

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
SEPTEMBER 5, 2012 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
  - A. August 1, 2012 Regular Meeting
4. COMMITTEE / COMMISSION REPORTS
  - A. Development Review Committee (DRC)
  - B. Policy Committee
  - C. Regional Issues Committee / Other Commission Reports
5. PUBLIC HEARING CASES
  - A. Z-0007-2012/SUP-0002-2011, Greensprings Mobile Home Park Sanitary Sewer Force Main Extension
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

## **SPEAKER'S POLICY**

The Commission encourages public participation, but also wants to remind speakers to use decorum when speaking during the public comment or during public hearings.

Please keep in mind the following when speaking:

1. Courtesy between the speaker and the audience is expected at all times.
2. Speakers shall refrain from obscenity, vulgarity, profanity, cursing, or swearing.
3. Every petition, communication, or address to the Commission shall be in respectful language and is encouraged to be submitted in writing.
4. Public comments should be for the purposes of allowing members of the public to present planning or land use related matters, which, in their opinion, deserve attention of the Commission.
5. The public comment period shall not serve as a forum for debate with staff or the Commission.
6. Citizens should refrain from using words or statements, which from their usual construction and common acceptance are orchestrated as insults, personal attacks, or a breach of peace.
7. The public comment section at the beginning of meetings are provided as a courtesy by the Planning Commission for citizens to address the Commission regarding items not scheduled for public hearing. These public comment sections are not required by law.

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF AUGUST, TWO-THOUSAND AND TWELVE, 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 Drummond

Rich Krapf

Al Woods

Tim O'Connor

Absent:

Chris Basic

Robin Bledsoe

Mike Maddocks

Staff Present:

Chris Johnson, Acting Planning Director

Adam Kinsman, Deputy County Attorney

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. O'Connor opened the public comment.

There being none, Mr. O'Connor closed the public comment.

3. MINUTES

A. July 11, 2012 Regular Meeting

Mr. Woods noted that on Page 6 it was recorded that he had made the comment that he had met with Mr. Davis. He noted that it was Mr. O'Connor who made that comment and stated that he had not met with the applicant.

Mr. O'Connor noted that his comment acknowledging that he had spoken with the applicant was recorded earlier in the minutes.

Mr. O'Connor stated that the comment should be struck from the minutes.

Mr. O'Connor read in two corrections from Mr. Basic who was unable to attend the meeting:

Mr. Basic requested that his comment on Page 19 regarding the Treasurer's office sharing information be amended to add "so that the County can internally verify that Condition #9 is being met."

Mr. Basic also requested that his comment on Page 25 be amended to add “as well as being seen from the highly visible Community Character Corridor of Rt. 199.”

Mr. Krapf moved to approve the minutes as amended.

In a unanimous voice vote, the minutes were approved as amended.

4. Committee and Commission Reports

Mr. O'Connor noted that there was no Development Review Committee or Policy Committee meeting in July and thus no reports.

Mr. O'Connor noted that Mr. Maddocks is not in attendance and that the report on the Regional Issues Committee would be held until next month.

5. Public Hearings

A. ZO-0005-2012. Section 24-24, Additional Requirements for Submittal.

Mr. Kinsman stated that at its meeting last month, the Planning Commission considered proposed changes to section 24-24 of the County Code which clarify which land use applicants must verify through the Treasurer's office that their accounts with the County are paid in full prior to submitting a land use application. The Planning Commission did not have the proposed Ordinance in its packet last month for review. The Ordinance has been provided and staff recommends that the Planning Commission make a recommendation approval of the Ordinance to the Board of Supervisors.

Mr. O'Connor requested clarification on the 30 day validity of the certification.

Mr. Kinsman explained that the certification was valid to be submitted with a land use application 30 days from the time it was issued. The certification would be valid even if the review process then took more than 30 days.

Mr. O'Connor opened the Public Hearing.

As no one wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. Krapf noted that the matter seemed fairly straightforward and moved for approval.

On a roll call vote the ordinance amendment was unanimously approved (4-0)

B. Z-0007-2012/SUP-0002-2011, Greensprings Mobile Home Park Sanitary Sewer Force Main Extension

Mr. Johnson stated that the applicant has submitted a request to defer this case until the September 5<sup>th</sup> Planning Commission meeting. He further noted that staff supports the applicant's request.

Mr. O'Connor inquired if there were any questions for staff or the applicant.

As there were none Mr. O'Connor opened the Public Hearing.

As no one wished to speak, Mr. O'Connor continued the Public Hearing to September 2012.

6. PLANNING DIRECTOR'S REPORT

Mr. Johnson made note of the two awards received by the Planning Division in the past several months.

