at Route 30 and Fieldstone Parkway, if Warranted	\$200,000
		Install Signal at Route 30 and WB I-64 ramp (Exit 227), if warranted	\$200,000
		Install signal at relocated Route 600 (Route 1045) and Route 30, if warranted	\$250,000
		Install Signal at Route 30 and WB I-64 ramp (Exit 227), if warranted	\$200,000
		Update traffic counts/traffic study every year	\$50,000
<b>Initial Costs</b>	<b>\$2,850,000</b>		<b>\$20,400,000</b>
Level 1 Improvements (4-10 years)			
1999 (by 1,794 residential units and 1,445,000 SF of commercial development)	Cost	2007 (by 2,135 PM peak hour trips)	Cost
Installation of 4-lane Roadway Bridge connecting site and Route 30, including intersection improvements at Route 30	\$12,000,000	Modify pavement markings to add 2 <sup>nd</sup> SB left-turn lane to Fieldstone Parkway at Route 30	\$75,000
Widening of Route 30 from Bridge Connector Road to Route 607	\$6,000,000	Add 2 <sup>nd</sup> left-turn lane to WB I-64 off-ramp at Route 30; add 2 <sup>nd</sup> left-turn lane to NB Route 30 onto WB I-64 on-ramp; widen WB I-64 on-ramp to 2 lanes	\$2,500,000

Interchange improvements to weaving distances at I-64 and Route 607	\$750,000	Install dual left-turn lanes on SB Route 607 at intersection with US 60	\$400,000
Interchange improvements to I-64 and Route 30 – widen WB on-ramp to 2 lanes and extend to 2,000 feet beyond WB I-64 loop ramp from WB Route 30	\$2,000,000	Install 2 <sup>nd</sup> left-turn lane and separate right-turn lane on NB Route 607 at Route 30 intersection	\$350,000
		Update traffic counts/traffic study every year	\$50,000
<b>Level 1 Costs</b>	<b>\$20,750,000</b>		<b>\$3,375,000</b>

<b>Level 2 Improvements (10 to 15 years)</b>			
1999 (by 2,089 residential units and 1,775,000 SF of commercial development)	Cost	2007 (by 2,793 PM peak hour trips)	Cost
Route 30 and US 60 improvements (mostly complete – only partial signalization and additional EB right and left turn lanes on Route 30 and additional WB left-turn lane on Route 60)	\$750,000	Add 2 <sup>nd</sup> EB left-turn lane on Route 30 at Bridge Road	\$75,000
Additional EB left-turn lane on Route 30 at Route 607 intersection	\$400,000	Add 2 <sup>nd</sup> left-turn lane to SB Route 1045 (relocated Route 600) at Route 30	\$75,000
Merge Length of NB 607 to EB I-64 on-ramp increased to 2,000 feet	\$600,000	Add left, right, and through lane to WB Route 755 at Route 607/Route 30 intersection	\$500,000
Interchange improvements to weaving distances at I-64 and Route 607	\$750,000	Extend the on-ramp from NB Route 607 onto EB I-64 by 200 feet	\$300,000
		Update traffic counts/traffic study every year	\$50,000
<b>Level 2 Costs</b>	<b>\$2,500,000</b>		<b>\$1,000,000</b>
<b>Summary of Costs</b>	<b>\$26,100,000</b>		<b>\$24,775,000</b>
<b>Level 3 Improvements (beyond 15 years – unlikely)</b>			
1999 (by 3,910 residential units and 2,558,000 SF of commercial development)	Cost		
Additional through lanes in each direction on I-64 between site and I-295/I-64 interchange	Undetermined		
Interchange at I-64 and Route 600 and interchange improvements at Route 30	Undetermined		
Add left-turn lane on WB Route 30 at Route 607 intersection	Undetermined		

Non-Traffic Proffers			
\$20,000 per acre used for land costs for all non-traffic proffers except golf course (1)			
School/public use sites			
1999	Cost	2007	Cost
<ul style="list-style-type: none"> <li>• 30.2 acre school site</li> <li>• 4.2 acre adjoining public park</li> <li>• 20.5 acre public use site, possibly school</li> <li>• 4 acre public use site</li> <li>• 1 unlit softball field, \$35,000, at school site</li> </ul>	<p>\$1,178,000 land</p> <p>\$35,000 improvements</p>	<ul style="list-style-type: none"> <li>• 179-acre public school site on Six Mount Zion Road</li> <li>• 10-acre area in Tract 9 for public uses</li> <li>• Four illuminated softball fields, \$50,000 each, at school site</li> <li>• Eight tennis courts, \$17,000 each, at school site</li> <li>• \$2,000 per unit cash contribution toward schools</li> </ul>	<p>\$3,780,000 land</p> <p>\$336,000 improvements</p> <p>\$7,292,000 cash</p>
Recreational sites			
<ul style="list-style-type: none"> <li>• 51.64 acres</li> <li>• 6 pools with bath houses/community centers, \$250,000 each</li> <li>• 1 20' x 20' wading pool, \$20,000 each</li> <li>• 20 unlit tennis courts, \$12,000 each</li> <li>• 3 unstructured open play areas</li> <li>• 8 play areas for toddlers and children, \$25,000 each</li> <li>• 4 Ware Creek access points</li> <li>• 1 3,750 square foot hard surface play court with 3 basketball goals, \$65,000</li> </ul>	<p>\$1,032,800 land</p> <p>\$2,025,000 improvements</p>	<ul style="list-style-type: none"> <li>• 72.88 acres</li> <li>• Major amenity center with 18,000 square foot building, indoor basketball court, junior Olympic pool, kid's fun pool, 2 softball fields, 2 soccer fields, toddler and older kids playground, 2 sand volleyball courts (just constructed at Amberly, Cary, NC neighborhood), \$8.4M. Amenity building will achieve LEED certification under U.S. Green Building Council's certification program.</li> <li>• 2 canoe launches on Ware Creek, \$35,000 each with parking as permissible</li> <li>• 4 pocket parks with benches, \$50,000 each</li> <li>• 11 playgrounds/pocket parks throughout neighborhoods, 5 play apparatuses each for both toddlers and older children, \$50,000 each</li> <li>• Gazebo, \$12,000 each</li> <li>• Community garden</li> </ul>	<p>\$1,457,600 land</p> <p>\$9,262,000 improvements</p> <p>LEED certification costs added to amenity (4-11%) \$336,000 - \$924,000 (4)</p> <p>Cost of parking for canoe launches undetermined</p>

		<ul style="list-style-type: none"> <li>2 unstructured play areas, \$30,000 each</li> </ul>	
<b>Archeology</b>			
<ul style="list-style-type: none"> <li>2.5 acres</li> <li>Public access, historical marker</li> </ul>	\$50,000 land  Undetermined value of marker	<ul style="list-style-type: none"> <li>15.87 acres in 2 sites</li> <li>Benches, markers, walkways at each site, \$35,000 each</li> </ul>	\$317,400 land  \$70,000 improvements
<b>Golf course</b>			
<ul style="list-style-type: none"> <li>210.91 acres, tax assessed value</li> <li>Improvements, tax assessed value</li> </ul>	\$922,310 land  \$5,376,300 improvements	<ul style="list-style-type: none"> <li>Not included</li> </ul>	
<b>Marina</b>			
<ul style="list-style-type: none"> <li>1.2 acres</li> </ul>	\$24,000 land	<ul style="list-style-type: none"> <li>24.72 acres</li> <li>Two boat slips for use by U.S. Coast Guard and/or County Fire or Police departments</li> </ul>	\$494,400 land  Cost of two boat slips undetermined
<b>Vehicle storage</b>			
<ul style="list-style-type: none"> <li>Three 3-acre RV storage facilities, to be replaced with one 3-acre permanent storage facility</li> </ul>	\$60,000 land only for permanent facility	<ul style="list-style-type: none"> <li>Three acre boat/RV storage for Stonehouse residents in Tract 9</li> <li>Boat/RV storage for Stonehouse residents in Land Bay 5</li> </ul>	\$60,000 in Tract 9, land only \$60,000 in Land Bay 5, land only
<b>Pedestrian paths</b>			
<ul style="list-style-type: none"> <li>Connections from Pathway Greenspace in individual sections to main pathway system</li> <li>Pedestrian/bike path in Pathway Greenspace of 8'-10' wide along all collector roads</li> </ul>	Undetermined	<ul style="list-style-type: none"> <li>Multi-use paths, approximately 15 miles along Six Mount Zion Road, Mt. Laurel Road, new parkway over I-64 and north to marina, and along Ware Creek Road within Stonehouse @ \$32/linear foot</li> <li>Soft surface pedestrian paths, approximately 6 miles along Ware Creek and connecting</li> </ul>	\$3,136,320 improvements