The first award was from the National Association of Counties (NACo) selecting the *2009 Comprehensive Plan: Historic Past, Sustainable Future*, as an Achievement Award winner. The Plan also selected as Best in Category for Best Rural Program award, which is selected from localities with a population of fewer than 75,000. There were almost 600 NACo award applications submitted and only 16 programs were as Best of Category. The award was presented on July 15 at the annual conference in Pittsburgh, PA.

The Planning Division was also selected by the APA-VA for a Planning Innovation Award for Technology for the Comprehensive Plan Implementation Tracking Tool. The tool was developed by Planning and Information Technology staff to enable better tracking of the progress made on the goals, strategies and actions of the 2009 Comprehensive Plan and to make it easier to collect updates from staff County-wide. The award was presented on July 19 at the annual conference in Wintergreen, VA.

Mr. Krapf offered congratulations on the awards and noted that they were well deserved.

Mr. Johnson noted that he would pass along those sentiments to staff.

Mr. O'Connor also noted that staff did an excellent job preparing for the July Planning Commission meeting.

7. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no items for discussion.

8. ADJOURNMENT

Mr. Drummond moved to adjourn.

The meeting was adjourned at 7:10 p.m.

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Tim O'Connor, Chairman

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Chris Johnson, Acting Secretary

**Z-0007-2012/SUP-0002-2011, Greensprings Mobile Home Park Sanitary Sewer Force Main Extension. Staff Report for the September 5, 2012 Planning Commission Public Hearing**

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

**PUBLIC HEARINGS**

Planning Commission:

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

August 1, 2012, 7:00 p.m. (deferral requested by applicant)

September 5, 2012, 7:00 p.m.

Board of Supervisors:

October 9, 2012, 7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant:

Mr. William Shewmake & Ms. Elizabeth White of LeClair Ryan

Land Owner:

Greensprings Mobile Home Park, LLC

Proposal:

To rezone the existing mobile home park property from A-1, General Agricultural, to A-1, General Agricultural, with proffers, and request a special use permit to allow the extension of public utilities.

Location:

4131 Centerville Road

Tax Map/Parcel:

3640100001

Parcel Size:

± 46.29 acres

Existing Zoning:

A-1, General Agricultural

Proposed Zoning:

A-1, General Agricultural, with Proffers

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

**STAFF RECOMMENDATION**

Staff finds that the extension of public utilities outside the Primary Service Area (PSA) is inconsistent with the Land Use goals, strategies and actions and the Public Utilities Policy of the 2009 Comprehensive Plan. Additionally, the extension of public utilities to a legally nonconforming use is inconsistent with the general intent of the nonconformities ordinance which is to discontinue nonconforming uses in favor of uses conforming to the ordinance and the zoning map. Staff recognizes the dilemma facing the residents of the Greensprings Mobile Home Park (the Park) and the property owner's challenges with on-going sewage disposal. The current owner purchased the Park with full knowledge of the challenges that came with continued operation of the rental business on the property. Protecting the public health, safety and welfare of all County citizens will always be a paramount concern for the County; however, failing septic fields are not a new problem on the property and continued pump and haul sewage disposal operations could continue, albeit at a more frequent rate. The proffers submitted by the applicant provide restrictions on connection of public

sewer to no more than 86 manufactured or mobile homes at any one time and provide that no additional dwellings will be permitted on the property but they do not reduce the nonconforming use of the property and provide no assurance that Park residents will remain in their homes after the sewer problem is resolved. The attached conditions address staff's concern for future connections to the water main from properties located outside the PSA with identical language that has been adopted by the Board of Supervisors in the past. Staff recommends that the Planning Commission recommend denial of the rezoning and special use permit applications to the Board of Supervisors. If the Planning Commission opts to recommend approval of these applications, staff notes that it should be subject to the attached proffers and conditions which slightly narrows the precedent that would be set should the applications be approved by the Board of Supervisors.

Staff Contact: Christopher Johnson, Principal Planner

Phone: 253-6690

**Proffers:**

The signed proffers have been submitted in accordance with the James City County Proffer Policy. The proffers will need to be notarized and dated prior to consideration by the Board of Supervisors.

The applicant has proffered that any connection to public sewer shall be limited to a maximum of 86 manufactured or mobile homes at any one time. In addition, the applicant has proffered that there shall be no other dwellings other than the 86 manufactured or mobile homes permitted on the property. Discussions between staff and the applicant regarding the draft proffers addressed the possibility of reducing the number of connections to public sewer as individual homes are removed from the property or are otherwise vacated as a means of reducing the degree of the nonconforming status of the Park. The applicant chose not to proffer such a limitation explaining that reducing the number of homes could result in potential increases in the lease costs for residents within the Park and would not make the significant private investment of extending public sewer to the site viable over time.

**PROJECT DESCRIPTION**

Mr. William Shewmake and Ms. Elizabeth White, of LeClair Ryan, have applied on behalf of property owner Greensprings Mobile Home Park, LLC to rezone the 46.29 acre Greensprings Mobile Home Park property located at 4131 Centerville Road from A-1, General Agricultural, to A-1, General Agricultural, with proffers. The applicants also request a special use permit to allow the extension of public sanitary sewer force main to the subject property. The special use permit application does not include a request to bring the Park into compliance with the A-1, General Agricultural, zoning district or Article IV of the zoning ordinance.

The Park currently contains 86 legally nonconforming mobile and/or manufactured homes that are all served by private septic systems and drain fields. The applicants stated purpose for submitting the special use permit application is to rehabilitate the Park with a new private gravity sanitary sewer collection system throughout the property with sewer laterals and clean-outs for each of the 86 mobile and/or manufactured homes. The proposed gravity sewer would be routed to two on-site privately owned and maintained pump stations before routing the discharge from these pump stations through a proposed force main that would exit the site at the Park's entrance at Centerville Road. The proposed force main would then continue south within VDOT right-of-way parallel to the west side of Centerville Road for approximately 960 linear feet, turn 90 degrees and cross Centerville Road before continuing south within VDOT right-of-way along the east side of the road for



approximately 1,975 feet, at which point the proposed force main would run parallel to an existing JCSA 6" force main for approximately 410 linear feet within an existing 15-foot JCSA utility easement that discharges into an existing manhole (MH#12041-124) along Philip Ludwell in Greensprings Plantation. The sanitary sewer flow would ultimately discharge into the Powhatan Interceptor Gravity Flextran line, which flows into HRSD Lift Station 1-2.

## **HISTORY**

The Park was established in the late 1960s via the issuance of a series of Conditional Use Permits (CUP-9-69; CUP-44-70; CUP-27-71; CUP-20-72). In 1974, the Board of Supervisors approved Case No. CUP-23-74 which established an 85-space mobile home park known as Greensprings Mobile Village. Conditional Use Permits, much like specially permitted uses in today's zoning ordinance, were routinely issued with restrictions and time limits. Letters in the zoning property file indicate that there have been several violations and complaints filed regarding the Park over the years. Several spaces located at the end of Clay Circle were used to locate mobile homes illegally. The Park's original owners made several attempts over the years to utilize spaces at the end of Clay Circle, but in each instance zoning staff denied the requests to add additional spaces as it was determined to be an expansion of a nonconforming use and would have required the issuance of a Special Use Permit. While records are not clear as to the exact timing or placement of an 86<sup>th</sup> home within the Park, letters within the zoning property file appear to indicate that a water supply permit for the property allowed for 86 connections and the Park has contained 86 homes since at least 1986. There are no outstanding violations on record at this time.

The Housing and Urban Development (HUD) website states "*A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.*" The Park contains both manufactured homes as well as mobile homes which were built prior to June 15, 1976 and so do not display a red HUD certification label on their exterior. This is important because mobile homes may not be located or relocated per the current Zoning Ordinance. Proffers submitted by the applicant reference both manufactured homes and mobile homes for this reason. The residents of each of the 86 manufactured or mobile homes own their homes and lease space from the property owner.

From the time the Park opened, the property owners managed the on-site septic systems by "pump and haul" operations, obtaining a permitted septic pump truck and staff to pump the systems as needed. Very few complaints from residents were received by the County or the Health Department during the initial thirty years of operation. Documentation on file indicates that the property owners took the initiative to remove residents from affected homes whenever septic systems were not functioning properly. Sometime around 2000, the property owner began investigating options for repairing the failing septic systems with the assistance of the Peninsula Health District. When the owner realized the costs associated with connecting to public sewer, they contracted with private soil scientists and an engineering firm to review the site for possible on-site options. Documentation of soil reports revealed no suitable sites for on-site repair.

The present owner purchased the Park from the site's original owner, Dudley S. Waltrip, in 2006. The new owner, like the original owner, has continued to manage the septic systems via pump and

haul operation. Beginning in 2008, the present owner began discussions with County, JCSA and Health Department staff regarding possible connection to the public sewer system. While initial discussions focused on potential routing of a proposed sanitary sewer extension and staff spoke favorably about routing alternatives, staff was clear that any extension of public utilities to serve a commercial business site outside the PSA, albeit one which also serves as a residence for 86 individuals and families, would be problematic.