		neighborhoods to amenity areas @ \$19/linear foot	
<b>Affordable Housing</b>			
<ul style="list-style-type: none"> <li>\$186,000 payment made outside of proffer</li> </ul>	\$186,000	<ul style="list-style-type: none"> <li>\$1,000 per unit</li> <li>Minimum 125 residences at "workforce" housing price of \$250,000 average</li> </ul>	\$3,646,000 \$6,250,000 (3)
<b>Water Conservation</b>			
		<ul style="list-style-type: none"> <li>Installation of gray water/ re-use lines for irrigation</li> <li>15 miles of 6" line @ \$31/linear foot</li> <li>15 miles of 4" lines @ \$26/linear foot</li> </ul>	\$4,514,400
<b>Conservation</b>			
		<ul style="list-style-type: none"> <li>Owner shall grant a conservation easement to the Williamsburg Land Conservancy or other County-approved land conservation organization over all portions of the property over which the Owner has granted a natural open space easement to the County for Chesapeake Bay Preservation Ordinance purposes.</li> <li>25' setback from the defined RPA buffer will be establishes so that no building will be erected within 25' of the RPA</li> </ul>	No cost assignable
<b>Nutrient Management Plan</b>			
		<ul style="list-style-type: none"> <li>As described in the proffers</li> </ul>	No cost assignable
<b>Special Stormwater Criteria</b>			
		<ul style="list-style-type: none"> <li>As described in proffers</li> </ul>	\$600,000
<b>Stream Monitoring</b>		<ul style="list-style-type: none"> <li>One-time cash contribution of \$16,240 for use by the County to purchase monitoring equipment and establish monitoring stations for County's water quality monitoring program</li> <li>Annual payment of \$4,840 for nine years for on-going maintenance and sampling</li> </ul>	\$59,800

<b>Conceptual Review</b>			
		<ul style="list-style-type: none"> <li>• Prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the entire Tract to the Director of Planning for review and comment by the Director of Planning and the Development Review Committee</li> </ul>	No cost assignable
<b>LID educational center</b>			
		<ul style="list-style-type: none"> <li>• Proffer includes features such as various types of pervious pavement parking spaces, terraced roof garden, rain barrels, rain gardens, parking lot island stormwater features, all at an educational kiosk at the main amenity center. Additionally, a cistern for irrigation at the main amenity center will be provided.</li> </ul>	\$200,000 improvements only
<b>Economic Development</b>			
		<ul style="list-style-type: none"> <li>• Within 12 months of the approval of the rezoning request, design plans for water and sewer lines along Mt. Laurel Road from its intersection Six Mt. Zion Road to its intersection with the bridge road shall be submitted. Such water and sewer lines shall be installed within 18 months of approval of such design plans</li> <li>• Owner shall provide County's Office of Economic Development, any state or regional economic development agency or any prospective user with marketing information for properties listed as E, F, G, or H, on the Master Plan.</li> <li>• Limit of 70,000 square feet of retail development and limit of 4,000 square feet per individual retail user in Tracts 10B and 11A. If mixed use buildings are permitted, no more than 10% of any building in those tracts will be retail uses.</li> </ul>	No cost assignable

		<ul style="list-style-type: none"><li>• Tract 11B will be designed as a walkable “Town Center”, with a gridded street layout as possible. Parking will be encouraged to the side and/or rear of buildings, sidewalks will extend from the curb to the building front, open space will be provided in the form of plazas and squares. The County will not be obligated to approve any residential units until 100,000 square feet of nonresidential uses are complete and another 50,000 square feet have approved plans.</li></ul>	
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Total value of land (\$20,000/acre) (1)	117.24 acres \$2,344,800		308.47 acres \$6,169,400
Total value of golf course and improvements, tax assessed value (2)	\$6,298,610		
Total value of improvements and affordable housing	\$2,246,000		\$35,702,502 minimum
Traffic proffers	\$26,100,000		\$24,775,000
Total value of proffers	\$36,989,410		\$66,646,902 minimum

(1) All properties are valued at \$20,000 per acre except the golf course, which is valued at the tax assessed value.

(2) Golf course value is tax assessed value from James City County tax records. All of the other improvement values are construction costs, not tax assessed value.

(3) This is the difference in the cost/revenue between the projected average comparable home (\$450,000) in Stonehouse and the workforce housing unit (\$250,000) for the proffered 125 units.

(4) From the report, "Analyzing the Cost of LEED Certification", prepared by Northbridge Environmental Consultants for The American Chemistry Council, Arlington, VA. The dollar amount used is the lower end 4% estimate, not the upper end 11% estimate.



# STONEHOUSE

## Revised Traffic Impact Analysis

*James City County Virginia*

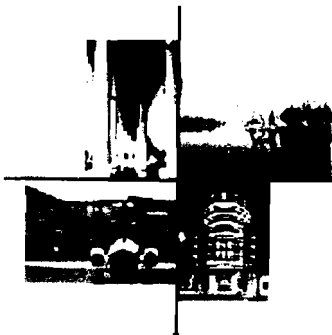
*Prepared on:*

*November 8, 2007*

*Prepared for:*

*GS Stonehouse Green Land Sub, L.L.C.*

*Charlotte, North Carolina*



**URS**

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## EXECUTIVE SUMMARY

On behalf of GS Stonehouse Green Land Sub L.L.C. of Charlotte North Carolina, URS Corporation conducted a traffic study of the continued development of Stonehouse, a multi-use community located in northwestern James City County, Virginia. The community of Stonehouse was initially zoned in 1991. Since then, development of the Stonehouse Golf Course, several residential areas and the non-residential Commerce Park have proceeded. In concert with development activity, major internal roadways have been built, including Fieldstone Parkway and La Grange Parkway – the two major access points with the adjacent street network.

To ensure that the roadway system would provide adequate service with increasing traffic volumes from Stonehouse, the rezoning application included a series of proffered roadway improvements. The schedule for these improvements was tied to the amount of development within Stonehouse, such as the number of platted residential lots or the approved square feet of commercial floor area. When development levels reached specific thresholds, proffered improvements would need to be installed or further development beyond the threshold levels could not continue.

As development proceeded and traffic volume data was collected, it became evident that although substantial levels of development have occurred, the volumes of traffic that had been anticipated with such development have not been realized. Furthermore, vehicles entering and exiting Stonehouse have not exhibited the distribution pattern on the adjacent street system that was forecast in the original traffic impact study. Consequently, the previously forecasted traffic volumes that were projected to generate the need for proffered improvements have not been reached. However, by application of the proffers, Stonehouse is obligated to install certain improvements before further development activity continues even though the need for the improvement has not been realized.

To determine exactly what improvements are needed to address deficiencies caused by traffic from the development of Stonehouse, an updated traffic impact study has been conducted. The purpose of this study is:

1. To review and adjust trip generation and distribution data from traffic volumes entering and exiting Stonehouse;
2. To update forecasts of non-site (or background) traffic volumes;
3. To inventory the forecasted roadway, intersection and interchange deficiencies; and,
4. To determine the improvements necessary to address the inventory of deficiencies.

### *Stonehouse Master Plan*

The traffic impact study also evaluates proposed amendments to the Master Plan, which would change the location and mix of residential units, but would not change the overall total of 4,411

units. The proposed amendments also change the amount, location and mix of the commercial areas, with the overall total reduced to 3.379 million square feet of floor area. The analysis conducted in this study focuses on the impacts to be generated by traffic volumes associated with development according to the proposed Master Plan.

### *Trip Generation*

Revised trip generation rates have been applied to residential development, and these were developed based on actual field counts and the level of development within three multi-use communities: Stonehouse, Ford's Colony and Governor's Land. The residential rates area shown in Table ES-1

For non-retail commercial uses, rates for the warehouse land use category from *Trip Generation, Seventh Edition* were applied, and for retail commercial uses the equations for the shopping center use category were applied. The trip rates are summarized in Table ES-1.