Zoning records indicate that the Park, as it exists today, is a legally nonconforming use as it predates the establishment of an SUP requirement for a manufactured home park. The nonconformities ordinance states that it is the general intent, over time, to have nonconforming uses discontinued in favor of uses conforming to the ordinance and the zoning map. As stated previously, proffers submitted by the applicant provide that the proposed sanitary sewer extension serve no more than 86 manufactured or mobile homes at any one time and that no additional dwellings will be permitted on the subject property. As submitted, the proffers do not expand the Park nor would they constitute an expansion of the nonconforming use; however, they do not provide a means of reducing or discontinuing the nonconforming use over time.

In order for the park to be brought into compliance, a SUP would need to be approved by the Board. In addition, the Park would need to be brought into compliance with the Chesapeake Bay Preservation Ordinance. While the costs of bringing the site into compliance are not known, it is thought to be cost prohibitive and is not necessary for the Park to continue to operate under its legally nonconforming status.

## **PUBLIC IMPACTS**

### **1. Engineering and Resource Protection: Watershed: Gordon Creek**

#### **Proposed Condition:**

1. The sanitary sewer force main extension shall be placed within areas previously cleared adjacent to VDOT right-of-way and the JCSA easement. Any additional clearing shall require the approval of the Director of Engineering and Resource Protection prior to site plan approval.

#### **Engineering and Resource Protection Staff Comments:**

The Engineering and Resource Protection Division has no comments on the proposed SUP application. Applicable Federal, State and local requirements will apply during the development plan review stage of the project especially as it pertains to the abandonment of the existing septic drain fields located within the Park.

### **2. JCSA:**

The site is located outside the PSA, but is proposed to be served by extending public sanitary sewer force main from the Park and connecting to an existing JCSA sewer line within the Greensprings Plantation subdivision.

**Proposed Condition:**

1. No connections shall be made to the sanitary sewer force main which would serve any property located outside the PSA except for connections to the 86 manufactured or mobile homes located on the subject property at any one time. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of February 24, 2011, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 4-inch service line.

**JSCA Staff Comments:**

The JCSA has reviewed the proposal and concurs with the sanitary sewer force main extension routing as proposed. The condition placed on the utility extension is similar to those that have been approved by the Board of Supervisors on other similar requests to extend public utilities outside the PSA. None of JCSA staff's comments for the site plan propose significant changes to the off-site sewer extension, and staff is comfortable with the applicant's ability to meet all required regulations for this project.

**3. Health Department:**

The Peninsula Health District maintains records documenting a long history of noncompliance issues with respect to the onsite sewage disposal systems within the Park. There is documentation on file at the local health department of repeated attempts by the owners and the Health Department to secure permits for repairs to these systems. Evaluations, which have been conducted by three private sector soil scientists as well as Health Department staff, have all concluded that there is no on-site conventional sewage disposal option other than continued pump and haul operations for repair of the on-site sewage disposal systems for the Park.

**Health Department Staff Comments:**

In order to protect the health and welfare of the citizens of this community and the integrity of the environment and the waterways of the Commonwealth, it appears that the only viable option for sewage disposal for the Park is connection to the public sewerage system. The Peninsula Health District and the Virginia Department of Health supports approval of the SUP application.

**COMPREHENSIVE PLAN**

The project area is designated as Rural Lands on the 2009 Comprehensive Plan. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

The PSA defines areas presently provided with public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. The Comprehensive Plan strongly discourages development outside the PSA. Promoting efficiency in the delivery of public facilities and services through land use planning and the timing of development is an important concept. The PSA concept encourages the efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities and services are available

where and when needed, increases public benefit per dollar spent, promotes health and safety through improved emergency response time and minimizes well and septic failures.

The 1975 Comprehensive Plan showed the PSA on its Water & Sewer Plan but did not address the concept in the Land Development Concept Map. The PSA was first shown on the 1981 Comprehensive Plan Land Use Map. Subsequently adopted Comprehensive Plans in 1987, 1991, 1997, 2003 and 2009 have all retained the PSA concept as the principal tool to managing growth within the County. The PSA line specifically excluded the Park property when it was established and has not changed since that time. If public sewer is extended to serve the Park property, it would set a precedent that would make it difficult to deny similar requests from property owners whose land sits adjacent to the PSA.

### **Utility Policy:**

James City County's Utility Policy plays a major role in limiting growth to areas within the PSA. There are certain locations that have SUPs for public utilities located outside the PSA. These areas include John Tyler Highway (Governor's Land), Greensprings West (part of the Greensprings Plantation Master Planned Development, Jolly Pond Road (Hornsby Middle School and Blayton Elementary School), Cranston's Mill Pond Road, Chickahominy Road, Brickbat Road (Matoaka Elementary School), and Riverview Plantation. The Riverview Plantation water extension was approved to address a failing water system within the development that was maintained by the JCSEA.