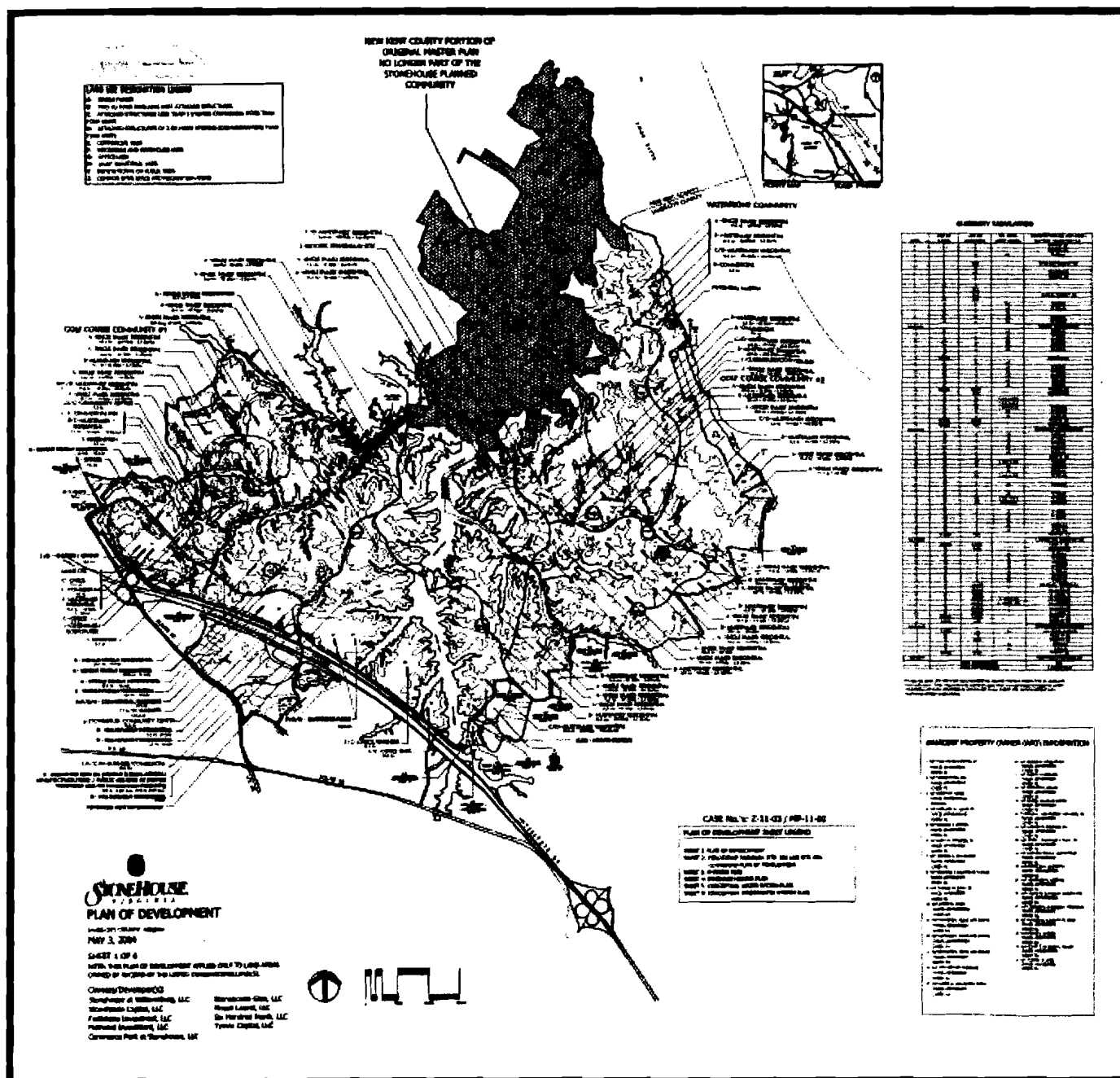
**TABLE ES-1  
TRIP GENERATION RATES  
RESIDENTIAL & NON-RETAIL COMMERCIAL**

LAND USE COMPONENT	AM PEAK HOUR			PM PEAK HOUR		
	ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
RESIDENTIAL* (per Dwelling Unit)	0.1710	0.2310	0.4020	0.2770	0.1990	0.4760
NON-RETAIL COMMERCIAL* (per 1,000 sq.ft. of floor area)	0.370	0.080	0.45	0.115	0.355	0.47

### *Trip Distribution & Assignment*

Analysis of current traffic counts indicates that trips to and from Stonehouse are more heavily oriented to Williamsburg via Route 60 (Richmond Road) and less oriented to the west via I-64. This pattern differs substantially from the pattern incorporated in the first traffic impact analysis, and justifies the need to develop a more appropriate pattern for the updated traffic impact analysis. In coordination with the staffs of both VDOT and James City County, a set of distribution patterns was developed for three areas of Stonehouse, and vehicles generated from each area were assigned to one of the three access points to the adjacent street system. As shown in the approved Master Plan (See Figure ES-1), these three access routes are Fieldstone Parkway, State Route 1045 (La Grange Parkway) and State Route 30 (Rochambeau Drive).

### Figure ES-1



In assigning trips from the second half of the total number of residential units in Stonehouse to the adjacent street system, a capture rate of 25% for retail commercial uses was applied to reflect trips with both origins and destinations within the boundaries of Stonehouse. For non-retail commercial uses, a capture rate of 15% was applied to entering vehicles in the a.m. peak hour and exiting vehicles in the p.m. peak hour. No capture rate was applied to the residential trips because the capture proportion is considered in the rate.

Finally, traffic volumes on the adjacent street system were developed for the year 2022 – the anticipated year of full development of Stonehouse. Forecasts of background (non-Stonehouse) traffic volumes were developed for the forecasted year of full development. Based on historic traffic volumes and the volumes counted in the winter of 2007 as part of the revised traffic impact analysis, a growth rate of 1.4 % was computed for I-64 and 1.5% for adjacent primary roadways. In addition, forecasted traffic volumes from recently approved developments have been added. These are Michael C. Brown mixed-use development, the Candle Factory and The Villages at White Hall.

### *CAPACITY ANALYSIS*

Capacity analysis is the process of determining the adequacy of a roadway or intersection to accommodate a certain traffic volume. The analysis assigns levels of service indicated by the letters A through F – Level of Service (LOS) A indicating the highest service and LOS F indicating the lowest. The Virginia Department of Transportation defines adequate service as Level of Service C or better.

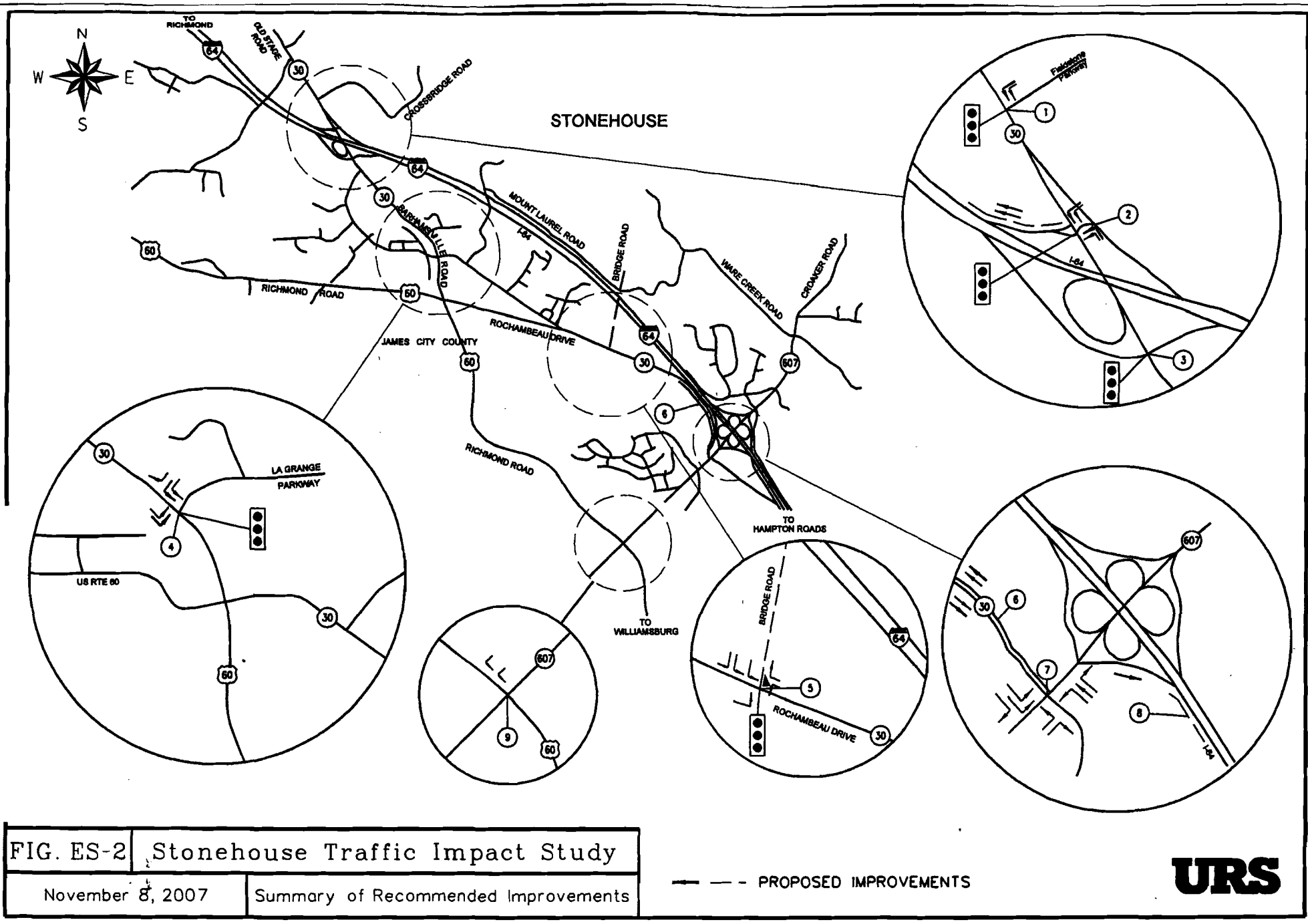
#### *Existing Conditions*

Capacity analysis was performed on the intersections, interchanges and freeway segments in the vicinity of Stonehouse using the p.m. peak hour volumes counted during the winter of 2007 as adjusted for seasonal variation. All movements at the analyzed junctions or roadways exhibited a LOS of C or better, indicating that the existing conditions are considered adequate.

#### *Forecasted Year 2022 Conditions*

Capacity analysis was also performed on the roadway system with the traffic volumes forecasted for the year 2022 – the anticipated year of full development of Stonehouse. The analysis indicated several areas where deficiencies would occur. These deficiencies are the result of increases in traffic volumes from both Stonehouse as well as from both approved development traffic and background traffic volume growth. The deficiencies establish the need for turn lanes at intersections, traffic signals when volumes increase to meet warrants, and widening of and extension of interchange ramps.

A summary of all recommended improvements associated with full development of Stonehouse by the year 2022 according to the proposed modified Master Plan is shown on Figure ES-2. These improvements are:



1. Install a traffic signal at the intersection of Fieldstone Parkway and State Route 30 when warrants are met. Install a second left turn lane on the Fieldstone Parkway approach to Route 30;
2. Install a traffic signal at the intersection of State Route 30 and the westbound I-64 Exit 227 ramps when warrants are met. Add a second left turn lane to the westbound I-64 off-ramp to southbound State Route 30. Add a second left turn lane to the northbound State Route 30 approach to the westbound I-64 on-ramp. Widen the westbound I-64 on-ramp to two lanes;
3. Install a traffic signal at the intersection of the eastbound I-64 Exit 227 off-ramp and State Route 30 when warrants are met;
4. Install a traffic signal at the intersection of State Route 1045 (La Grange Parkway) and State Route 30 when warrants are met. Add a second eastbound State Route 30 left turn lane to northbound State Route 1045. Add a second southbound State Route 1045 left turn lane to eastbound State Route 30;
5. Install a four-lane roadway (Bridge Road) connecting Stonehouse to State Route 30 (Rochambeau Drive). The intersection of Bridge Road with State Route 30 should include separate turn lanes (eastbound left turn and westbound channelized right turn) on State Route 30 and southbound turn lanes (dual left turn and single right turn) on Bridge Road. A traffic signal should be installed when warrants are met. Note: the westbound left turn lane on Route 30 is required by VDOT.
6. Widen the segment of State Route 30 approaching State Route 607 (Croaker Road) from two lanes to four lanes.
7. At the intersection of State Routes 30 & 755 with State Route 607 (Croaker Road): a) add dual left turn lanes and a channelized right turn lane to eastbound State Route 30 approach (Rochambeau Drive); b) add a second left turn lane and a right turn lane to northbound State Route 607 approach (Croaker Road); c) add a left and right turn lane and a second through lanes to westbound State Route 755 approach (Rochambeau Drive).
8. Extend by 200 feet to 1,000 feet the length of the on-ramp to eastbound I-64 Exit 231 from northbound State Route 607.
9. Add dual left turn lanes to the southbound State Route 607 (Croaker Road) approach to U.S. Route 60 (Richmond Road).

### **PHASING PLAN**

In the initial Stonehouse traffic impact analysis and the resulting proffers, the schedule of improvements was based on the amount of approved development. To avoid a repeat of having improvements required when deficiencies have not occurred, the phasing plan for the revised Master Plan has been developed based on the volume of traffic being generated by Stonehouse.

The improvements are anticipated to be needed when the p.m. peak hour traffic volume entering and exiting Stonehouse reach specific thresholds.

Using this approach, four sets of improvements have been developed as associated with specific traffic volume thresholds. If the improvements listed in each set are installed prior to the time traffic volumes reach the thresholds, services levels in the vicinity of Stonehouse are forecasted to remain adequate.

### *Initial Transportation Improvements*

With the intention of G.S. Carolina L.L.C. to install the connection at Bridge Road and Rochambeau Drive, improvements to the intersection of Rochambeau Drive and Croaker Road should be concurrently installed. These improvements should include the following:

1. Install a 4-lane roadway (Bridge Road) connecting Stonehouse to State Route 30 (Rochambeau Drive). The intersection of Bridge Road with State Route 30 should include separate turn lanes (eastbound left turn and westbound channelized right turn) on State Route 30 and southbound turn lanes (dual left turn and single right turn) on the Bridge Road approach to State Route 30. A traffic signal should be installed when warrants are met.
2. Widen the segment of State Route 30 approaching State Route 607 (Croaker Road) from two lanes to four lanes.
3. At the intersection of State Route 30 with State Route 607, add dual left turn lanes and a channelized right turn lane to the eastbound approach to Croaker Road.

### *LEVEL 1 TRANSPORTATION IMPROVEMENTS*

Upon completion of the Bridge Road connection and related improvements on Rochambeau Drive, the first set of improvements is anticipated to be needed when the combined entering and exiting p.m. peak hour traffic volumes entering and exiting Fieldstone Parkway at its intersection with State Route 30, at La Grange Parkway at its intersection with State Route 30 and at Bridge Road and its intersection with Rochambeau Drive reach a total of 2,135 vehicles. The first set of recommended improvements is shown in Figure 8 and is itemized as follows:

1. Install a traffic signal at the intersection of Fieldstone Parkway and State Route 30 when warrants are met; Add a second left turn lane to the southbound Fieldstone Parkway approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour. Note, the pavement for this lane is in place and only pavement marking modifications will be needed;
2. Install a traffic signal at the intersection of State Route 30 and the westbound I-64 Exit 227 ramps when warrants are met. Add a second left turn lane to the westbound I-64 off-ramp to southbound State Route 30. Add a second left turn lane to the



northbound State Route 30 approach to the westbound I-64 on-ramp. Widen the westbound I-64 on-ramp to two lanes;

3. Install a traffic signal at the intersection of the State Route 1045 and State Route 30 when warrants are met.
4. Install dual left turn lanes on the southbound State Route 607 (Croaker Road) approach to U.S. Route 60 (Richmond Road); and,
5. Install a second left turn lane and a separate right turn lane to the northbound State Route 607 approach to State Routes 30 & 755.

### **LEVEL 2 TRANSPORTATION IMPROVEMENTS**

The second and final set of improvements establishes sufficient capacity to accommodate the full build-out of Stonehouse and associated background traffic at adequate service levels. The Level 2 (final) improvements should be installed when the combined entering and exiting p.m. peak hour traffic volumes at Fieldstone Parkway at its intersection with State Route 30, at La Grange Parkway at its intersection with State Route 30 and at Bridge Road and its intersection with Rochambeau Drive reach a total of 2,793 vehicles.

The transportation improvements recommended with Level 2 of development of Stonehouse are as follows:

1. Install a traffic signal at the intersection of the eastbound I-64 Exit 227 off-ramp and State Route 30 when warrants are met;
2. Add a second left turn lane to the eastbound State Route 30 left turn lane to northbound Route 1045 when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour; Add a second left turn lane to the southbound State Route 1045 approach to eastbound State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour;
3. Add a left and right turn lane and a second through lanes to westbound State Route 755 approach (Rochambeau Drive); and,
4. Extend by 200 feet the length of the on-ramp to eastbound I-64 Exit 231 from northbound State Route 607 (Croaker Road).

### **INTERNAL STREETS AND INTERSECTIONS**

1. Provide separate turn lanes on each approach at the intersection of Fieldstone Parkway and Crossbridge Road;
2. At the intersection of La Grange Parkway and Fieldstone Parkway install the following intersection geometry:
  - Eastbound Fieldstone Parkway – Left & Right
  - Northbound La Grange Parkway – Dual Left & Through
  - Southbound La Grange Parkway – Through, & RightInstall a traffic signal when warrants are met.

3. At the intersection of La Grange Parkway and Mount Laurel Road install the following intersection geometry:
  - Westbound Mount Laurel Road – Dual Left & Right
  - Northbound La Grange Parkway – Through & Right
  - Southbound La Grange Parkway – Left & ThroughInstall a traffic signal when warrants are met.
4. Extend La Grange Parkway as a 4-lane section north to Fieldstone Parkway
5. Extend Bridge Road as a 4-lane section to Ware Creek Road.