In the case of the public utility extensions to Matoaka Elementary School on Brickbat Road and to Hornsby Middle School and Blayton Elementary School on Jolly Pond Road, the Board made the judgment that sufficient and significant public benefit existed to permit extensions of public utilities to occur outside the PSA, with minimal impact due to limitations placed on additional connections to the utilities. In the future, it is possible that development patterns and other factors may lead to proposals to locate or extend public utilities outside the PSA and as in the past, such decisions should be made only after careful evaluation of the public benefits to be gained, the impacts of the facility, and the likelihood that such action would significantly affect the integrity of the PSA. As was the case with the examples cited above, the practice of limiting the ability of adjacent parcels to connect to one residentially sized connection should continue as a standard policy in the future.

### **RECOMMENDATION**

Staff finds that the extension of public utilities outside the Primary Service Area (PSA) is inconsistent with the Land Use goals, strategies and actions and the Public Utilities Policy of the 2009 Comprehensive Plan. Additionally, the extension of public utilities to a legally nonconforming use is inconsistent with the general intent of the nonconformities ordinance which is to discontinue nonconforming uses in favor of uses conforming to the ordinance and the zoning map. Staff recognizes the dilemma facing the residents of the Greensprings Mobile Home Park (the Park) and the property owner's challenges with on-going sewage disposal. The current owner purchased the Park with full knowledge of the challenges that came with continued operation of the rental business on the property. Protecting the public health, safety and welfare of all County citizens will always be a paramount concern for the County; however, failing septic fields are not a new problem on the property and continued pump and haul sewage disposal operations could continue, albeit at a more frequent rate. The proffers submitted by the applicant provide restrictions on connection of public sewer to no more than 86 manufactured or mobile homes at any one time and provide that no additional dwellings will be permitted on the property but they do not reduce the nonconforming use of the property and provide no assurance that Park residents will remain in their homes after the

sewer problem is resolved. The attached conditions address staff's concern for future connections to the water main from properties located outside the PSA with identical language that has been adopted by the Board of Supervisors in the past. Staff recommends that the Planning Commission recommend denial of the rezoning and special use permit applications to the Board of Supervisors. If the Planning Commission opts to recommend approval of these applications, staff notes that it should be subject to the attached proffers and conditions which slightly narrows the precedent that would be set should the applications be approved by the Board of Supervisors.

1. If construction has not commenced on this project within twenty-four (24) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as clearing, grading and excavation of trenches necessary for the water and sewer mains.
2. No connections shall be made to the sanitary sewer force main which would serve any property located outside the PSA except for connections to the 86 manufactured or mobile homes located on the subject property at any one time. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of February 24, 2011, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 4-inch service line.
3. All permits and easements shall be acquired prior to the commencement of construction for the sewer transmission main.
4. For sewer main construction adjacent to existing residential development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property.
5. The sanitary sewer force main extension shall be placed within areas previously cleared adjacent to VDOT right-of-way and the JCSEA easement. Any additional clearing shall require the approval of the Director of Engineering and Resource Protection prior to site plan approval.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

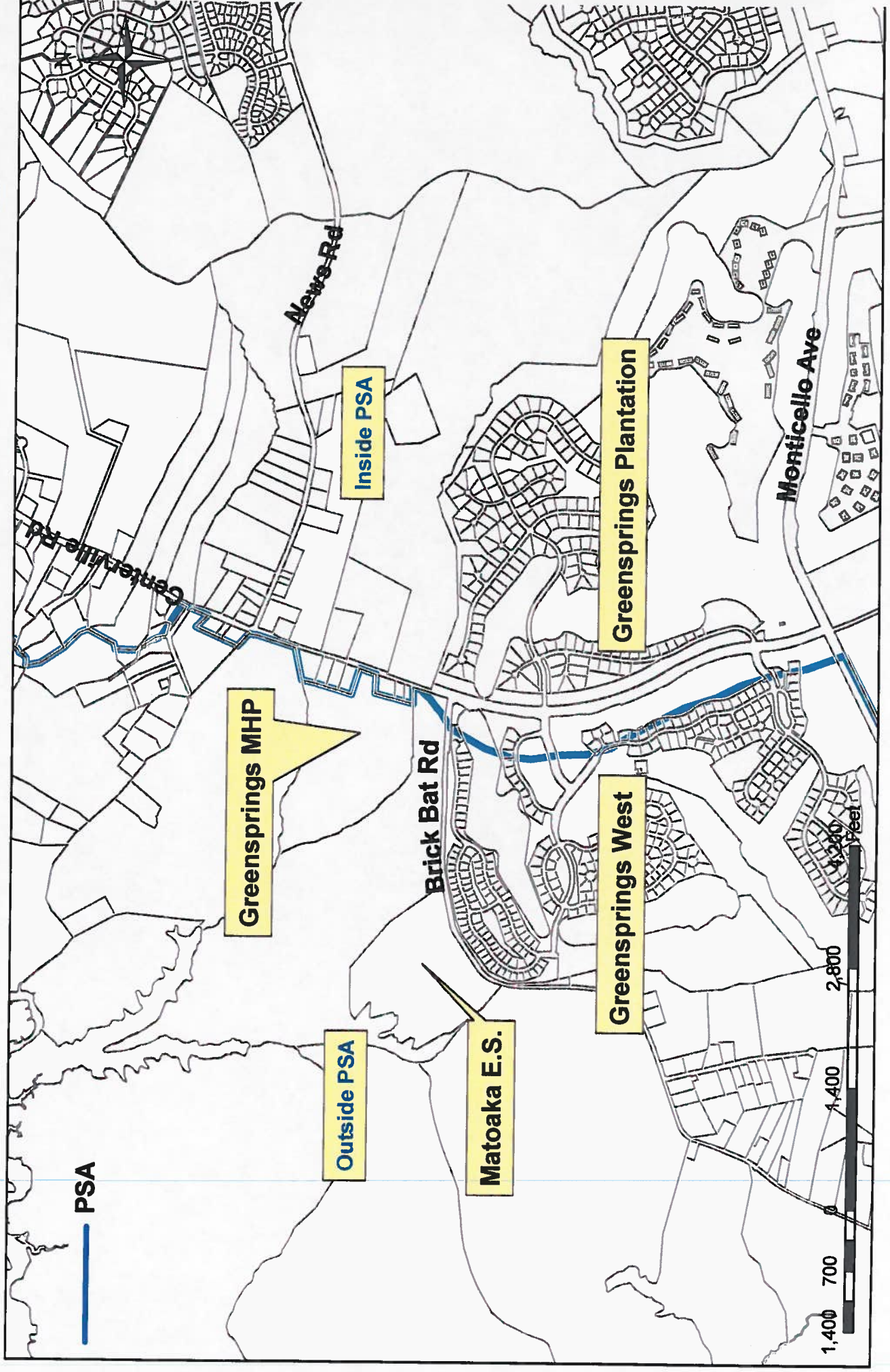
  
Christopher Johnson  
Principal Planner

**ATTACHMENTS:**

1. Location Map
2. Draft Proffers
3. Sanitary Sewer Force Main Extension Exhibit dated April 13, 2012, prepared by Prism Contractors & Engineers, Inc.

# JCC Case Nos. Z-0007-2012/SUP-0002-2011

## Greensprings Mobile Home Park





**Prepared by:**

William H. Shewmake, Esq.  
LeClairRyan, A Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219

**Return to:**

Adam R. Kinsman, Esq.  
Deputy County Attorney  
Post Office Box 8784  
101-C Mounts Bay Road  
Williamsburg, Virginia 23187-8784

**PROFFERS**

THIS PROFFER is made this \_\_\_\_ day of \_\_\_\_\_, 2012, by **Greensprings Mobile Home Park, LLC**, a Virginia limited liability company (together with its successors and assigns, "Owner") to be indexed as "Grantor," for the benefit of **The County of James City**, a political subdivision of the Commonwealth of Virginia (the "County") to be indexed as "Grantee."

**Recitals**

1. WHEREAS, Owner is the owner of certain real property in James City County, Virginia, being more particularly described on **Exhibit A** and attached hereto and made a part hereof (the "Property").
2. WHEREAS, currently on the Property are eighty-six (86) manufactured and/or mobile homes as defined by James City County Code § 24-2 (the "Park").
3. WHEREAS, septic systems at the Park have begun to fail, and Owner seeks to correct the problem by connecting any manufactured or mobile homes in the Park to public sewer without expanding the number of manufactured or mobile homes that can access public sewer at any one time and also ensuring that once public sewer services the Property, the public sewer will not be used for any purpose other than servicing manufactured or mobile homes in the Park.
4. WHEREAS, Owner has, therefore, submitted a request for a Special Use Permit Case Number SUP-0002-2011 and a rezoning with proffers, Case Number Z-0007-2012, to permit the Property to utilize public sewer, provided that the public sewer connections be limited

to manufactured or mobile homes and that no more than 86 manufactured or mobile homes be connected to public sewer on the Property at any one time.