#### *PERIODIC ANALYSIS OF TRAFFIC CONDITIONS*

Since the implementation schedule for the recommended improvements to the roadway system in the vicinity of Stonehouse is based on the external p.m. peak hour volumes actually generated by development within Stonehouse, periodic analysis of traffic conditions will be needed to monitor the growth of traffic volumes at the access points to the development. Furthermore, installation of traffic signals when warrants are met has been recommended at several intersection locations. Periodic evaluation of turning movement volumes at these intersections and directional traffic counts on Ware Creek Road west of Croaker Road will be needed to determine when a traffic signal warrant analysis would be appropriate. To address both of these traffic volume data requirements, periodic traffic volume counts should be conducted.

Concurrent with the submittal of a preliminary residential subdivision plan or a commercial site plan, a trip generation analysis should be developed. This analysis will develop forecasts of daily and peak hour trips to be generated by the proposed use.

#### *IMPACT ON WARE CREEK ROAD AND MOUNT LAUREL ROAD*

Both GS Stonehouse Green Land Sub, LLC and county staff recognize that neither Ware Creek Road nor Mount Laurel Road are adequate to accommodate increased traffic volumes. To encourage motorists to avoid these two rural routes, the development plan provides for early installation of Bridge Road as a quicker and more convenient to access the adjacent street system.

However, both Ware Creek and Mount Laurel Roads are public rights of way on the VDOT system, and must be kept open to traffic. While minimized, the potential remains for use of these two roadways for trips oriented to and from Stonehouse.

To address this issue, it is recommended that counts be conducted annually on Ware Creek Road in the vicinity of the Stonehouse boundary. If it is determined by County and VDOT staff that an inappropriate volume of Stonehouse traffic is using these facilities, the application will join the County and VDOT is developing a plan of action to further discourage their use.

Remarks of the  
**James City County Economic Development Authority**  
**In the matter of Z-4-07/MP-4-07: Stonehouse Amendment**

November 16, 2007

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Stonehouse is a unique master planned community, even by James City County standards. Because of its size, location, physical features and longstanding presence in the community, it offers unparalleled opportunity to foster a well-planned mixture of a broad range of land uses, including importantly, significant, well-positioned lands devoted to economic development.

The James City County EDA is aware that County Staff is negotiating with the developers of Stonehouse who are seeking significant changes to the master plan and Proffers associated with the project. The EDA's role is not to negotiate with the Stonehouse developer, but rather to offer its perspective and recommendations to the Planning Commission as one component of its duty to advise the Board of Supervisors on matters of significant economic development interest. However, in fairness to the Applicant, the EDA believes its comments should be shared with the Applicant at the earliest opportunity so that it can consider our positions and react as it deems appropriate.

County Staff shared with the EDA its recent comments to Stonehouse contained in a letter dated October 23, 2007. Our remarks below are, for convenience, organized generally in accordance with the flow of the October 23 letter. However, the sections in bold are those which the EDA wishes to emphasize.

Economic Development Marketing Package:

The EDA supports Staff's efforts to solicit marketing packages for the economic development portions of the property and to encourage an active and collaborative marketing effort between the Applicant and the County's economic development function (OED and EDA). We would caution, however, that some of the items suggested by Staff are not typically performed by the Seller on a site-by-site basis when marketing property, so we would recommend relaxation of the expectations of the developer in the following regards. (1) Phase 1 environmental studies are typically required as conditions to financing, and buyer lenders are often reluctant to accept Seller's studies; buyers may ultimately have to repeat the effort as a condition to settlement. (2) Geotechnical studies are typically project specific and often require detailed knowledge of the type of building proposed and exactly where on the site it will be located, which cannot be known by the Seller when preparing a marketing package. (3) While stating a per acre asking price is one technique for selling land, it is not the only one. Moreover, in some instances, land leases may be a more appropriate disposition strategy than outright sales depending on the financial plan of the Seller. **SUMMARY: The EDA does not support "requiring" the Seller to state a per acre asking price, include geotechnical testing or provide environmental assessment results in its marketing package.**

### Community and Recreation Facilities:

The EDA supports Staff's efforts to make public access to the waterway and marina a part of the Proffers. The EDA recognizes that some elements of the marina should remain an amenity for the residents (such as boat slips, dry storage, etc.), not for public benefit. But the EDA would encourage more water based commercial activity at the marina, to include a restaurant, bait shop and/or small ship's store.

### Workforce Housing:

1. **The EDA supports Staff's efforts to work with the Applicant to plan for suitable workforce housing within Stonehouse. Recognizing that workforce housing can take many forms, including both for sale and for rent dwellings, the EDA would encourage provisions not limited to for sale housing at or below a certain price, but would recommend expanding the discussion to address a minimum number of multi-family rental units.**

2. While understanding and appreciating Staff's desire to fix workforce housing maximum sales prices within Stonehouse for a period of ten (10) years, the EDA questions the viability of such an approach. Two recent affordable housing projects have come back to the County in fewer than 5 years asking for relief from their escalator provisions because market-driven materials and labor costs have surpassed the developer's proffered prices. The EDA supports the use of the Marshall and Swift Building Cost index as an appropriate cost-driven escalator.

### Buffers:

1. **The EDA believes that tracts 9, 10 and 11 represent the most significant economic development potential in Stonehouse, and minimizing encumbrances to the full realization of that potential is a worthwhile objective. James City County's interstate frontage is a valuable asset that must be carefully planned to maximize revenue-producing economic development while ensuring a quality interstate streetscape.**

2. **Specifically, Tracts 11A and 11B sit on the north side of Mt. Laurel Rd., the right-of-way for which is undistinguished from the I-64 right-of-way. There is, however, a significant treed buffer (> 100' wide) between the westbound travel lanes of I-64 and Mt. Laurel Rd. Even with an expanded I-64, significant trees will remain within the right-of-way, providing substantial screening from I-64. Since Mt. Laurel Rd., from the Bridge Rd to Six Mt. Zion Rd. will become the principal access for the ED users we hope to attract on Tract 11A and 11B, the character of that roadway will change completely from the small, country road feel of today. The EDA would support reducing the buffers along the north side of Mt. Laurel Rd. for Tracts 11A and 11B to a minimum of 35 feet, provided that no rears of buildings or loading or storage areas are oriented**

towards the interstate. A good example of this type of development in close proximity to the interstate is in eastern Henrico County, along the south side of I-64 between the airport exit and Laburnum Ave.

3. Because visibility from the interstate is an important locational consideration for many desirable businesses and industries, the EDA would support a buffer of no more than 35' to 50' for Tracts 10A and 10B, and would encourage selective clearing and landscaping treatments therein to spruce up the frontage. The County enjoys very limited interstate frontage designated for business, and allowing visibility to major corporate users can be a strong selling point for the marketing of these parcels. As with Tracts 11A and 11B, the EDA would recommend that the Proffers require that no rears of buildings or loading or storage areas are oriented towards the interstate.

**Master Plan - technical comments:**

1. The EDA agrees with Staff that (G) office uses are the most appropriate use for Tract 9; however, a clearly secondary land use to include (E) commercial uses would be a logical supporting use to serve the office uses ultimately sited there.

2. The EDA supports the option of continuing the longstanding (E) commercial uses along the Rte. 30 frontage of the Stonehouse Commerce Park. Allowing for this possibility would permit the Applicant and retail tenants to determine the optimal distribution of commercial uses throughout Stonehouse. To do otherwise would force non-Stonehouse area residents and workers to travel into Stonehouse to shop for basic needs; greater convenience and overall shorter drives will result if users already on the major arterial of Rt. 30 can drop in for their needs. Moreover, if all commercial uses are located only within the interior of Stonehouse, significant non-Stonehouse traffic could be expected to become funneled through the prime Economic Development lands, thereby adding retail automobile traffic to industrial traffic and creating potential conflicts.

**Master Plan - comments:**

1. The EDA supports Staff's comments about limiting commercial use in Tracts 10B and 11A, but the EDA does not agree that no single user should be more than 4,000 s.f. For example, sit down restaurants like Olive Garden, Texas Roadhouse, TGIFridays, etc. range from 6,000 to 7,500 s.f. Other suitable uses for this location, like a pharmacy or child day care center, are typically larger than 4,000 and can be as much as 15,000 s.f. or more.

2. The EDA does not support any introduction of residential use in Tract 11A or 11B. The introduction of residential use, if only a small number, would create a situation where citizen opposition to future industrial development within the tract could become problematic. While the EDA commends Stonehouse for proffering the school site north of Tract 11A, the loss of this prime economic development tract makes

preserving the land in Tracts 11A and 11B for economic development uses all the more compelling. Under the present Stonehouse master plan, both these tracts are designated primarily for light industrial/office use, akin to the Stonehouse Commerce Park. These two tracts represent a significant mass of prime industrial land along the I-64 corridor. The EDA believes strongly that these two tracts must be preserved for industrial/office uses because their location relative to the existing Commerce Park, their interstate frontage and their favorable topographic features make it highly suited for a continuation of the larger industrial/office buildings common to the existing Commerce Park. Additional examples of a desirable development form for these areas can be found at Innsbrook in western Henrico County and the VA Tech Research Park in Blacksburg. Commercial development, limited in scope to community-serving and in location to the eastern portions of Tract 11B, could be supported to replace a portion of the commercial space previously planned for the now-eliminated interchange area at six Mt. Zion Rd.

3. The EDA strongly encourages the Staff, Planning Commission and Board of Supervisors to explore changes to the PUD ordinance to allow vertical integration of land uses within a single structure (e.g. retail on 1<sup>st</sup> floor, office on 2<sup>nd</sup> floor, residences on 3<sup>rd</sup> floor, etc.) in the PUD district.
4. The EDA is concerned that for Tract 9, the old landfill on this site combined with the environmentally sensitive areas in and along it will make it difficult to achieve the non-residential floor area described in the cap. Since Tract 9 is a new tract to the PUD, proposed for inclusion now for the first time, if its cap cannot be achieved, the EDA questions what impact this would have on the net overall non-residential for Stonehouse as a whole. Clarity as to what economic development floor area is being transferred, in effect, to Tract 9 would be useful information to have.
5. The EDA respectfully disagrees with Staff that buildings in this tract should be no more than 2,750 square foot footprint. There are many examples of low intensity offices in the Williamsburg area that have a 4500 s.f. footprint or more. The issue of scale with respect to this tract is one which bears further discussion. The EDA believes the character of this Tract 9 will change dramatically once the 4-lane Bridge Road is constructed and improvements are made to make Rochambeau also 4-lane in this area. Add to that the eventual 6-laning of I-64, and one can see that the character will be changing over time. From an urban design standpoint, one could make the argument that for motorists to know they arrived at Stonehouse, the new main entrance to Stonehouse and a convenient entrance to the economic development lands, it is appropriate that somewhat more significant structures, characterized by high quality architecture, anchor this critical location.

Other:

The fiscal impact of this project can be significantly more positive than has already been demonstrated if the Applicant were to make a good faith effort to include local development community talent and materials in the project. The EDA would encourage the Applicant to consider any Proffers it deems appropriate that would ensure that local material suppliers as well as builders, general contractors and sub-contractors are utilized to the extent possible.

Conclusion:

Should the Planning Commission and/or Board of Supervisors wish to explore the EDA's remarks further, the EDA would welcome the opportunity to engage in further dialogue in whatever manner the PC or BOS might choose.

[illegible]



# Map #1: Route 30 and Fieldstone Parkway

1999 Proffers	2007 Proffers <small>(includes already complete items and 2007 proffered improvements)</small>
Specify certain turn lane improvements, signalization, and widening a stretch of Route 30	Same

# Map #2: Route 30/I-64 Interchange

1999 Proffers	2007 Proffers (includes already complete items and 2007 proffered improvements)
A traffic signal is installed at the intersection of Route 30 and the westbound I-64 on-ramp and (original) off-ramp.	Same
A traffic signal is installed at the intersection of Route 30 and the eastbound I-64 off-ramp.	Same. New: Applicant has proffered to include signal coordination equipment with the new signals.
The I-64 westbound off-ramp is re-aligned and a westbound Route 30 to westbound I-64 on-loop ramp is constructed.	Not Proffered New: Second left turn lane from the westbound I-64 off-ramp New: Second left turn lane onto WB I-64 on-ramp
A traffic signal is installed at the intersection of Route 30 and the (re-aligned) westbound I-64 off-ramp when warrants are met.	Not Proffered (would no longer be needed without any planned re-alignment of the off-ramp)
The I-64 westbound on-ramp from eastbound Route 30 has been widened to two lanes and extended to at least 2,000 feet beyond the westbound I-64 on-loop ramp from westbound Route 30.	Proffered to be widened, but not extended in length (the on-loop ramp spacing is no longer a concern)

# Map #3: Route 30 and LaGrange Parkway (Route 1045) Intersection

1999 Proffers	2007 Proffers <small>(includes already complete items and 2007 proffered improvements)</small>
Specify certain turn lane and improvements and signalization	Same, except 1 eastbound Route 30 left turn and 1 southbound Rt. 1045 right turn are eliminated

# Map #4: Anderson's Corner (Route 30/Route 60 Intersection)

1999 Proffers	2007 Proffers
Specify certain turn lane improvements (all approaches).	Not Proffered

# Map #5: Bridge Road and Associated Improvements

1999 Proffers	2007 Proffers (includes already complete items and 2007 proffered improvements)
A four lane arterial connector road (the "bridge road") has been extended between Route 606 and Route 30, including the crossing of I-64, as shown on the Master Road Plan.	Same
The intersection of the bridge road and Route 30 has been constructed with a specified lane configuration and traffic signal.	Same, except second south-bound Bridge right turn lane is eliminated.
Route 30 has been widened to 4 lanes from its intersection with the bridge road east to the intersection with Route 607	Same

## Map #6: Rochambeau Road (Route 30 west of Croaker, Route 755 east of Croaker) and Croaker Road (Route 607) Intersection

1999 Proffers	2007 Proffers (includes already complete items and 2007 proffered improvements)
The Route 30/Route 607 intersection has been improved to add separate right and left turn lanes to the eastbound approach on Route 30 and a traffic signal is installed.	Same, except proffers propose dual lefts and a channelized right turn lane (traffic signal is already in place).
An additional (second) left turn lane on the eastbound approach on Route 30 at the Route 30/Route 607 (Croaker) intersection has been installed.	Same (all done as part of item above).
The Route 30/Route 607 intersection has been improved to add a separate left turn lane and a separate right turn lane on the <i>westbound</i> approach on Route 30.	Same, except proffers propose also adding a second through lane to this approach.
	New: Installation of a second left turn lane and a separate right turn lane to the northbound State Route 607 approach to Rochambeau Road (State Route 30 and 755).

# Map #7: Croaker (Route 607)/I-64 Interchange

1999 Proffers	2007 Proffers
The Route 607/(Croaker)/I-64 interchange has been modified to increase the distance between the westbound I-64 off-loop ramp and the eastbound I-64 on-loop ramp to 1,200 feet.	Not Proffered
The interchange has been modified to extend the merge length of the northbound Route 607 to eastbound I-64 on-ramp to 2,000 feet.	Extended by 200 feet to 1,000 feet instead of 2,000
The interchange has been modified to extend the length of the weave area on southbound Route 607 to 1,100 feet.	Not Proffered

# Map #8: Croaker (Route 607)/Richmond Road (Route 60) intersection

New Proffer (not in 1999 Proffer Set): Install an exclusive left turn lane, a dual left/thru lane and an exclusive right turn lane on the southbound Route 607 approach to Route 60.



# Map #9: I-64 Improvements

1999 Proffers	2007 Proffers
Before the last 500 units: an additional lane in each direction has been added to I-64 between Route 646/I-64 (now know as the 199) interchange and the I-295/I-64 interchange in Henrico.	Not Proffered
Before the last 500 units: a full service interchange at I-64 and Route 600 (LaGrange) has been installed and the southbound Route 600 to westbound I-64 on-ramp has been extended to the Route 30 interchange and become the westbound I-64 to Route 30 off-ramp.	Not Proffered



# Memorandum

Date: November 21, 2007

To: Ellen Cook  
James City County Planning

From: Bill Cashman

Subject: **Stonehouse – Traffic Impact Study  
Response to Comments**

As we discussed earlier today, we have made adjustments to the distances in the Synchro model on Old Stage Road from Fieldstone Parkway south to the intersection with the Eastbound I-64 Ramp. The distances in the original analysis were longer than actual, and the results of the revised analysis show lower corridor speeds than shown in the revised Traffic Impact Study report.

We have coordinated with your consultant, Kimley-Horn to revise the model. We received their revisions and have made one further revision. At the intersection of the Eastbound I-64 off-ramp with Old Stage Road, the right turn movement to southbound Old Stage Road had been shown as traffic signal controlled. The intersection actually has a channelized right turn lane that continues to the first intersection and becomes a right turn lane (see attached aerial photo pdf file). Since we have not modeled the volumes at the first intersection south on Old Stage Road, we modeled the merge vehicles from eastbound I-64 to southbound Old State Road as being controlled by a Yield sign and separate from the traffic signal controlling the left turn movements to northbound Old Stage Road. Attached are Synchro reports that show a forecast LOS C for both a.m. and p.m. peak period conditions under Yield control.

The reason for this modification is that the heavier right turn movements were requiring signal timings that unnecessarily restricted through movements on Old Stage Road more than would actually be needed. Consequently, the arterial speeds forecasted for through moving vehicles on Old Stage Road were lower than necessary given the intersection configuration. The correct arterial speeds and service levels are shown on a revised Table 24 B.