NOW, THEREFORE, in consideration of the approval of the requested rezoning Case Number Z-0007-2012 and requested Special Use Permit Case Number SUP-0002-2011 and pursuant to Section 15.2-2303 of the Code of Virginia, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with the following conditions provided, however, if the Board of Supervisors denies the request to rezone the Property, Case Number Z-0007-2012, or denies the Owner's application for a Special Use Permit Case No. SUP-0002-2011, or if the proffered conditions impact or limit Owner's legally non-conforming rights and uses, then the proffered conditions shall be void and of no effect.

**Proffered Conditions**

1. Connections to public sewer authorized and permitted by Owner's Special Use Permit SUP-0002-2011 shall be limited to manufactured or mobile homes as defined by James City County Code § 24-2 and there shall be a maximum of 86 manufactured or mobile home public sewer connections on the Property at any one time.

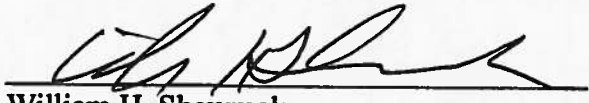
2. Other than a maximum of 86 manufactured or mobile homes on the Property at any one time, there shall be no other dwelling on the Property.

*[The remainder of this page is left blank intentionally. Signatures appear on the next page.]*



WITNESS the following signature:

GREENSPRINGS MOBILE HOME PARK,  
LLC

By:   
William H. Shewmake  
Its Authorized Agent

COMMONWEALTH OF VIRGINIA     )  
  ) to-wit:  
CITY OF RICHMOND                    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012, by William H. Shewmake, Authorized Agent for Greensprings Mobile Home Park, LLC, a Virginia limited liability company, on behalf of the said Virginia limited liability company.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Registration No. \_\_\_\_\_

# **EXHIBIT "A"**

**All that certain tract, piece or parcel of land containing 48.224 acres, more or less, situated in Powhatan District, James City County, Virginia, as shown and set forth on a certain plat of survey entitled, "Plat Of Property Standing In The Name Of Dudley S. Waltrip Situated In James City County, Virginia", dated September 21, 1969, made by Douglas E. White, C.L.S., a copy of which is of record in James City County in Plat Book 26, page 65, and is expressly incorporated herein by reference.**

**LESS and EXCEPT all that certain tract, piece or parcel of land, containing 1.84 acres, more or less, designated as Parcel A, as shown on a plat of subdivision entitled, "Plat Of Subdivision, Standing In the Name of Dudley Waltrip, Green Springs Mobile Home Estates," dated May, 1986, and made by Paul C. Small, Architects & Engineers, a copy of which is recorded in the Clerk's Office of the Circuit Court of James City County in Plat Book 42, page 71.**

PLANNING DIRECTOR'S REPORT  
September 2012

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board did not hold a meeting in August. The DRB did electronically review changes to the Section 12 illustrative master plan and landscaping and berms proposed since the last plan review. The DRB agreed that the changes were okay but commented that the applicant should continue to look at the arrangement of the western portion of the site to determine whether a more elegant solution is possible. These changes were made prior to the August 14 Board meeting. Staff anticipates additional DRB review of any further revisions made to the illustrative master plan to address concerns raised by the Board prior to the October 9 Board meeting.
- **Ordinance Update.** Staff has been preparing final ordinances for the remaining non-priority items, including the exterior signs ordinance. Board review of these materials is scheduled for September. The Subdivision Ordinance and a number of housekeeping items are scheduled for Policy Committee review on September 4 and a Board work session on September 25.
- **Transportation Planning.** Staff has been working on preparations for a corridor study of Longhill Road which is expected to begin this fall and take approximately one year. The study will look at traffic improvements as well as bicycle and pedestrian accommodations. In addition, per Board direction in August, staff will begin preparations for a corridor study of Mooretown Road extended. Staff continues its on-going work overseeing funding of road and other transportation improvements and received Board direction at a work session in August.
- **Regional Comprehensive Planning Effort.** Staff met with City of Williamsburg and York County staff in August to continue to discuss issues. Staff expects a draft summary of the material to be prepared by mid to late fall for review by the Policy Committee.
- **Dominion Power Lines.** Staff is coordinating with the County Attorney regarding the proposed Surry-Skiffes Creek 500 kV transmission line by Dominion Virginia Power. Application materials for the line and the alternatives analyzed are available to the public in Building A. The State Corporation Commission will be holding a public hearing on the matter on October 24 from 4 – 7 p.m. at Warhill High School. Any person interested in providing public comment about the proposal should plan to attend this meeting.
- **Awards.** Planning Division and Information Technology staff received the Virginia Association of Counties (VACO) 2012 Information Technology Award for the Comprehensive Plan Implementation Tracking Tool. The award will be presented to staff by a representative from VACO at the September 11 Board meeting.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – August 14<sup>th</sup> 2012
- **ZO-0014-2012, Exterior Signage** – Deferred to September 11, 2012
- **Z-0004-2012, Walnut Grove Proffer Amendment** – Deferred to September 11, 2012
- **SUP-0008-2012, Chickahominy Baptist Church Daycare** – Approved 5-0
- **AFD-04-86-2-2012/AFD-04-86-3-2012, Pates Neck AFD** – Approved 5-0
- **SUP-0007-2012, Jim's Well Service** – Approved 5-0
- **Z-0003-2012/MP-0001-2012, New Town Section 12** – Deferred to October 9, 2012