**TABLE 24B (Revised 11-21-2007)**  
**CAPACITY ANALYSIS: YEAR 2022 FULL DEVELOPMENT**  
**Old Stage Road Arterial Analysis**

OLD STAGE ROAD CORRIDOR (Intersection)	AM PEAK HOUR				PM PEAK HOUR			
	Northbound		Southbound		Northbound		Southbound	
	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS
I-64 EB On-Ramp	34.8	B	31.4	C	31.2	C	31.6	C
I-64 WB Off-Ramp	33.0	C	31.6	C	31.1	C	33.5	C
Fieldstone Parkway	34.9	B	35.7	B	33.3	C	36.5	C
Total	34.3	B	32.6	C	32.2	C	33.8	C

We also revised the p.m. peak hour signal timings for the intersection of State Route 30 with U.S. Route 60 (Anderson's Corner) to address VDOT comments on a LOS D for left turn movements. The revised results shown in Table 26 (Revised) show all movements at LOS C or better.

**TABLE 26 (Revised 11-21-2007)**  
**CAPACITY ANALYSIS: YEAR 2022 FULL DEVELOPMENT**  
**U.S. Route 60 (Richmond Road) at State Route 30 (Barhamsville Road)**

State Route 30 (Barhamsville Road) at U.S Route 60 (Richmond Road) APPROACH (Movement)	AM PEAK HOUR		PM PEAK HOUR	
	Delay	LOS	Delay	LOS
US 60 – Richmond Road (EB Left)	32.9	C	34.4	C
US 60 – Richmond Road (EB Through)	27.6	C	27.5	C
US 60 – Richmond Road (EB Right)	26.3	C	27.0	C
SR 30 – Rochambeau Drive (WB Left)	32.9	C	33.7	C
SR 30 – Rochambeau Drive (WB Through)	26.1	C	32.8	C
SR 30 – Rochambeau Drive (WB Right)	25.7	C	19.7	B
US 60 – Richmond Road (NB Left)	32.5	C	32.7	C
US 60 – Richmond Road (NB Through)	23.6	C	21.7	C
US 60 – Richmond Road (NB Right)	18.3	B	12.1	B
SR 30 – Barhamsville Road (SB Left)	28.5	C	33.1	C
SR 30 – Barhamsville Road (SB Through)	16.0	B	25.8	C
SR 30 – Barhamsville Road (SB Right)	13.0	B	11.5	B
Overall Intersection	23.1	C	25.5	C

**Attachment 9: Recreational Amenities Proffer Comparison (Includes Recreational Elements from the Archaeological and School Proffers)**

Type	1999 Proffer Set	2007 Proffer Set (Phase 1 items which have already been constructed are not included in listed counts, but are noted)
RV parking areas	3	2 (1 already built in "Phase 1")
Pool	6	2 (1 already built in "Phase 1")
Wading pool/fun pool	1	2
Rec Building/bathhouse	5 (next to pools)	1 (18,000 square foot building – same as the larger Community Building)
Playground	9	13 (1 already built in "Phase 1")
Golf course	2 (2 <sup>nd</sup> at discretion of Owner)	0 (1 already built in "Phase 1")
Tennis courts	20 (w/1 associated club building)	8
Community Building	1 (3,000 square feet)	2 (1 building at 3,000 square feet, one building at 18,000 square foot - same as Rec building/bathhouse)
Playing court w/basketball goals	1	1 (inside rec building)
Access to archaeology sites	1	2 (1 public, one not)
Marina	1	1
Parkland/play area (includes "open play areas")	Acreage: Approx. 312.9 net acres <ul style="list-style-type: none"> <li>- 62.9 acres parkland, with recreational uses specified (includes acreage for school site park, archaeology site, Ware Creek trail overlooks)</li> <li>- 138 acres Golf Course 1</li> <li>- 112 acres Golf Course 2</li> </ul>	Acreage: Approx. 69 acres of parkland, with recreational uses specified. This does not include land in Phase 1, or acreage associated with recreational amenities at the School since this is not broken out. Acreage includes gross acres for water dependent facilities, and net acres for others uses, to the extent specified in the proffers.
Softball fields	1 (associated w/School site)	6 (2 unlit, 4 lighted at School site)
Soccer fields	0	2
Sand volleyball court	0	1
Canoe launch	0	2
Community garden	0	1
Trails	Unspecified length: <ul style="list-style-type: none"> <li>- pedestrian/bicycle path along collector roads as defined</li> <li>- access from the pathway system to 1 acre areas overlooking Ware Creek or tributaries (1 for each of 5 phases)</li> <li>- Connections from internal system to County greenway system, if implemented</li> </ul>	Some specified length, plus some unspecified length: <ul style="list-style-type: none"> <li>- 15 miles of asphalt path along major roads (or for Ware Creek Road, a shoulder bike lane)</li> <li>- unspecified distance asphalt or soft surface trails along Ware Creek and stream buffers to connect the pedestrian system in the Tracts to the major recreation area and to archaeology sites</li> <li>- Connections from internal system to County greenway system, if implemented</li> </ul>

## **Stonehouse Owners Foundation**

Homeowners Association for  
the Residents of the Stonehouse Glen Neighborhood  
within the Stonehouse Planned Unit Development

TO: Members of the James City County Planning Commission:  
FROM: Stonehouse Glen Owners Foundation  
DATE: November 16, 2007  
SUBJECT: GS Stonehouse Green Land Sub LLC Rezoning  
James City County Case Numbers Z-4-07 and MP-4-07

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We are residents of the Stonehouse Glen neighborhood within the Stonehouse Planned Unit Development (the "PUD"). As such we have a right of access to all amenities to be constructed on the undeveloped portions of the PUD (i.e. the portions owned by GS Stonehouse Green Land Sub LLC). We purchased our homes with this knowledge and in reliance on such amenities being developed in accordance with the existing proffers.

We have reviewed the rezoning proposed by GS Stonehouse Green Land Sub LLC ("GS") and evaluated the changes to the amenities from those provided in the existing proffers. We have taken exception to the fact that the proposed revisions to the amenity package relocate many of the amenities (namely a pool and clubhouse facility) from the middle of the PUD (and close to the Stonehouse Glen neighborhood) to the far east side of the PUD. Additionally, under the existing proffers, the pool and clubhouse were the next amenities to be developed within the PUD and the proposed revisions to the proffers would allow GS to defer such construction until after 800 new homes are occupied. This could take perhaps 5 to 6 years or more.

We purchased our homes in reliance on the existing proffers and with the understanding that our children would have convenient access (by walking, biking, etc.) to a pool facility in the near future. If the GS proposal is approved many of our children will have grown up and left home by the time such facilities are built. Those that remain will certainly not be able to safely navigate many miles of busy highway to access the amenities when they are ultimately constructed.

We have raised our concerns with a representative of GS, David Guy. In response, Mr. Guy informed us (i) that we would have to "buy in" to the amenities at an undisclosed price, and (ii) that he was not willing "give anymore" in terms of the location or timing of the amenities to be constructed in the PUD.

We respectfully request that you please consider the impact of the proposed rezoning on our rights in and to the amenities to be constructed in the PUD. We must have assurances in the GS proffers that:

1. Our access to the amenities will be on the same terms and conditions as other residents of the PUD (i.e. paying the appropriate dues and assessments, but no "buy in" requirement); and
2. A pool and clubhouse facility will be constructed in the general location required in the existing proffers within the next 2 years.

Thank you for your consideration of our request.

Sincerely,

IMCLA + East Smith 11-17-07 9346 Mamm Ct Toano VA 23168  
Colleen & Ashby Lynch 11-17-07 9409 Ashlock Ct Toano VA 23168  
Michael & Linda Somers 11-17-07 9400 OTTOWAY CT TOANO VA 23168  
Betsy & Lee Dandig 11-17-07 9405 ASHLOCK CT Toano VA 23168  
Paul & Amy Erdman 11-19-07 9433 OTTOWAY CT Toano VA 23168

## Ellen Cook

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**From:** John Whalen [jwhalen@merrimac-center.net]  
**Sent:** Monday, June 18, 2007 1:37 PM  
**To:** Ellen Cook  
**Subject:** Stonehouse Glen

Ellen,

Your contact information was forwarded to me by Mary Jones. I contacted Mary regarding the new development plan that the new developer at Stonehouse is developing for approval. My name is John Whalen and I live in Stonhouse Glen. We potentially could be forgotten if our voices are not heard, which has led me to sharing this e-mail with you. The owner of our Stonehouse Glen subdivision sold the rest of the land to a new developer. The only land that the old developer held on to was for the housing end o Stonehouse Glen. The area where the pool and clubhouse for Stonehouse Glen was to be constructed, was sold to the new developer. My concern is that with his changes, the new developer may forget about us since he does not own the land where our houses are, just the land where our amenities are to go and he wants to change how the development is laid out. I ask that you keep Stonehouse Glen in the mix during the approval of the new layout so that we can have access to the amenities that will change. I appreciate your time.