  
Christopher Johnson

**New Cases for August**

Case Type	Case Number	Case Title	Address	Description	Full Name	District
Agricultural and Forestal Districts	AFD-04-86-4-1986	Little Creek Dam Pates Neck AFD Addition	2375 LITTLE CREEK DAM ROAD	Addition to Pates Neck AFD.	Luke Vinciguerra	01-Stonehouse
Conceptual	C-0029-2012	Bartlett Olde Towne Road Subdivision	5428 OLDE TOWNE ROAD	Applicant seeks to know how many residential subdivisions can occur on the property.	Luke Vinciguerra	04-Jamestown
Subdivision	S-0025-2012	2012 Williams Duer Drive BLA	126 & 128 DUER DRIVE	Boundary Line Extinguishment between 126 & 128 DUER DRIVE. Extinguishment of 30' ingress/egress easement.	Jason Purse	04-Jamestown
	S-0026-2012	Windmill Meadows Sec. 2 Lots 1-9	6001 CENTERVILLE RD	Nine lot subdivision.	Jason Purse	02-Powhatan
	S-0027-2012	Windmill Meadows Sec. 3 Lots 61-65	6001 CENTERVILLE RD	Five lot subdivision.	Jason Purse	02-Powhatan
	S-0028-2012	Michael Hipple Family Subdivision BLA	120 JOLLY POND ROAD	Boundary line adjustment.	Luke Vinciguerra	02-Powhatan
	S-0029-2012	Jones John Tyler Highway	2981 JOHN TYLER HGWY	Creating a single 3-acre lot.	Jose Ribeiro	03-Berkeley
	S-0030-2012	Carmine Estate Lake Powell Road	2188 LAKE POWELL ROAD	Creating one new 3-acre lot. Property is within an AFD so may not be eligible for subdivision.	Leanne Reidenbach	05-Roberts
	S-0031-2012	Waltrip Williamsburg Aiport Marclay Road BLA	100 MARCLAY ROAD	Boundary line adjustment between the Waltrip and Williamsburg Airport properties and Marclay Road.	Jason Purse	05-Roberts

Site Plan

SP-0061-2012	Greenwood Christian Academy Sandbox SP Amend.	5251 JOHN TYLER HWY	Construction of a 14' by 14' shelter over the Greenwood Christian Academy playground sandbox in Williamsburg Crossing.	Leanne Reidenbach	03-Berkeley
SP-0062-2012	New Town Sec. 7 Ph. 10 Olive Dr. Reconfiguration	4375 ELIZABETH DAVIS BLVD	Adjust the intersection of Olive Drive and Rollison Drive. Adjust lots 58, 59, 60, and 61 and their water and sewer. Adjust grading and drainage for bioretention basins.	Leanne Reidenbach	04-Jamestown
SP-0063-2012	Liberty Crossing SP Amend.	4678 NOLAND BLVD	Amended plan is provided to demonstrate potential maximum building footprints.	Jose Ribeiro	01-Stonehouse
SP-0064-2012	Christian Life Center Longhill Road Wireless Tower SP Amend.	4451 LONGHILL ROAD	Replacing existing antennas.	Luke Vinciguerra	02-Powhatan
SP-0065-2012	New Town Sec. 9 (Settler's Market) Outparcels	4540 CASEY BLVD	Three proposed commercial buildings for the outparcels at Casey Boulevard and Settlers Market Boulevard.	Leanne Reidenbach	04-Jamestown
SP-0066-2012	Ford's Colony Westport Well Facility	Westport Section 35	Building well facility to serve Ford's Colony Section 35, Phase A.	Jose Ribeiro	02-Powhatan

SP-0067-2012	Stonehouse Tract 12 Off-Site Sewer Relocation	FIELDSTONE PARKWAY	Revise sewer manholes 7-9 within Phases 2 & 3 along Fieldstone Parkway.	Leanne Reidenbach	01- Stonehouse
SP-0068-2012	Freedom Park Garden Pole Shed SP Amend.	5537 CENTERVILLE ROAD	Construction open air pole shed for Williamsburg Botanical Garden's Therapy Garden.	Jason Purse	02-Powhatan