Thank you,

John Whalen  
9428 Ashlock Court  
Toano, VA 23168  
Stonehouse Glenn

## Ellen Cook

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**From:** Whalen, John [JWhalen@merrimac-center.net]  
**Sent:** Wednesday, November 14, 2007 11:17 AM  
**To:** Rwkrapf@cs.com; jlfraley@cox.net; Ellen Cook  
**Subject:** Stonehouse Glen

Hello all,

I sent an e-mail with Stonehouse Glen concerns several months ago and all of you were great in responding and listening to my concerns. Things have progressed with the new owner of the remaining Stonehouse property and David Guy met with the owners of Stonhouse Glen last night.

I will tell you that his new plan is exciting. But with that comes concern. The only real concern I have is a pool. Mr. Guy's proposal to the Planning commission has a giant complex for a pool that will be located about 5 miles from Stonehouse Glen. The other factor is that his proposal will allow him to sell over 800 homes before it needs to be built.

Here is my concern. I have two young children and when we bought in Stonehouse Glen a pool was proffered to go within a mile of our house. My understanding is that it was to go out on Six Mount Zion Road. When we purchased we knew it would probably be a few years before this came to existence and that was ok. Now I am worried that the distance of the proposed facility and the timeframe will have my kids preparing for college before it exists.

I would like to offer a few considerations to each of you as you work with David Guy on his new proposal.

1. How about a pool located near our development. ( more of a community pool and not the huge complex) As I am eager to be part of the complex at some point, I would like the neighborhood pool where we can meet and talk with neighbors increasing that neighborhood feel.

This is in line with the current feel of the Mill Pond community in Stonehouse. It doesn't have to be a grand Olympic pool at this location, just a community pool near Stonehouse Glen.

2. I feel that option 1 is viable and cost effective, yet if not, how about requiring the David Guy complex be built in stages. Having the pool completed when he begins to develop the land and then make each part clubhouse etc. be based on the number of homes sold.

Bottom line is that we in the community when we purchased were under the impression that at some point a pool and clubhouse would be close to Stonehouse Glen and that is now looking less and less like an option.

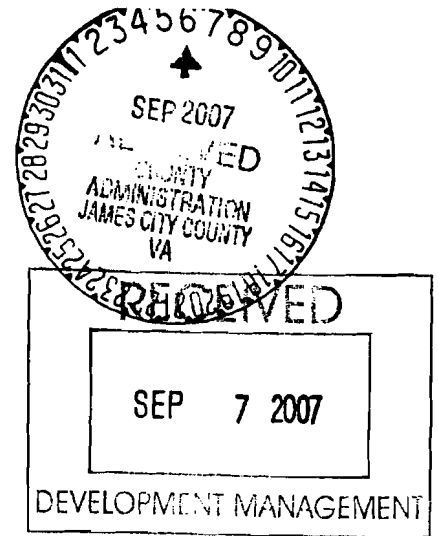
Thanks for your time and consideration.

John Whalen  
9428 Ashlock Court  
Stonehouse Glen



John How  
cc: Mavis  
Andy B

Mary H. Mitchell  
202 Culpepeer Road  
Richmond, Virginia 23229



Sandy Wanner  
James City County Administrator  
Post Office Box 8784  
Williamsburg, Virginia 23187

Dear Mr. Wanner:

We are distressed to learn that the developers of the tract opposite our cottage on Sycamore Landing Road are petitioning to use Route 607 as an emergency entrance. I have witnessed the increased traffic on the Centerville Road from the Ford's Colony emergency exit and am most concerned over that happening to the Sycamore Landing Road. We have already been badly inconvenienced by the development. Our well went dry. The road, as it is, serves well as a country lane, but should not be exposed to any more traffic, particularly as many vehicles using it are pulling large boats.

My husband's family has been a part of James City County for many, many years. His grandmother was born at Ivy Dell, the home her father built on the York. Her father Francis Ward Hammond gave the land to the state for the boat landing, now York River State Park. For so long we have cherished the quiet, restful small tract that we long ago purchased from his uncle, Joseph Hammond Carlton. We have paid the enormous taxes and stayed when all of the cousins have left. Please help keep this beautiful area of Virginia peaceful ..

Sincerely,

Mary H. Mitchell  
(Mrs Robert E. Mitchell, Jr.)

September 19, 2007



Jo Anne Whall  
10117 Sycamore Landing Road  
Williamsburg, VA 23188

Ms. Ellen Cooke  
James City County Planning Director  
PO Box 8784  
Williamsburg, VA 23187

Dear Ms. Cooke,

This letter serves as an adamant "NO" to the proposed use of Sycamore Landing Road as an "emergency exit" for the Stonehouse Corporation. Allowing this old and winding road that feeds a very small community to be misused by a large housing development would compromise the safety of every resident along the road.

It is the responsibility of the Stonehouse Corporation to plan and construct all required access within the limits of its geographic and environmental constraints before proceeding with the building instead of this blatant attempt to maximize their profits by imposing upon their neighbors. How long would it be before the "emergency exit" becomes an "alternate exit" to be used by large service vehicles at speeds higher than current posted speeds?

Please, please do not let Stonehouse use Sycamore Landing Road as an "emergency exit". It would be a death knell for the character of our community. Aside from the fact that the road itself is not suitable for higher volumes of traffic, it most certainly is a safety issue to us, the residents of the area.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Jo Anne Whall'.

Jo Anne Whall

PLANNING DIRECTOR'S REPORT  
December 2007

This report summarizes the status of selected Planning Division activities during the past month.

- Rural Lands Study. Staff has been working with the consultant to translate the narrative ordinance into specific ordinance language for the Planning Commission's and Board of Supervisor's consideration. Staff reviewed a draft ordinance and the consultant is now working on revisions to a second draft, and staff is having discussions on next steps.
- New Town. At the New Town Design Review Board's November meeting, the subdivision plat and site plan were reviewed and another progress report was discussed on the alternations of the rear of the buildings on Main Street which will be completed by Developer's Realty Corporation. One sign application was reviewed along with the elevations for a grocery store and two smaller buildings in Settler's Market.
- Adequate Public Facilities: Cumulative Development Impact to Schools Project. Staff has been working to develop and refine the database that will be employed in the project. Once the database is fully developed, staff will be able to estimate what the cumulative impact of new development approved in the County will be for each individual school in the Williamsburg-James City County School District. The database work was completed on 25 September. The initial trial run reports were created in November, and will now be evaluated by senior staff.
- Proposed R-4 Zoning Ordinance Amendment. Sections 24-275 and 24-283 are worded in such a manner as to potentially prohibit the development of R-4 Residential Planned Communities. Staff presented its findings to the Board of Supervisors at its October 9<sup>th</sup> meeting. Staff received further instruction from the Board, with respect to this proposed Ordinance Amendment, at the November 13<sup>th</sup> Board meeting. The next anticipated step is a Board work session, which is tentatively scheduled for January of 2008.
- Environmental Inventory. Planning and Environmental staff are continuing to review and draft possible changes to the type and amount of environmental information that is received with various types of applications.
- Master Plan Process. Staff presented the Ordinance amending the cluster section of the Zoning Ordinance dealing with how variations to the master Plan are approved to the Planning Commission at their November 7<sup>th</sup> meeting. After agreeing on a minor change to the language, and the Commission unanimously recommended approval of the amendment to the Board of Supervisors. The case is scheduled to be heard at the December 11<sup>th</sup> Board meeting.
- Comprehensive Plan  
The Board of Supervisors appointed the Community Participation Team (CPT) in mid-November with the following members: Thomas Fitzpatrick, Shereen Hughes, Glendora James, Charlotte Hubbard Jones, Robert Keith, Rich Krapf, Tony Obadal, Vaughn Poller, William Spaller, and Susan Sullivan-Tubach. The team held its first meeting on November 27 to kick off its efforts for the upcoming year. Meetings will be held each Tuesday at 3:00 p.m. in the Building A Conference Room at the County Government Complex. The Communications Team has been working to develop an overall communications plan for the Comprehensive Plan update; consideration of the draft website, slogan, and logo will be topics for the CPT's December meetings.

- Board Action Results for November 13 and 27, 2007.  
Case No. ZO-0011-2007, Amendment to R-4 Zoning District, deferred pending future discussions  
Case No. SUP-0028-2007, Ray Minor Family Subdivision, Adopted 5-0  
Case No. HW-0002-2007, New Cingular Wireless Height Waiver, Adopted 5-0  
Case No. Z-0009-2007, Michelle Point Proffer Amendment, deferred to December 11, 2007

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O. Marvin Sowers, Jr.